

# Submission on *Consultation on regulations for the Incorporated Societies Act 2022*

## Your name and organisation

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## Responses to questions

### Part 2 of the discussion document: section 254

	Matter	Question
1	<i>Prescribing information that must be included or provided</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(a)?
	<p>Agree, but suggest:</p> <ul style="list-style-type: none"> <li>▪ In respect of s. 9(a) that the phrase "a majority of the members" should be changed to "a majority of all the society's members" to avoid any doubt as to the intended meaning.</li> <li>▪ In respect of s 109(2) the line "the name and email address of the society's contact person" should be altered to "the name and email address of the society's contact person(s)"</li> <li>▪ In respect of s 193(a) I suggest that each member of each amalgamating society should also be sent a copy of the proposed constitution of the amalgamated society.</li> </ul>	
2	<i>Prescribing the manner in which things must be done</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(b)?
	<p>Agree, but I note that some people do not have computers, some are still not tech-savvy, and some have poor or no access to the Internet, so some societies and their officers will struggle with the requirement to file documents online – ss 111(3), 116(2), 117(1), 176(2), 185, 216(2)(b) and Sch 3 cl (3)(f)+(g).</p>	
3	<i>Authorising the Registrar to determine the manner in which things must be done</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(c)?
	<p>Agree with proposal</p>	
4	<i>Declaring persons to be, or not to be, officers</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(d)?
	<p>Agree with proposal</p>	

5	<i>Prescribing circumstances related to independent committee members</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(e)?
	Agree with proposals	
6	<i>Prescribing jurisdictions whose officer disqualifications we will recognise</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(f)?
	Agree with proposals	
7	<i>Prescribing the types of changes in officer information that must be notified</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(g)?
	Agree with proposals	
8	<i>Regulating constitutional provisions on conflicts of interest</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(h)?
	Agree with proposal	
9	<i>Prescribing societies that can restrict general meeting attendance to delegates</i>	Do you have any suggestions regarding regulations that should be made under section 254(1)(i)?
	Generally agree, but I do not favour the proposition set out in paragraph 69.	
10	<i>Defining the term 'total current assets'</i>	Do you have any in respect of paragraph comments on MBIE's proposals regarding regulations under section 254(1)(j)?
	I agree with the proposal in paragraph 73.	

11	<i>Prescribing additional requirements for the financial statements of small societies</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(k)?
	Agree	
12	<i>Determining the class of society that must have its financial statements audited</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(l)? For example, do you agree that focusing on the proportion of societies that should be captured is appropriate?
	I agree with the proposal in paragraph 108.	
13	<i>Setting infringement fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?
	I believe the proposed infringement fees are too high. I suggest that they be half of what is proposed, but if the infringement continues it be as proposed for each subsequent year.	
14	<i>Prescribing the information to be included in infringement and reminder notices</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(n)?
	No comments, and forms look fine.	
15	<i>Removal and restoration of societies from the register</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(o)?
	Agree with proposals	
16	<i>Prescribing certain matters relating to surplus assets</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(p)?
	Agree with proposals	

17	<i>Prescribing procedural requirements for surplus asset 'resolutions'</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(q)?
	Agree with proposals	
18	<i>Prescribing how documents must be served on a society</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(r)?
	Agree with proposals (note the last word in paragraph 140(d) should be "society" not "company").	
19	<i>Prescribing how documents must be served on a person</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(s)?
	Agree with proposals. In respect of paragraph 151, the practical problem is that it may be difficult or impossible to identify all society members and creditors – and even if an annual return is required to include those details there may have been changes in a society's members and creditors since the most recent society return. Rather than try to specify detailed requirements which may or may not be adequate (with consequential potential for later disputes over failures to notify), perhaps a public notice of public notices in local daily newspapers might be an adequate alternative (having said that, it is some years since we subscribed to a daily newspaper!). I have some doubts about the legality of any alternative, but could a notice be sent to members and creditors c/- the society with the society being required to notify the members and creditors?	
20	<i>Prescribing matters relating to the incorporated societies register</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(t)?
	No comment – what is proposed seems sensible to me.	
21	<i>Specifying matters concerning conversion into an incorporated society</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(u), (v) or (w)?
	No comment – what is proposed seems sensible to me.	

### Part 3 of the discussion document: section 254

	Matter	Question
22	<i>Setting fees for the performance of functions or the exercise of powers</i>	Do you have any suggestions on regulations that should be made under section 255(1)(a)?
	My primary concern is that any fees should not be a deterrent.	
23	<i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?
	I agree with the proposals.	
24	<i>Setting other fees</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 255(1)(c)?
	Agreed.	

#### Part 4 of the discussion document: section 254

	Matter	Question
25	<i>Providing that certain rules apply</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 256(1)(a)?
	Agreed.	
26	<i>Providing that certain legislative rules do not apply</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 256(1)(b)?
	Agreed.	
27	<i>Prescribing matters for the purposes of Part 1 of Schedule 1</i>	Do you have any comments on MBIE's proposals regarding regulations under section 256(1)(c)?
	I agree with the proposals.	

#### Other comments

I congratulate the officials who have worked through all the issues in the Consultation Document for analysing the issues and coming up with what I consider to be sensible proposals.