

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

Your name and organisation

Name	[REDACTED]
Organisation (if applicable)	[REDACTED]
Contact details	[REDACTED]

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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>What is proposed, regarding the regulations under section 254 (1)(a), is additional information over and above what is prescribed in the Act. It is not clear what will be gained by, or the overall benefit of this information over and above the provisions in the Act. There is a potential that the proposal will create unnecessary complexity and bureaucracy which is onerous to administer and oversee.</p> <p>We agree with proposals under 79 (2)(d), 86(2), 193(a), 193 (b) and 197(c).</p>
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>What is proposed, regarding regulations 254(1)(b) in relation to the use of secure online processes via the internet for filing documents, makes sense.</p> <p>The proposed regulations about Communications by Registrar and Other Communications appear to be pragmatic and workable. These proposed regulations will improve transparency.</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>Platform supports MBIE's proposal that no regulations should be made under section 254(1)(c). Regulations under this section would make the process cumbersome, inflexible, and bureaucratic to operate. Having no regulations provides for a streamlined process for the Governor General to authorise the Registrar, to determine the manner in which things are done.</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>Platform agrees with MBIE's proposal that no regulations should be made at this stage under section 254(1)(d), similar to the equivalent provision of the Charities Act 2015.</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)?
	Platform supports a legislative framework and process which promotes high quality and adaptive governance of societies. Platform supports the proposed regulations under section 254(1)(e) in relation to those incorporated societies who are a national or regional organisation involved in physical recreation and sport. Platform prefers one threshold, as this would be simpler for societies to understand and follow.	
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)?
	Platform supports the proposal for regulations under section 254(1)(f) prescribing Australia. There should be alignment with the legislative frameworks in jurisdictions other than Australia as they relate to being banned from being an officer in those jurisdictions. The legislative frameworks in jurisdictions, other than Australia, should be aligned with the respective legislative framework of those abroad.	
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)?
	Platform supports MBIE's proposals regarding regulations under section 254(1)(g) as these align with requirements in the Charities Act 2005.	
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)?
	Platform agrees with MBIE's proposal that no regulations should be made at this stage under section 254(1)(h), as the Incorporated Societies Act addresses this sufficiently.	
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)?

	<p>Platform suggests that setting a threshold equivalent to a Quorum (minimum number of memberships to be present) is necessary for the effective and efficient conduct of an annual general meeting and is the most practical approach. The threshold can either be a third or quarter of the membership. The threshold should be high enough to give membership a voice at the annual general meeting.</p>	
10	<p><i>Defining the term 'total current assets'</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(j)?</p>
	<p>Platform does not have any comments on the proposed definition of 'total current assets' and on MBIE's proposals regarding regulations under section 254(1)(j).</p>	
11	<p><i>Prescribing additional requirements for the financial statements of small societies</i></p>	<p>Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(k)?</p>
	<p>Platform notes that every effort should be made to minimise requirements placed on smaller societies and reduce or streamline the burden of reporting. Platform agrees that MBIE's proposal that no regulations should be made at this stage under section 254(1)(k), would help minimise requirements on smaller societies.</p>	
12	<p><i>Determining the class of society that must have its financial statements audited</i></p>	<p>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?</p>
	<p>Platform agrees that focusing on the proportion of societies that should be captured is appropriate, and supports MBIE's proposals regarding regulations under section 254(1)(l). This is on the basis that the operating expenditure of each society in the preceding two years is \$3 million or more per annum.</p>	
13	<p><i>Setting infringement fees</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?</p>
	<p>Platform does not have any comments on the proposals regarding regulations under section 254(1)(m).</p>	
14	<p><i>Prescribing the information to be included in infringement and reminder notices</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(n)?</p>
	<p>Platform does not have any comments on the proposals regarding regulations under section 254(1)(n).</p>	
15	<p><i>Removal and restoration of societies from the register</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(o)?</p>

		Platform does not have any comments about the removal and restoration of societies from the register as per proposals regarding regulations under section 254(1)(o).
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)?
		Platform does not have any comments on proposals regarding regulations under section 254(1)(p).
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)?
		Platform supports the proposal not to have regulations made at this stage under section 254(1)(q).
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)?
		Platform does not have any comments on the proposals regarding regulations under section 254(1)(r), as these appear to be relatively straightforward and are in accordance with best practices.
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)?
		Platform does not have any comments on the proposals regarding regulations under section 254(1)(s) as these appear to be relatively straightforward and are in accordance with best practices and consistent with the proposed regulations under section 254(1)(r).
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)?
		Platform does not have any comments on the proposals regarding regulations under section 254(1)(t).
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)?
		Platform does not have any comments on the proposals regarding regulations under section 254(1)(u), (v) or (w).

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)?
		Platform does not have any suggestions on regulations that should be made under section 255(1)(a).
23	<i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?
		Platform does not have any comments on MBIE's proposals regarding regulations under section 255(1)(b).
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)?
		Platform supports MBIE's proposal that no regulations should be made at this stage under section 255(1)(c).

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)?
		Platform supports the proposal that no regulations should be made at this stage under section 256(1)(a).
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)?
		Platform supports the proposal that no regulations should be made at this stage under section 256(1)(b).
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)?
		Platform's view is that any proposals regarding regulations under section 256(1)(c) should not create or increase administrative burden and cost on incorporated societies.

Other comments

No other comments.