

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
<p><i>Prescribing information that must be included or provided</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(a)?</p> <p><u>Privacy of Details about Officers</u></p> <ol style="list-style-type: none">1. Names and other details of Officers, apart from the Registered Office and Address for Service, should not be available to the general public. Anyone wishing to obtain such information should have to apply in writing to the Registrar. <p>Reason: Officers of Incorporated Societies, especially small ones, are volunteers. Members of these Clubs are often reluctant to assume office, and may be even more reluctant, if information about them were to be available to anyone with access to the internet.</p> <ol style="list-style-type: none">2. I also suggest that details required about officers should read: name, address, and "email address, if applicable". <p>Reason: Citizens are not required by law in New Zealand to have an email address.</p>

<p>2.</p> <p><i>Prescribing the manner in which things must be done</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(b)?</p> <p>It is proposed that all communications relating to An Application for Incorporation, Names & Details of Officers, Registered Office, Change of Registered Office, Annual Return, etc. <u>must be made electronically</u>. If not, a special application for an exemption must be made to the Registrar.</p> <p><u>Currently, these communications can be sent to the Registrar by post. The alternative method of using the post should remain.</u></p> <p><u>Reason</u> Secretaries and other officers of Incorporated Societies may have neither access to a computer, nor be computer literate. Others may find it very stressful to cope with the intricacies of "Real Me", just to file documents with the Incorporated Societies Office. Such people should not be precluded from holding a secretarial position in an Incorporated Society, or have to obtain permission from the Registrar to send documents by post.</p> <p>Citizens should be encouraged to hold office in their Club or Society, not discouraged.</p> <p>No person in New Zealand is required by law to have a computer, or have access to one, in order to hold office in a society.</p>
<p>3.</p> <p><i>Authorising the Registrar to determine the manner in which things must be done</i></p>	<p>Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(c)?</p>
<p>4.</p> <p><i>Declaring persons to be, or not to be, officers</i></p>	<p>Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(d)?</p>
<p>5.</p> <p><i>Prescribing circumstances related to independent committee members</i></p>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(e)?</p>

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)?
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)?
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)?
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)?
10	<i>Defining the term 'total current assets'</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(j)?
11.	¹ <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)?

12.

Determining the class of society that must have its financial statements audited

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?

Yes.

Societies with a small financial membership and a small annual monetary turnover of under \$200,000, but with liquid assets over \$50,000, should be required to have their accounts reviewed annually, but not audited. A review protects the officers of the Club from allegations of improper spending, and permits the members to know that each year, a Club's finances have been properly managed.

Auditors appear to be in short supply and their current fees are extremely expensive for Clubs with a small membership.

13.

1 *Setting infringement fees*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?

14.

1 *Prescribing the information to be included in infringement and reminder notices*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(n)?

15.

1 *Removal and restoration of societies from the register*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(o)?

16.

1 *Prescribing certain matters relating to surplus assets*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(p)?

17.

1 *Prescribing procedural requirements for surplus asset 'resolutions'*

Do you agree with MBIE's proposal that no regulations should be 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)?
19.	1 <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)?
20.	1 <i>Prescribing matters relating to the incorporated societies register</i>	<p>Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(t)?</p> <p>As noted in my comments in question 1:-</p> <ol style="list-style-type: none"> 1. An email address is not required by law in New Zealand, therefore should not be a pre-requisite for an officer of an Incorporated Society 2. Privacy of details of all officers, is very important for those volunteering for these positions. Apart from the Registered Office, and Address for Service, details of officeholders should not be available to members of the public without a special application to the Registrar. <p>As noted in my comments in question 2:-</p> <ol style="list-style-type: none"> 1. I can think of no valid reason why Incorporated Society documents should not continue to be filed in the Societies Office by post, if that method suits a Society. The Registrar should be aware of that office holders in some Incorporated Societies may not have ready access to a computer and, may also lack electronic expertise. 2. It is very likely that the majority of the 24,000 Incorporated Societies would choose to file their documents on line. Therefore the number of envelopes required to be opened, and their contents scanned by a staff member, would be minimal, compared with the difficulties faced by those without electronic access.
21.	2 <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)?

Part 3 of the discussion document: section 254

Matter	Question
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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)?
23.	² <i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?
24.	² <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)?

Part 4 of the discussion document: section 254

	Matter	Question
25.	² <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)?
26.	² <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)?
27.	² <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)?

Other comments

<p>I would like to thank the Staff who presented the informative webinars.</p> <p>I would especially like to thank Robert who answered very clearly and extremely promptly, the questions, which I sent by email to your office.</p>
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