

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

Your name and organisation

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Organisation (if applicable)	Wellington Croquet Association Inc
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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)?
		Regulation 2.2.1 Prescribing information that must be included or provided. Re Register of Members (additional information to that indicated in Section 79 (2) (d) of the Act). The rule asks for the date on which the member became a member. That might be a challenge determining exactly when an associated Club or a Life Member became a member of the Wellington Croquet Association. We suggest that existing members upon re-registration be allowed a notional start date if an actual date is unknown.
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)?
		No
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)?
		Yes
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)?
		Regulation 2.2.4. Declaring persons (on the Committee) to be or not to be Officers. The WCA is a small society. The Committee comprises 4-5 members primarily performing coordinated planning of the tournament programme, gathering and passing on levies from Clubs to the National body (Croquet NZ) and facilitating communications between Clubs and CNZ. The Committee members have equal status in terms of supporting our operations. We would be reluctant to see the Secretary role not included as an Officer. It should be noted that the functions and the responsibilities of our Committee members can in no way be compared to the duties and governance roles of a Board of Directors of a major organisation..

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)?
	No	
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)?
	No	
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)?
	No	
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)?
	Yes	
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)?
	No	
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)?
	No	
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)?

	Yes	
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?
	No Comment	
13	<i>Setting infringement fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?
	Regulation 2.2.13. Setting Infringement fees. We have no comment regarding the specific fees. However, small societies and Clubs run by volunteers have difficulty in achieving effective handover of operational responsibilities and tasks. To assist them to avoid the financial risk of infringement fees we suggest that the Registrar provides a reference card of what is to be submitted to the Registrar and when.	
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	
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)?
	No	
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)?
	No	
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)?
	Yes	

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)?
	No	
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)?
	No	
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	
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	

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)?
	Some form of staggered fee structures should apply to any cost recovery fees levied on Incorporated Societies. This in recognition of their not for profit nature, variable numerical and financial size.	
23	<i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?
	No	
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)?
	Yes	

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)?
	Yes	
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)?
	Yes	
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)?
	<p>Clause 5(3)(e) Reregistration Fee. Societies should not be required to pay such a fee. We didn't request this activity. The need is being driven by inadequacies in current processes. The Companies Office should be adequately funded by Government to meet this cost. Clubs and Societies will already be subject to considerable effort and cost in the lead-up to lodging a re-registration request. Imposing a reregistration fee will be rubbing salt in the wound!</p> <p>Clauses 9(3)(b)(ii) and 10(2)(a)(ii) The regulations should allow for any rule amendments or a new constitution to be approved at an Annual General Meeting or a Special General Meeting. Limiting such approvals to just an AGM will unnecessarily restrict the operational needs of a Society.</p>	

Other comments

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None