

30 June 2016

Commercial, Consumers & Communications Branch
Ministry of Business, Innovation & Employment
PO Box 1473
Wellington
New Zealand

Email: societies@mbie.govt.nz

Dear Sir/Madam

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the ***Exposure Draft: Incorporated Societies Bill: Request for Submissions, November 2015.***
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$31 billion in export revenue from exports to 195 countries – some 72% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 44% of total manufacturing income. Our members directly or indirectly employ more than 400,000 people – one in five of the workforce.
3. This submission focuses on proposals concerning constitutions contained in Part 3 Administration of Societies (particularly clause 24 and related clauses). We advise that NZFGC generally supports many of the other proposals relevant to NZFGC: Part 2 Incorporation of Societies, Part 4 Enforcement, Part 5 Removal from register, amalgamation, liquidation & other processes and Part 6 Register, regulations, amendments and other miscellaneous provisions.

Proposals Concerning Constitutions in Part 3

Contents of the Constitution

Section 24(1)(j) Procedures for resolving disputes between members

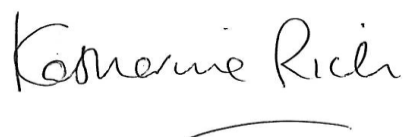
4. NZFGC notes that **Section 31** of the Bill amplifies Section 24(1)(j) and requires that the procedures in Schedule 2, *Grievances and complaints*, must be complied with. Schedule 2 contains details of the steps that must be taken in the event that a member or members make a complaint regarding alleged misconduct of a member or has a grievance alleging damage to the member’s rights or interests as a member or generally.
5. We support the provisions but suggest that additional provisions or guidance be included for dealing with complaints from the community/public about members/the society. Rather than being provisions that **MUST** be complied with, such provisions might be presented as provisions that **MAY** be complied with.

6. NZFGC notes that in regard to intra-society grievances and complaints, **Section 32** provides that the constitution may provide for arbitration. It has been suggested this section does not take into account societies that have already set up legal arbitration processes as a service for the public to use. Acknowledgement of this as an additional process and a provision that permits such a process, particularly for dealing with community/public grievances and complaints about members, would be useful. This might be presented as a service for the public to utilise in registering, being heard and having complaints and grievances resolved by a society.

Contact Officer

7. **Sections 42 to 44** refer to a 'contact officer', a title that in the past has been 'statutory officer'. NZFGC is aware that many societies have 'contact officers' but their roles and functions are vastly variable and broad; that is the term 'contact officer' is broadly used now for roles such as general enquiries, communications, membership etc. The 'contact officer' in the Bill has a very specific and narrow function: to be the "officer whom the Registrar can contact when needed" (section 42). We suggest the title of this mandatory requirement and statutory office revert to "statutory officer" to reflect the very limited role and function of this officer and to avoid confusion in the future.

Yours sincerely

A handwritten signature in cursive script that reads "Katherine Rich". Below the signature is a simple horizontal line.

Katherine Rich
Chief Executive