

## **Submission on the exposure draft of the Incorporated Societies Bill**

I wish any proposed laws to address an anomaly that I see with the current Incorporated Societies Act 1908.

### **Background.**

It appears under the 1908 Incorporated Societies Act, the Registrar may be provided information that is misleading or false. If the Registrar accepts that information, in good faith, and proceeds subsequent to accepting that information, the present 1908 act considers the evidence to be conclusive and prevents any correction or enforcement action that could be reasonably expected.

### **The Incorporated Societies Act 1908.**

**Section 9:** Provides for the registration of a society accepting that all statutory requirements have been met. The Registrar should not have to do an in-depth investigation regarding the validity of information provided. If, subsequent to the Certificate being issued, it is found that the information given for that registration is misleading or false, the present Act prevents any redress on the person supplying that information and also prevents the Registrar taking any steps to rectify the situation.

I suggest this provision of the 1908 Act is inappropriate in that it allows persons/organisations to benefit from misleading or false statements without any provisions for redress.

### **The Incorporated Societies Bill**

**Subpart 6 (section 113 to 119):** Provides for the establishment of offences against the act which goes some way to addressing my concerns with the 1908 Act. However this relates to individuals/ organisations and whilst it provides for more honesty in the information provided to the registrar, it does not appear there is any direction, in the Bill that would allow the Registrar to remedy any action he has taken subsequent to that misleading or false information.

**Section 174:** Provides for amendments to the register to correct errors and omissions, however the correction of the register should also take into account the correction or remedy of misleading or false information.

### **Recommendation.**

In general I support the bill as an update of an Act that has become outdated for our times, particularly when honesty appears to have taken a lower priority in society.

I support the inclusion of offences created against the spirit of incorporated societies.

I believe the Bill should include provision that would prevent any individual or organisation receiving an advantage because of the failure (of the Bill) to provide remedy for actions taken subsequent to the acceptance of misleading or false information.

I reserve the right to be heard at a public hearing.

Roger Bray,  
ASHBURTON.

30<sup>th</sup> June 2016.