

Submissions on the Exposure Draft of the Incorporated Societies Bill

Attended seminar on this draft Bill held 5 April 2016 in Wellington conducted by Hui E! Community Aotearoa in conjunction with MBIE and the Department of Internal Affairs. I appreciate the information provided and the opportunity to make this submission. I speak as someone who has had over 15 years on committees of an incorporated society and held various officer positions.

In general:

1. Supportive of the changes to the 3 main areas that MBIE has identified with the existing Incorporated Societies Act 1908 around 1) Duties of Officers, 2) Conflicts of Interest and 3) Dispute Resolution.
2. Supportive of the summary made by the Hui E! Community Aotearoa as to 'what we like' and generally supportive of the 'what we question' (with reservations to that listed below).
3. In addition, I include comment on specific clauses (XXXX) in the Incorporated Societies Bill.

Specifically:

On the 1st general point:

Welcome the addition to the 3 main areas. In particular the roles and limitations on officers, the identification and transparent publication of conflicts of interest (essential to all members to safeguard the society's assets and good name) and dispute resolution (particular gap currently and guidance needed where complaints are made against officers in particular and the reply from the society to ensure all concerned have a just and proper process outlined).

On the 2nd general point:

Agree on the 'what we like'

Agree on 'what we question' however the accounting requirements to be mandatory subject to agreed threshold of revenue for small-sized societies

On the 3rd general point & comment on specific Clauses in the Bill

Include to Clause 24 – with regard to how a person becomes or ceases to be a member that natural justice must be maintained by the society (where they make that decision) so the person has right to know why they are being denied entry or being removed as member.

Include to Clause 24 - Access to Information - widen as much as possible for sakes of transparency and accountability to the members of the society. (e.g. the minutes of a general and/or committee meeting to be available upon request within a defined time period which is of a reasonable nature)

Within Clauses 31-32 – Acknowledge and identify that members (in particular officers on) who have influence on decisions and/or over decision-makers and must remove themselves from any dispute resolution. Such conflicts (on dispute resolution) to be resolved independently without influence or the perception of influence.

Clause 59 – Include a determination as to who defines a failure has occurred (Committee? General Meeting? Requisition by X number, or %, of members?). If Committee, for some reason, do not wish to disclose any interests then how is this clause enforceable?

Clause 65 – That the interest register should be available to members upon request and provided within a reasonable period of time. To provide greater accountability and put onus on committee to comply.

Warwick Smith, Wellington, 30 June 2016

Withheld