**Submission template**

**Consultation on regulations under the Incorporated Societies Act 2022**

This is the submission template for responding to the consultation document on proposed regulations under the Incorporated Societies Act 2022. The Ministry of Business, Innovation and Employment (**MBIE**) seeks your comments by **5pm on Tuesday, 22 November 2022**.

Please make your submission as follows:

1. Fill out your details under the “Your name and organisation” heading and, if applicable, check the boxes underneath on privacy and confidentiality.
2. Fill out your responses to the discussion document questions in the table: “Responses to consultation document questions”. Your submission may respond to any or all of the questions. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples. If you would like to make other comments not covered by the questions, please provide these in the “Other comments” section.
3. Before sending your submission:
	1. delete this first page of instructions; and
	2. if your submission contains any confidential information, please:
* State this in the cover page or in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (**OIA**) that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the OIA.
* Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
1. Submit your submission by:
2. sending your submission as a Microsoft Word document to ***societies@mbie.govt.nz***; or
3. mailing your submission to:

Corporate Governance and Intellectual Property Policy

Building, Resources and Markets

Ministry of Business, Innovation & Employment PO Box 1473

Wellington 6140

New Zealand

Please direct any questions that you have in relation to the submissions process to societies@mbie.govt.nz.

**Release of Information**

Please note that, except for material that may be defamatory, MBIE intends to upload PDF copies of submissions received to MBIE’s website. MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission. Submissions are subject to the OIA and may, therefore, be released in part or full. The Privacy Act 2020 also applies.

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

**Your name and organisation**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation (if applicable)** |  |
| **Contact details** |  |

[Double click on check boxes, then select ‘checked’ if you wish to select any of the following.]

[ ]  The Privacy Act 2020 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

[ ]  MBIE intends to upload submissions received to MBIE’s website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE’s website because… [Insert text]

**Please check if your submission contains confidential information:**

[ ]  I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

**Responses to questions**

Part 2 of the discussion document: section 254

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| --- | --- | --- |
|  | **Matter** | **Question** |
|  | *Prescribing information that must be included or provided* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(a)? |
|  |
|  | *Prescribing the manner in which things must be done* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(b)? |
|  |
|  | *Authorising the Registrar to determine the manner in which things must be done* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 254(1)(c)? |
|  |
|  | *Declaring persons to be, or not to be, officers* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 254(1)(d)? |
|  |
|  | *Prescribing circumstances related to independent committee members* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(e)? |
|  |
|  | *Prescribing jurisdictions whose officer disqualifications we will recognise* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(f)? |
|  |
|  | *Prescribing the types of changes in officer information that must be notified* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(g)? |
|  |
|  | *Regulating constitutional provisions on conflicts of interest* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 254(1)(h)? |
|  |
|  | *Prescribing societies that can restrict general meeting attendance to delegates* | Do you have any suggestions regarding regulations that should be made under section 254(1)(i)? |
|  |
|  | *Defining the term ‘total current assets’* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(j)? |
|  |
|  | *Prescribing additional requirements for the financial statements of small societies* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 254(1)(k)? |
|  |
|  | *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? |
|  |
|  | *Setting infringement fees* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(m)? |
|  |
|  | *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)? |
|  |
|  | *Removal and restoration of societies from the register* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(o)? |
|  |
|  | *Prescribing certain matters relating to surplus assets* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(p)? |
|  |
|  | *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)? |
|  |
|  | *Prescribing how documents must be served on a society* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(r)? |
|  |
|  | *Prescribing how documents must be served on a person* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(s)? |
|  |
|  | *Prescribing matters relating to the incorporated societies register* | Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(t)? |
|  |
|  | *Specifying matters concerning conversion into an incorporated society* | 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

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|  | **Matter** | **Question** |
|  | *Setting fees for the performance of functions or the exercise of powers* | Do you have any suggestions on regulations that should be made under section 255(1)(a)? |
|  |
|  | *Setting late fees* | Do you have any comments on MBIE’s proposals regarding regulations under section 255(1)(b)? |
|  |
|  | *Setting other fees* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 255(1)(c)? |
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Part 4 of the discussion document: section 254

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|  | **Matter** | **Question** |
|  | *Providing that certain rules apply* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 256(1)(a)? |
|  |
|  | *Providing that certain legislative rules do not apply* | Do you agree with MBIE’s proposal that no regulations should be made at this stage under section 256(1)(b)? |
|  |
|  | *Prescribing matters for the purposes of Part 1 of Schedule 1* | Do you have any comments on MBIE’s proposals regarding regulations under section 256(1)(c)? |
|  |

**Other comments**

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| --- | --- |
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