

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

Your name and organisation

Name	David Peters
Organisation (if applicable)	Bay Conservation Incorporated (t/a Bay Conservation Alliance)
Contact details	<div></div> <div></div>

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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)?
	No	
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)?
	Yes	
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)?

		<p>Bay Conservation Alliance believes that the proposed exceptions to the rule that most of the Board members must be representatives of Society members are too narrowly defined.</p> <p>Our organisation is regional and comprised of other incorporated societies and charitable trusts (27 @ November 2022). There are no “individual” members. Our members look to us to provide support for their governance and operations, which are generally volunteer led.</p> <p>We find it very difficult to attract representatives of these member groups to sit on our Board, as they are exclusively volunteers and are already making a significant unpaid contribution in their own organisations. In any case, we believe that our Board should be made up largely of independent people, to deliver the results we seek for the organisation and its members.</p> <p>However as the name suggests, we are not a sporting or physical recreation group, but instead are involved with conservation activities. I’d hazard a guess that there would be other organisations similar in scope and membership, if not activity, elsewhere. We believe that a more suitable exception might be framed something like:-</p> <p><i>“National and regional incorporated societies whose main purpose is to provide support for other entities (such as charitable trusts and incorporated societies, sports clubs etc).”</i></p> <p>With respect to the proposed financial threshold exceptions, we have no preference one way or the other in terms of single or multiple thresholds. However, the limit of \$1.1m p.a. for a registered charity should remain the threshold for them.</p>
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)?
	Yes. Our existing constitution presently allows for each of our member groups to nominate a delegate to Society meetings (i.e. Annual General Meetings, Special General Meetings). We presently allow unlimited observers but may need to impose limits in the future as our membership, comprised of other entities, grows.	
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)?
	No.	
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)?
		Simply that those incorporated societies who are also registered charities should not have to pay too high a price for compliance activities.
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)?
		No

Other comments

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