

## Incorporated Societies bill - 2021

In 2016 MBIE released a draft revision of the Incorporated Societies Act of 1908. AuSAE on behalf of its members submitted changes based on member feedback. The Ministry has reviewed all submissions and in June 2019 released the cabinet papers (26 PAGES) regarding the draft Bill. A draft revision of the Incorporated Societies Act - with highlighted changes showing the cabinet papers that were released in June 2019. This document has been re-written/worded for the draft bill which was formally introduced March 2021.

*With AuSAE's submission with had some good changes to the bill, which assists all of the sector.*

### Changes such as:

- **Contact officer:** Is now a nominated person and not one of the elected officials. See section 107 of the act.
- **Appeals decisions:** These were had to be heard at the High Court, now have been directed to the District Court, and appeals timely and have increased from 15 days to 28 days.
- **Financial gain:** We had some concerns in regard to payment of employed staff and services. This section has been completely rewritten.

### Ones we didn't get:

- **Liability of officers:** this was mainly concerning an officer (elected official) would still be liable for an undetermined time, if/once the society had been removed from the register. Unfortunately, we didn't get a win here (see section 176)
- **Annual general meeting:** Information to be presented at annual meeting, this was a concern as the information that was to be disclosed was also disclosure of interest's section 58 which covers board meetings. (See section 80). Still work in progress.

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Below in this document is corporate ascites bill that has been submitted into Parliament. The first 21 pages is a explanatory note, or general policy statement. With the bill starting on page 22. Highlighted are all the changes since last time however please see below as listed are the differentials

Many sections have been completely bill reworded/rewritten and some parts added. These are as follows:

**Scroll through the bill which is below, all the highlighted yellow are the changes from last time we looked at the bill. However, the changes in the sections are here with the major ones being highlighted:**

Section 10: registrar has discretion about nature and extent of consideration of application - new clause

**Section 23 – 24: Financial gain this has been completely rewritten.**

Section 26: what the Constitution must contain - small changes.

Section 30/ 31: Society may amend Constitution – small changes

Section 42: Qualifications of officers – small change

Section 61: Regulations may provide for how members are notified – small changes

Section 73: Register of members – small changes

Section 74: information for members – small change

**Section 75/76: grounds for refusing request / members may withdraw request if there is a charge for information –rewritten**

Section 77: court orders relating to information – small change

Section 79: Irregularities and calling meeting – new clause

Section 81: methods of holding meetings – small changes

**Resolutions in lieu of meetings sections 83 – 86 – new clauses**

Section 88: society may indemnify or affect insurance for person in the capacity as employee of third person – new clause

Section 92: balance date of charitable entities – new clause

Section 93 balance date of other societies – small changes

**Financial reporting: section 95 - 101 – Rewritten**

**Contact person: section 105 – 109 – Rewritten**

**Name of society: section 110 – 115 – Rewritten**

**Enforcement: section 119 – 120 – Rewritten**

**Court orders – section 121 – 124 – Rewritten.**

Section 125: court orders – small change

**Section 127 – 129: court orders – Rewritten**

Section 132: settlement compromise: Small change

Sections 137 – 141 – Rewritten

Sections 144: applications for former members – new clause

**Sections 168 – 169: Grounds for removal from register – Rewritten**

Section 171: objection to removal from register – Small changes

Section 178: Register may restore society to register – New clause

Section 183: other court orders – New clause

Amalgamation sections 185 – 190 – Rewritten

**High Court may put society into liquidation section 203 – 205 – Completely rewritten**

Section 220 : Approval for resolution – Rewritten

Section 224 – 225: contents of register – Rewritten.

Section 233 – power of register to delegate – New clause

Registrar powers of inspection – section 235-237 – New clause

Section 239: inspectors report admissible in liquidation proceedings – New clause.

Section 240: appeals against registers decisions- Small changes.

Section 234 – jurisdiction of District Court – New clause

Jurisdiction section 245 – 256 – rewritten/New clauses.

**Schedule one – completely worth a read as it is important**

## Other notable points

Search of register – added NZ business number of the society