

Charities Registration Board Meeting Minutes

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 14 February 2020, 9:30am to 5pm
Location	Room 1.01, 45 Pipitea Street, Wellington
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager (items 3 and 4); Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Penelope Edgerley, Team Leader Registration; Adrian Shields, Senior Analyst; Jamie Cattell, Senior Accountant Regulatory; Joanne Emery, Senior Registration Analyst; Hayley Muong, Senior Investigator; Lucy Beeler, Analyst; Olivia Boivin, Summer Intern.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator. Item 2: Jayne Beggs, Policy Manager Policy Services; Louise Cooney, Senior Policy Analyst. Item 4: Stewart Donaldson, Principal Policy Advisor, Inland Revenue.
Apologies received	Natasha Weight, General Manager (items 5 to 14)
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Modernisation of the Charities Act 2005 - Update	
2.1. The Board welcomed Jayne Beggs and Louise Cooney to discuss the Charities Act Modernisation updates. CS staff members were not present for this agenda item.	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed CS attendees and Stewart Donaldson (SD) to the meeting, and noted that Lucy Beeler and Olivia Boivin were in attendance as observers.	
4. Tax Policy Update from Inland Revenue	
4.1. SD spoke to his presentation about policy setting changes for charities and not-for-profits which may be provided to the Minister of Revenue in early 2020, for the Minister's consideration.	
5. Interest Register: Conflicts of interest	
5.1. Bev Gatenby (BG) noted that Ohaupo Community Sport and Recreation Centre Trust, an organisation in which she previously declared an interest, has been registered (CC57285). She also noted that she resigned from Waikato Plan Leadership Group (a committee of Waikato Regional Council).	



<p>Actions</p> <ul style="list-style-type: none"> CS to update interests register. 	CS
<p>6. Delegations</p>	
<p>6.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>7. Approval of minutes of previous meeting held on 16 December 2019</p>	
<p>7.1. The minutes of the previous meeting held on 16 December 2019 were approved as a true and correct record.</p>	
<p>8. Matters arising/matters of interest/review of action list</p>	
<p>8.1. The matters arising report was noted.</p> <p>8.2. The Board agreed to close items 3, 6, 7, 8, 9, 10, 11, 12 and 13.</p> <p>8.3. Item 4 (the discussion with Inland Revenue about binding rulings) is scheduled for the Board meeting in April.</p>	
<p>Action</p> <ul style="list-style-type: none"> CS to update matters arising 	CS
<p>9. Charities Services' activity report for October 2019</p>	
<p>9.1. Stephen Reilly (SR) introduced the monthly activity report for November and December 2019.</p> <p>9.2. Penelope Edgerley (PE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - The Section 9(2)(a) has been given an extension of time to respond. - The New Zealand Naturist Federation has now been registered. - Section 9(2)(a): CS has sent the Company a request for information. <p>9.3. SR noted that investigations are a function of the Chief Executive rather than the Board, but that those investigations that could result in a deregistration (which is a Board function) were discussed in the activity report.</p> <p>9.4. Dave Sayers (DS) updated the Board on investigations matters; specifically:</p> <ul style="list-style-type: none"> - The deadline for the Terrible New Zealand Charitable Trust to file papers with the High Court appealing the Board's removal decision and disqualification orders has now passed. - There had been media inquiries regarding the Samoan Independent Seventh Day Adventist Church (SISDAC), but CS declined to respond under section 6(c) of the Official Information Act, as the matter was still active. - The Chair of The Hepatitis Foundation of New Zealand resigned as Chair. The KMPG report about the CS investigation is due to go to the Foundation's Board in late February. <p>9.5. Andrew Phillips (AP) provided updates to the Board on key engagements,</p>	



<p>specifically:</p> <ul style="list-style-type: none">- The Charity Law, Accounting and Regulation Conference is to be held on 30 April and 1 May 2020. Charities Services will co-ordinate with Board members to arrange their attendance.- The Customer Support Survey results quoted in the activity report were currently subject to a 10% margin of error.	
<p>Action:</p> <ul style="list-style-type: none">• CS to contact Board members about attending the Charity Law, Accounting and Regulation Conference.	CS
10. Judicial updates	
<p>10.1. PE provided a summary of the recent judicial proceedings; specifically:</p> <ul style="list-style-type: none">- Family First New Zealand: The Attorney-General is preparing a response to Family First's submissions.	
<p>Action - CS to supply the Board with a copy of the Attorney-General's submissions once these have been filed.</p>	CS
11. Board Quarterly Report to the Minister	
<p>11.1. The Board is to discuss the report during the members' only discussion in the afternoon.</p> <p>11.2. RHM noted the wording at paragraph 8, which stated that "the Board assists the Court", which also appears in the Board manual. The Board determined to amend the wording to read "Crown Law appears on behalf of the Board to assist the Court".</p>	
12. Discussion paper: Samoan Independent Seventh Day Adventist Church (SISDAC)	
<p>12.1. The Board noted the memorandum and its attachments.</p> <p>12.2. Hayley Muong (HM) summarised the outcome of the investigation, which led to CS's recommendation to remove SISDAC from the register and disqualify its officers. HM noted that the Samoan state of emergency for the measles epidemic was lifted in late 2019.</p> <p>12.3. CS staff left the meeting for a time for the Board members to have a members' only discussion.</p> <p>12.4. CS returned to the meeting. The Board directed CS to issue a notice of intention to remove SISDAC from the register and disqualify SISDAC from re-applying for four years. The notices are also to include an intention to disqualify the following officers of SISDAC for the following periods:</p> <ul style="list-style-type: none">- Pastor Papu: four years.- Mr Joseph Stowers: four years.- Faavae Gagamoe: three years.- Pastor Meki Fesolai: Three years. <p>12.5. The Board discussed whether Sina Hunt could also be disqualified even though SISDAC had not formally notified CS that Sina Hunt was an officer. CS is to assess whether Sina Hunt can be considered an officer within the definition in the Charities Act, which includes someone with significant influence over the</p>	



<p>management or administration of society. CS will then refer the matter back to the Board for consideration whether to issue a notice of intention to disqualify.</p> <p>12.6. The Board discussed the risk that SISDAC's funds would be channelled through the Property Trust if SISDAC was deregistered. The Board recommended that CS review the Property Trust, including their bank statements and signatories, in six months.</p>	
<p>Action:</p> <ul style="list-style-type: none"> • CS to issue notice of intention to disqualify to four of the officers of SISDAC. • CS to issue a Notice of intention to remove SISDAC. • CS to assess whether Sina Hunt is an officer and refer back to the Board. 	CS
<p>13. Discussion paper: Nelson Grey Power Incorporated (the Society)</p>	
<p>13.1. The Board noted the memorandum and its attachments.</p> <p>13.2. Joanne Emery (JE) summarised the matter.</p> <p>13.3. The Board directed CS to amend the draft decline paper for the Board's consideration to further emphasise:</p> <ul style="list-style-type: none"> – the fact the Society is not focused on older people in charitable need because it assists and advocates for <i>anyone</i> over the 50; – the broadness of the Society's focus generally and in terms of the issues it chooses to advocates about (and amend the examples provided in the paper to reflect this broadness); – the Society's relationship with and support of the Federation, which is not a registered charity. <p>13.4 The Board discussed that the Society had other options (such as narrowing its focus or operating without being registered as a charity). PE advised the Board that the Society has been advised to consider other options during the registration process and that CS would remind the Society it had other options.</p> <p>13.5 PE raised the need to ensure that natural justice requirements were met. If the amended draft decline paper focuses on matters not previously raised with the Society, a further notice that may lead to decline may be required to provide the Society with the opportunity to respond. CS will include a discussion of natural justice for the Board's consideration when the draft decision paper is referred back to the Board.</p>	CS
<p>Action - CS to amend the decline paper.</p>	CS
<p>14. Any Other Business</p>	
<p>14.1. There was no further business.</p>	
<p>15. Members' only discussion</p>	
<p>15.1. A members' only discussion was held for the remainder of the meeting.</p>	
<p>Next meeting: Thursday 12 March 2020, 12:30pm.</p>	



Draft meeting minutes

Charities Registration Board

Date and time of meeting	Thursday 12 March 2020, 12:30pm to 4pm
Location	Room 1.17, 45 Pipitea Street, Wellington
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Adrian Shields, Senior Analyst; Sharlene Maslin, Senior Analyst; Joanne Emery, Senior Registration Analyst; Hayley Muong, Senior Investigator.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator. Item 2: Jayne Beggs, Policy Manager Policy Services; Louise Cooney, Senior Policy Analyst.
Apologies received	Natasha Weight, General Manager; Penelope Edgerley, Team Leader Registration.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Modernisation of the Charities Act 2005 - Update	
2.1. The Board welcomed Jayne Beggs and Louise Cooney to discuss the Charities Act Modernisation updates. Charities Services (CS) staff members were not present for this agenda item.	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed CS attendees, and noted apologies from Natasha Weight (who would be returning to her role after Easter), and Penelope Edgerley.	
4. Interest Register: Conflicts of interest	
4.1. Roger Holmes Miller (RHM) re-stated his previously declared conflict with the New Zealand Institute of International Affairs (CC24250) and noted a conflict with the Ian Crabtree Charitable Trust Board (CC10848).	
4.2. Gwen Keel (GK) noted that she has resigned from The Village Project, for which she had previously declared a conflict.	
Actions	
<ul style="list-style-type: none"> CS to update interests register. 	CS



<p>5. Delegations</p>	
<p>5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>6. Approval of minutes of previous meeting held on 14 February 2020</p>	
<p>6.1. The minutes of the previous meeting held on 14 February 2020 were approved as a true and correct record, subject to the following corrections:</p> <ul style="list-style-type: none"> - In 13.3, point one should read “over the age of 50”; - The final sentence of 13.5 should be deleted, as the Board does not require a separate paper on natural justice to be presented to them. 	
<p>7. Matters arising/matters of interest/review of action list</p>	
<p>7.1. The matters arising report was noted. 7.2. The Board agreed to close items 5, 6, 7, 8 and 9.</p>	
<p>Action</p> <ul style="list-style-type: none"> • CS to update matters arising 	<p>CS</p>
<p>8. Charities Services’ activity report for January 2020</p>	
<p>8.1. Stephen Reilly (SR) introduced the monthly activity report for January 2020.</p> <p>8.2. Dave Sayers (DS) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - Panmure Chinese Association Incorporated: CS has assessed the information provided under s51 “duty to assist” notices, and being satisfied that no misappropriation of funds has occurred, has registered the Society. - The Women in Wine Central Otago Charitable Trust has been sent a notice that may lead to decline. CS provided the Trust with information on separating out its non-charitable purposes. - Section 9(2)(a) : CS is currently assessing its response. - For the Sake of Our Children Trust: A paper to seek the Board’s guidance is being prepared, and is on track to be presented at the April 2020 meeting. - The Section 9(2)(a) has been asked for more information, and CS staff are meeting with a member of the Trust on 17 March 2020. - Sensible Sentencing Group Trust: A paper to seek the Board’s guidance will be drafted. - Section 9(2)(a) has been granted an extension of time to respond. <p>8.3. DS updated the Board on investigations matters; specifically:</p> <ul style="list-style-type: none"> - The officers of the Samoan Independent Seventh Day Adventist Church have been granted an extension of time to object to the disqualification notices, due to having to obtain legal representation. - Section 6(c) 	



<p>- Section 9(2)(a)</p> <p>8.4. Andrew Phillips (AP) provided updates to the Board on key engagements, specifically:</p> <ul style="list-style-type: none"> - The next Charities Services newsletter will include information to support charities to understand the limits around political involvement, due to the upcoming elections and referendum questions. - The Charity Law, Accounting and Regulation Conference has been postponed to early November due to the COVID-19 novel coronavirus. - The International Regulator’s Conference has also been postponed due to COVID-19, and may end up being cancelled. <p>8.5. The Board discussed contingency plans in case travel was restricted due to the COVID-19. Board members and CS staff may need to hold meetings electronically.</p> <p>8.6. SR provided information in relation to the media. The Quit Group, a registered charity, has been in the media in relation to not distributing significant reserves of charitable funds. It is reportedly planning to wind up and distribute its assets to charitable purposes.</p>	
<p>9. Judicial updates</p>	
<p>9.1. SR provided a summary of the recent judicial proceedings; specifically:</p> <ul style="list-style-type: none"> - Better Public Media Trust: The Court’s decision, upholding the Board’s decision, has been received. Sharlene Maslin (SM) provided a summary of the decision, particularly around the importance of charities providing clear purposes and establishing a nexus between purpose and public benefit.. The Board agreed that a memo summarising the decision would be helpful. - Greenpeace of New Zealand Incorporated: All submissions to date have been filed by the parties and copies forwarded to the Board. 	
<p>Action - CS to supply the Board with a memo summarising the Better Public Media decision.</p>	<p>CS</p>
<p>10. Discussion paper: Samoan Independent Seventh Day Adventist Church (SISDAC)</p>	
<p>10.1. The Board noted the memorandum and its attachments, and thanked the Investigations team for its additional advice in relation to the status of Sina Hunt within the charity.</p> <p>10.2. The Board decided not to take any further action in relation to Sina Hunt, as the Board felt that the evidence didn’t clearly indicate that she had a significant influence over the management or administration of the society. . It was also felt that it could have an uncertain impact on the disqualification notices which have already been sent to the officers. The Board further noted that serving the notice could prove problematic, as Ms Hunt’s current whereabouts are unknown.</p>	
<p>11. Discussion paper: Guide: Charities Registration Board Policies and Procedures</p>	
<p>11.1. The Board discussed the Charities Registration Board Policies and Procedures</p>	



Guide with SR, AP and Adrian Shields (AS). Other CS staff were not present for this item. Minor edits were agreed by the Board and would be finalised by AS.	
12. Any Other Business	
12.1. There was no further business.	
13. Members' only discussion: Meeting with Minister	
13.1. Board members prepared for their meeting with the Minister. SR was present for this agenda item, filling the role of Board Secretary.	
Next meeting: Friday 17 April, 9:30am-1:00pm	

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 17 April 2020, 9:10am to 11:30am
Location	Via Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Penelope Edgerley, Team Leader Registration; Sharlene Maslin, Senior Analyst; Joanne Emery, Senior Registration Analyst.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator. Item 2: Jayne Beggs, Policy Manager Policy Services, Policy; Savannah Tarren-Sweeney, Senior Policy Analyst.
Apologies received	Adrian Shields, Senior Analyst.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Modernisation of the Charities Act 2005 - Update	
2.1. The Board welcomed Jayne Beggs and Louise Cooney to discuss the Charities Act Modernisation updates. Charities Services (CS) staff members were not present for this agenda item.	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed CS attendees, and noted apologies from Adrian Shields.	
4. Interest Register: Conflicts of interest	
4.1. The Interests Register was noted.	
4.2. There were no changes to the Interests Register.	
5. Delegations	
5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
6. Approval of minutes of previous meeting held on 12 March 2020	
6.1. The minutes of the previous meeting held on 12 March 2020 were approved as a true and correct record.	



<p>7. Matters arising/matters of interest/review of action list</p>	
<p>7.1. The matters arising report was noted.</p> <p>7.2. Due to the current Covid-19 situation, item 3 (Inland Revenue attending a Board meeting to discuss the binding rulings process) is to be carried over to the next Board meeting in May rather than closed.</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update matters arising 	<p>CS</p>
<p>8. Charities Services' activity report for February 2020</p>	
<p>8.1. Natasha Weight (NW) introduced the monthly activity report for February 2020.</p> <p>8.2. Penelope Edgerley (PE) provided the Board with updates relating to registration matters; specifically:</p> <ul style="list-style-type: none"> - Longer extensions on the registration process are being granted due to the current Covid-19 situation and the difficulty organisations might have in meeting and providing information. - A number of organisations have requested and have been granted fast-tracking due to Covid-19. Some of these are because the organisation is helping to respond to community needs and others are because the organisation is facing funding issues due to Covid-19. - The Pro-Pare Athlete Management Trust has provided a response which is being assessed. - The Section 9(2)(a) has been proactive in engaging with the registration process, and CS staff are meeting (via zoom) with a member of the Trust on 17 April 2020. - Section 9(2)(a) has provided a response which is being assessed. <p>8.3. Dave Sayers (DS) updated the Board on investigations matters; specifically:</p> <ul style="list-style-type: none"> - Requests for information sent under section 51 of the Charities Act 2005 were still being actioned by banks until 16 April 2020. From today, some banks are still processing requests, but others will not be during lockdown. Those banks that are still replying will have significant delays in supplying the requested information. - The Investigation team has stopped sending section 51 requests to charities due to the current Covid-19 situation. - The extension of time to respond to the notices of intention to remove was passed on to officers of the Samoan Independent Seventh Day Adventist Church. The due date is now 27 May 2020. Their lawyers sent back their thanks to the Board. Whether a further extension of time will be granted will be assessed at the end of the time granted, but any further extensions of time will be for specified dates rather than based on Covid-19 alert levels. <p>8.4. Andrew Phillips (AP) provided updates to the Board on key engagements, specifically:</p> <ul style="list-style-type: none"> - The Public Fundraising Regulatory Association (PFRA) is an organisation that CS has a working relationship with and meets with a couple of times a year. The Board noted that the PFRA was created by charities to self-regulate 	



<p>face-to-face fundraising.</p> <ul style="list-style-type: none"> - CS's sector face-to-face engagements have been stopped until the end of the pandemic. Instead, other options such as digital meetings, virtual drop-in clinics and webinars are being explored. <p>8.5. Stephen Reilly (SR) provided an update to the Board on a query that came in from the Office of the Ombudsman, specifically:</p> <ul style="list-style-type: none"> - The query was in relation to CS's response to an Official Information Act (OIA) request from Sue Barker Charities Law (SBCL). The OIA request followed a complaint laid by SBCL regarding the Board's application of the FAAR/FRRSH test. - Section 9(2)(h) [REDACTED] - Section 9(2)(h) [REDACTED] CS will consult with the Board on the response before it is sent. 	
<p>9. Judicial updates</p>	
<p>9.1. There have been no further updates since the written report.</p> <p>9.2. PE noted that Better Public Media Trust has appealed to the Court of Appeal, and had asked the court to waive security fees.</p>	
<p>10. Any Other Business</p>	
<p>10.1. The Board complimented CS on its overall response during the current Covid-19 situation. The Board discussed the effect of Covid-19 on charities, specifically its concern about where charities will be in 3-6 months' time, as small to medium charities may be struggling financially with a reduced ability to fundraise and much higher demand for their support from communities. NW informed the Board that work is ongoing across government to look at the immediate and long-term impacts of Covid-19 on the sector, and find solutions. CS is supporting this work. The Board requested an update at the next meeting.</p> <p>10.2. There was no further business.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to provide an update on the response to Covid-19 at the next Board meeting 	<p>CS</p>
<p>11. Discussion paper: For the Sake of our Children Trust (the Trust)</p>	
<p>11.1. Bev Gatenby (BG) was not present for this item due to conflict of interest.</p> <p>11.2. Sharlene Maslin (SM) summarised the key issues.</p> <p>11.3. The Board agreed that the Trust's non-charitable purpose to promote its own views on the traditional family was more than ancillary. The Board agreed with the recommendation to send a notice that would lead to decline of the Trust's application.</p> <p>11.4. Section 9(2)(h) [REDACTED]</p> <p>11.5. Section 9(2)(h) [REDACTED]</p>	



11.6. CS will contact [redacted] Section 9(2)(h) to enquire about its capacity to undertake this work.	
Actions: <ul style="list-style-type: none">- Section 9(2)(h) [redacted]- CS to then send a notice that may lead to decline to the Trust.	CS

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 15 May 2020, 9:00am to 12:40am
Location	Via Zoom
Present	<p><i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel.</p> <p><i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Penelope Edgerley, Team Leader Registration; Andrew Newbery, Team Leader Capability; Adrian Shields, Senior Analyst; Sharlene Maslin, Senior Analyst; Joanne Emery, Senior Registration Analyst.</p>
In Attendance	<p>Minute Taker: Rachel Chuah, Graduate Charities Regulator.</p> <p>Item 5: Martin Smith, Chief Tax Counsel, Deputy Commissioner IRD; Howard Davis, Group Leader - Tax Counsel Office IRD; Stewart Donaldson, Principal Policy Advisor IRD</p>
Apologies received	
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees.	
2.2. There were no absences.	
3. Discussion on Binding Rulings	
3.1. The Board and CS discussed issues they wanted to cover with Inland Revenue (IR) attendees during the next item.	
4. Binding Rulings under the Tax Administration Act	
4.1. The Chair welcomed IR attendees for this item.	
4.2. The Board and IR discussed the operation of the binding rulings regime and how IR and Charities Services under delegation from the Board could work together in order to mitigate the risks of the dual process for achieving charitable tax status.	
Action:	CS/IR/CRB
<ul style="list-style-type: none"> - CS and IR to update their Memorandum of Understanding (MoU). - CRB to be part of MoU. - Consider ways of information sharing. 	



<p>5. Interest Register: Conflicts of interest</p>	
<p>5.1. The Interests Register was noted. 5.2. There were no changes to the Interests Register.</p>	
<p>6. Delegations</p>	
<p>6.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>7. Approval of minutes of previous meeting held on 17 April 2020</p>	
<p>7.1. The minutes of the previous meeting held on 17 April 2020 were approved as a true and correct record.</p>	
<p>8. Matters arising/matters of interest/review of action list</p>	
<p>8.1. The matters arising report was noted. 8.2. The Board agreed to close items 3, 5, 6 and 7. 8.3. The Board agreed to progress item 4.</p>	
<p>Action - CS to update matters arising</p>	<p>CS</p>
<p>9. Charities Services' activity report for March 2020</p>	
<p>9.1. Natasha Weight (NW) introduced the monthly activity report for March 2020. 9.2. Penelope Edgerley (PE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - The annual independent review of charities registration decisions returned a good result, with the reviewer agreeing with the outcomes of all decisions reviewed. - A number of applications related to Covid-19 have been received, and have been granted fast-tracking. - PE provided updates on applications listed in attachment 3 of the report: <ul style="list-style-type: none"> - The Women in Wine Central Otago Charitable Trust has been granted an extension of time to respond to 4 June 2020. - Section 9(2)(a) [redacted]: CS has received the Police information. One of the Trustees is disqualified under the Charities Act from being an officer. CS has sent a notice to the Trust that it needs to remove that Trustee, and a response is due on 1 June 2020. More information about the Trust's activities will be requested once that Trustee has been replaced. - For the Sake of Our Children Trust: The draft notice that may lead to decline and supporting documentation Section 9(2)(h) [redacted] - PE provided information about an application from Section 9(2)(a) [redacted] 	



<p>[REDACTED]: This Trust has purposes to promote tourism and economic development in a way that would not normally be charitable. CS will be seeking guidance from the Board about how to apply the test in the light of the impacts of COVID-19 on tourism. Gwen Keel (GK) noted that her existing conflict of interest with Tourism Bay of Plenty may also cause a conflict if the discussion is to be a wider discussion on tourism rather than simply about the Trust.</p> <p>9.3. There were no updates on investigations matters since the written report was provided to the Board.</p> <p>9.4. Andrew Newbery (AN) provided updates to the Board on key engagements, specifically:</p> <ul style="list-style-type: none"> - The Capability team has taken a quarterly approach to their engagement plan. - Currently, there are three areas of focus: the governance project, website redevelopment, and addressing capability gaps in the sector. - Current engagement is digital, with events such as drop-in clinics and webinars. The webinar on 12 May 2020 attracted 468 attendees. - The Capability team is mindful that digital engagement may exclude those without access or who are not digitally literate. - AN requested feedback from the Board on what guidance the sector might be seeking from CS. Points included that charities might be unsure of how to engage with government processes, or not understand how to apply certain legislation (in particular privacy, health and safety, and employment relations) in order to ensure that they keep on acting lawfully. They also said that sometimes pages on the CS website are difficult to find, so a landing page, and more simple one page resources would be helpful. <p>9.5. NW provided the Board with updates relating to CS's response to COVID-19, specifically:</p> <ul style="list-style-type: none"> - Budget 2020 has implications for the charities space. - The Minister for the Community and Voluntary Sector has been meeting with sector representatives to understand their issues. Their concerns are being passed on to the Department's Policy and Community Operations teams. - The Office of Ethnic Communities is working on translating COVID-19 guidance and on anti-racism. - The Department's Digital Safety team is running a campaign on online safety awareness. <p>9.6. Stephen Reilly (SR), who has been working at the COVID-19 Operations Command Centre, provided an update to the Board on the Volunteer work stream's current work, specifically:</p> <ul style="list-style-type: none"> - The focus is on volunteers being managed effectively and ensuring that their efforts are appropriate, and particularly on providing good guidance to volunteers and volunteering organisations. 	
<p>Action:</p>	<p>CS</p>



<ul style="list-style-type: none"> - CS to consider and incorporate the Board's feedback on its engagement with charities. 	
10. Judicial updates	
<p>10.1. There have been no further updates since the written report.</p> <p>10.2. PE noted that Crown Law will follow up with the Court of Appeal as to when the decision of Family First of New Zealand Incorporated will be delivered.</p>	
11. Overview of High Court Better Public Media Trust decision	
<p>11.1. Sharlene Maslin (SM) summarised the memo.</p> <p>11.2. The Board noted that the decision would not be an amendment or change to its approach, but rather an addition.</p> <p>11.3. The Board stated that the Judge's decision was useful, and that it was an authoritative referral for future Board decisions.</p>	
12. CRB Quarterly Report to the Minister	
<p>12.1. Noted that the report had already been sent to the Minister.</p>	
13. Decision paper: Nelson Grey Power Association Incorporated (the Society)	
<p>13.1. JE provided an update on the last-minute correspondence that the Society had provided, specifically:</p> <ul style="list-style-type: none"> - The Society will be holding its AGM in July. On the agenda for that meeting are amendments to their stated purposes. - The proposed amendments are not substantively different from those which were proposed in August 2019 already covered in the draft decline paper. <p>13.2. Joanne Emery (JE) summarised the current status of the application and the changes which had been made to the paper at the Board's recommendation.</p> <p>13.3. The Board noted that just because an organisation is not charitable does not mean that they are not doing good work. The Board requested that an acknowledgement of the Society's good work be included in the decision paper and Board's statement.</p> <p>13.4. The Board confirmed that Charities Services is not required to send a further notice that may lead to decline on the issues outlined in the draft decision as it was satisfied that natural justice requirements had been met.</p> <p>13.5. Subject to the amendments incorporating the Board's changes, directed that CS issue the Board's decision paper declining the Society's application.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to amend the decision paper and Board statement. - CS to issue the decision paper to decline the Society's application. 	CS
14. Any Other Business	
<p>14.1. The Board, had during members only time, discussed the pause of work on the review of the Charities Act 2005 (the Act), specifically:</p> <ul style="list-style-type: none"> - Section 9(2)(f)(iv) [REDACTED] - The Board noted widespread concerns that charities law was difficult to 	



<p>apply and did not reflect Aotearoa New Zealand in 2020. The Board agreed that the timing was right to propose that the Law Commission look at the issue, possibly in conjunction with its planned review of the Charitable Trusts Act 1957.</p> <ul style="list-style-type: none">- The Board agreed to send a letter to the Minister to this effect. <p>14.2. There was no further business.</p>	
<p>Actions:</p> <ul style="list-style-type: none">- CS to provide a first draft of the letter for the Board to send to the Minister.- The Board to finalise its letter to the Minister proposing that the Law Commission review the current state of charities law in New Zealand.	<p>CS</p> <p>Board</p>
<p>Next meeting: Friday 12 June 2020, 9:30am-1:00pm</p>	



Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 12 June 2020, 9:00am to 10:20am
Location	Via Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Penelope Edgerley, Team Leader Registration; Sharlene Maslin, Senior Analyst; Joanne Emery, Senior Registration Analyst.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator.
Apologies received	Adrian Shields, Senior Analyst.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Adrian Shields.	
3. Interest Register: Conflicts of interest	
3.1. The Interests Register was noted.	
3.2. Roger Holmes Miller (RHM) noted a conflict of interest with The New Zealand Drug Foundation (CC27025).	
Action	CS
- CS to update Interests Register.	
4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
5. Approval of minutes of previous meeting held on 15 May 2020	
5.1. The minutes of the previous meeting held on 15 May 2020 were approved as a true and correct record, subject to the following amendment:	
- There are words missing at 15.1. It should read "Subject to amendments incorporating the Board's changes, the Board directed CS issue the Board's	



decision paper declining the Society's application".	
6. Matters arising/matters of interest/review of action list	
<p>6.1. The matters arising report was noted.</p> <p>6.2. Item 3: Requests for information under section 51 of the Charities Act 2005 will be sent to Section 6(c) in July..</p> <p>6.3. Item 4: The Board requested that a meeting with representatives from Inland Revenue about the Memorandum of Understanding/Information Sharing be arranged, preferably in July. The Board Chair also requested to attend that meeting.</p> <p>6.4. The Board agreed to close items 6 and 7, noting the following:</p> <ul style="list-style-type: none"> - Item 6: CS confirmed that the Minister was informed of the Nelson Grey Power decision after it was sent to the Society. - Item 7: The Board's letter has been sent to the Minister, but there has not been a response yet. 	
<p>Action</p> <ul style="list-style-type: none"> - CS to update matters arising 	CS
7. Charities Services' activity report for April 2020	
<p>7.1. Natasha Weight (NW) introduced the monthly activity report for April 2020.</p> <p>7.2. Penelope Edgerley (PE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - The number of entities that were registered in April had decreased due to staff ergonomic issues in working from home, and because extensions of time to respond were granted. There has been an increase in numbers since mid-May, and numbers are returning to normal. - Section 9(2)(a): The notice to the Company about private benefits has been sent. A response is due on 7 July. - The Section 9(2)(a) has voluntarily withdrawn their application. - Pro-Pare Athlete Management Trust: The follow-up request for information has been sent to the Trust. A response is due on 3 July. - The Section 9(2)(a) has been given a further extension of time to respond. Their response is now due on 3 July. - The Women in Wine Central Otago Charitable Trust has provided a response, which is being assessed. <p>7.3. Dave Sayers (DS) provided updates to the Board on investigation matters, specifically that the Samoan Independent Seventh Day Adventist Church has been given a final extension of time to respond. Their response is due on 30 June. It has been made clear to the entity that the Board will not grant any further extensions.</p> <p>7.4. CS provided an update on the complaints received against the New Zealand Drug Foundation. RHM was not present for this discussion due to conflict of interest. The complaints were about the Foundation's support of decriminalising cannabis use. The referendum on this issue is later this year, in conjunction with the</p>	



<p>General Election.</p> <p>7.5. Andrew Phillips (AP) noted that Hui E! Community Aotearoa co-hosted an event which attracted participants from the charitable sector, including Section 9(2)(a) and representatives from political parties. Streaming of the event is available on their website.</p>	
<p>8. Judicial updates</p>	
<p>8.1. A decision on Greenpeace of New Zealand Incorporated is due to be released soon.</p> <p>8.2. Better Public Media Trust: The Court ordered security of costs against the Trust in relation to its appeal.</p>	
<p>9. Discussion paper: Section 9(2)(a) (the Trust)</p>	
<p>9.1. Gwen Keel and Sharlene Maslin were not present for this item due to conflict of interests.</p> <p>9.2. The Board provided guidance that the effect of measures to stop the spread of COVID-19 on regions reliant on tourism could be considered as a factor when determining whether a region is disadvantaged when assessing economic development purposes.</p> <p>9.3. The Board emphasised that the other factors usually considered in such circumstances must also still be considered. COVID-19 by itself was not the determining factor, and regions could not be considered disadvantaged solely because COVID-19 adversely impacted its tourist market.</p> <p>9.4. Joanne Emery noted that the information already provided by the Trust indicated that their activities were not consistent with a charitable purpose. The Trust would therefore need to consider significant recasting of its purposes and activities to meet our requirements. The Board noted that such recasting may not be plausible for some entities.</p> <p>9.5. The Trust is still to provide further information to support its application. Once this is received CS will consider the information, applying the Board's guidance, to determine the application.</p>	
<p>10. Any Other Business</p>	
<p>10.1. The Board enquired as to the possibility of holding future Board meetings online, particularly if the meetings were expected to be of a short duration. CS agreed to explore the possibility, particularly once Zoom functionality in the DIA building has been upgraded.</p> <p>10.2. The Board requested to meet with Juliet Chevalier-Watts (Senior Lecturer Law and Associate Director Waikato Public Law and Policy Research Unit at Waikato University). This meeting could be arranged to be held in the Waikato, for BG and GK.</p> <p>10.3. There was no further business.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to explore the possibility of holding some Board meetings online. 	<p>CS</p>
<p>Next meeting: Friday 17 July 2020, 9:00am-1:00pm</p>	



Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 17 July 2020, 9:30am to 12:00pm
Location	Room 1.02, 45 Pipitea Street, Wellington
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Penelope Edgerley, Team Leader Registration; Sharlene Maslin, Senior Analyst; Adrian Shields, Senior Analyst; Joe Buchanan, Senior Registration Analyst; Joanne Emery, Senior Registration Analyst; Paul Budd, Senior Investigator.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator.
Apologies received	James Lathan, Investigator.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from James Lathan.	
3. Interest Register: Conflicts of interest	
3.1. The Interests Register was noted.	
3.2. Bev Gatenby (BG) noted a contract to be added to the interests register with the Waikato Environment Centre (CC10644).	
3.3. Roger Holmes Miller (RHM) was not involved in any updates about the New Zealand Drug Foundation	
Action	CS
- CS to update Interests Register.	
4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
5. Approval of minutes of previous meeting held on 12 June 2020	
5.1. The minutes of the previous meeting held on 12 June 2020 were approved as a	



true and correct record.	
6. Matters arising/matters of interest/review of action list	
<p>6.1. The matters arising report was noted.</p> <p>6.2. Item 3: Requests for information under section 51 of the Charities Act 2005 have been sent to Section 6(c) Their response is due on 13 August 2020.</p> <p>6.3. Item 4: The Board queried whether the Information Sharing agreement would need to be signed off by the Governor-General. It will not be needed, as that requirement is for system-to-system information sharing. CS advised that an initial discussion has been held with IR on the Information Sharing Agreement/MoU.</p> <p>6.4. Item 5: Information sourced from the Privacy Commission was included in the last CS newsletter. CS is working on providing more comprehensive information for charities, and will continue to seek feedback from the Board on ongoing sector engagement.</p> <p>6.5. Item 6: CS is happy to take direction from the Board on online meetings, but suggested that Board meetings be held online where there will be a light agenda. The decision on whether a meeting will be online can be made a few weeks out from the meeting.</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update matters arising 	CS
7. Charities Services' activity report for May 2020	
<p>7.1. Natasha Weight (NW) introduced the monthly activity report for May 2020.</p> <p>7.2. Penelope Edgerley (PE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - Section 9(2)(a) has provided a response, the assessment of which is currently being finalised. - Pro-Pare Athlete Management Trust has provided a response which is currently being assessed. - Rotorua Athlete Development Charitable Trust Board has provided a response which is currently being assessed. - Section 9(2)(a): a request for more information under section 18 of the Act have been sent to the Company. - Te Matapihi he Tirohanga Mo Te Iwi Trust: a notice that may lead to decline has been sent to the Trust. The Trust's response is due on 20 September. A meeting via Zoom has been scheduled to take place before that date. - The New Zealand Drug Foundation: A request for information under section 51 of the Act has been sent to the Foundation. RHM was not involved in this update due to conflict of interest. <p>7.3. Dave Sayers (DS) provided updates to the Board on investigation matters, specifically:</p> <ul style="list-style-type: none"> - The annual independent review of investigations decisions returned a good result, with the reviewer commending the planning and evidence gathering. The reviewer provided useful recommendations around the structure of 	



<p>investigation reports.</p> <ul style="list-style-type: none"> - Celebration Trust Church: CS has liaised with the Human Rights Commission and is preparing a response to the complaints received regarding the Pastor's sermon. <p>7.4. Andrew Phillips (AP) provided updates to the Board on engagement matters, specifically:</p> <ul style="list-style-type: none"> - Gwen Keel (GK) received an invitation to speak at the Charity Law, Accounting and Regulation conference, which has decided to decline. The Board is interested in attending the conference, which will be held entirely online. - The Board indicated interest in attending the launch of Community Governance Strategy Group project on 19 August 2020. CS to forward the Zoom invitation. - CS is working with the Community Foundations of New Zealand around the winding up of inactive charities. <p>7.5. Stephen Reilly (SR) updated the Board on Official Information Act and media requests received in June and July (which will also be in the next written updates), specifically:</p> <ul style="list-style-type: none"> - There was a surge in information requests, particularly around the Samoan Independent Seventh Day Adventist Church. These requests were refused under section 6(c) of the Official Information Act, as the regulatory process is ongoing. - There has been media attention on the financial difficulties of Returned and Services Association (RSA) organisations in Christchurch. - An Official Information Act request was received from Family First New Zealand seeking the number of complaints received about The New Zealand Drug Foundation and The Helen Clark Foundation. 	
<p>Actions</p> <ul style="list-style-type: none"> - CS to decline the invitation for GK to speak at the Charity Law, Accounting and Regulation Conference, and obtain tickets for the Board to attend. - CS to forward the Zoom invitations to the Community Governance Strategy Group project launch to the Board. 	CS
<p>8. Judicial updates</p>	
<p>8.1. Better Public Media Trust: The Court considered the Trust's application for review of the security for costs order. The Court determined that the Trust does not need to pay security for costs. Because security of costs is no longer required, the Trust is likely to continue with its appeal.</p> <p>8.2. Family First New Zealand has sought leave to file additional information about the New Zealand Drug Foundation's advocacy activities. The Attorney-General is opposing this. The Court has not made a decision on whether leave is granted.</p>	
<p>9. Submissions to the Board: Samoan Independent Seventh Day Adventist Church (SISDAC)</p>	
<p>9.1. The Board has considered all the documents for this investigation including CS's investigation report and the submissions/objections received from SISDAC and its</p>	



officers. The Board is currently formulating its decision.	
10. Any Other Business	
10.1. BG and GK met with Juliet Chevalier-Watts (Senior Lecturer Law and Associate Director Waikato Public Law and Policy Research Unit at Waikato University). 10.2. The Minister has thanked the Board for the letter sent to her about the review of the Charities Act. 10.3. There was no further business.	
Next meeting: Friday 14 August 2020, 9:00am-1:00pm	

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 14 August 2020, 9:30am to 11:25am
Location	Via Zoom
Present	<p><i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair); Bev Gatenby; Gwen Keel.</p> <p><i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Sharlene Maslin, Senior Analyst; Adrian Shields, Senior Analyst; Joe Buchanan, Senior Registration Analyst; Joanne Emery, Senior Registration Analyst; James Lathan, Investigator.</p>
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator.
Apologies received	Penelope Edgerley, Team Leader Registration. Crown Law: Peter Gunn; Lilla Dittrich
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Penelope Edgerley and Crown Law.	
3. High Court (HC) decision: Greenpeace of New Zealand Incorporated (Greenpeace)	
3.1. Section 9(2)(h)	
3.2. CS and the Board discussed at a high-level their initial impressions of the decision, specifically:	
<ul style="list-style-type: none"> - If an organisation has clearly defined end goals, and the views it promotes are a means to that end, the organisation could be registered. - There is no need to assess competing interests (e.g. economic interests). - If an organisation's end goals are vague or abstract, it will be more difficult for them to establish public benefit. Closer consideration of means and manner would therefore be required. - The assessment of whether content is educational must be assessed separately from the use the organisation is putting it to. - The application of the case could be wider than just environmental advocacy. 	
3.3. CS is to Section 9(2)(h)	



<p>3.4. Section 9(2)(h) [REDACTED]</p> <p>3.5. Section 9(2)(h) [REDACTED] CS may publish a statement that the matter is being considered.</p> <p>3.6. The Board noted that there may be applications from organisations previously declined for advocacy reasons, in light of the Greenpeace decision.</p> <p>3.7. The Board agreed that CS should put a hold on sending notices and requests for information under section 18 of the Act. Any entities with advocacy purposes that CS contacted before the Greenpeace HC decision are to be sent an email advising of the HC decision and that CS would be in touch once it has worked through the implications of the decision for advocacy organisations.</p> <p>3.8. The Board requested a memorandum discussing the implications and possible application of the decision.</p>	
<p>Actions – CS to:</p> <ul style="list-style-type: none"> - Contact applicants with advocacy purposes that CS contacted before the HC decision, advising of the HC decision and that we will be in touch once we have worked through the implications of the decision for advocacy organisations, and in the meantime not send out s18 requests or notices to such applicants. - Section 9(2)(h) [REDACTED] - Publish a general statement on the website that the implications and application of the decision are being considered. - Draft a discussion memo for the Board regarding the implications and possible application of the decision. 	CS
<p>4. Interest Register: Conflicts of interest</p>	
<p>4.1. The Interests Register was noted.</p> <p>4.2. Bev Gatenby (BG) noted a conflict of interest with the Manaaki Kaimai Mamaku Trust and the Wright Family Foundation (CC50870).</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update Interests Register. 	CS
<p>5. Delegations</p>	
<p>5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>6. Approval of minutes of previous meeting held on 17 July 2020</p>	
<p>6.1. The minutes of the previous meeting held on 17 July 2020 were approved as a true and correct record, subject to the following amendment:</p> <ul style="list-style-type: none"> - Item 6.3: The minute should note in the first sentence that the agreement is with Inland Revenue (IR). 	
<p>7. Matters arising/matters of interest/review of action list</p>	
<p>7.1. The matters arising report was noted.</p>	



<p>7.2. Item 3: The matter of Section 6(c) is to be removed from the matters arising report and retained in the complex registration attachment to the monthly report.</p> <p>7.3. Item 4: The matter is currently with IR's legal team. CS will follow up with them as to their progress. The Board requested to join in discussions as soon as possible.</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update matters arising 	CS
<p>8. Charities Services' activity report for June 2020</p>	
<p>8.1. Natasha Weight (NW) introduced the monthly activity report for June 2020.</p> <p>8.2. JB provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - The Section 9(2)(a) [redacted] has withdrawn its application. - Section 9(2)(a) [redacted] has been sent a further notice. Its response is due on 7 September. - Rotorua Athlete Development Charitable Trust Board has provided an amendment to its rules, but it has not responded to the request for further information. CS met with the Trust over Zoom earlier in the week and some information was provided, but we are currently waiting for that information to be provided in writing. - Section 6(c) [redacted] have been granted an extension of time to respond. Their response is now due on 18 September. - The New Zealand Drug Foundation has provided a response which is currently being assessed. - The Section 9(2)(a) [redacted] application was withdrawn as it failed to respond to CS queries. However, soon after it was withdrawn, the Foundation submitted a fresh application. - Waingakau Housing Development Trust: The information provided by the Trust has been assessed. The Trust meets requirements and has been registered. <p>8.3. Dave Sayers (DS) provided updates to the Board on investigation matters, specifically:</p> <ul style="list-style-type: none"> - The template suggested in the annual independent review of investigations decisions will be followed in forthcoming reports, both in the investigations space and outside it. <p>8.4. Stephen Reilly (SR) updated the Board on more recent media requests, including:</p> <ul style="list-style-type: none"> - There were around a dozen requests in July, concerning the Samoan Seventh Day Adventist Church, The Christian Church Community Trust (Gloriavale), St John ambulance, and the impact of Covid-19 on donations. - There had been limited media interest in the Greenpeace judgment. 	
<p>9. Judicial updates</p>	
<p>9.1. The Greenpeace of New Zealand Incorporated decision has been delivered, as discussed earlier in the meeting.</p> <p>9.2. There were no further updates.</p>	



10. Board Quarterly Report to the Minister	
10.1. The cover letter should note that a decision on Greenpeace had been delivered. 10.2. The number '196' in relation to donations/koha at the bottom of the infographic should be clarified.	
Action: CS to update the report.	CS
11. Update: Samoan Independent Seventh day Adventist Church (SISDAC)	
11.1. The Board is still considering the matter and formulating its decision. Any decision is still several weeks away.	
12. Any Other Business	
12.1. CS advised that the Charities Services Annual Meeting was scheduled for 17 November. However, this may change if the date of the New Zealand General Election changes. 12.2. The date of the next Board meeting will not change, and circumstances permitting, will be in person. 12.3. The Board suggested that CS consider scheduling Board meetings every six weeks rather than every month, which would provide more time between meetings to prepare material for the Board. CS welcomed the proposal and would consider further. 12.4. There was no other business.	
Action <ul style="list-style-type: none">CS to consider the frequency of Board meetings.	
Next meeting: Friday 11 September 2020, 9:00am-1:00pm	

Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 11 September 2020, 9:30am to 12 noon
Location	Room 1.14, 45 Pipitea Street; and via Zoom.
Present	<p><i>Charities Registration Board Te Rātā Atawhai</i> Bev Gatenby (Chair); Gwen Keel.</p> <p><i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Sharlene Maslin, Senior Analyst; Adrian Shields, Senior Analyst; Joe Buchanan, Senior Registration Analyst; Joanne Emery, Senior Registration Analyst; James Lathan, Investigator.</p>
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator. Crown Law: Peter Gunn; Abbey Lawson
Apologies received	Roger Holmes Miller, Charities Registration Board. Penelope Edgerley, Team Leader Registration.
Chair	Bev Gatenby
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. Bev Gatenby (BG) was named Acting Chair for the meeting, in the absence of the Chair of the Board, Roger Holmes Miller.	
2.2. The Acting Chair welcomed Charities Services (CS) attendees and noted apologies from Penelope Edgerley and Roger Holmes Miller.	
3. Judicial Updates	
3.1. Crown Law (CL) was present only for this matter.	
3.2. Section 9(2)(h)	
-	
-	
3.3.	
3.4.	

<p>3.5. After CL representatives had left the room, the further points were discussed:</p> <ul style="list-style-type: none"> - The Board requested that CS draft a discussion paper on how to apply the Greenpeace decision. After discussion, it was decided a discussion paper on Family First would have to wait on the Attorney-General's decision on whether to appeal. - An initial amended version of the guidance on advocacy available on the Charities Services website is to be uploaded as soon as possible. The Board requested to see a copy of that information before it is posted. CS noted more guidance would be developed based on the Board's approach to the Greenpeace decision once that is finalised by the Board. - No date has been set yet for the Better Public Media Trust appeal. 	
<p>Actions – CS to:</p> <ul style="list-style-type: none"> - Draft a discussion paper on how it the Greenpeace decision could be applied. Include information on the Family First decision Section 9(2)(h) - Provide a copy of the website advocacy information to the Board before it is published. - Keep the Board updated on the progress of Greenpeace and Family First, Section 9(2)(j) 	CS
<p>4. Interest Register: Conflicts of interest</p>	
<p>4.1. The Interests Register was noted.</p> <p>4.2. Gwen Keel (GK) noted her appointment to the Competency-Based Standards for Chiropractors Review Committee.</p> <p>4.3. BG noted a conflict of interest with Volunteering Waikato (CC21648), and noted that the Manaaki Kaimai Mamaku Trust should be listed under "Contracts/Employment" rather than "Other".</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update Interests Register. 	CS
<p>5. Delegations</p>	
<p>5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>6. Approval of minutes of previous meeting held on 14 August 2020</p>	
<p>6.1. The minutes of the previous meeting held on 14 August 2020 were approved as a true and correct record.</p>	
<p>7. Matters arising/matters of interest/review of action list</p>	
<p>7.1. The matters arising report was noted.</p> <p>7.2. Item 3: The Memorandum of Understanding (MoU) with IR is progressing. IR has provided feedback. CS will begin drafting a new MoU.</p> <p>7.3. Item 4: Applications from advocacy organisations have been contacted. This item</p>	

<p>can be closed.</p> <p>7.4. Items 5 and 6: These items have been completed and can be closed.</p> <p>7.5. Item 7: Penelope Edgerley provided some preliminary comments by email. A more thorough discussion paper will be drafted for the Board.</p> <p>7.6. Item 8: The Quarterly Report has been sent to the Minister, and an acknowledgement has been received. This item can be closed.</p> <p>7.7. Item 9: CS and the Board have agreed that Board meetings should be held every six weeks. The schedule for the rest of the year is now being finalised. This item can be closed.</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to update matters arising 	CS
<p>8. Charities Services' activity report for July 2020</p>	
<p>8.1. NW introduced the monthly activity report for July 2020.</p> <p>8.2. Joanne Emery (JE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - Applications from advocacy organisations continue to be on hold until after the Attorney-General has decided whether to appeal the Family First decision and the Board had considered the discussion paper on how to apply the Greenpeace and Family First decisions. CS has been in contact with the organisations and advised them of the decisions and that we would be in touch. - Booster Charitable Foundation and Section 9(2)(a) : We have assessed the information provided and sent the organisations a further request for information. Their responses are due by 22 September. - Section 9(2)(a) : We assessed the further information provided and sent the Trust a notice that may lead to decline because of its stated purposes, activities and winding up clause. The Trust's response is due by 7 October. - Section 9(2)(a) has withdrawn its application. - Pro-Pare Athlete Management Trust: We assessed the further information provided and sent the Trust a notice that may lead to decline because of its focus on elite high performance sport. The Trust's response is due by 2 November. Rhys Cullen (who is not an officer but is involved in an entity with shared activities) has also sent in an OIA request about the Trust. - Rotorua Athlete Development Charitable Trust Board: We have received a response which we are in the process of assessing. - Section 6(c) have been given an extension until 2 October 2020. Travel restrictions prevented their legal advisors from travelling Section 6(c) to assist with preparing their response. - Te Matapihi He Tirohanga Mo Te Iwi Trust: We have received a response from the Trust after meeting with them and sending the Trust a notice. We are currently reviewing the information. <p>8.3. Dave Sayers (DS) provided updates to the Board on investigation matters, specifically:</p>	

<p>- Section 6(c)</p> <p>[REDACTED]</p>	
<p>8.4. Andrew Phillips (AP) provided updates to the Board on engagement matters, specifically:</p> <ul style="list-style-type: none"> - The date for the Annual Meeting has been set for December 1. - The launch of the National Action Plan for Community Governance was held online, and was well-attended, including by the Board members and some CS staff. The project received some departmental funding and a CS staff member provided the group with advisory support. GK and BG noted they had attended the launch, and noted an apparent lack of Te Ao Māori focus from the outset and grassroots community involvement. AP noted these were areas the group had worked on, and that CS were aware of. <p>8.5. Stephen Reilly (SR) updated the Board on Official Information Act and media requests, specifically:</p> <ul style="list-style-type: none"> - There has been a lot of media attention around The Christian Church Community Trust (CC25088, "Gloriavale"), including lobbying from the Gloriavale Leavers' Support Trust (CC56658) that CS should have investigated its complaints. However, CS had decided not to investigate, as they were historic complaints that were addressed in the previous investigation in 2016. There was no new material that had not either been previously dealt with or passed on to other agencies. If any further concerns are raised either directly with Charities Services or as a result of the Royal Commission of Inquiry into Abuse in Care, CS will reconsider its decision in light of those. 	
<p>9. Samoan Independent Seventh day Adventist Church (SISDAC)</p>	
<p>9.1. The Board thanked CS for their work in this matter.</p> <p>9.2. The Board is considering the matter, and requested further clarification on the law which supports the responsibilities of trustees in the gross mismanagement section. It is unclear if trustee duties apply to SISDAC.</p>	
<p>Action: CS to send revised memo with tracked changes (if any).</p>	<p>CS</p>
<p>10. Any Other Business</p>	
<p>10.1. NW noted that this would be the last Board meeting she would be attending until around April 2021. She noted decisions on the backfill for her parental leave would be communicated to the Board soon.</p> <p>10.2. The Board suggested that the date of the December Board meeting coincide with the Annual Meeting if possible.</p>	
<p>Next meeting: 30 October 2020, 9:30am-2:00pm</p>	



Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 30 October 2020, 9:30am to 12 noon
Location	Room 1.02, 45 Pipitea Street.
Present	<p>Charities Registration Board Te Rātā Atawhai Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel.</p> <p>Charities Services Ngā Ratonga Kaupapa Atawhai Stephen Reilly, General Manager; Andrew Phillips, Manager Regulatory; Penelope Edgerley, Team Leader Registration; Andrew Newbery, Team Leader Capability; Sharlene Maslin, Senior Analyst; Joe Buchanan, Senior Registration Analyst; Joanne Emery, Senior Registration Analyst; James Lathan, Senior Investigator; Lucy Beeler, Analyst; Samira Landgraf, Analyst.</p>
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator.
Apologies received	Dave Sayers, Manager Investigations; Adrian Shields, Senior Analyst.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Dave Sayers and Adrian Shields.	
2.2. The Board congratulated Stephen on his appointment as General Manager.	
3. Interest Register: Conflicts of interest	
3.1. The Interests Register was noted.	
3.2. Bev Gatenby (BG) noted that she is working with a group around the Cambridge Town Hall (name not finalised yet) who intended to seek registration as a charity.	
3.3. Roger Holmes Miller (RHM) noted that he had been appointed Honorary Solicitor for the Rotary District 9940.	
Action	CS
- CS to update Interests Register.	
4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
5. Approval of minutes of previous meeting held on 11 September 2020	



<p>5.1. The minutes of the previous meeting held on 11 September 2020 were approved as a true and correct record.</p>	
<p>6. Matters arising/matters of interest/review of action list</p>	
<p>6.1. The matters arising report was noted. 6.2. Item 3: The Memorandum of Understanding (MoU) with IR is progressing. 6.3. Item 4: This item is on the agenda for this meeting and can be closed. 6.4. Items 6, 7 and 8: These items have been completed and can be closed.</p>	
<p>Action: - CS to update matters arising</p>	<p>CS</p>
<p>7. Charities Services' activity report for August and September 2020</p>	
<p>7.1. Stephen Reilly (SR) introduced the monthly activity report for August and September 2020.</p> <p>7.2. Penelope Edgerley (PE) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - Kadre Charitable Trust has been granted an extension of time to respond. Their response is now due by 6 November. - Section 9(2)(a) has not provided a response by the due date. Its application will soon be withdrawn under section 18(3A) of the Charities Act 2005 if the entity does not respond. - Section 9(2)(a) has been granted an extension of time to respond. Their response is now due by 30 November. <p>7.3. James Lathan (JL) stated that there were no updates for the Board in relation to investigation matters beyond the written report.</p> <p>7.4. SR noted that there has been media interest in the Linwood Mosque and a couple of Auckland-based mosques.</p> <p>7.5. Andrew Newbery (AN) provided updates to the Board on capability and engagement matters, specifically:</p> <ul style="list-style-type: none"> - He gave an overview of the planning which had been done around capability and engagement activities, including the areas of focus. He noted in particular the increase in online engagement, , and the plan to focus on more community engagement in the next year. He also drew attention to the development of resources on legal requirements for charities, including health and safety and privacy. - BG noted that the Ministry of Business, Innovation and Employment (MBIE) was providing funding for small businesses in relation to health and safety planning, and queried whether funding may also be available to charities. - AN confirmed Charities Services would follow up with MBIE. - RHM noted that the new Trusts Act would soon be coming into force, which would affect the trustees of charitable trusts. He requested that CS provide education for charities about how the new Act would affect them. AN reported Charities Services had started work on this. - Responding to a question on the take up of online drop-in clinics, AN 	



<p>reported there was a lot of interest when they were first introduced during COVID-19 Alert levels three and four, but it has since reduced due to things returning to normal. CS has recently been promoting the service, particularly to charities that might be removed for failure to file Annual Returns.</p> <ul style="list-style-type: none"> - Andrew Phillips (AP) reported on CS staff calling Māori, Pacific and ethnic charities before sending them notices of intention to remove for failure to file Annual Returns, and directing them to the drop-in clinics. - AN thanked the Board for their feedback on capability and engagement planning and welcomed further feedback in the future. - 	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to check with MBIE whether funding may be available to charities for health and safety. If so, CS to inform charities. - CS to continue to work on information on how the new Trusts Act would affect charities. 	CS
<p>8. Judicial Updates</p>	
<p>8.1. Family First of New Zealand: The Attorney-General has filed submissions to support the request for leave to appeal to the Supreme Court. The request for the Court of Appeal to correct the sentence was refused.</p> <p>8.2. Greenpeace of New Zealand Incorporated: A joint memo has been filed and is waiting on the Court's decision. There are no indications as to timeframe.</p> <p>8.3. Better Public Media Trust: The hearing is to be a one day hearing.</p>	
<p>9. Board Quarterly Report to the Minister: 2020/21 Quarter 1</p>	
<p>9.1. The Board wished to add to the conclusion of the report, specifically:</p> <ul style="list-style-type: none"> - Reminding the Minister that there are difficulties in applying the current Act. - Reiterating that the Board believes that the review of the Act should be sent to the Law Commission. - Requesting to meet with the Minister sooner rather than later. <p>9.2. The Board suggested that the letter which the Board previously sent to the Minister be attached to the Report.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to amend Report. 	CS
<p>10. Discussion paper: Implications of <i>Greenpeace of New Zealand Incorporated</i> [2020] NZHC 1999 for environmental advocacy organisations</p>	
<p>10.1. The Board agreed with CS's proposed approach to environmental advocacy organisations, including registering both the entities provided as case studies.</p> <p>10.2. The Board confirmed that CS should register entities similar to the two provided case studies under delegation.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to register Friends of Pakiri Beach Incorporated and Save Foulden Maar Incorporated and apply the approach to similar entities. 	CS



11. Samoan Independent Seventh day Adventist Church (SISDAC)	
11.1. The Board is considering the matter.	
12. Any Other Business	
<p>12.1. Considering the recent Court of Appeal and High Court decisions, the Board reflected on the place of charities in modern New Zealand society. The Board noted that the nature of what charities are and do has changed since the Statute of Elizabeth. and that the current law does not reflect modern Aotearoa.</p> <p>12.2. The Board highlighted that under the current framework, it had limited ability to respond to changing societal conditions. The Board urged for opportunities be taken to discuss this matter with the Minister and the Charities Sector.</p> <p>12.3. The Board welcomed the request from the Charities Services Sector Group (the Sector Group) to meet with them to discuss the application of the recent court cases. The Board noted it is open to receiving their feedback and taking on board their views, as well as views from other groups. It was suggested that 1 December, following Charities Services' Annual Meeting, would be a good time. The Board requested a list of the Sector Group members and their roles in advance of the meeting.</p> <p>12.4. The Board suggested that if CS is considering the membership of the Sector Group and wants to include Māori voices, CS should consider reaching out to the social arms of iwi organisations.</p> <p>12.5. RHM asked if any further correspondence or application had been received from Nelson Grey Power. There had been none.</p>	
<p>Actions: CS to</p> <ul style="list-style-type: none"> - Organise a meeting between the Board and the Sector Group. - Send the Board a list of the Sector Group members and their roles before the meeting. - 	CS
Next meeting: 2 December 2020, 9:00am-2:00pm	



Draft meeting minutes

Charities Registration Board

Date and time of meeting	Wednesday 2 December 2020, 9:30am to 12:50pm
Location	Room 1.14, 45 Pipitea Street.
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Stephen Reilly, General Manager; Andrew Phillips, Manager Regulatory; Penelope Edgerley, Manager Engagement and Business Improvement; Adrian Shields, Senior Analyst; Sharlene Maslin, Senior Analyst; Joe Buchanan, Team Leader Registration; Joanne Emery, Senior Registration Analyst.
In Attendance	Minute Taker: Rachel Chuah, Graduate Charities Regulator.
Apologies received	Dave Sayers, Manager Investigations; James Lathan, Investigator; Zita Watson, Senior Accountant Regulatory.
Chair	Roger Holmes Miller

1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Dave Sayers, James Lathan and Zita Watson.	
2.2. Due to conflicts of interest, the following people were not present for the following agenda items:	
- Joe Buchanan (JB) and Sharlene Maslin (SM): minute 7.2, for discussion around Booster Charitable Foundation and Section 9(2)(a) (the Booster entities).	
- Bev Gatenby (BG): minute 7.2, for discussion around For the Sake of Our Children Trust.	
- Roger Homes Miller (RHM): minute 7.2, for discussion around The New Zealand Drug Foundation.	
3. Interest Register: Conflicts of interest	
3.1. The Interests Register was noted.	
3.2. There are no changes to the Interests Register.	
4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	



<p>5. Approval of minutes of previous meeting held on 30 October 2020</p>	
<p>5.1. The minutes of the previous meeting held on 30 October 2020 were approved as a true and correct record.</p>	
<p>6. Matters arising/matters of interest/review of action list</p>	
<p>6.1. The matters arising report was noted.</p> <p>6.2. Item 3: The updated Memorandum of Understanding (MoU) with IR is currently being drafted.</p> <p>6.3. Item 4: This item is on the agenda for this meeting and can be closed.</p> <p>6.4. Item 6 is in action. RHM has some information around the new Act which he will send on to CS.</p> <p>6.5. Items 7, 8 and 9: These items have been completed and can be closed.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. 	<p>CS</p>
<p>7. Charities Services' activity report for October 2020</p>	
<p>7.1. Stephen Reilly (SR) introduced the monthly activity report for October 2020.</p> <p>7.2. JB provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - The number of registrations is normal. The higher numbers in previous months was due to implementation of the new risk framework, and the lowest risk entities being registered immediately. - Four charities have been registered under the new approach to environmental advocacy approved by the Board at the last meeting. - For the Sake of Our Children Trust: CS has withdrawn their request for Crown Law to review the draft notice that may lead to decline, following the Family First decision. The Trust is similar to Family First, and can be registered on the same grounds as Family First. Any organisation which qualifies under Family First can be registered but will be kept on a monitoring list, because if the Family First decision is later overturned in the Supreme Court, the Trust's registration and charitable purpose may be reconsidered at that time, along with any organisations with similar purposes - Light of All Nations Ministries Ashburton has provided a response, but did not provide the specific information requested about conflicts of interest and payments to officers. The draft rules changes they did provide were assessed, and CS sent the Trust a further request for information. The Trust's response is due by 22 January 2021. - The Maharishi Education Charitable Trust is to be sent a reminder to respond. - Pro-Pare Athlete Management Trust: A final notice that may lead to decline is currently being drafted. - Rotorua Athlete Development Charitable Trust Board: The Trust amended its purposes and proposed payments to athletes, and has been registered. - Section 6(c) response is currently being assessed. 	



<ul style="list-style-type: none"> - Section 9(2)(a) [redacted] has proposed a change to their purposes which meets requirements, but the amendment has not yet been provided. - As advocacy organisations, further action on the following is pending the Board's guidance: <ul style="list-style-type: none"> o Safer Future Charitable Trust o Sensible Sentencing Group Trust o The New Zealand Drug Foundation o Section 9(2)(a) [redacted] - The following have all been registered: <ul style="list-style-type: none"> o Friends of Pakiri Beach Incorporated o Kadre Charitable Trust o Te Matapihi He Tirohanga Mo Te Iwi Trust - There are no updates beyond the written report for the following: <ul style="list-style-type: none"> o The Booster entities o Section 9(2)(a) [redacted] o Section 6(c) [redacted] o Trustees Executors Charitable Foundation <p>7.3. SR updated the Board Section 6(c) [redacted] [redacted]</p> <p>7.4. Penelope Edgerley (PE) invited feedback from the Board on the Annual Meeting. The low number of attendees this year was attributed to COVID-19 and the late timing of the meeting. However, the decreasing number of attendees was also noted. Discussion revolved around how to make it more relevant and useful to charities and other members of the public.</p> <p>7.5. The Board queried whether CS was planning to look into the concerns raised regarding Best Start Educare Limited (points 13.3 and 14.7 of the monthly report). SR noted that CS had reviewed the charity's annual returns and decided to take no action.</p>	
<p>Actions: CS to:</p> <ul style="list-style-type: none"> - Register For the Sake of Our Children Trust. 	CS
<p>8. Judicial Updates</p>	
<p>8.1. There are no updates to judicial matters.</p> <p>8.2. However, the Board considered that the Supreme Court was unlikely to make a decision on whether to allow the appeal of the Family First of New Zealand until the new year.</p>	
<p>9. Discussion paper: Implications of Greenpeace of New Zealand Incorporated and Family First</p>	
<p>9.1. The Board approved the approach proposed by CS, working through a couple of the complex registration matters listed in Appendix 3 to the monthly report to see how it might work.</p>	



<ul style="list-style-type: none"> - The first matter considered was Sensible Sentencing Group Trust. This is a charitable purpose review (not an application for registration), concerning the Trust's relationship with a related trust (which is not a registered charity) which advocates for stricter sentences and similar matters. It was noted that if the advocacy was considered acceptable, their relationship with the other entity would no longer be a concern. The Board considered that, on the available information, the following applied to the related Trust: <ul style="list-style-type: none"> o Ends: Protection of human life. o Means: Longer sentences for offenders is a means to protect human life. o Manner: Could include submissions, research or articles on their website. - The Board considered that the related Trust's advocacy was likely charitable, and indicated the review into Sensible Sentencing Group Trust could be closed. - The second matter was the registration application of the Section 9(2)(a) [redacted]. The Board considered that, on the available information, the Trust's end goal is social rehabilitation, the means of achieving this is promotion of its views that the criminal justice system should address the rehabilitation of offenders and causes of crime, and the manner or methods are consistent with participation in democratic processes. The Board considered that the Section 9(2)(a) [redacted] met registrations requirements and indicated CS could register, if there were no other issues with the application. - The Board requested that CS act on and progress these two matters. <p>9.2. The Board noted that there must be a connection between the means advocated and the end sought by the organisation. Where the connection is clear or self-evident, less evidence will be sought than when the means is novel (for example, a new science).</p> <p>9.3. The Board also noted the organisation must have a genuine purpose; it must not be a sham.</p> <p>9.4. The Board requested short papers for future applications applying this approach.</p> <p>9.5. The Board discussed whether activities can only be considered illegal where there has been a successful prosecution. The Board confirmed that a stated purpose to carry out an illegal activity cannot be overlooked.</p> <p>9.6. The website information around advocacy will need to be updated. The Board requested a copy of the information before it is posted.</p>	
<p>Action: CS to:</p> <ul style="list-style-type: none"> - Progress closure of Sensible Sentencing Group Trust review and registration of Section 9(2)(a) [redacted] - Bring short memo papers to the Board for future applications applying this approach. - Draft amended website information on advocacy, and send to the Board before posting. 	CS
<p>10. SISDAC Determination</p>	
<p>10.1. The Board thanked SM for the draft decision paper.</p>	



<p>10.2. The Board noted a number of changes it wanted made to the paper. SM to make the requested amendments by tracked changes and forward to Gwen Keel (GK).</p> <p>10.3. The Board requested to see a copy of the media release before it is sent.</p>	
<p>Action: CS to:</p> <ul style="list-style-type: none">- Make the requested amendments to the paper and send to GK.- Draft and send a copy of a board statement on the decision to the Board.	CS
<p>11. Backdating of Greenpeace Registration</p>	
<p>11.1. The Board noted it had considered the comments of the High Court in the backdating of the Greenpeace registration decision, and whether there should be a change of approach.</p> <p>11.2. The Board decided that the current approach applied by CS under delegation in the matter of winding up clauses and their relationship to backdating is sufficient and should not be changed.</p>	
<p>12. Any Other Business</p>	
<p>12.1. The Board noted that the first proposed meeting date of the new year is near Waitangi Day and between two long weekends. The Board requested that CS consider alternative dates for that meeting and liaise with the Board to confirm.</p> <p>12.2. The Board reflected on their meeting with the Charities Services Sector Group (the Sector Group), specifically:</p> <ul style="list-style-type: none">- The Sector Group also considered that it would be useful for the Law Commission to be involved in the review of the Charities Act.- There was an advantage in the Board seeing the annual review of registration decisions and communicating this with the sector.- The agreement between the Sector Group and the Board that there is a need for myths about charitable purpose and registration to be refuted, not only by the Board and CS, but also by the sector itself.- That the Board was open to meeting with the Sector Group once a year. <p>12.3. The Board expressed a desire to meet with the Minister as soon as possible.</p> <p>12.4. The Board thanked CS for all its assistance and support in 2020, particularly in working through the difficulties posed by Covid-19.</p>	
<p>Actions: CS to:</p> <ul style="list-style-type: none">- Consider alternative dates for the first 2021 Board meeting and liaise with the Board to confirm.- Organise a meeting between the Board and the Minister.	CS
<p>Next meeting: To be confirmed.</p>	

Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 12 February 2021, 9:00am to 12:15pm
Location	Room 1.16, 45 Pipitea Street.
Present	<p>Charities Registration Board Te Rātā Atawhai Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel.</p> <p>Charities Services Ngā Ratonga Kaupapa Atawhai Stephen Reilly, General Manager; Andrew Phillips, Manager Regulatory; Penelope Edgerley, Manager Engagement and Business Improvement; Andrew Newbery, Team Leader Capability; Adrian Shields, Senior Analyst; Sharlene Maslin, Senior Analyst; Joe Buchanan, Team Leader Registration; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst; James Lathan, Senior Investigator; Zita Watson, Senior Accountant Regulatory.</p>
In Attendance	Minute Taker: Samira Landgraf, Analyst.
Apologies received	Dave Sayers, Manager Investigations.
Chair	Roger Holmes Miller

1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Dave Sayers. 2.2. Due to conflicts of interest, the following people were not present for the following agenda items: - Roger Holmes Miller (RHM): minute 9.3, for discussion around The New Zealand Drug Foundation.	
3. Interest Register: Conflicts of interest	
3.1. The Interests Register was noted. 3.2. Bev Gatenby (BG) declared a conflict of interest with regard to a national Filipino trust that is currently applying for registration. The exact name is unknown.	
Action: CS to:	CS
- Confirm applicant name with BG and add to interests register	

4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
5. Approval of minutes of previous meeting held on 2 December 2020	
5.1. The minutes of the previous meeting held on 2 December 2020 were approved as a true and correct record.	
6. Matters arising/matters of interest/review of action list	
<p>6.1. The matters arising report was noted.</p> <p>6.2. Items 3 and 4: are on-going.</p> <p>6.3. Items 5, 6 and 7: These items can be closed.</p> <p>6.4. Item 8 can be closed. The Board confirmed CS can apply new approach under delegation.</p> <p>6.5. Items 9, 10, 11 and 12: These items have been completed and can be closed.</p> <p>6.6. Item 13 is ongoing. The Chair has met with the Minister but CS to organise a meeting for the Board to meet with the Minister. See item 10.2</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. 	CS
7. Charities Services' activity report for November and December 2020	
<p>7.1. Stephen Reilly (SR) introduced the monthly activity report for November and December 2020.</p> <p>7.2. Joe Buchanan (JB) provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - New Zealanders for Health Research: A request for further information has been sent, the response is due by 4 March 2021 - Pro-Pare Athlete Management Trust: CS has received a response with further submissions, which is currently being assessed. - Rotorua Athlete Development Charitable Trust Board: The Trust amended its purposes and proposed payments to athletes, and has been registered. - Section 9(2)(a) [REDACTED]: Application has been withdrawn. - Section 6(c): JB clarified CAG had met on 10 February. The reference to 10 May was a typo. CS met with Section 6(c) and new legal counsel via Zoom on 5 February. New counsel has the opportunity to provide further submissions. A paper will be brought to the Board meeting in May. 	

- **Section 6(c)** [redacted]: A further extension has been granted until 26 February 2021.
- **Trustees Executors Charitable Foundation:** The Trust has been registered as it has shown sufficient protection against private pecuniary profit and that it advances charitable purposes.
- **The New Zealand Drug Foundation:** Will be discussed under Item 9.
- There are no updates beyond the written report for the following:
 - o The Booster entities
 - o **Section 6(c)** [redacted]
 - o The Light of All Nations Hope Ministries entities
 - o Maharishi Education Charitable Trust
 - o Rotorua Athlete Development Charitable Trust Board
 - o Safer Future Charitable Trust
 - o Sensible Sentencing Group Trust
 - o Section 9(2)(a) [redacted]
 - o Te Matapihi He Tirohanga Mo Te Iwi Trust
 - o Section 9(2)(a) [redacted]
 - o Section 9(2)(a) [redacted]

7.3. SR updated the Board on **Section 6(c)** [redacted]
[redacted]

7.4. James Lathan (JL) updated the Board on a case inquiry into the Linwood Islamic Charitable Trust (CC55930). As no prima facie serious wrongdoing had been identified, JL noted the case inquiry is in the process of being closed.

7.5. JL updated the Board on SISDAC (CC31057). The entity has been deregistered, and decision and statement of the Board published on CS website. CS has received OIAs from two journalists.

7.6. AN updated the Board on the Forum of Pacific people that took place in Porirua on 10 February, highlighting it was well attended. AN also noted more events were planned, including workshops and drop-in clinics in Christchurch in April. The workshops are being designed to address include cash-handling, dispute resolution, registration process, filing annual returns, and accessibility of website information for non-native English speakers.

7.7. Andrew Newbery introduced the Engagement Forward Report, and invited feedback from the Board. BG noted an email outlining changes to legislation would be beneficial for the sector. AN reported that website material was in development outlining key legislation impacting on charities and noted the regular Philanthropy New Zealand update that provided key legislative changes that impact on the not for profit sector.

<p>7.8. Andrew Phillips (AP) reported on a recent change to the tax legislation that required unincorporated charitable trusts with overseas business income to provide additional disclosure to Inland Revenue. AP noted a supplementary change to be passed in March would exclude all registered charities from this legislation.</p>	
<p>8. Judicial Updates</p>	
<p>8.1. AP led discussion on potential issues which may be considered by the Supreme Court in the appeal of the Family First Court of Appeal decision, noting the potentially wide scope of the appeal. Discussion focused on how the Supreme Court could clarify its original decision and what particular points could be clarified.</p>	
<p>9. Application of the Board's approach to advocacy</p>	
<p>9.1. The Board approved CS' recommendations applying the Board's approach to advocacy to four applications:</p> <ol style="list-style-type: none"> 1. Wellington Vegan Actions can be registered. 2. The NZ Anti-Vivisection Society can be registered. 3. Safer Future Charitable Trust can be registered. 4. CS to send a notice that may lead to decline to New Zealand Entrepreneurs Rescue. <p>9.2. The Board agreed CS can apply the Board's approach to advocacy under delegation and bring any novel or complex advocacy applications to the Board for its consideration.</p> <p>9.3. BG and Gwen agreed with SM's recommendation that the review of The New Zealand Drug Foundation can be closed because it's advocacy (if more than ancillary) is charitable under the Board's approach to advocacy.</p>	
<p>10. Board quarterly report to the Minister</p>	
<p>10.1. The Board approved the report to express their preference for a Law Commission review of charitable purpose. BG noted the last sentence of paragraph 15 (General) could be amended to express this.</p> <p>10.2. The Chair noted he had a productive meeting with the Minister, and that it would be useful to organise another meeting with the whole Board and the Minister.</p>	
<p>Action: CS to:</p> <ul style="list-style-type: none"> - Amend the last sentence of paragraph 15. - Arrange a meeting with the Minister and the Board, looking to change a Board meeting to align with the Minister's timetable. 	<p>CS</p>
<p>11. Any Other Business</p>	

<p>11.1. AP informed the Board about feedback received about the new website information on the Trusts Act, identifying two potential issues. CS has sought clarification from the Ministry of Justice (MoJ) on their position on whether the age of majority in the Trusts Act applies to registered charities, and CS have made minor changes to clarify that some older trusts require court orders to vary.</p> <p>11.2. The Board thanked SR for his work acting as General Manager while Natasha Weight has been on leave.</p>	
<p>Action: CS to:</p> <ul style="list-style-type: none"> - update the Board on advice received from MoJ on trustee age issue. 	CS
<p>Next meeting: 26 March 2021</p>	

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 26 March 2021, 9:30am to 11:55am
Location	Room 1.16, 45 Pipitea Street, Wellington and Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Stephen Reilly, General Manager; Penelope Edgerley, Manager Engagement and Business Improvement; Andrew Newbery, Team Leader Capability; Adrian Shields, Senior Analyst; James Lathan, Senior Investigator; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst
In Attendance	Minute Taker: Jung Ah Son, Graduate Charities Regulator. Item 2: Louise Cooney, Senior Policy Analyst; Jayne Beggs, Manager, Policy
Apologies received	Andrew Phillips, Manager Regulatory; Dave Sayers, Manager Investigations; Joe Buchanan, Team Leader Registration; Sharlene Maslin, Senior Analyst;
Chair	Roger Holmes Miller

1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Charities Act Review Update	
2.1. The Board met with Louise Cooney and Jayne Beggs to discuss the review of the Charities Act. Charities Services staff were not present during this agenda item.	
3. Members' only discussion	
3.1. A members' only discussion was held.	
4. Welcome Charities Services and apologies for absence	
4.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Andrew Phillips, Dave Sayers, Joe Buchanan and Sharlene Maslin.	
5. Interests Register: Conflicts of interest	
5.1. The Interests Register was noted.	
5.2. Bev Gatenby (BG) declared a conflict of interest with Nga Mana Toopu o Kirikiriroa Charitable Trust Board.	
Action:	CS
- CS to update Interests Register.	

<p>6. Delegations</p>	
<p>6.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>7. Approval of draft minutes of previous meeting (held 12 February 2021)</p>	
<p>7.1. The minutes of the previous meeting held on 12 February 2021 were approved as a true and correct record.</p>	
<p>8. Matters arising/review of action list</p>	
<p>8.1. The matters arising report was noted.</p> <p>8.2. Item 3 (the MoU with IR) is ongoing and the item is to remain open. Roger Holmes Miller (RHM) met with Stuart Donaldson from Inland Revenue. Charities Services is to continue work on this and keep the Board informed.</p> <p>8.3. Item 4 can be closed.</p> <p>8.4. Item 5 can be closed. The Board is to meet with the Minister at the end of June 2021.</p> <p>8.5. Item 6 is ongoing. Adrian Shields provided an update on the trustee age issue. The Board decided to keep this item open and asked Charities Services to advise the policy team of the issue to see if it could be included in the review of the Act.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. - Charities Services to advise the policy team of the issue to see if it could be included in the review of the Act. 	<p>CS</p>
<p>9. Charities Services' activity report for January and February 2021</p>	
<p>9.1. Stephen Reilly (SR) introduced the monthly activity report for January and February 2021.</p> <p>9.2. Joanne Emery (JE) provided the Board with updates to the matters in attachment three to the report relating to Registration; specifically:</p> <ul style="list-style-type: none"> - Light of All Nations Ministries Ashburton: The organisation provided updated rules and are in the process of providing further information about managing conflicts of interest, which is due by 19 April 2021. - New Zealanders for Health Research: The entity has provided a response, which is currently being assessed by Charities Services. - Pro-Pare Athlete Management Trust: The Trust has provided submissions, which have been assessed by CS. CS is currently planning a Board paper to be considered by the Board. - Section 9(2)(a) A reminder has been sent to the Trust that the date for their response has passed (15 March 2021). 	

<p>- Fish Mainland Incorporated: The Society has indicated that it intends to respond and has requested a meeting prior to responding in writing. The meeting is set for 31 March 2021.</p> <p>- Section 9(2)(a) [redacted]: A notice that may lead to decline (NTMLD) was sent on 2 February 2021. A second notice is being drafted, but CS is also meeting the Trust this afternoon (26 March 2021).</p> <p>9.3. Lucy Beeler (LB) updated the Board on Section 6(c) [redacted] Last week, Charities Services met with the Section 6(c) [redacted] Charities Services is drafting a board paper for the Board meeting in May.</p> <p>9.4. The Board discussed Section 6(c) [redacted] (an application listed in attachment three) Section 6(c) [redacted] [redacted] [redacted] [redacted] [redacted] JE will continue to review Section 6(c) application, taking into account this guidance.</p> <p>9.5. The Board enquired about the two Christian Church Community Trust (Gloriavale) Official Information Act requests and whether the inter-agency taskforce still existed. SR updated the Board that the cross-agency group led by the Ministry of Social Development since the second investigation is still in place. SR noted other matters including the Royal Commission’s reported interest in Gloriavale, and two proceedings before the courts. CS is awaiting for these events to run their course before considering any further compliance activity.</p> <p>9.6. Andrew Newbery (AN) updated the Board on engagement and capability building activities. In particular:</p> <ul style="list-style-type: none"> • CS attended a hui arranged by Hāpai Hapori (Community Operations) that took place in Nelson the week of 15 March 2021. Drop in clinics were arranged as well as a presentation. • CS is attending a hui at Kōkiri Marae today (26 March 2021) with Māori providers. • A new webpage was also released regarding research into charities. 	
<p>10. Judicial updates</p> <p>10.1. The Supreme Court has set the hearing date for Family First New Zealand as 24-25 June 2021. Crown Law (acting for the Attorney-General) is preparing submissions.</p>	
<p>11. Any Other Business</p>	
<p>11.1. SR introduced Jung Ah Son to the Board as the new Charities Regulator for the Registration team.</p> <p>11.2. The Board thanked SR for his work acting as General Manager while Natasha Weight has been on leave.</p>	

<p>11.3. The Board discussed private foundations (as this issue had come up in the chair’s discussions with IR and the Board’s discussions with the policy group). Gwen Keel (GK) asked whether CS collected information on this at the registration stage which could help with compliance and monitoring. The Board requested a paper from Charities Services on private foundations and accumulation for the next meeting.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to prepare a paper on private foundations and accumulation for the next meeting. 	
<p>Next meeting: 7 May 2021</p>	

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Draft meeting minutes

Charities Registration Board

Date and time of meeting	Friday 7 May 2021, 9:30am to 12:35pm
Location	Room 1.04, 45 Pipitea Street, Wellington
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Sharlene Maslin, Senior Analyst; Adrian Shields, Senior Analyst; Zita Watson, Senior Accountant Regulatory; Penelope Edgerley, Team Leader Registration; Joe Buchanan, Senior Registration Analyst; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Registration Analyst
In Attendance	Minute Taker: Jung Ah Son, Graduate Charities Regulator. Observers: Hannah Snow, Investigator; Murray Porter, Senior Investigator Item 2: Louise Cooney, Senior Policy Analyst; Jayne Beggs, Manager Policy; Megan Coffey, Policy; Georgia Banks, Policy Analyst; Chinwe Akomah, Policy Analyst; Jess Henderson, Senior Policy Analyst
Apologies received	None.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Charities Act Review Update	
2.1. The Board met with DIA Policy staff to discuss the review of the Charities Act.	
2.2. Charities Services was not present for this meeting	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed Charities Services (CS) attendees and noted no apologies.	
4. Interests Register: Conflicts of interest	
4.1. The Interests Register was noted.	
4.2. Roger Holmes Miller (RHM) declared a conflict of interest with The Observatory and Rotary District 9940 Wellington Regional Children's Health Fund Charitable Trust.	
Action:	CS
- CS to update Interests Register.	
5. Delegations	

<p>5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.</p>	
<p>6. Approval of draft minutes of previous meeting (held 26 March 2021)</p>	
<p>6.1. The minutes of the previous meeting held on 26 March 2021 were approved as a true and correct record.</p>	
<p>7. Matters arising/review of action list</p>	
<p>7.1. The matters arising report was noted.</p> <p>7.2. Item 3 is ongoing. Andrew Phillips (AP) met with Stuart Donaldson from Inland Revenue.</p> <p>7.3. Item 4 can be closed. Section 9(2)(h) [REDACTED] The matter had been referred to the DIA Policy team as part of Modernising the Charities Act project.</p> <p>7.4. Item 5 is ongoing. A Board paper is to be prepared. There is a need for this matter to be discussed with the policy team for a cohesive approach.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. - CS to prepare a board paper on private foundations and accumulation. 	<p>CS</p>
<p>8. Charities Services' activity report for March 2021</p>	
<p>8.1. Natasha Weight (NW) notified the Board that Penelope Edgerley (PE) has been seconded to another role within DIA for twelve months. Joe Buchanan will be seconded to the role as Team Leader Registration in her absence.</p> <p>8.2. NW introduced the monthly activity report for March 2021.</p> <p>8.3. PE provided the Board with updates relating to Registration; specifically:</p> <ul style="list-style-type: none"> - An independent review of registration decisions has been carried out for the year 2020 and provided in draft form. A final copy will be provided at the end of May 2021. - Section 9(2)(a) [REDACTED] has withdrawn its application. - Booster Foundation has provided a response which is being assessed. - Light of All Nations Ministries Ashburton has been registered. - Light of All Nations Ministries Auckland has been granted an extension to provide a further response. - The Self-Sovereignty Faith has provided a response which is in the process of being assessed. - Section 9(2)(a) [REDACTED]: A second notice that may lead to decline (NTMLD) has been sent. The response to this NTMLD is due 13 May 2021. <p>8.4. Joanne Emery (JE) updated the Board regarding the application for Pro-Pare Athlete Management Trust. A board paper is being prepared for the next meeting.</p>	

<p>8.5. Sharlene Maslin (SM) updated the Board on the application for The Icehouse Limited: The application is for their re-registration as a charity, where they were previously deregistered due to a non-charitable purpose to support individual businesses. More information has been sought following an initial assessment. Their response is due 18 June 2021.</p> <p>8.6. There are no updates beyond the written report for the following:</p> <ul style="list-style-type: none"> ○ Fish Mainland Incorporated ○ Nelson Grey Power Incorporated ○ New Zealanders for Health Research ○ Section 9(2)(a) [REDACTED] ○ Section 6(c) [REDACTED] <p>8.7. Dave Sayers (DS) provided the update for the Investigations team, specifically:</p> <ul style="list-style-type: none"> - Two new people have joined the Investigations team. The Board welcomed Hannah Snow and Murray Porter. - Section 6(c) [REDACTED] - There are three current complaints about the Investigation team’s decisions not to undertake investigations. These decisions are under review by the General Manager. <p>8.8. Stephen Reilly (SR) advised the Board of the outcome of the Ombudsman review of a complaint to the Chief Executive regarding a decision not to investigate the Canterbury Refugee Resettlement and Resource Centre. The Ombudsman found that Charities Services did not act unreasonably and had followed clear operational guidance and procedures.</p> <p>8.9. Bev Gatenby suggested that a thematic analysis of complaints could be beneficial in understanding the nature of complaints and inform education needs</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to prepare a board paper regarding Pro-Pare Athlete Management Trust - CS to consider a thematic analysis of complaints 	CS
<p>9. Judicial updates</p>	
<p>9.1. The Supreme Court has set the date for Family First New Zealand as 24-25 June 2021.</p> <p>9.2. The Attorney-General filed submissions with the Supreme Court on 6 May 2021.</p> <p>9.3. RHM asked these submissions to be circulated. CS is to send these to the Board after which this matter is recommended to close.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to send submissions to the Board 	CS

10. Quarterly Board report to the Minister	
<p>10.1. The quarterly report was presented to the Board.</p> <p>10.2. RHM is to come back with amendments to the quarterly report to the Minister next week.</p> <p>10.3. Lizanne Geyer (LG) is to check time of meeting with the Minister and whether an earlier time can be arranged to accommodate for GK.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - RHM to provide amendments to the quarterly report - LG to check meeting time with the Minister for the Board 	<p>AS RHM</p>
11. Section 6(c)	
<p>Section 6(c)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	
<p>Action:</p> <ul style="list-style-type: none"> - Section 6(c) 	<p>CS</p>
12. Any Other Business	
12.1. No other business.	
Next meeting: 23 June 2021	

Draft meeting minutes

Charities Registration Board Te Rātā Atawhai

Date and time of meeting	Wednesday 23 June 2021, 9:30am to 12:15pm
Location	Room 1.01, 45 Pipitea Street, Wellington
Present	Charities Registration Board Te Rātā Atawhai Roger Holmes Miller (Chair), Bev Gatenby, Gwen Keel. Charities Services Ngā Ratonga Kaupapa Atawhai Natasha Weight, General Manager; Stephen Reilly, Manager Regulatory; Sharlene Maslin, Senior Analyst; Adrian Shields, Senior Analyst; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst; James Lathan, Senior Investigator
In Attendance	Item 2: Louise Cooney, Senior Policy Analyst; Jayne Beggs, Manager Policy; Kelsea Whyte, Senior Policy Analyst.
Apologies received	Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Joe Buchanan, Team Leader Registration; Zita Watson, Senior Accountant Regulatory; Andrew Newbery, Team Leader Capability.
Chair	Roger Holmes Miller
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Charities Act Review Update	
2.1. The Board met with DIA Policy staff to discuss the review of the Charities Act.	
2.2. Charities Services was not present for this meeting	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Andrew Phillips, Dave Sayers, Joe Buchanan, Zita Watson and Andrew Newbery.	
4. Register of Interests	
4.1. The Register of Interests was noted.	
4.2. Gwen Keel (GK) advised she is no longer the Team Leader for Labour Party, East Hamilton.	
Action:	CS
- CS to update Register of Interests.	
5. Delegations	
5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
6 Approval of draft minutes of previous meeting (held 26 March 2021)	

<p>6.1 RHM noted an amendment to item 11.4. This should be altered to “The Board considered Section 6(c) [REDACTED]”</p> <p>6.2 The minutes of the previous meeting held on 7 May 2021 were otherwise approved as a true and correct record.</p>	
<p>7. Matters arising/review of action list</p>	
<p>7.1 The matters arising report was noted.</p> <p>7.2 RHM confirmed items 5, 6, 7, 8 and 9 can be closed because:</p> <ul style="list-style-type: none"> ▪ Item 5: Pro-Pare athlete Management Trust is an agenda item at this meeting; ▪ Item 6: A thematic analysis of complaints will be carried out; ▪ Item 7: Charities Services has provided the Attorney-General’s submissions on the Supreme Court’s Family First appeal to the Board; ▪ Item 8: The Board’s draft Quarterly Report has been amended and submitted to the Minister; ▪ Item 9: Section 6(c) [REDACTED] <p>7.3 The action point relating to progressing the MOU with Inland Revenue is discussed as a separate agenda item below.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. 	<p>CS</p>
<p>8 Charities Services’ activity report for April and May 2021</p>	
<p>8.1. Natasha Weight (NW) introduced the monthly activity report for April and May 2021 and noted there were no further updates relating to CS’ engagement and capability building</p> <p>8.2 Lucy Beeler (LB) provided the Board with updates relating to Registration, specifically:</p> <ul style="list-style-type: none"> ▪ CS sought cultural support from the Department’s Manager Pacific for its engagement with SISDAC. CS has requested SISDAC provide copies of any policies addressing concerns identified in the Board’s deregistration decision, in advance of any meeting. CS will bring a paper to the Board once an application has been received and assessed. ▪ Updates to the Appendix ‘Complex Registration Matters’ were: <ul style="list-style-type: none"> - P 1 Booster Charitable Foundation: CS requested information on how the Trust will manage conflicts of interest and a response is due 8 July 2021. - P 4 Nelson Grey Power provided a response which is being assessed. 	

<ul style="list-style-type: none"> - P 7: Section 6(c) [REDACTED] - P 8 The Self Sovereignty Faith was granted an extension to 23 July 2021 to provide final submissions before CS takes its application to the Board. - P 11 Section 9(2)(a) [REDACTED] was granted an extension to 12 July 2021 to provide further information. - P 12 New Zealand Entrepreneurs Rescue: CS notified the Society that it has a non-charitable purpose to promote entrepreneurs in business. The Society responded to indicate it would file proceedings in the court. CS noted that the Board has not yet made a decision on this application. <p>8.3 James Lathan (JL) provided the update on Investigation activity</p> <ul style="list-style-type: none"> • As noted, work continues on ten investigations and 18 case inquiries • Section 6(c) [REDACTED] 	
<p>9 Judicial updates</p>	
<p>9.1 It was noted that the Supreme Court is to hear the Attorney General’s appeal against the Court of Appeal’s Family First New Zealand decision on 24-25 June 2021.</p>	
<p>10 Quarterly Board report to the Minister</p>	
<p>10.1 RHM noted the Board’s Quarterly Report had been submitted to the Minister for the Community and Voluntary Sector. He also noted, however, that with Wellington moving to a status of Level 2 to manage risks arising from COVID 19, the scheduled meeting of the Board with the Minister will have to be cancelled.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to arrange a new time for a meeting between the Board and the Minister. 	<p>AS</p>
<p>11 Independent Review of Registration Decisions</p>	
<p>11.1 LB provided a summary of the independent review of registration decisions as part of CS’ annual performance measures. She noted the reviewer agreed with all 27 decisions randomly selected and commented that the risk-based triage approach was an appropriate methodology.</p> <p>11.2 The Board noted that comments in the report were useful to consider in the ongoing management and improvement of application assessment processes.</p>	

<p>11.3 GK affirmed that the report also had value as an internal compliance and training tool that may assist CS. She noted that if the report were published there may be privacy concerns relating to individuals involved in applications that are considered in the report.</p>	
<p>12 Update on MOU with Inland Revenue</p>	
<p>12.1 Following the initial discussion of this matter in the consideration of the Board’s action points, RHM also commented that the relationship between tax and charities law could potentially be considered by the Supreme Court during the Family First hearing. RHM noted that the relationship between tax and charities law had been discussed previously for example at recent CLAANZ Conference. RHM supported the MOU being completed soon.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to provide RHM with a copy of MOU and of the comments made by Inland Revenue 	<p>CS</p>
<p>13 Request for guidance: Pro Pare Athlete Management Trust</p>	
<p>13.1 Joanne Emery (JE) provided an overview of the key points in the paper presented to the Board requesting guidance on the application by Pro-Pare Athlete Management Trust (the Trust).</p> <p>13.2 The Board considered that the Trust qualified for registration. The Board was satisfied that the Trust’s activities to educate youth are consistent with charitable purposes, and noted that there is a presumption of charitable public benefit under the second head, advancement of education. The presumption has not been displaced in this case.</p> <p>13.3 The Board noted that there are some risks in registration of the Trust arising out of the Trust’s relationship with the non-charitable entity, the Tamaki Sports Academy (the Academy). The Board considered that these risks can be mitigated by monitoring the Trust.</p> <p>13.4 The Board also noted that the Trust does not appear to be supporting the Academy, and that charities are able to enter into agreements for provision of services and resources at market rates/reasonable terms from for-profit entities in furtherance of their charitable purposes.</p> <p>13.5 The Board also discussed the issue of whether a relationship with another entity can be considered an ancillary purpose. The Board requested Charities Services to provide it with the relevant case law guidance discussing the meaning of “ancillary”.</p>	
<p>Action</p> <ul style="list-style-type: none"> - CS to register the Trust. 	<p>CS</p>

<p>- CS to provide copies of court decisions to the Board setting out the relevant test for ancillary purposes.</p>	
<p>14 Any Other Business</p>	
<p>14.1 The meeting noted that this was RHM’s last meeting as Chair of the Board. On behalf of the Department, NW thanked RHM for his impressive contribution as Chair of Te Rātā Atawhai, having chaired the Board since its establishment in 2012, and overseen the registration of over 11,000 entities. NW noted that he had carefully guided the Board and CS through a very challenging and contentious era of charities law in New Zealand, with a clear focus on developing an approach consistent with the case law, that allowed for an acknowledgment of Aotearoa’s unique context.</p> <p>14.2 RHM acknowledged the support that CS had provided to him and the Board during his tenure. He reflected that it had been an honour and a privilege to work on the Board, and acknowledged the contribution of his Board member colleagues.</p> <p>14.3 Bev Gatenby expressed her thanks to RHM on behalf of GK and herself, recognising his knowledge and expertise in charities law, his support for Board members, and his good humour. GK endorsed BG’s acknowledgement.</p>	
<p>Next meeting: 10 September 2021</p>	

Draft meeting minutes

Charities Registration Board Te Rātā Atawhai

Date and time of meeting	Friday 10 September 2021, 9:00am-12:25pm
Location	Via Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Bev Gatenby; Gwen Keel. <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Joe Buchanan, Team Leader Registration; Andrew Newbery, Team Leader Capability; Adrian Shields, Senior Analyst; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst Minute taker: Jung Ah Son, Analyst
In Attendance	Item 2: Jayne Beggs, Manager Policy; Louise Cooney, Senior Policy Analyst; Kelsea Whyte, Senior Policy Analyst; Jess Henderson, Senior Policy Analyst
Apologies received	Natasha Weight, Dave Sayers
Chair	Bev Gatenby
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Charities Act Review Update	
2.1. The Board met with DIA Policy staff to discuss the review of the Charities Act.	
2.2. Charities Services was not present for this meeting	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed Charities Services (CS) attendees and noted apologies from Natasha Weight and Dave Sayers.	
4. Register of Interests	
4.1. The interests register was noted.	
4.2. Bev Gatenby (BG) declared a conflict of interest with regards to Ōtorohanga Kiwi House Charitable Trust (CC24239).	
Action:	CS
- CS to confirm nature of interest with BG and update Register of Interests.	
5. Delegations	
5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted; no changes have been made.	
6. Approval of draft minutes of previous meeting (held 23 June 2021)	

<p>6.1. The minutes of the previous meeting held on 23 June 2021 were approved as a true and correct record.</p>	
<p>7. Matters arising/review of action list</p>	
<p>7.1. The matters arising report was noted.</p> <p>7.2. Item 3 is ongoing. CS is working on the details of the thematic analysis of complaints and investigations. Board members considered the analysis would provide good information to inform Charities Services' engagement with, and support for, the sector.</p> <p>7.3. Items 4, 5 and 6 can be closed.</p> <p>7.4. Item 7 is ongoing but is not currently actionable due to COVID restrictions.</p> <p>7.5. Item 8 is ongoing. IR has returned the Memorandum of Understanding. Once a Board chair has been appointed, the memorandum can be given to the chair and the Chief Executive for sign-off.</p> <p>7.6. Item 9 can be closed. Pro-Pare Athlete Management Trust has been registered.</p> <p>7.7. Item 10 can be closed. The email has been received by the Board and the Board may provide some feedback.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising. 	<p>CS</p>
<p>8. Charities Services' activity report for June and July 2021</p>	
<p>8.1. Stephen Reilly (SR) introduced the monthly activity report for June and July 2021.</p> <p>8.2. Joe Buchanan (JB) provided the Board with updates relating to Registration, specifically regarding complex registration matters:</p> <p>8.2.1. Fish Mainland Incorporated: The Society has amended its rules and has now been registered.</p> <p>8.2.2. Section 6(c) [REDACTED]</p> <p>8.2.3. Icehouse Limited: The Company provided officer certification and following confirmation by CS, the Company has been re-registered.</p> <p>8.3. Joanne Emery (JE) informed the Board of a new item: Universal Entitlement Trust whose stated purpose is to help educate the public about universal basic income. CS has sent the Trust a notice that may lead to decline as CS currently considers there is no clear charitable end goal in the Trust's advocacy. CS intends to prepare a Board paper requesting guidance from the Board on this application as it presents a novel issue.</p> <p>8.4. Gwen Keel (GK) enquired about voluntary deregistration statistics and whether they are higher than usual, or there were different data collection methods used. AP confirmed that there were no changes in the way data was collected or presented, and that there were certain times of the year where such 'peaks' occurred.</p>	

<p>8.5. SR confirmed there were no further updates to the monthly report on investigation activity besides highlighting the positive outcome of the independent assessment of investigations, and the reallocation of OIA functions and processes to a specialist team.</p> <p>8.6. BG requested whether the independent assessment report could be viewed by the Board. SR agreed to send this to the Board and that a further information session could be arranged with the Board regarding investigation processes if there were any questions following the report.</p> <p>8.7. BG proposed that an information or induction session providing an explanation about the Board, CS, the charitable sector and CS processes would be helpful for the new Board member and new Chair. GK agreed that there was a need for the new members to understand the delegations and processes employed before something comes before the Board. SR confirmed that CS would work on preparing materials to present to the first meeting of the newly constituted Board regarding CS' processes.</p> <p>8.8. Andrew Newbery (AN) confirmed there were no further updates to the monthly report on engagement and capability building but noted that some events mentioned in the Forward Report (such as the planned event in Christchurch) did not go ahead due to the change in COVID Alert Levels.</p> <p>8.9. AN notified the Board of changes regarding the Annual Meeting. CS has decided, with support from the DCE and Minister, to organise the Annual Meeting as an entirely digital meeting held on 29 October. This was due to the uncertainty of hosting a meeting in Auckland under the current COVID-19 alert levels. The Capability team is currently working on the logistics for the delivery of the event.</p> <p>8.10. AN informed the Board that the Capability team is drafting speeches for the General Manager and DCE, and that support can also be provided to the Board. BG and GK confirmed that they will be drafting their own speeches but will inform CS about the general content to avoid repeating content.</p> <p>8.11. BG asked whether there has been any advice provided to charities on changing their rules to allow for meeting remotely. The Board recommended that a set of example clauses for charities to include in their rules should be provided to help charities. AP mentioned previous work such as the FAQ page, MBIE's exception to allow for charities to meet remotely regardless of rules and a link to CommunityNet's deed of variation. CS agreed to consider creating resources to support charities to work remotely.</p> <p>8.12. SR confirmed that there were no new updates regarding OIAs and media.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to provide the Board with the independent review of Investigation reports. - CS to prepare information regarding CS processes and mahi to support the induction of the new Board member and new Chair. - CS to consider creating resources to support charities working by remote technologies. 	CS

9. Judicial updates	
9.1. SR confirmed that there were no new updates for this item. .	
10. Draft Quarterly Board report to the Minister	
10.1. There were no further updates regarding the Quarterly Board report to the Minister and the Board provided some feedback on style matters. BG and GK approved the report, subject to some corrections.	
Action: CS to make agreed corrections to Quarterly Board Report to the Minister and submit the report.	CS
11. Registration decision- Self Sovereignty Faith	
11.1. Lucy Beeler (LB) provided a summary of the key points in the memo to the Board. 11.2. The Board agreed with CS's recommendation that CS should draft a decision paper declining the Society's application, emphasising the importance in the clear distinction between advancing religion in the charitable sense and religion in general. 11.3. JB confirmed that CS' view is that the Society's beliefs do not constitute religion in the charitable sense, lacking canons of conduct around which adherence can be structured. 11.4. BG highlighted the points set out in paragraph 28 and suggested CS focus on this aspect when drafting the decision paper.	
Action: CS to draft a decision paper declining registration of the Self Sovereignty Faith	LB
12. Registration decision- Nelson Grey Power	
12.1. The Board agreed with CS' recommendation to register Nelson Grey Power. The Board requested a short paper noting the Board's decision, with reference to the changed circumstances since the previous deregistration. This would be published on the CS website alongside the Board's previous decline decision.	
Action: CS to prepare a draft paper noting the Board's decision to register Nelson Grey Power, for the Board's review.	CS
13. Any Other Business	
13.1. GK advised the meeting that she had just received advice that MBIE would be reinstating the COVID19 exemption provisions, meaning that organisations could continue meeting remotely regardless of their rules. 13.2. BG raised the issue that some small to medium charities are not aware of MBIE's role with and connection to charities and asked whether this was an area for CS to work on. AP confirmed that CS worked extensively with MBIE to ensure consistency of information and meets regularly in a cross-sector group with MBIE, Inland Revenue and Te Puni Kōkiri and that more information would be provided in future communications.	
Next meeting: 15 October 2021	

Draft meeting minutes

Charities Registration Board Te Rātā Atawhai

Date and time of meeting	Friday 15 October 2021, 9:00am-12:25pm
Location	Meeting via Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai ('CRB' or 'the Board')</i> Gwen Keel; Bev Gatenby; Loretta Lovell <i>Charities Services Ngā Ratonga Kaupapa Atawhai ('CS')</i> Mike Stone, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Dave Sayers, Manager Investigations; Joe Buchanan, Team Leader Registration; Andrew Newbery, Team Leader Capability; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst; Lizanne Geyer, Personal Assistant Minute taker: Joanne Emery, Senior Registration Analyst
In Attendance	Item 2: Jayne Beggs, Manager Policy; Louise Cooney, Senior Policy Analyst
Apologies received	
Chair	Gwen Keel
1. Karakia tīmatanga and whakawhanaungatanga	
1.1. Joe Buchanan (JB) opened the meeting with a karakia.	
1.2. Members of the CS team introduced themselves to the new CRB member Loretta Lovell (LL), and provided a brief overview of their roles and CS' functions. The Chair and Bev Gatenby also introduced themselves to LL, and LL introduced herself to the meeting.	
1.3. It was noted that CS would provide a fuller welcome and induction for LL when it was possible to meet kanoahi ki te kanoahi.	
1.4. CS attendees left the meeting.	
2. Members' only discussion	
2.1. A members' only discussion was held.	
3. Charities Act Review Update	
3.1. The Chair welcomed DIA Policy staff and discussed progress with the Minister's review of the Charities Act.	
3.2. CS was not present for this agenda item.	
4. Welcome Charities Services and apologies for absence	
4.1. The Chair welcomed CS attendees back to the meeting.	
5. Register of Interests	
5.1. The interests register was noted.	

5.2. LL noted her involvement in several clubs and will provide details of these interests to Stephen Reilly (SR) for inclusion in the register.	
Action: <ul style="list-style-type: none"> - LL to provide CS with an update of her interests, and CS to update the register accordingly. 	CS/LL
6. Delegations	
6.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted. No changes have been made.	
7. Approval of draft minutes of previous meeting (held 10 September 2021)	
7.1. The minutes of the previous meeting held on 10 September 2021 were approved as a true and correct record.	
8. Matters arising/review of action list	
8.1. The matters arising report was noted. 8.2. Item 3 is ongoing. The thematic analysis is mostly complete, and this will be presented to the Board in due course. 8.3. Item 4 is ongoing. It is not possible to progress due to COVID-19 travel restrictions and will therefore be progressed when circumstances permit. The Board asked CS to let the Minister's Office know that the Board can be flexible on a meeting date to meet Minister's availability. 8.4. Item 5 can be closed. The Memorandum of Understanding between Inland Revenue, CS and the Board (MoU) can now be signed off by the new Board Chair. 8.5. Item 6 can be closed, and the information on the review of investigations will be forwarded to LL. 8.6. Item 7 is ongoing. The induction was postponed to the December Board meeting so that it can be conducted kanohi ki te kanohi. 8.7. Item 8 is ongoing. 8.8. Item 9 was completed and can be closed. 8.9. Item 10 can be closed as the paper will be presented at the Board meeting today. 8.10. Item 11 was completed and can be closed.	
Action: <ul style="list-style-type: none"> - CS to update matters arising, as above. - CS to forward relevant emails on the review of investigations to LL. - CS to forward the MoU to the Chair for final sign-off. 	CS
9. Charities Services' activity report for August 2021	
9.1. Stephen Reilly (SR) introduced the monthly activity report for August 2021.	

<p>9.2. JB provided the Board with updates relating to Registration, specifically regarding complex registration matters:</p> <p>9.2.1 Section 6(c) [REDACTED]</p> <p>9.2.2. Universal Entitlement Trust: The Trust provided further submissions which are currently being reviewed.</p> <p>9.2.3 Section 9(2)(a) [REDACTED]: The Society provided a response to the notice sent which is currently being reviewed.</p> <p>9.3. The Chair declared a conflict with Section 6(c) matter and left the meeting.</p> <p>9.4. Section 6(c) [REDACTED]</p> <p>9.5. The Chair returned to the meeting.</p> <p>9.6. Dave Sayers confirmed that there were no further Investigations updates.</p> <p>9.7. Andrew Newbery (AN) provided the Board with Capability updates, specifically:</p> <p>9.7.1. CS has re-started preparations on its workshop to support a number of Christchurch-based charities that have had recent compliance issues or have been the subject of complaints.</p> <p>9.7.2. The CS October newsletter for the sector would be published today and would include a blog providing guidance for charities on changing their rules to enable decision-making via remote meeting technologies.</p> <p>9.7.3. Preparation for the CS Annual Meeting preparation is well underway.</p> <p>9.8. LL requested to be added to the CS newsletter distribution list.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to provide LL with background information on Section 6(c) matter - Section 6(c) [REDACTED] - CS to add LL to the newsletter distribution 	CS
<p>10. Judicial updates</p>	
<p>10.1. SR advised that there were no new updates for this item.</p>	
<p>11. Decision paper: Self-Sovereignty Faith</p>	
<p>11.1. Lucy Beeler (LB) provided the Board with an oral summary of the key points of the draft decision paper, highlighting the amendments made following the Board’s feedback from its previous meeting in October.</p> <p>11.2. The Board approved the draft decision paper to decline registration subject to a couple of minor editorial amendments.</p>	

<p>Action:</p> <ul style="list-style-type: none"> - CS to provide the Board with a final amended draft of the decision paper, and the Chair to sign the Board-approved decision paper. 	CS/Chair
<p>12. Any Other Business</p>	
<p>12.1. Andrew Phillips (AP) provided a brief update on two matters:</p> <p>12.1.1. The Select Committee date to consider the Incorporated Societies Bill has been pushed to a later date.</p> <p>12.1.2. From 1 January 2022, there would be revised reporting threshold changes, and new service reporting requirements for tier 1 and 2.</p> <p>12.2. GK noted that it would be helpful to post information on the CS website, once the Incorporated Societies Bill has been enacted.</p> <p>12.3. In closing, the Chair thanked meeting attendees for their contributions.</p> <p>12.4. JB closed the meeting with a karakia.</p>	
<p>Next meeting: 3 December 2021</p>	

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Draft meeting minutes

Charities Registration Board Te Rātā Atawhai

Date and time of meeting	Friday 3 December 2021, 10:00am
Location	Room 1.04 45 Pipitea Street, Thorndon
Present	<i>Charities Registration Board Te Rātā Atawhai</i> Gwen Keel (Chair); Bev Gatenby; Loretta Lovell <i>Charities Services Ngā Ratonga Kaupapa Atawhai</i> Mike Stone, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Andrew Newbery, Team Leader Capability; Joe Buchanan, Team Leader Registration; Joanne Emery, Senior Registration Analyst; Lucy Beeler, Senior Registration Analyst; James Lathan, Manager Investigations; Zita Watson, Senior Accountant Regulatory
In Attendance	Minute taker; Alice Scott, Graduate Regulator Observers: Allyssa Carle, Senior Accountant Capability; Elizabeth Lee, Summer Intern; Ayash Nair, Analyst; Sabrina Alhady, Analyst.
Apologies received	
Chair	Gwen Keel
1. Members' only discussion	
1.1. A members' only discussion was held.	
2. Welcome Charities Services and apologies for absence	
2.1. The Chair welcomed Charities Services (CS) attendees and noted no apologies.	
3. Register of Interests	
3.1. The register of members' interests was noted.	
3.2. No further interests were declared.	
4. Delegations	
4.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted. No changes have been made.	
5. Approval of draft minutes of previous meeting (held 15 October 2021)	
5.1. The minutes of the previous meeting held on 15 October 2021 were approved as a true and correct record.	
6. Matters arising/review of action list	
6.1. The matters arising report was noted.	
6.2. Item 1 can be closed. The register of members' interests was updated.	

<p>6.3. Item 3 can be closed. The memorandum on the thematic analysis of complaints is to be presented at the next Board meeting.</p> <p>6.4. Item 4 is ongoing. Gwen Keel (GK) noted the Board's preference would be to wait until policy proposals relating to Modernising the Charities Act are released before meeting with the CVS Minister.</p> <p>6.5. Item 5 can be closed. Induction material has been provided to the Board.</p> <p>6.6. Item 6 can be closed. Andrew Newbery (AN) advised the Board that CS published a blog post with a range of model clauses to support charities working remotely.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to update matters arising. - CS to organise meeting with the CVS Minister once policy proposals relating to Modernising the Charities Act have been released 	CS
<p>7. Charities Services' activity report for June and July 2021</p>	
<p>7.1. Mike Stone (MS) introduced the monthly activity report for September and October 2021</p> <p>7.2. Joe Buchanan (JB) provided the Board with updates relating to Registration, specifically regarding complex registration matters:</p> <p>7.2.1. Section 6(c) was given an extension to 30 November 2021 and has not yet responded.</p> <p>7.2.2. Universal Entitlement Trust is currently being assessed, with CS working with the Trust to progress its application. Bev Gatenby (BG) noted the Trust primarily advocates for relief of poverty. A discussion on the Trust's advocacy for a universal basic income and its connection to the relief of poverty was held. JB noted that CS would be seeking the Board's guidance on the application in due course.</p> <p>7.2.3. Section 9(2)(a) has withdrawn its application.</p> <p>7.2.4. Enhanced Future Charitable Trust has not provided any further submissions by the due date of 12 November 2021.</p> <p>7.2.5. SISDAC has been in contact with CS to discuss its application for re-registration and will be sending a letter to CS setting out what they have done to address the issues that led to de-registration. Once CS receives this letter, they will bring a paper to the Board.</p> <p>7.3. BG enquired about charities' reasons for de-registration set out in Attachment 2 to the Monthly Activity report, and whether the option 'charity closing down' could be expanded to gain a better insight on the reasons for closure. CS agreed to look at the de-registration form and report back.</p> <p>7.4. James Lathan (JL) provided the Board with Investigations updates, specifically:</p> <p>7.4.1. The Investigations team has received complaints about Destiny Church, including a petition to remove its charitable status. These concerns have been triaged, and CS will be seeking further information from a number of Destiny Church-related charities as part of its inquiry.</p>	

<p>7.5. BG asked about the petition’s relation to CS’s inquiries. MS confirmed it would be considered as a complaint.</p> <p>7.6. Andrew Newbery (AN) provided the Board with additional Capability updates, including:</p> <p>7.6.1.A new workstream on improving resources for Māori, Pacific and ethnic charities, specifically translating key resources into Te Reo Māori, Cook Island Māori, Samoan, Tongan, Fijian, Arabic, Chinese, and Hindi.</p> <p>7.6.2.A new focus on producing material relating to the Government’s COVID-19 protection framework (traffic lights) to assist charities.</p> <p>7.7. GK noted the amalgamation regime in the Incorporated Societies Bill, and recommended CS consider producing guidance materials on this once the Bill is enacted.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to look at the de-registration form for the ‘charity closing down’ option. - CS to consider producing guidance on incorporated societies amalgamations in due course. 	CS
<p>8. Judicial updates</p>	
<p>8.1. It was confirmed there are no updates to judicial matters.</p>	
<p>9. Registration decision – Application of New Zealand Entrepreneurs Rescue</p>	
<p>9.1. Joanne Emery (JE) provided the Board with an oral summary of the key points of the New Zealand Entrepreneurs Rescue (NZER) memorandum, in which CS recommends that the Board declines NZER’s application. CS considers NZER does not advance exclusively charitable purposes.</p> <p>9.2. The Board considered that NZER does not have a recognised charitable purpose and directed CS to draft a decision paper declining NZER’s application on that basis.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to draft a Board decision paper declining NZER application for registration. 	
<p>10. Registration decision – Section 6(c)</p>	
<p>10.1. GK noted a potential conflict of interest with Section 6(c) matter and left the meeting.</p> <p>Section 6(c)</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	

<p>Section 6(c)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	
<p>Action:</p> <ul style="list-style-type: none"> - Section 6(c) 	CS
<p>11. Any Other Business</p>	
<p>11.1. GK returned to the meeting.</p> <p>11.2. GK proposed a standing 10am start time for future meetings, with a decision on whether to hold meetings in person or via Zoom to be decided once each agenda is confirmed.</p> <p>11.3. MS noted the Department is in consultation on a vaccine mandate policy for all people on DIA premises. An update will be provided once the policy is finalised.</p> <p>11.4. GK asked whether CS had been consulted on a draft of IRD's operational statement on donee organisations, and Stephen Reilly (SR) confirmed that it had been.</p> <p>11.5. SR proposed inviting IRD representatives to the next Board meeting, to provide an update on tax policy and other relevant matters, and the Board agreed.</p>	
<p>Actions:</p> <ul style="list-style-type: none"> - CS to ensure a standard 10am start time for future meetings. - CS to update the Board once DIA's vaccine policy is confirmed. - CS to invite IRD to the next Board meeting. 	
<p>Next meeting: 4 February 2022</p>	

Draft meeting minutes

Charities Registration Board Te Rātā Atawhai

Date and time of meeting	Friday 4 February 2022, 9:30am
Location	Room 9.05 and via Zoom
Present	<i>Charities Registration Board Te Rātā Atawhai ('CRB' or 'the Board')</i> Gwen Keel; Bev Gatenby; Loretta Lovell <i>Charities Services Ngā Ratonga Kaupapa Atawhai ('CS')</i> Mike Stone, General Manager; Stephen Reilly, Manager Regulatory; Andrew Phillips, Manager Engagement and Business Improvement; Joe Buchanan, Principal Advisor; James Lathan, Acting Manager Investigations; Andrew Newbery, Team Leader Capability; Lucy Beeler, Team Leader Registration; Joanne Emery, Senior Registration Analyst; Phil Girven, Senior Registration Analyst; Andrew Patrick, Senior Intelligence Analyst.
In Attendance	Minute Taker: Alice Scott, Graduate Charities Regulator Item 8: Inland Revenue – Richard Philp; Stewart Donaldson; Howard Davis .
Apologies received	
Chair	Gwen Keel
1. Karakia tīmatanga and whakawhanaungatanga	
1.1. Joe Buchanan (JB) opened the meeting with a karakia.	
1.2. Charities Services left the meeting to allow for a members' only discussion to take place.	
2. Members' only discussion	
2.1. A members' only discussion was held.	
3. Welcome Charities Services and apologies for absence	
3.1. The Chair welcomed CS attendees back to the meeting.	
3.2. No apologies were noted.	
4. Register of Interests	
4.1. The interests register was noted.	
4.2. Gwen Keel (GK) noted that she has now completed work with the Chiropractor Review Standards Board, so this entity can be shifted to the 'prior interest' category.	
4.3. Bev Gatenby (BG) declared a new conflict of interest with Life Unlimited Charitable Trust, a national disability services provider.	
Action:	CS
- CS to update the register of interests accordingly.	
5. Delegations	

<p>5.1. The delegations of power pursuant to section 9 of the Charities Act 2005 from the Board to the Chief Executive of the Department were noted. No changes have been made.</p>	
<p>6. Approval of draft minutes of previous meeting (held 10 September 2021)</p>	
<p>6.1. The minutes of the previous meeting held on 3 December 2021 were approved as a true and correct record.</p>	
<p>7. Matters arising/review of action list</p>	
<p>7.1. The matters arising report was noted.</p> <p>7.2. GK enquired on the timing for Item 3. JB noted this item will be looked into as part of reviewing the registration and annual return forms. These forms are contingent on possible changes in the policy act review, and decisions from XRB, so the timeline is to be confirmed.</p> <p>7.3. AP noted that as it is a form issued under the Act, any changes will need to go through the standard process.</p> <p>7.4. Item 4 is ongoing.</p> <p>7.5. Item 5 can be closed.</p> <p>7.6. Item 6 can be closed.</p> <p>7.7. Item 7 can be closed.</p> <p>7.8. Item 8 can be closed. DIA implemented the vaccine mandate policy early due to the Omicron outbreak. No staff or visitors can enter the site without a vaccine certificate. GK confirmed the Board are full vaccinated.</p> <p>7.9. Item 9 can be closed.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to update matters arising, as above. - Joe to do form review 	<p>CS</p>
<p>8. Update from Inland Revenue</p>	
<p>8.1. The Chair welcomed: Howard Davis, Group Leader Customer Advice, Tax Counsel Office; Richard Philp, Customer Segment Leader; and Stewart Donaldson, Principal Policy Advisor from Inland Revenue (IR).</p> <p>8.2. GK thanked IR for the PowerPoint provided in advance. She requested a walkthrough of the high points of the PowerPoint, with emphasis on what they consider will be major developments this year.</p> <p>8.3. IR presented their slideshow on tax policy surrounding not-for-profits and charities, the Memorandum of Understanding, and a broad overview of IR's strategy.</p> <p>8.4. The Board, Charities Services, and IR noted the importance of information sharing and regular engagement.</p> <p>8.5. The Board thanked IR for their time and found the presentation helpful.</p> <p>8.6. JB noted he wished to have a discussion with Stewart Donaldson the following week, particularly around accumulation and how that will impact Charities Services forms.</p>	

8.7. SR reflected on IR's role in registration rulings and would arrange to discuss this with IR in relation to the MoU.	
Action: - JB to contact Stewart Donaldson for policy discussions.	CS
9. Charities Services' activity report for November/December 2021	
<p>9.1. Mike Stone (MS) introduced the monthly activity report for November and December 2021.</p> <p>9.2. Lucy Beeler (LB) updated the Board on the following complex registration matters:</p> <p>9.2.1 Section 6(c) [REDACTED] The Trust has been granted an extension to provide a response until 1 March 2022.</p> <p>9.2.2. headland Sculpture on the Gulf Limited: The Company provided further information, and it has now been registered as a charity. The Board enquired about the information provided that met requirements, and LB gave an oral summary.</p> <p>9.2.3 Section 6(c) [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>9.3. MS provided the Board with an update regarding Destiny Church Auckland Trust, specifically:</p> <p>9.3.1. Numerous complaints have been received concerning allegations of a connection between Destiny Church charities and the Freedom and Rights Coalition, and the group's advocacy about the government's Covid-19 response. CS has opened an inquiry and is seeking information from five Destiny charities.</p> <p>9.3.2. In addition, a number of Destiny Church entities have failed to comply with annual reporting requirements, and Notices of Intention to Remove have been sent to the non-compliant entities, with a filing due date in mid-February.</p> <p>9.4. GK enquired about media interest in the matter concerning Destiny Church. MS confirmed an OIA was received seeking details of the complaints. Charities Services' response included the number of complaints, the fact an inquiry was opened, but no further specifics.</p> <p>9.5. James Lathan (JL) updated the Board on Linwood Islamic Charitable Trust and Section 6(c) [REDACTED] JL and Murray Porter (Senior Investigator) met with the governance committees of both entities in mid-December 2021. JL noted the meetings were constructive and addressed CS' concerns. CS provided guidance around processes, record-keeping, and policies. Investigations is looking to cease engagement with these entities.</p> <p>9.6. GK enquired if there were any outstanding concerns. JL noted Investigations still had concerns surrounding Section 6(c) [REDACTED] and is supporting the entity until the concerns are addressed.</p>	

<p>9.7. Andrew Newbery (AN) updated the Board on the following Capability updates:</p> <p>9.7.1. The Koha resource has been published under the Te Ao Māori pages, and the team would welcome the Board’s feedback.</p> <p>9.7.2. The team also published the XRB simpler Tier 4 Template, along with guidance they developed to help explain how to use the template. This is to be published in CS’ upcoming newsletter.</p> <p>9.8. GK congratulated the Capability team on the publishing of the Koha resource. She also noted the team’s outreach to schoolchildren regarding CS’ work.</p>	
<p>10. Judicial updates</p>	
<p>10.1. SR advised that there were no new updates for this item.</p>	
<p>11. Decision paper: NZ Entrepreneurs Rescue</p>	
<p>11.1. The Board approved the draft decision paper to decline registration and approved the notice of that decision which is to be uploaded to CS’ website.</p> <p>11.2. GK noted it would be beneficial to inform the Minister of the decision. SR noted that CS routinely update the Minister on significant regulatory decisions, including Board decisions.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to issue the decision to decline NZER’s application for registration and publish the decision on Charities Services’ website. - CS to brief the Minister on the decision to decline. 	<p>CS</p>
<p>12. Warning Notices: Section 6(c)</p>	
<p>12.1. GK noted a potential conflict of interest with Section 6(c) matter and left the meeting.</p> <p>Section 6(c)</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<p>Action:</p> <ul style="list-style-type: none"> - Section 6(c) [REDACTED] - [REDACTED] 	<p>CS</p>
<p>13. Re-registration Update: SISDAC</p>	
<p>13.1. GK returned to the meeting.</p> <p>13.2. GK thanked Charities Services for the information provided concerning SISDAC.</p> <p>13.3. The Board noted several concerns about SISDAC’s re-application, specifically:</p> <p>13.3.1. Lack of independence in the current Investment Committee, and lack of skillset or qualifying requirements.</p>	

<p>13.3.2. Issues with financial statements and reporting.</p> <p>13.4. Suggestions from the Board to remedy the above concerns included:</p> <p>13.4.1. Requesting a plan for resolution of previous issues.</p> <p>13.4.2. Requesting further financial reporting.</p> <p>13.4.3. Contact with SISDAC via letter, or an in-person or online meeting, to relay the Board's concerns and requirements, and lay the foundation for reporting requirements in future.</p> <p>13.5. It was also noted by various members that monitoring the entity's finances through annual reporting may not be enough, as problems may have developed by the time reports are filed. Targeted monitoring may be required.</p>	
<p>Action:</p> <ul style="list-style-type: none"> - CS to contact SISDAC regarding concerns outlined by the Board 	
<p>14. Analysis of investigations and complaints</p>	
<p>14.1. Andrew Patrick (AP) provided the Board with an oral summary of the key points of the presentation, outlining the data on where complaints were received from, what action was taken and the trends over time.</p> <p>14.2. The Board thanked AP for his work and noted it would be useful for the Investigations team when looking at their processes.</p>	
<p>15. Any Other Business</p>	
<p>15.1. Andrew Phillips (APH) provided a brief update on two matters:</p> <p>15.1.1. The Select Committee date to consider the Incorporated Societies Bill has been pushed out to a later date.</p> <p>15.1.2. From 1 January 2022, there would be revised reporting threshold changes, and new service reporting requirements for tier 1 and 2.</p> <p>15.2. GK noted that it would be helpful to post information on the CS website once the Incorporated Societies Bill has been enacted.</p> <p>15.3. In closing, the Chair thanked meeting attendees for their contributions.</p> <p>15.4. JB closed the meeting with a karakia.</p>	
<p>Next meeting: 8 April 2022</p>	