



1 February 2024

Ref: DOIA 2324-1331

Alan Thompson

Email: fyi-request-25245-d0fd92c0@requests.fyi.org.nz

Tēnā koe Alan

Thank you for your email of 19 December 2023 to the Ministry of Business, Innovation and Employment requesting, under the Official Information Act 1982, the following information:

Please advise and/or provide the documentation that sets out the strategy and procedures that you will follow to review and check that each of the 23,000 Incorporated Societies constitutions comply with the new 2022 Act when they lodge them to re-register prior to the 2026 date.

I regret that your initial enquiry of 6 December 2023 was not responded to.

In response to your enquiry, the Incorporated Societies Act 2022 (the 2022 Act) requires that a constitution that is provided by a society when it reregisters has been approved by members at a general meeting. The constitution must also be signed by two members. Further, the Incorporated Societies Regulations 2023 specifies that an application for reregistration must contain or be accompanied by confirmation that an officer of the society considers the constitution complies with the 2022 Act. These requirements will provide the Registrar of Incorporated Societies with a degree of assurance that constitutions that accompany reregistration applications will be compliant.

Under the 2022 Act the Registrar must register a society's constitution as soon as practicable after receiving a properly completed application for reregistration. There is no reregistration fee, and the online reregistration system has been designed to ensure that societies are registered efficiently and quickly. The Registrar will not be checking each application and constitution individually prior to reregistration, but compliance checks on some of these will be conducted by the Companies Office following reregistration.

If a society is reregistered and it is subsequently determined that its constitution does not comply with the 2022 Act, the 2022 Act permits the Registrar to give a direction to the society requiring or allowing a non-compliant constitution to be amended.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

Sheree McDonald
Acting National Manager, Business Registries
Market Integrity

