



COMMUNITY  
WAIKATO

*"Unearthing the wisdom"*

Hurahia te whakaaronui

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Kia ora Professor McLay,

**Submission on the review of the Incorporated Societies Act 1908**

Thank you for the opportunity to submit on the Law Commission review of the Incorporated Societies Act.

Community Waikato supports capacity strengthening for tangata whenua, community and voluntary social service organisations in the greater Waikato. We do this by working alongside community-based social service organisations, by advocating for them with respect to Government and Government departments, by providing relevant training and workshops for their community-based staff, by providing support and monitoring for major projects, by providing information resources, including a regular newsletter and a website, and in other practical empowering ways. We currently have over 750 organisations on our data base.

We believe the review has the potential to put in place some useful capacity strengthening foundations that are owned and operated willingly by the sector if the right process is undertaken to develop them. The development of some foundational principles for engagement may aid the achievement of this aim.

We agree with the Commission's assessment that the Act does not currently provide the clarity, support and incentive for organisations to reach their highest potential but believe any changes to the Act should be based on what our sector sees as good practice. In addition, it should be underpinned by the provision of guidance and support that allows for the flexibility of choice and options that the sector values rather than an enforcement or regulation model.

A clear and easily applied approach to achieving compliance with requirements would significantly aid this, including more streamlined and simplified guidance around the various legal forms groups

might adopt. We believe it could be useful to have a single piece of legislation that covers the range of legal forms. However it is important to ensure that there is enough flexibility in application to retain the unique characteristics and differing foci of each structure. Any new legislation should include provision for the different stages of development, size and nature of community organisations so that the compliance requirements are aligned with the organisation's capacity and needs.

We support the development of a set of baseline rules that are developed and owned by the sector, for the sector. In other words, don't do to us - work with us. This has significant implications for the way in which DIA, the Charities Commission, OCVS and MSD engage with the sector, the contribution they make moving forward and the authority they hold. We are interested in further exploring the role of these agencies in this process and the potential for ongoing support and collaboration.

We would like to see streamlining and effort made to ensure there are some user-friendly formats for constitution/deed examples and resources available for organisations. In our experience some of the most long-winded and confusing constitutions have been written by lawyers who are not specialists what organisations in the community sector need.

We can see that the more we discuss this review the bigger it becomes and careful thought needs to be given to the impact of changes especially those that impact on other Acts of Parliament under which we operate.

There needs to be strong consideration given to any transition process and the practical support needed to guide groups through this without placing a huge burden on top of already busy people. This includes consideration of the additional resource pressures should groups require specialised assistance to transition.

Please find attached a set of responses to the questions posed in your discussion document from members of our staff who work with a wide range of community sector organisations and frequently work with them on their legal structure and constitution/trust deeds.

Once again, thank you for the opportunity to contribute to thinking around this important issue.

Naku noa, na

Jane Stevens

Manager Community Advisory Services

Community Waikato