



18 January 2024

S24.01

## Submission to the Department of Internal Affairs Consultation on Regulations to enable Charities Appeals

### Introduction

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 13 branches across the country.
2. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
3. This submission has been prepared by the President in consultation with Sue Barker, Charities lawyer and NCWNZ Life Member.

### Summary

4. The National Council of Women New Zealand is a supporter of regulations that recognise the value of Charities and the work they do, and take the perspective that regulations should be enabling rather than punitive.
5. We note that this consultation is narrow in focus, asking questions about the technicalities of the administration regulations. While this can be useful, we would like to state that we see issues with the overall appeals process that are arguably more important to us than some of the minor details.
6. In particular, we note the concerns raised by Sue Barker:

*Against this broad outline of the new procedures for appeals, charities should be aware of three key difficulties with the new appeals process:*

- a. the removal of charities' ability to appeal to the High Court as of right;*
- b. the removal of most of charities' rights of appeal; and*
- c. concerns regarding the nature of the hearing on appeal.<sup>1</sup>*

## Questions

### Fee to file an appeal

- 7. A flat fee of \$200 would currently be reasonable. We would be interested to know how this fee would be reviewed over time.

### Filing fee waiver

- 8. A filing fee waiver should always be available, in the interests of justice. No-one should be denied the right to appeal because of limited resources. The criteria given for filing fee waivers seem reasonable.

### Administrative processes

- 9. Using existing processes is likely to be the simplest way of approaching appeals, and keeping processes simple is important.
- 10. 20 days to apply for leave to proceed appears reasonable, as at that stage the Charity has already started the process. However, it is important that the timeframe for the decision to make an appeal is not affected by this, and stays at the two months. As many smaller Charities are volunteer-led, the time to organise things such as appeals takes longer than when there are paid staff to do the work.
- 11. In terms of guiding the Authority and Charity specific regulations, we would again refer you to the analysis in Sue Barker's booklet on the Charity reforms.

## Conclusion

- 12. Thank you for the opportunity to give input into the development of new regulations. We trust that the voice of Charities in this targeted engagement will be listened to and implemented.



Suzanne Manning  
NCWNZ Board

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<sup>1</sup> Sue Barker, 2023, "Changes to the Charities Act: What you need to know", [www.seedthechange.nz/charities-reform](http://www.seedthechange.nz/charities-reform), p. 34