



ANALYSIS

Title

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| 1. Short Title |
| 2. Powers of inspection of Registrar |

 1983, No. 54

An Act to amend the Incorporated Societies Act 1908

[6 December 1983]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Incorporated Societies Amendment Act 1983, and shall be read together with and deemed part of the Incorporated Societies Act 1908 (hereinafter referred to as the principal Act).

2. Powers of inspection of Registrar—The principal Act is hereby amended by repealing section 34A (as inserted by section 5 of the Incorporated Societies Amendment Act 1981), and substituting the following section:

“34A. (1) Subject to subsection (3) of this section, the Registrar or any person authorised by him may, for the purpose of ascertaining whether a society or any officer of a society is complying or has complied with this Act, or of ascertaining whether the Registrar should exercise any of his rights or powers under this Act, or of detecting offences against this Act—

- “(a) Require a society or any officer of a society to produce for inspection any registers, records, accounts, books, or papers that are kept by the society; and

“(b) In any case where the Registrar or the person authorised by him considers that the aforesaid purpose cannot be achieved by inspecting only the documents specified in paragraph (a) of this subsection, or where such documents are not produced for inspection, require any person (including any officer employed in or in connection with any Government Department) to produce for inspection any registers, records, accounts, books, or papers that contain information relating to any money or other property that is or has been managed, supervised, controlled, or held in trust by or for the society; and

“(c) Inspect and make records of any such registers, records, accounts, books, or papers; and

“(d) For the purposes of making records thereof, take possession of and remove from the premises where they are kept, for such period of time as is reasonable in the circumstances, any such registers, records, accounts, books, or papers.

“(2) Nothing in subsection (1) of this section limits or affects the Inland Revenue Department Act 1974 or the Statistics Act 1975.

“(3) No person authorised by the Registrar for the purposes of subsection (1) of this section may require the production of a document or make an inspection under that subsection unless he has first made a declaration in the prescribed form that he will not, except in accordance with subsections (4) and (5) of this section, or for the purposes of this Act, or in the course of any criminal proceedings, make a record of or divulge or communicate to any other person any information that he acquires by an inspection under that subsection.

“(4) A person who has made an inspection under subsection (1) of this section shall give, divulge, or communicate any records or information that he has acquired in the course of the inspection to such of the following persons as may require such records or information, namely:

“(a) The Registrar:

“(b) An Assistant Registrar.

“(5) A person who has made an inspection under subsection (1) of this section shall, upon being directed to do so by a person for the time being holding the office of Registrar, give, divulge, or communicate any records or information that he has acquired in the course of the inspection to such of the following persons as that Registrar specifies, namely:

“(a) The Minister of Justice:

“(b) The Secretary for Justice:

“(c) Any person authorised by that Registrar to receive such records or information.

“(6) Notwithstanding anything in subsections (4), (5), and (7) of this section, the Registrar shall maintain and aid in maintaining the secrecy of all matters that come to his knowledge as a result of any inspection made under subsection (1) of this section, and shall not communicate any such matters to any person except—

“(a) For the purpose of or relating to—

“(i) Carrying this Act into effect; or

“(ii) Any criminal proceedings; or

“(iii) The enactment or proposed enactment of legislation relating to a particular society or group of societies; or

“(iv) The liquidation of any society to which an inspection under subsection (1) of this section relates; or

“(b) To the Official Assignee in bankruptcy; or

“(c) To any person to whom it is desirable that such matters should be communicated in the public interest; or

“(d) To any person who the Registrar is satisfied has a proper interest in receiving such matters.”

“(7) The Minister of Justice or the Secretary for Justice may, by written notice to that person, require a person for the time being holding the office of Registrar to give a direction under subsection (5) of this section; and that person shall comply with any such requirement.

“(8) If any person makes a record of, or divulges, or communicates to any other person, otherwise than in accordance with this section, or for the purposes of this Act, or in the course of any criminal proceedings, any information that he has acquired in the course of an inspection under subsection (1) of this section, he commits an offence and shall be liable to a fine not exceeding \$200.

“(9) If any society refuses or fails to produce for inspection to the Registrar, or to any person authorised by the Registrar for the purposes of subsection (1) of this section, any document that the Registrar or authorised person has under that subsection required it to produce, the society commits an offence and shall be liable to a fine not exceeding \$1,000.

“(10) If any officer of a society or other person refuses or fails to produce for inspection to the Registrar, or to any person authorised by the Registrar for the purposes of subsection (1) of this section, any document within the power or control of

that officer or person that the Registrar or authorised person has under that subsection required him to produce, that officer or person commits an offence and shall be liable to a fine not exceeding \$1,000.

“(11) Any person who wilfully obstructs or hinders the Registrar, or any person authorised by the Registrar for the purposes of subsection (1) of this section, while the Registrar or authorised person is making an inspection, or a record, or taking possession of, or removing any documents pursuant to that subsection, commits an offence and shall be liable to a fine not exceeding \$1,000.

“(12) Nothing in this section limits or affects legal professional privilege.”

Cf. 1908, No. 212, s. 34A; 1981, No. 41, s. 5

This Act is administered in the Department of Justice.
