



National Council of Women of New Zealand  
Te Kaunihera Wahine o Aotearoa

# The Circular

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## NCWNZ wins back Charitable Status

***"We always knew the Commission's original decision was wrong"  
- NCWNZ President, Barbara Arnold***

The National Council of Women of New Zealand (NCWNZ) is absolutely delighted that it has regained its rightful place on the charities register. The Board of the Charities Commission has decided to reinstate NCWNZ as a registered charity, after deregistering it in August 2010.

NCWNZ President Barbara Arnold says that it had taken 32 months of hard work and considerable anxiety to have the 2010 decision reversed. "We are especially grateful to Sue Barker Charities Law, without whose hard work, we simply would not have been able to achieve this outcome. We always knew the Commission's original decision was wrong. The fact that NCWNZ was alone among other national councils of women throughout the world in being a non registered charity was a telling factor in itself.

"However, the work involved in overturning the decision has been significant. We feel for other charities which may be forced to accept an adverse decision because they do not have the resources to challenge it.

Sue Barker questions whether the current system we have in place for challenging decisions of the charities regulator is working for us as a society. She notes that the New Zealand charities regulator (formerly the Charities Commission, and now the Department of Internal Affairs – Charities) has to date taken a very narrow approach to the definition of charitable purpose and says that under this approach, New Zealand risks losing many good charities.

"If the charities regulator makes a decision that is not correct, that is



***Sue Barker - questioning the system***

not necessarily an insurmountable problem if charities have a practical means of challenging that decision. However, a wrong decision will effectively become the law in New Zealand if it is not challenged. Charities need a practical and effective means of holding their regulator to account, such as an internal review process combined with a specialist charities tribunal, as is currently the case in Britain. If a charity proceeds to challenge a decision of the regulator before a tribunal or Court, that tribunal or Court should have available to it all the evidence necessary to reach a determination of whether a purpose is charitable. The current rule of limiting the Court to evidence that was presented to the regulator effectively means that charities have to present their applications for registered charitable status as if they are filing a High Court proceeding –

this is an onerous requirement, that in NCWNZ's case meant we had to carry the re-application into the regulator in a box.

"The current narrow approach also risks charities law in New Zealand becoming stuck in a time warp, and arguably places New Zealand out of step with charity regulation internationally. None of this is in anyone's interests.

"The current system needs to be redesigned around an understanding that charities work for the public benefit: it needs to be less adversarial and less "anti-charity". There also needs to be less responsibility on individual charities to ensure the appropriate development of the law, perhaps by the use of a test case procedure as is the case in tax law, or a reference procedure as is the case in Britain, or perhaps simply with funding assistance to take cases for the good of all.

"Importantly, however, the limited resources of the charities regulator would be better directed to monitoring charities that are doing things "wrong", than on deregistering good charities like NCWNZ on fine, technical and interpretative points of law that, as we have seen, can quite easily be decided the other way.

"The reform that is needed in this area is more likely to be achieved by working collectively than by individual charities battling on their own. In that regard, the timing is significant, with a general election scheduled to take place next year," Sue Barker says.

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# Help drive us forward

This month most of you will be holding Annual General Meetings in your Branches. This is a most important meeting, firstly because it is the occasion when the committee reports on the events and achievements of the previous year – this is the accountability that the Branch executive has to each and all of the members. Secondly, it is when you all look to the future and this is reflected most obviously in elections of Branch officers. Think carefully as to whether you can offer yourself for election or suggest this step to someone else, and be ready to support her. Office bearers can feel burdened by their responsibilities and branch members can relieve this by offering assistance with some of the routine tasks – what small job can you take on that will help the smooth functioning of your branch? In New Zealand society women contribute in many ways, from the local Plunket or Playcentre committee through to the highest levels of government and internationally. You will all know women who are the glue of your local area, or you are those women, who, through volunteer service, hold the community together. Often they are unrecognised but they must be supported.

Being part of a branch committee is a way of contributing to how the branch will look and feel in a few years time, and playing an important role in the work of the organisation as a whole. Our organisation was founded on the premise that women were expected to take responsibility and govern themselves, and, while serving on a branch executive is a small step, this may be preparation for other wider responsibilities. Often we belong to more than one organisation and gain experience in several areas of community service. All this practice builds a foundation for a more public involvement such as standing for office in local body elections. These take place later this year so now is the time to be considering whether this is the next move for you.

The Board often hears from Branches of difficulties in forming a committee,

how it can feel like recycling the same people through the various positions. We should be always aware of what new members can contribute and offer them an opportunity to become part of



the branch executive. Membership is one of the primary drivers behind the review of the Constitution – how can we make it easier for women to participate in the work of NCWNZ despite the hurdles of distance, lack of time or the disinclination to attend meetings. The Constitution Review Group that was formed following Conference met in parallel with the Board meeting at the end of April to finalise the draft and this will be going out to Branches this month. Your task will be to read it through carefully, and in conjunction with your branch bylaws, and consider whether this is the final version to take NCWNZ through the next 20 years. What will be the impact of any changes on the way your branch works? Will it make it easier for women to take part, or are there still obstacles in the way? Is there provision for women to contribute without being physically present, and how can we attract women of all backgrounds? How will it affect our on-going core business, the education and development of women and working to improve their lives and those of their families?

By now you will be aware that on Friday 19 April NCWNZ was re-registered as a charity under the Charities Act. This is great news and will be of enormous assistance to the organisation in moving forward into the future. I want to thank publicly Elizabeth Bang (Immediate Past President) and Sue Barker (Sue Barker Charities Law) for their hard work, persistence and generosity in driving this work to a successful conclusion.

*Barbara*