Review of the Charities Act 2005: Engagement strategy

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Introduction

The objective of the review is to ensure that the Act is fit for purpose

The Charities Act was enacted in 2005 and it is now timely to consider if it is effective and fit for purpose, with sufficient flexibility to suit the diverse nature of the charitable sector. The review’s Terms of Reference, which outline what is in and out of scope, can be found here: www.dia.govt.nz/vwluResources/CharitiesReviewTOR/$file/CharitiesReviewTOR.pdf

This strategy outlines DIA’s approach to engagement

Informed input from a wide range of interested parties is crucial to understanding key take/issues and to ensure that government decisions are well supported by evidence. The Department of Internal Affairs (DIA) will engage with diverse charities and other interested stakeholders to encourage input to the review. Māori engagement will be with both Māori-focused/led charities and with Māori as Treaty of Waitangi partners.

The Minister for the Community and Voluntary Sector is the key decision-maker

The Minister for the Community and Voluntary Sector (Minister CVS) will be the key decision maker on the review, subject to decisions that require Cabinet approval. The Minister CVS will provide strategic direction to DIA, and DIA will support Minister CVS to engage with other Cabinet Ministers whose portfolios involve an interface with charities or intersecting policy initiatives (such as the Tax Working Group and Incorporated Societies Amendment Bill).
Distinction between DIA’s Policy Group and Charities Services

The Policy Group within DIA is leading the work by officials on the review. Charities Services, a business unit within DIA that exercises delegated authority under the Charities Act, is a key stakeholder but is not leading the review. Throughout the strategy, “DIA” refers to the Policy Group.

Purpose of engagement

He tangata/people are at the core of the charitable sector

The purpose of engagement is to ensure that everyone has the opportunity to share their views during the review. Engagement efforts will encourage people and organisations that are interested in or affected by the Charities Act, including iwi, hapū, and whānau, to share their experiences of what is working well and what could be improved. Effective engagement will allow for better outcomes, transparency and inclusiveness, and will help ensure the Act is fit for purpose now and in the future, by:

- enabling key stakeholders, Māori and Treaty partners to express their views and develop a common understanding of take/issues and options for change;
- ensuring a range of perspectives are considered through informed submissions; and
- ensuring DIA well understands sector concerns and the implications and potential effects of any policy proposals.

Ngā Mātāpono/principles of engagement

Engagement during the review will align with the following principles

Early engagement with stakeholders, Māori and Treaty partners will assist DIA to develop a further understanding of important take/issues within scope of the review. Engagement will be guided by the following principles:

- Whānaungatanga – establishing and nurturing relationships by discussing key take/issues within scope of the review, to better understanding challenges and opportunities for the charitable sector in the future;
- Manaakitanga – retaining the mana of DIA and the charitable sector by showing respect, generosity, and care towards others;
- Kotahitanga – coming together, despite different opinions, to ensure the best possible outcome for all; and
- He Tangata – people are at the core of the sector and everyone should have an opportunity to participate in a way that best meets their needs.
Working level arrangements

The review’s terms of reference outline that DIA will work closely with some stakeholders during the review

In accordance with the terms of reference, DIA will ask the following stakeholders for input and expertise when developing the discussion document, engagement process, and consequent government response:

- the review’s Core Reference Group, comprising:
  - Sue Barker (Director of Sue Barker Charities Law);
  - Charmaine Brown (Director of Creating Success and Trustee of Autism Intervention Trust);
  - Donna Flavell (Chief Executive Officer of Te Whakakitenga o Waikato Incorporated and Trustee of Waikato Raupatu Lands Trust);
  - Anaru Fraser (General Manager of Hui E! Community Aotearoa);
  - Everdina Fuli (Research Advisor at Te Whare Wānanga o Aotearoa); and
  - Dave Henderson (former positions include Chair of Kidney Health New Zealand and External Relations Manager for Hui E! Community Aotearoa).

- Charities Registration Board;
- Charities Services (within DIA); and
- government agencies that interface with charities.

Engaging with Māori and Treaty partners

Realising the Crown-Māori Partnership

DIA are committed to supporting Māori charities and Treaty partners to contribute to the review. Māori, as tangata whenua and Treaty partners, have a unique relationship with the Crown. Engagement during the review is an opportunity to build on this relationship and strengthen the Crown-Māori partnership. It is also an opportunity for the government to support Māori expectations and aspirations, and to take positive steps to ensure that Māori interests are protected.

Ngā take/issues affect Māori charities and communities of all sizes across the country

There are around 1,000 Māori charities operating throughout the country (based on information on the charities register). The review will discuss both take/issues that impact the entire charitable sector, and take/issues that specifically impact Māori charities and Treaty partners. Analysis will be undertaken of the likely impact and relevance of the review to a range of Māori organisations from local marae to national organisations and legislated representative bodies. Engagement methods and messages will be designed accordingly.
**Tapping into Māori networks**

DIA will consult with key stakeholders to develop networks that allow for effective engagement with Māori charities and Treaty partners during the review. These stakeholders include Te Puni Kōkiri, Ministry of Justice (Crown/Māori Relations Unit) and the review’s Core Reference Group.

**Engagement analysis**

*Specific stakeholders, Māori and Treaty partners will differ in the way they are impacted and able to engage*

Methods of engaging with different groups of stakeholders, Māori and Treaty partners will vary, based on the extent to which they will be impacted by the review, their capacity to engage, and likely preferred engagement approaches. Further details of these groups can be found in **Diagram 1**.

Material will be made accessible to all stakeholders, with specific initiatives and messages to reach those most likely to be affected or interested. Key actions to encourage stakeholders, Māori and Treaty partners to engage with the review are outlined in **Appendix A**. A detailed operational plan will further analyse stakeholders and outline communications and actions.

**Diagram 1: Map of stakeholders, Māori and Treaty partners**

1. **Directly affected, limited capacity to engage**
   - Smaller and local charities across a wide range
   - Smaller Māori charities (such as marae committees registered as charities)
   - Smaller Pacific and ethnic charities

2. **Directly affected, stronger capacity to engage**
   - Larger or more resourced charities, including national and umbrella organisations
   - Post Settlement Governance Entities; other iwi organisations; urban Māori authorities; major Māori charities
   - Professional fundraisers (third-party fundraisers)

3. **Indirectly affected, limited capacity to engage**
   - Beneficiaries of charities
   - People who casually volunteer or give to charities
   - Small entities that are not registered charities (such as marae not registered as charities)

4. **Indirectly impacted, stronger capacity to engage**
   - Major funders (government and philanthropic)
   - Certain professional associations/private sector (for instance, accountants, lawyers, providers of training)
   - Academics
   - Members of public who regularly donate to charities
**Engagement approaches will span across all levels of the engagement spectrum**

Engagement can be viewed across a spectrum\(^1\) ranging from *Inform*, where stakeholders are kept up to date with what is happening, to *Empower*, where decision-making is in the hands of communities.

This review will largely focus on *Consult*, with DIA seeking submissions from charities, the wider public, Māori and Treaty partners on a discussion document. However, some aspects of engagement will occur across the entire spectrum as outlined in **Diagram 2** below:

**Diagram 2: Review engagement spectrum**

<table>
<thead>
<tr>
<th>Inform</th>
<th>Consult</th>
<th>Involve</th>
<th>Collaborate</th>
<th>Empower</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIA will inform all interested stakeholders, Māori and Treaty partners of progress and information about the review</td>
<td>DIA will seek feedback and submissions on the discussion document from all interested stakeholders, Māori, Treaty partners and the public</td>
<td>DIA will work with the Core Reference Group to identify issues for the discussion document, and potential locations for community meetings/hui</td>
<td>DIA will collaborate with a sub-group of the Core Reference Group on presentations for the community meetings/hui</td>
<td>Local meetings/hui will support charities to jointly reflect on what is working well, what can be improved, and what their vision for the sector is</td>
</tr>
</tbody>
</table>

**Key milestones**

The following dates are key milestones for the engagement strategy:

<table>
<thead>
<tr>
<th>Date</th>
<th>Milestones</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2018</td>
<td>Review announced</td>
</tr>
<tr>
<td>October 2018</td>
<td>Announcement of public consultation period</td>
</tr>
<tr>
<td>Late November 2018</td>
<td>Engagement strategy complete</td>
</tr>
<tr>
<td>Late January 2019</td>
<td>Announcement of indicative community meeting dates and locations</td>
</tr>
<tr>
<td>March-April 2019</td>
<td>Community consultation</td>
</tr>
<tr>
<td>June 2019</td>
<td>Submissions posted online</td>
</tr>
<tr>
<td>Late 2019</td>
<td>Cabinet decisions announcement</td>
</tr>
</tbody>
</table>

**Communications strategy**

*Methods of informing people about the review*

Information at key stages will be provided via:

- Ministerial press releases;

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\(^1\) International Association for Public Participation spectrum
material on [www.dia.govt.nz/charitiesreview](http://www.dia.govt.nz/charitiesreview), including the discussion document, a submission form, frequently asked questions, and key message summaries (for charities in general and Māori charities and Treaty partners); and notices in key government and national community newsletters.

Other engagement channels to be considered include:

- presentations at relevant hui and other events during the consultation period;
- postings on social media sites (Facebook and LinkedIn); and
- radio interviews, such as Waatea Urban Māori Radio, and Access Radio programmes for community organisations and ethnic communities.

Announcements will be sent to all charities listed on the charities register. Te Puni Kōkiri, Office of Ethnic Communities and Ministry of Pacific Peoples will assist with distribution of panui/notices, as will the Core Reference Group and members of Charities Services’ Sector User Group.

Specific attention will also be given to reaching professional groupings with potential interest, such as fundraisers, accountants and lawyers working with charities.

**Consultation methods: gathering input**

Recognising the importance of engaging kanohi ki te kanohi/face to face, release of a discussion document online will be accompanied by at least 20 meetings spread around the country. This will ensure a wide range of charities and other interested stakeholders can engage with the review and will encourage informed written submissions.

Some specific hui will be arranged in various locations to gather views from Māori entities of different types and sizes, including Post Settlement Governance Entities, national Māori charities, and small charities (for instance, marae committees).

**Involve, collaborate and empower**

Officials will involve the Core Reference Group members in clarifying issues to be outlined in the discussion document and in considering locations for community meetings.

A sub-group of these members have philanthropic support to undertake parallel research on sector views about how the Act works in practice. DIA will work closely with these members to ensure a collaborative approach optimises the value of the community meetings, engenders informed discussion, maximises the quality of submissions, and ensures DIA and Core Reference Group members’ respective roles are clear.

The community meetings will aim to empower communities through provision of information and opportunities to share with others.

**Risks and mitigations**

The operational plan for the project will regularly be updated regarding risks and mitigations. This includes planning for inclusiveness and anticipating community questions and any concerns.
# Appendix A: Key actions to support engagement with stakeholders, Māori and Treaty partners

<table>
<thead>
<tr>
<th>Action</th>
<th>Expected outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engage early with the Charities Services’ Sector User Group, Charities Registration Board, Charities Services and government agencies</td>
<td>DIA is well informed about key take/issues affecting the sector</td>
</tr>
<tr>
<td>Engage early with Ministry of Justice, Te Puni Kōkiri, Office of Ethnic Communities, and Ministry of Pacific Peoples about engagement channels and strategy</td>
<td>DIA is informed about how best to support engagement throughout the review</td>
</tr>
<tr>
<td>Work with Core Reference Group members on content for the discussion document</td>
<td>DIA understands sector perspectives and the range of take/issues</td>
</tr>
<tr>
<td>Provide updates about the progress of the review in sector newsletters</td>
<td>Stakeholders, Māori and Treaty partners are aware of when they can get involved and where they can find further information</td>
</tr>
<tr>
<td>Develop and release a discussion document, including a specific section on Te Ao Māori</td>
<td>The public discussion document covers all areas within the scope of the review, taking into account stakeholders, Māori and Treaty partners views of take/issues</td>
</tr>
<tr>
<td>Provide case studies in the discussion document</td>
<td>The public, stakeholders, Māori and Treaty partners are better able to relate take/issues to their own experiences</td>
</tr>
<tr>
<td>Frame open-ended questions in the discussion document</td>
<td>Submitters are enabled to provide examples of their views and their experiences under the Act</td>
</tr>
<tr>
<td>Create two message summaries on the purpose of the review and key take/issues: one for the sector in general and another specifically for Māori and Treaty partners</td>
<td>The audiences understand why the review is relevant to them and the reasons to engage</td>
</tr>
<tr>
<td>Announce the indicative locations of community meetings, along with key messaging about the review</td>
<td>The public and community organisations are informed as early as possible about the meeting schedule</td>
</tr>
<tr>
<td>Hold meetings/hui around the country, March-April 2019</td>
<td>DIA hears views and receives submissions from interested communities around the country</td>
</tr>
<tr>
<td>Share information about the review online on the review webpage, through social media, community newsletters, radio interviews, etc</td>
<td>The public, stakeholders, Māori and Treaty partners, including those in areas where public meetings will not be held, can access information about the review</td>
</tr>
<tr>
<td>Summarise feedback received through public submissions and publish online</td>
<td>The public, stakeholders, Māori and Treaty partners understand that DIA has heard and understood their submissions</td>
</tr>
<tr>
<td>Work with key stakeholders on development of policy options after consultation</td>
<td>Policy proposals are workable and reflect perspectives during the consultation phase</td>
</tr>
</tbody>
</table>