

CLAUSE NOTES

Co-operatives National Law (Tasmania) Bill 2013

- Clause 1:** cites the name (short title of the Act)
- Clause 2:** provides for the Act to be commenced by proclamation, including provision for different parts of the Act to commence on different days
- Clause 3:** contains definitions and other interpretive provisions used in the Act.
- Clause 4:** is the provision which makes the NSW Co-operatives National Law and the NSW Co-operatives National Regulations both law of Tasmania.
- Clause 5:** ensures that references to certain individuals or classes of public sector officials are accurate for the Tasmanian context.
- Clause 6:** excludes certain legislation from applying to this Act.
- Clause 7:** identifies who or what is meant by certain terms in the Co-operatives National Law in the Tasmanian context.
- Clause 8:** specifies what is to occur to certain funds collected under the Co-operatives National Law in Tasmania.
- Clause 9:** specifies the destination for certain funds credited as part of the deregistration process for co-operatives.
- Clause 10:** defines “this jurisdiction” under section 530 of the Co-operatives National Law as being Tasmania.
- Clause 11:** lists which officers or bodies in Tasmania may have information provided to them without

contravening the secrecy provisions of the Co-operatives National Law.

- Clause 12:** specifies that in Tasmania, pecuniary penalty orders are to be paid to the Registrar
- Clause 13:** identifies which transactions by co-operatives do not require the payment of a duty.
- Clause 14:** prevents the charging of a registration fee for certain instruments.
- Clause 15:** provides the Governor of Tasmania with the authority to make the Co-operative National Regulations under the Co-operative National Law.
- Clause 16:** provides the Governor with the authority to make local regulations and provides for what matters can be dealt with under local regulations. These include procedural matters. This clause also limits the quantum of penalties that can be imposed by local regulations.
- Clause 17:** enables a copy of a gazetted instrument to be used as evidence of the original instrument.
- Clause 18:** outlines the procedure for dealing with offences under the Co-operatives National Law within Tasmania. This includes a limitation period of five years from the time of the alleged offence for bringing an action under the local regulations or the local provisions of the Act.
- Clause 19:** deals with how fines and penalties may be recovered. This clause states that only a co-operative can commence proceedings regarding a fine or penalty under its own rules.
- Clause 20:** provides indemnity from liability for defined “officials” if they act honestly and without

negligence. Liability will then attach to the Crown.

Clause 21: identifies the Registrar of Co-operatives as the Director of Consumer Affairs and Fair Trading.

Clause 22: all amendments to the Co-operatives National Law will be tabled in both Houses of Parliament within ten sitting days of their commencement.

Clause 23: The Minister for Corrections and Consumer Protection will be the responsible minister for this Act and the Department of Justice will be the responsible department.

Clause 24: indicates that savings and transitional provisions are contained in schedule 1.

Clause 25: indicates that Schedule 2 lists legislation that is to be repealed.

Clause 26: indicates that Schedule 3 lists legislation that is to be rescinded.

Clause 27: indicates that Schedule 4 lists legislation that is to be revoked.

Schedule 1,

Part 1,

Clause 1: provides that the local regulations may contain savings and transitional matters.

Part 2,

Clause 1: defines “repealed Act” for the purposes of this Part as the *Cooperatives Act 1999*.

Clause 2: is a savings provision to clarify the transition of persons things and circumstances from the old to the new law

Clause 3: provides that co-operatives registered under the old Act are deemed registered under the Co-operatives National Law.

- Clause 4:** provides for the restriction of voting rights to certain members of a defined class of “club”.
- Clause 5:** where membership is cancelled prior to the commencement of the relevant provision of the Co-operatives National Law, the period specified in the Co-operatives National law is extended to 5 years.
- Clause 6:** entitlement to distribution of a surplus or part of the reserves of a co-operative prior to the commencement of this clause, continues following commencement.
- Clause 7:** exempts shares issued prior to commencement from section 78 of the Co-operatives National Law.
- Schedule 2:** repeals the previous Tasmanian *Cooperatives Act 1999*
- Schedule 3:** rescinds the previous Tasmanian *Co-operatives Regulations 2010*
- Schedule 4:** revokes the Tasmania *Co-operatives Order 2010*