



New South Wales

Co-operatives Amendment (Declaration of Interests) Regulation 1999

under the

Co-operatives Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operatives Act 1992*.

John Watkins MP

Minister for Fair Trading

Explanatory note

Section 234 of the *Co-operatives Act 1992* obliges a director of a co-operative who is or becomes interested in a contract or proposed contract with the co-operative to declare the nature and extent of the interest to the board of directors of the co-operative.

The object of this Regulation is to remove that obligation in circumstances where the interest relates to a contract or proposed contact between the co-operative and a related body corporate, and the director's interest arises only from the fact that he or she is also an officer or a shareholder of the related body corporate, or that his or her associate or relative is an officer or a shareholder of the related body corporate.

This Regulation is made under the *Co-operatives Act 1992*, including section 241 (Certain interests need not be declared) and section 446 (the general regulation-making power).

Co-operatives Amendment (Declaration of Interests) Regulation 1999

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Declaration of Interests) Regulation 1999*.

2 Amendment of Co-operatives Regulation 1997

The *Co-operatives Regulation 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clause 14A

Insert after clause 14:

14A Certain interests need not be declared

- (1) For the purposes of section 241 (d) of the Act, the following classes of contracts are prescribed in relation to a person who is a director of a co-operative:
 - (a) contracts made with or for the benefit of, or on behalf of, a body corporate of which the person (or an associate or relative of the person) is an officer or a shareholder, being a body corporate that is a related body corporate of the co-operative of which the person is a director, and
 - (b) contracts that are variations of a contract referred to in paragraph (a).
- (2) In this clause:

relative of a person means:

 - (a) the spouse of the person,
 - (b) the other party to a de facto relationship with the person (within the meaning of the *De Facto Relationships Act 1984*),
 - (c) a parent or child of the person,
 - (d) a parent or child of the spouse of the person,
 - (e) a parent or child of the other party to a de facto relationship with the person (within the meaning of the *De Facto Relationships Act 1984*).
- (3) This clause, unless sooner repealed, ceases to have effect on the day that is 5 years after the date of its commencement.

BY AUTHORITY