



New South Wales

Co-operatives Amendment (Adoption of Provisions of Corporations Law) Regulation 2000

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, M.P.,

Minister for Fair Trading

Explanatory note

Section 8 of the *Co-operatives Act 1992* specifies those provisions of the *Corporations Law* that apply under their own force to co-operatives. All other provisions of the *Corporations Law* are excluded from such application. However, section 9 of the *Co-operatives Act 1992* provides for the regulations under the Act to adopt, with or without modification, a provision of the *Corporations Law* for application in relation to co-operatives.

The object of this Regulation is to adopt section 1322 of the *Corporations Law* for application in relation to co-operatives, so as to empower the Supreme Court to cure certain procedural irregularities under the *Co-operatives Act 1992*.

This Regulation is made under the *Co-operatives Act 1992*, including sections 9 and 446 (the general regulation-making power).

2000 No 340

Clause 1 Co-operatives Amendment (Adoption of Provisions of Corporations Law)
Regulation 2000

Co-operatives Amendment (Adoption of Provisions of Corporations Law) Regulation 2000

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Adoption of Provisions of Corporations Law) Regulation 2000*.

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 23B

Insert after clause 23A:

23B Provisions regarding irregularities adopted for application to co-operatives

For the purposes of section 9 (1) of the Act, section 1322 (1)–(3A) and (4)–(6) of the *Corporations Law* is adopted for application to co-operatives, subject to the following modifications:

- (a) references to “this Law” are to be read as including references to the *Co-operatives Act 1992*, and
- (b) a reference to a “corporation” is to be read as a reference to a co-operative, and
- (c) references to “the Court” are to be read as references to the Supreme Court, and
- (d) a reference to a meeting in section 1322 (3) is to be read as including a reference to a vote conducted by a postal ballot (including a special postal ballot), and
- (e) a reference in section 1322 (3) to the giving of notice of a meeting is to be read as including a reference to the giving of a disclosure statement or explanatory statement in relation to a matter the subject of a vote at a meeting or in relation to a matter the subject of a postal ballot (including a special postal ballot), and
- (f) the reference in section 1322 (3) to “a person entitled to attend the meeting” is to be read as including a reference to a person entitled to vote in a postal ballot (including a special postal ballot), and
- (g) the reference in section 1322 (4) (b) to a register kept by the Commission under the *Corporations Law* is to be read as a reference to a register kept by the Registrar under the *Co-operatives Act 1992*.

BY AUTHORITY