

Co-operatives Amendment Act 1997 No 39

[1997-39]



New South Wales

Status Information

Currency of version

Historical version for 1 December 2001 to 3 July 2002 (accessed 26 November 2024 at 2:44)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2002](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 12 June 2002

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Contents

Long title	3
1 Name of Act.....	3
2 Commencement	3
3 Amendment of Co-operatives Act 1992 No 18.....	3
Schedule 1 Amendments	3

Co-operatives Amendment Act 1997 No 39



New South Wales

An Act to amend the *Co-operatives Act 1992* by enacting core consistent provisions to give effect to a national scheme for the regulation of co-operatives with respect to interstate operations, fund raising, mergers and other matters; and for other purposes.

1 Name of Act

This Act is the *Co-operatives Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of *Co-operatives Act 1992 No 18*

The *Co-operatives Act 1992* is amended as set out in Schedule 1.

Schedule 1 Amendments

[1]-[143] (Repealed)

[144] Section 267 Application of *Corporations Law*—re-issue of redeemed debentures (cf Vic Act s 266)

Insert “or employees” after “members”.

[145]-[211] (Repealed)

[212] Section 428A

Insert before section 429 after the note inserted by this Act:

428A Meaning of “co-operatives law” and “participating State”

In this Part, *co-operatives law* and *participating State* have the same meaning as in section 369A.

[213]-[217] (Repealed)

[218] Sections 435A-435D

Insert after section 435:

435A Offences under this Act and co-operatives law

If:

- (a) an act or omission constitutes an offence under this Act and under a co-operatives law of a participating State, and
- (b) the offender has been punished for that offence under the co-operatives law of the participating State,

the offender is not liable to be punished for the offence under this Act.

435B Civil liability under this Act and co-operatives law

In a proceeding under this Act in respect of loss or damage arising out of a contravention of this Act, it is a defence if it is proved:

- (a) that the plaintiff has recovered in respect of the loss or damage in an action brought under a co-operatives law of a participating State, or
- (b) that:
 - (i) the plaintiff has brought proceedings under a co-operatives law of a participating State to recover in respect of the loss or damage, and
 - (ii) judgment has been entered for the defendant in those proceedings.

435C Offences committed partly in and partly outside jurisdiction

If:

- (a) a person does or omits to do an act outside this State, and
- (b) if the person had done or omitted to do that act in this State, the person would, by reason of also having done or omitted to do an act in the State, have been guilty of an offence against this Act,

the person is guilty of that offence.

435D Reciprocity in relation to offences

If:

- (a) a person does or omits to do an act within this State, and

(b) if that person had done or omitted to do that act in a participating State, the person would have been guilty of an offence against a provision of a co-operatives law of the participating State,

the person is guilty of an offence against the corresponding provision of this Act.

[219]-[240] (Repealed)