

Queensland



**EQUITY AND FAIR
TRADING
(MISCELLANEOUS
PROVISIONS) BILL 1999**

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**EQUITY AND FAIR TRADING
(MISCELLANEOUS PROVISIONS) BILL
1999**

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1999

A BILL

FOR

**An Act to amend various Acts administered by the Minister for
Aboriginal and Torres Strait Islander Policy and Minister for
Women's Policy and Minister for Fair Trading**

*Equity and Fair Trading (Miscellaneous
Provisions)*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Equity and Fair Trading (Miscellaneous Provisions) Act 1999*.

4

5

Commencement

6

Clause **2.** This Act commences on a day to be fixed by proclamation.

7

**PART 2—AMENDMENT OF ASSOCIATIONS
INCORPORATION ACT 1981**

8

9

Act amended in pt 2

10

Clause **3.** This part amends the *Associations Incorporation Act 1981*.

11

Amendment of s 22 (Property for an association)

12

Clause **4.** Section 22(2), ‘section (1)(a)’—

13

omit, insert—

14

‘subsection (1)(a)’.

15

Replacement of pt 4, div 4 hdg and s 43

16

Clause **5.(1)** Part 4, division 4, heading and section 43—

17

omit, insert—

18

*Equity and Fair Trading (Miscellaneous
Provisions)*

Division 4—Unsuitable names

	2	1
	3	2
	4	3
	5	4
	6	5
	7	6
	8	7
	9	8
	10	9
Clause	11	10
	12	11
	13	12
	14	13
	15	14
Clause	16	15
	17	16
	18	17
	19	18
Clause	20	19
	21	20
	22	21
	23	22
	24	23
	25	24

*Equity and Fair Trading (Miscellaneous
Provisions)*

	(3) Section 59(1)(b)(ii), ‘executive;’—	1
	<i>omit, insert—</i>	2
	‘executive; and’.	3
	(4) Section 59(2)(a) and (b), ‘association;’—	4
	<i>omit, insert—</i>	5
	‘association; or’.	6
	Amendment of s 61 (Membership of management committee)	7
Clause	9. Section 61(5)—	8
	<i>renumber</i> as section 61(3).	9
	Amendment of s 89 (Voluntary winding-up)	10
Clause	10. Section 89(3) and (4)—	11
	<i>omit.</i>	12
	Amendment of s 90 (Winding-up by the Supreme Court)	13
Clause	11. Section 90(3) and (4)—	14
	<i>omit.</i>	15
	Amendment of s 91 (Application of Corporations Law to winding-up)	16
Clause	12.(1) Section 91(1)—	17
	<i>omit, insert—</i>	18
	‘91.(1) The provisions of the Corporations Law dealing with winding-up	19
	and subsequent deregistration of a company are adopted by this section and	20
	apply with necessary changes for the winding-up of an association under	21
	section 89 or 90.	22

Equity and Fair Trading (Miscellaneous Provisions)

- ‘(1A) To apply the Corporations Law, chapter 5A¹— 1
- (a) the Corporations Law, section 601AB(3)(c) and (e)² does not 2
apply; and 3
- (b) the Corporations Law, section 601AB(3) is taken to require that 4
2 months have passed since the last notice required to be given 5
under the provision has been given.’. 6
- (2) Section 91(2)(a), after ‘commission’— 7
insert— 8
‘or ASIC’. 9
- (3) Section 91(2)— 10
insert— 11
‘(g) the Court—is taken to be a reference to the Supreme Court; and 12
(h) the Gazette—is taken to be a reference to the Queensland 13
Government Gazette.’. 14

Amendment of s 92 (Distribution of surplus assets) 15

- Clause **13.** Section 92— 16
insert— 17
‘(2A) This section applies despite any provision of the Corporations Law 18
adopted under section 91.’. 19

Insertion of new pt 10A 20

- Clause **14.** After section 94— 21
insert— 22

¹ Corporations Law, chapter 5A (Deregistration of companies)

² Corporations Law, section 601AB(3) (Deregistration procedure)

*Equity and Fair Trading (Miscellaneous
Provisions)*

‘PART 10A—REINSTATEMENT

‘Definitions for pt 10A

‘94A. In this part—

“deregistered association” means an association that—

- (a) has been deregistered under the provisions of the Corporations Law adopted under section 91; or
- (b) has been dissolved under the repealed part 5.6, division 8³ of the Corporations Law; or
- (c) has had its incorporation cancelled under section 93.

“deregistration” means—

- (a) deregistration under the provisions of the Corporations Law adopted under section 91; or
- (b) dissolution under the repealed part 5.6, division 8 of the Corporations Law; or
- (c) cancellation of incorporation under section 93.

“reinstate”, the registration of an association, includes reinstate the registration of an association dissolved under the repealed part 5.6, division 8 of the Corporations Law.

‘Reinstatement

‘94B.(1) The chief executive may, on the application of a person or on the chief executive’s own initiative, reinstate the registration of a deregistered association if the chief executive is satisfied the association should not have been deregistered.

‘(2) A person aggrieved by the deregistration, or a former liquidator of a deregistered association, may apply to the Supreme Court for an order that the chief executive reinstate the association’s registration.

³ Corporations Law, repealed part 5.6 (Winding-up generally), division 8 (Dissolution)

*Equity and Fair Trading (Miscellaneous
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‘(3) The court may make the order if it is satisfied it is just to do so. 1

‘(4) If the court makes the order, it may— 2

(a) validate anything done between the deregistration and 3
reinstatement; and 4

(b) make any other order it considers appropriate. 5

Example of an order under paragraph (b)— 6

An order that property vested in the public trustee under section 94 be transferred 7
to another person. 8

‘Chief executive to give notice of reinstatement 9

‘94C.(1) If an association’s registration is reinstated, the chief executive 10
must give notice of the reinstatement to the association’s secretary. 11

‘(2) If an association’s registration is reinstated under section 94B(1) on 12
the application of a person, the chief executive must also give notice of the 13
reinstatement to the person. 14

‘Effect of reinstatement 15

‘94D.(1) On the reinstatement of an association’s registration— 16

(a) the association is taken to have continued in existence as if it had 17
not been deregistered; and 18

(b) a member of the management committee of the association 19
immediately before the deregistration again becomes a member 20
of the management committee of the association; and 21

(c) any property of the association that is still vested in the chief 22
executive reverts in the association; and 23

(d) if the association held property subject to a security or other 24
interest or claim, the association takes the property subject to the 25
security or other interest or claim. 26

‘(2) However, reinstatement does not affect anything done, before the 27
reinstatement, by the public trustee under this Act in relation to the 28
association’s property on its deregistration.’ 29

*Equity and Fair Trading (Miscellaneous
Provisions)*

	Amendment of s 105A (Application of division)	1
Clause	15. Section 105A(g), after ‘dissolved’—	2
	<i>insert—</i>	3
	‘or deregistered’.	4
	Insertion of new s 138	5
Clause	16. After section 137—	6
	<i>insert—</i>	7
	‘Service	8
	‘ 138.(1) A document may be served on an incorporated association by leaving it at, or sending it by post, telex, facsimile or similar facility to, the address of the secretary, president or treasurer of the association shown in the records kept under this Act by the chief executive.	9 10 11 12
	‘(2) Subsection (1) does not limit any way of serving an incorporated association provided under any other law, but does not apply to the service of a notice under section 93. ⁴ ’.	13 14 15
	 PART 3—AMENDMENT OF BUSINESS NAMES ACT 1962	 16 17
	Act amended in pt 3	18
Clause	17. This part amends the <i>Business Names Act 1962</i> .	19
	Insertion of new s 24B	20
Clause	18. After section 24A—	21
	<i>insert—</i>	22

⁴ Section 93 (Cancellation of incorporation)

*Equity and Fair Trading (Miscellaneous
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‘Protection from liability	1
‘24B.(1) The registrar is not civilly liable for an act done, or an omission made, honestly and without negligence under this Act.	2 3
‘(2) If subsection (1) prevents a civil liability attaching to the registrar, the liability attaches instead to the State.’.	4 5

PART 4—AMENDMENT OF COOPERATIVES ACT 1997	6 7
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Act amended in pt 4	8
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Clause	19. This part and schedule 1 amend the <i>Cooperatives Act 1997</i> .	9
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Amendment of s 11 (Interpretation of adopted provisions of Corporations Law)	10 11
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Clause	20. Section 11(2)— <i>insert—</i>	12 13
	‘(g) a reference to the Australian Securities and Investments Commission, however referred to, is to be read as a reference to the registrar.’.	14 15 16

Amendment of s 14 (Trading cooperatives)	17
---	----

Clause	21.(1) Section 14(2)— <i>omit, insert—</i>	18 19
	‘(2) A trading cooperative is a cooperative whose rules allow it to give returns or distributions on surplus or share capital.’.	20 21
	(2) Section 14(3)(c)— <i>omit, insert—</i>	22 23
	‘(c) for another trading cooperative—	24

Equity and Fair Trading (Miscellaneous Provisions)

- (i) if a lesser number than 5 is prescribed under a regulation—at least that number of active members; or 1
2
- (ii) otherwise—5 or more active members.’. 3

Amendment of s 15 (Non-trading cooperatives) 4

Clause **22.(1)** Section 15(1)— 5

omit, insert— 6

‘**15.(1)** A non-trading cooperative is a cooperative whose rules prohibit it from giving returns or distributions on surplus or share capital to members, other than the nominal value of shares, if any, at winding-up.’. 7
8
9

(2) Section 15(3)(c)— 10

omit, insert— 11

‘(c) for another non-trading cooperative— 12

- (i) if a lesser number than 5 is prescribed under a regulation—at least that number of active members; or 13
14

- (ii) otherwise—5 or more active members.’. 15

Amendment of s 17 (Approval of disclosure statement) 16

Clause **23.(1)** Section 17(4)(b) and (c)— 17

omit, insert— 18

‘(b) amend the draft, or require a stated amendment of the draft, and then approve the amended statement; or 19
20

(c) approve a different statement to that submitted; or 21

(d) refuse to approve the statement; or 22

(e) require the person submitting the draft statement to give the registrar any additional information the registrar reasonably requires, and then act under paragraph (a), (b), (c) or (d).’ 23
24
25

(2) Section 17— 26

insert— 27

Equity and Fair Trading (Miscellaneous Provisions)

‘(5A) The registrar may approve a disclosure statement with or without conditions.’. 1
2

Amendment of s 71 (Cooperative to give information to person intending to become a member) 3
4

Clause 24.(1) Section 71(2)(a), after ‘cooperative’— 5
insert— 6

‘and at each other office of the cooperative in or outside Queensland, including outside Australia’. 7
8

(2) Section 71— 9

insert— 10

‘(3) The registrar’s consent may be given on conditions.’. 11

Amendment of s 76 (Repayment of shares on expulsion) 12

Clause 25.(1) Section 76(1), from ‘must’— 13
omit, insert— 14

‘must, within 1 year after the day of expulsion— 15

(a) repay to the former member an amount (the “**repayable amount**”) made up of the amount paid up on the shares held by the member at the day of expulsion, less any amount owed by the member to the cooperative at the day of expulsion under the rules of the cooperative or any contract or otherwise; or 16
17
18
19
20

(b) apply the repayable amount under subsection (2) if— 21

(i) the board considers repayment would adversely affect the financial position of the cooperative; or 22
23

(ii) the board and the former member agree. 24

‘(2) The repayable amount may be applied in 1 of the following ways— 25

(a) the cooperative may appropriate the amount as a donation to the cooperative, but only if the former member consents in writing to the donation; 26
27
28

*Equity and Fair Trading (Miscellaneous
Provisions)*

- (b) if the cooperative is a deposit-taking cooperative—the cooperative may apply the amount as a deposit by the former member with the cooperative; 1
2
3
- (c) the cooperative may allot or issue debentures of the cooperative to the former member in satisfaction of the amount.⁵. 4
5

(2) Section 76(4)— 6
omit. 7

(3) Section 76(2) and (3)— 8
renumber as section 76(3) and (4). 9

Replacement of s 143 (Disclosure to members) 10

Clause **26.** Section 143— 11
omit, insert— 12

‘Disclosure to intending shareholders in trading cooperative 13

‘143.(1) The board of a trading cooperative must give a person who intends to acquire shares in the cooperative and is not already a shareholder in the cooperative a current disclosure statement that— 14
15
16

- (a) has been approved by the registrar under section 176; or 17
- (b) complies with section 143A and has been filed by the cooperative with the registrar. 18
19

‘(2) The disclosure statement must be given before the person becomes bound to acquire the shares. 20
21

‘(3) The disclosure statement is in addition to any information required to be provided to the person under part 4.⁷ 22
23

‘(4) A disclosure statement is current until whichever of the following happens first after the statement is prepared— 24
25

⁵ See also sections 133 (Interest on deposits and debentures) and 134 (Repayment of deposits and debentures)

⁶ Section 17 (Approval of disclosure statement)

⁷ Part 4 (Membership)

Equity and Fair Trading (Miscellaneous Provisions)

(a) a change in the rights or liabilities attaching to any class of share in the cooperative;	1 2
(b) a significant change in the financial position or prospects of the cooperative;	3 4
(c) any of the next financial, directors' or auditor's reports required to be prepared under section 232(1) become available.	5 6
‘(5) If a disclosure statement stops being a current disclosure statement because of a change mentioned in subsection (4)(a) or (b), the cooperative must, within 14 days after the change—	7 8 9
(a) give the registrar written notice—	10
(i) that the disclosure statement is no longer current because of a change mentioned in subsection (4)(a); or	11 12
(ii) that the disclosure statement is no longer current because of a change mentioned in subsection (4)(b); or	13 14
(b) file a current disclosure statement with the registrar that complies with section 143A.	15 16
‘ Content of disclosure statement to intending shareholders	17
‘ 143A. A disclosure statement given to a person under section 143 must contain ⁸ —	18 19
(a) a statement of the rights and liabilities attaching to shares; and	20
(b) a copy of the last annual report of the cooperative under section 242, ⁹ unless a copy of the report—	21 22
(i) has already been given to the person under this Act; or	23

⁸ See section 144A (Adoption of certain Corporations Law provisions about shares) for additional requirements relating to disclosure statements and other prospectuses.

⁹ Section 242 (Annual report to be filed with registrar)

Equity and Fair Trading (Miscellaneous Provisions)

- (ii) has been made available for inspection under a notice given to the person under section 71(2)¹⁰; and
- (c) any other relevant information about the financial position and prospects of the cooperative if there has been a significant change since the date of the last annual report; and
- (d) any other information the registrar directs.

‘Exemptions for disclosure statements

‘143B.(1) The registrar may, by gazette notice, exempt the board or boards of a trading cooperative or a class of trading cooperative from a requirement under section 143 or 143A.

‘(2) An exemption under subsection (1) may be given only if the registrar is satisfied that compliance with the requirement would be inappropriate in the circumstances or would impose an unreasonable burden.

‘(3) The gazette notice is subordinate legislation.’.

Insertion of new s 144A

Clause **27.** After section 144—
insert—

‘Adoption of certain Corporations Law provisions about shares

‘144A.(1) The Corporations Law, sections 1025, 1026, 1027, 1032, 1035, 1036 and 1043 are adopted by this section and apply to shares in a cooperative.¹¹

¹⁰ Section 71 (Cooperative to give information to person intending to become a member)

¹¹ Corporations Law, sections 1025 (Certain notices not to be published), 1026 (Certain reports referring to prospectuses not to be published), 1027 (Evidentiary provisions etc), 1032 (Expert’s consent to issue of prospectus containing statement by expert), 1035 (Prohibition of allotment unless minimum subscription received), 1036 (Repayment of subscriptions) and 1043 (Application money to be held in trust)

*Equity and Fair Trading (Miscellaneous
Provisions)*

‘(2) To apply the provisions of the Corporations Law mentioned in subsection (1), a reference in the provisions to a prospectus is taken to include a disclosure statement, of any type, under this Act. 1
2
3

‘(3) To apply the Corporations Law, section 1035, a minimum subscription, in relation to a share offer or invitation, means the minimum amount that any public statement authorised by the cooperative indicates must be raised by the share issue.’. 4
5
6
7

Amendment of s 170 (Purchase and repayment of shares) 8

Clause 28. Section 170— 9
insert— 10

‘(4A) A cooperative must not purchase shares or repay amounts paid up on shares if— 11
12

(a) the cooperative is likely to become insolvent because of the repurchase of the shares or because of the repayment of amounts paid up on the shares; or 13
14
15

(b) the cooperative is insolvent.’. 16

Replacement of pt 8 hdg 17

Clause 29. Part 8, heading— 18
omit, insert— 19

‘PART 8—VOTING AND MEETINGS’. 20

Replacement of s 173 (Application of part) 21

Clause 30. Section 173— 22
omit, insert— 23

‘Application of part to voting 24

‘173. The provisions of this part applying to voting apply to voting on all resolutions.’. 25
26

Equity and Fair Trading (Miscellaneous Provisions)

	Insertion of new s 179A	1
Clause	31. After section 179—	2
	<i>insert—</i>	3
	‘Effect of disposal of shares on voting rights	4
	‘179A. A member of a cooperative can not vote if the member has sold or transferred, or disposed of the beneficial interest in, the member’s shares, or agreed to do so.’.	5
		6
		7
	Insertion of new pt 8, div 2A	8
Clause	32. After section 192—	9
	<i>insert—</i>	10
	‘Division 2A—Resolution by circulated document	11
	‘Application of div 2A	12
	‘192A.(1) This division applies to a resolution of a cooperative, including a resolution appointing an officer or auditor or approving of or agreeing to any act, matter or thing, if—	13
		14
		15
	(a) the cooperative has fewer than 50 members; and	16
	(b) the resolution is required or permitted under this Act or the rules of the cooperative to be passed at a general meeting of the cooperative.	17
		18
		19
	‘(2) However, this division does not apply to a resolution of a cooperative—	20
		21
	(a) of which more than 14 days notice is required to be given under this Act; or	22
		23
	(b) that is required to be passed by a majority other than a simple majority.	24
		25

Equity and Fair Trading (Miscellaneous Provisions)

	‘Resolution by circulation of document—fewer than 50 members	1
	‘192B.(1) If all the members of a cooperative have signed a document that sets out the terms of a resolution and contains a statement that they are in favour of the resolution, the resolution is taken to have been passed at a general meeting of the cooperative.	2 3 4 5
	‘(2) The meeting is taken to have been held—	6
	(a) if all the members signed the document on the 1 day—on the day the document was signed, at the time the document was signed by the last member to sign; or	7 8 9
	(b) if the members signed the document on different days—on the day, and at the time, the document was signed by the last member to sign.	10 11 12
	‘(2) The document need not exist as a single document, but may exist in the form of 2 or more documents in identical terms.	13 14
	‘(3) The document is taken to constitute a minute of the general meeting.	15
	‘(4) Anything attached to the document and signed by the members signing the document is taken to have been laid before the cooperative at the general meeting.	16 17 18
	‘(5) The document is signed by all members of a cooperative only if the document is signed by each person who was a member of the cooperative at the time the document was signed by the last member to sign.	19 20 21
	‘(6) Nothing in this section affects or limits any rule of law about the effectiveness of the assent of members of a cooperative given to a document, or to an act, matter or thing, otherwise than at a general meeting of the cooperative.’.	22 23 24 25
	Amendment of s 207 (Qualification of directors)	26
Clause	33. Section 207(2)—	27
	<i>omit, insert—</i>	28
	‘(2) The majority of directors must be member directors.	29
	‘(3) Subsection (2) does not prevent the rules requiring that a greater number of directors than a majority must be member directors.’.	30 31

Equity and Fair Trading (Miscellaneous Provisions)

	Amendment of s 209 (Meeting of the board of directors)	1
Clause	34. Section 209—	2
	<i>insert—</i>	3
	‘(4A) However, for a quorum, the member directors must outnumber the independent directors by at least 1 or, if a greater number is stated in the rules of the cooperative, the greater number.’	4 5 6
	Insertion of new pt 9, div 1A	7
Clause	35. After section 213—	8
	<i>insert—</i>	9
	<i>‘Division 1A—Secretary</i>	10
	‘Secretary	11
	‘213A.(1) A cooperative must have a secretary.	12
	‘(2) The board of the cooperative is to appoint the secretary.	13
	‘(3) The board may appoint a person to act as the secretary during the absence or incapacity of the secretary.	14 15
	‘(4) A person is not qualified to be appointed as, or to act as, the secretary unless the person is an adult who ordinarily lives in Australia.’	16 17
	Amendment of s 233 (Power of registrar to grant exemptions)	18
Clause	36. Section 233(1), after ‘exempt a cooperative’—	19
	<i>insert—</i>	20
	‘, a person or firm proposed to be appointed as an auditor’.	21
	Amendment of s 242 (Annual report)	22
Clause	37.(1) Section 242, heading—	23
	<i>omit, insert—</i>	24

*Equity and Fair Trading (Miscellaneous
Provisions)*

	‘Annual report to be filed with registrar’.	1
	(2) Section 242(1), ‘send to’—	2
	<i>omit, insert—</i>	3
	‘file with’.	4
	(3) Section 242(1)(a) to (d)—	5
	<i>omit, insert—</i>	6
	‘(a) a list in the approved form listing the secretary, directors and the principal executive officers of the cooperative and of each of its subsidiaries, as at the date the annual report is filed with the registrar;	7
		8
		9
		10
	(b) if the cooperative is required under section 232(1) ¹² to prepare a financial report of the cooperative for its most recently ended financial year—a copy of the financial report;	11
		12
		13
	(c) a copy of the financial report of each subsidiary of the cooperative for the most recently ended financial year of the subsidiary;	14
		15
	(d) a copy of any report by the auditor or the directors of the cooperative or subsidiary—	16
		17
	(i) prepared under section 232(1); or	18
	(ii) on a financial report mentioned in paragraph (b) or (c);’.	19
	 Insertion of new s 248A	 20
Clause	38. After section 248—	21
	<i>insert—</i>	22
	‘Restriction on use of word “cooperative” or similar words	23
	‘248A.(1) A person other than a cooperative must not trade, or carry on business, under a name or title containing the word ‘cooperative’, the abbreviation ‘co-op’ or words importing a similar meaning.	24
		25
		26
	Maximum penalty—20 penalty units.	27

¹² Section 232 (Requirements for accounts and financial records)

Equity and Fair Trading (Miscellaneous Provisions)

‘(2) Subsection (1) does not apply to an entity mentioned in section 245(6).¹³’ 1
2

Insertion of new s 256A 3

Clause **39.** After section 256— 4

insert— 5

‘Adoption of certain other Corporations Law provisions 6

‘**256A.(1)** The Corporations Law, sections 1025, 1026, 1027 and 1043¹⁴ are adopted by this section and apply to— 7
8

(a) an issue of debentures to which section 257 applies; and 9

(b) a loan mentioned in section 260 as if it were a debenture. 10

‘(2) To apply the provisions of the Corporations Law mentioned in subsection (1), a reference in the provisions to a prospectus is taken to include a disclosure statement under section 257 or 260.’. 11
12
13

Amendment of s 266 (Distribution of surplus or reserves to members) 14

Clause **40.(1)** Section 266(1)(b), after ‘members’— 15

insert— 16

‘on the basis of business done with the cooperative or on the basis of the shares held by the member’. 17
18

(2) Section 266(1)(c), after ‘dividend’— 19

insert— 20

‘for shares held by the member’. 21

¹³ Section 245 (Name to include certain matter)

¹⁴ Corporations Law, sections 1025 (Certain notices not to be published), 1026 (Certain reports referring to prospectuses not to be published), 1027 (Evidentiary provisions etc) and 1043 (Application money to be held in trust)

*Equity and Fair Trading (Miscellaneous
Provisions)*

	Insertion of new s 304A	1
Clause	41. After section 304—	2
	<i>insert—</i>	3
	‘New body must give copy of new certificate of registration or incorporation to registrar	4
	‘304A. On the transfer of a cooperative under this division, the new body must immediately give the registrar a copy of its new certificate of registration or incorporation.	6
		7
		8
	Maximum penalty—10 penalty units.’.	9
	 Replacement of pt 12, div 3 hdg	 10
Clause	42. Part 12, division 3, heading—	11
	<i>omit, insert—</i>	12
	‘Division 3—Winding-up and deregistration’.	13
	 Insertion of new s 307A	 14
Clause	43. After section 307—	15
	<i>insert—</i>	16
	‘Method of deregistration	17
	‘307A. A cooperative may be deregistered in the same way and in the same circumstances as a company under the Corporations Law may be deregistered.’.	18
		19
		20
	 Amendment of s 308 (Application of Corporations Law to winding-up)	 21
Clause	44.(1) Section 308, heading, at the end—	23
	<i>insert—</i>	24
	‘and deregistration’.	25

Equity and Fair Trading (Miscellaneous Provisions)

(2) Section 308(1)— 1

omit insert— 2

‘308.(1) The Corporations Law, parts 5.4, 5.4A, 5.4B, 5.5, 5.6, 5.7 and chapter 5A are adopted by this section and apply, subject to this division, to— 3
4
5

(a) the winding-up or deregistration of a cooperative;¹⁵ and 6

(b) a deregistered cooperative.’. 7

(2) Section 308(3)(b), after ‘Commission’— 8

insert— 9

‘or ASIC’. 10

(3) Section 308(3)(e)— 11

omit. 12

(4) Section 308(3)(g), ‘260’— 13

omit, insert— 14

‘246AA’. 15

(5) Section 308(3)(f) and (g)— 16

renumber as section 308(3)(e) and (f). 17

Amendment of s 373 (Requirements before application can be made) 18

Clause 45.(1) Section 373(1)(b)— 19

omit, insert— 20

‘(b) if permitted by subsection (3)— 21

(i) a special resolution; or 22

(ii) a resolution of the board of the cooperative.’. 23

¹⁵ For cooperatives that are being or have been dissolved under the repealed part 5.6, division 8 (Dissolution) of the Corporations Law, see schedule 5 (Transitional and savings), section 14 (Winding-up).

Equity and Fair Trading (Miscellaneous Provisions)

	(2) Section 373(2)(b), from ‘approved’—	1
	<i>omit, insert</i> —	2
	‘approved by—	3
	(i) for the non-participating cooperative—a resolution of the board of the cooperative; or	4 5
	(ii) for the Queensland cooperative—a special resolution, or a resolution of the board, of the cooperative.’.	6 7
	(3) Section 373(3), ‘resolution of the board’—	8
	<i>omit, insert</i> —	9
	‘a special resolution, or by a resolution of the board.’.	10
	(4) Section 373—	11
	<i>insert</i> —	12
	‘(4) The Queensland registrar’s consent may be given on conditions.’.	13
	Amendment of s 462 (Cooperative ceasing to exist)	14
Clause	46.(1) Section 462(1)—	15
	<i>omit, insert</i> —	16
	‘ 462.(1) As soon as practicable after a cooperative ceases to exist, other than on deregistration of the cooperative under section 308, ¹⁶ the registrar must deregister the cooperative by registering the cessation and cancelling the registration of the cooperative.’.	17 18 19 20
	(2) Section 462(2), dissolved’—	21
	<i>omit, insert</i> —	22
	‘deregistered’.	23

¹⁶ Section 308 (Application of Corporations Law to winding-up and deregistration)

Equity and Fair Trading (Miscellaneous Provisions)

	Insertion of new s 466A	1
Clause	47. After section 466—	2
	<i>insert—</i>	3
	‘Exemptions may be on conditions	4
	‘466A. An exemption under section 143B, 233, 256(6), 268(3), 282, 290, 294(4) or 374(4) may be given on conditions.’.	5
		6
	Amendment of sch 5, s 14 (Winding-up)	7
Clause	48. Schedule 5, section 14—	8
	<i>insert—</i>	9
	‘(2) A cooperative mentioned in subsection (1) whose registration has been cancelled is taken to be a deregistered cooperative.	10
		11
	‘(3) A provision of the Corporations Law dealing with a matter arising out of the repeal of part 5.6, division 8 ¹⁷ of the Corporations Law is adopted by this section and applies for the provisions of the Corporations Law adopted under part 12, division 3. ¹⁸	12
		13
		14
		15
	‘(4) A cooperative that is being or has been dissolved under the repealed part 5.6, division 8 of the Corporations Law is taken to be a cooperative that is being or has been deregistered under this Act.’.	16
		17
		18
	Amendment of sch 8 (Dictionary)	19
Clause	49.(1) Schedule 8, definition “ accounting records ”—	20
	<i>omit.</i>	21
	(2) Schedule 8—	22
	<i>insert—</i>	23

¹⁷ Corporations Law, repealed part 5.6 (Winding-up generally), division 8 (Dissolution)

¹⁸ Part 12 (Merger, transfer of engagements, winding-up), division 3 (Winding-up and deregistration)

*Equity and Fair Trading (Miscellaneous
Provisions)*

‘ “deregistration” means deregistration under section 308 or 462(1) or schedule 5, section 14.	1 2
“financial records” include—	3
(a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and	4 5
(b) documents of prime entry; and	6
(c) working papers and other documents needed to explain—	7
(i) the methods by which financial statements are made up; and	8
(ii) adjustments to be made in preparing financial statements.	9
“secretary” , of a cooperative, means the person appointed under section 213A to be, or to act as, the secretary of the cooperative.’.	10 11

PART 5—AMENDMENT OF FAIR TRADING ACT	12
1989	13

	Act amended in pt 5	14
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Clause	50. This part amends the <i>Fair Trading Act 1989</i> .	15
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	Amendment of s 5 (Definitions)	16
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Clause	51.(1) Section 5, definition “commissioner” , ‘consumer affairs’—	17
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	<i>omit, insert—</i>	18
--	----------------------	----

	‘fair trading’.	19
--	-----------------	----

	(2) Section 5, definition “office” , ‘Consumer Affairs’—	20
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	<i>omit, insert—</i>	21
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	‘Fair Trading’.	22
--	-----------------	----

Equity and Fair Trading (Miscellaneous Provisions)

	Replacement of pt 2, div 2 hdg	1
Clause	52. Part 2, division 2, heading—	2
	<i>omit, insert—</i>	3
	‘Division 2—Commissioner for fair trading and Office of Fair Trading’.	4
		5
	Amendment of s 19 (Commissioner and other officers)	6
Clause	53. Section 19(1), ‘consumer affairs’—	7
	<i>omit, insert—</i>	8
	‘fair trading’.	9
	Amendment of s 20 (Office of Consumer Affairs)	10
Clause	54.(1) Section 20, heading, ‘ Consumer Affairs ’—	11
	<i>omit, insert—</i>	12
	‘ Fair Trading ’.	13
	(2) Section 20(1), ‘Consumer Affairs’—	14
	<i>omit, insert—</i>	15
	‘Fair Trading’.	16
	Amendment of s 48 (Accepting payment without intending or being able to supply as ordered—TPA s 58)	17
		18
Clause	55. Section 48, penalty, ‘400’—	19
	<i>omit, insert—</i>	20
	‘540’.	21

*Equity and Fair Trading (Miscellaneous
Provisions)*

	Amendment of s 86 (Offence)	1
Clause	56. Section 86, penalty, ‘400’—	2
	<i>omit, insert—</i>	3
	‘540’.	4
	Amendment of s 89 (Powers of inspectors)	5
Clause	57. Section 89(4)(b), after ‘directed’—	6
	<i>insert—</i>	7
	‘and to all persons acting in aid of the inspector’.	8
	Amendment of s 94 (Proceedings for offences)	9
Clause	58. Section 94(3)(a), ‘shall be 200’—	10
	<i>omit, insert—</i>	11
	‘is 270’.	12
	Amendment of s 110 (Preservation of secrecy)	13
Clause	59. Section 110—	14
	<i>insert—</i>	15
	‘(2A) The commissioner may communicate to the appropriate Minister or official of another country information that the commissioner considers should be communicated for the administration of the law of the other country.’.	16 17 18 19
	Insertion of new pt 7	20
Clause	60. After section 114—	21

Equity and Fair Trading (Miscellaneous Provisions)

insert—

**‘PART 7—TRANSITIONAL PROVISIONS FOR
EQUITY AND FAIR TRADING (MISCELLANEOUS
PROVISIONS) ACT 1999**

‘Transitional provision for references to commissioner for consumer affairs

‘115. A reference in any Act or document to the commissioner for consumer affairs may, if the context permits, be taken to be a reference to the commissioner for fair trading.

‘Transitional provision for references to Office of Consumer Affairs

‘116. A reference in any Act or document to the Office of Consumer Affairs may, if the context permits, be taken to be a reference to the Office of Fair Trading.’.

**PART 6—AMENDMENT OF FUNERAL BENEFIT
BUSINESS ACT 1982**

Act amended in pt 6

Clause **61.** This part amends the *Funeral Benefit Business Act 1982*.

Amendment of s 55 (Acts or things lawfully done in certain cases)

Clause **62.** Section 55(a), after ‘a society’—

insert—

‘or foreign society’.

**PART 7—AMENDMENT OF HIRE-PURCHASE ACT
1959**

Act amended in pt 7

Clause **63.** This part amends the *Hire-purchase Act 1959*.

Amendment of s 2 (Interpretation)

Clause **64.** Section 2(1), definition “**hire-purchase agreement**”—
insert—

‘(g) that is or is part of a transaction for 1 or both of the following—

- (i) the letting, with an option to purchase, of goods of a total market value of more than \$40 000 000 at the time the transaction is entered into;
- (ii) the purchase by instalments of goods of a total market value of more than \$40 000 000 at the time the transaction is entered into.’

**PART 8—AMENDMENT OF INVASION OF
PRIVACY ACT 1971**

Act amended in pt 8

Clause **65.** This part amends the *Invasion of Privacy Act 1971*.

Amendment of s 9 (Application for licence or renewal)

Clause **66.(1)** Section 9(1)(d)—
omit.

*Equity and Fair Trading (Miscellaneous
Provisions)*

	(2) Section 9(1)(e)—	1
	<i>renumber</i> as section 9(1)(d).	2
	Amendment of s 52 (Regulation making power)	3
Clause	67. Section 52—	4
	<i>insert</i> —	5
	‘(3) A regulation may provide for a maximum penalty of 20 penalty units for a contravention of the regulation.’.	6
		7
	 PART 9—AMENDMENT OF LAND SALES ACT 1984	 8
	Act amended in pt 9	9
Clause	68. This part amends the <i>Land Sales Act 1984</i> .	10
	Amendment of s 2 (Objects of Act)	11
Clause	69. Section 2(d), ‘ <i>Local Government (Planning and Environment) Act 1990</i> ’—	12
	<i>omit, insert</i> —	13
	‘ <i>Integrated Planning Act 1997</i> ’.	14
		15
	Amendment of s 6 (Interpretation)	16
Clause	70.(1) Section 6, heading—	17
	<i>omit, insert</i> —	18
	‘ Definitions ’.	19
	(2) Section 6(1), definition “ Planning Act ”—	20
	<i>omit</i> .	21

Equity and Fair Trading (Miscellaneous Provisions)

(3) Section 6(1)—	1
<i>insert—</i>	2
‘ “Planning Act” means the <i>Integrated Planning Act 1997</i> .’	3
(4) Section 6(1), definition “proposed lot” , ‘that,’—	4
<i>omit, insert—</i>	5
‘that’.	6
(5) Section 6(1) definition “subdivision application” , ‘section 5.1’—	7
<i>omit, insert—</i>	8
‘chapter 3, part 7 ¹⁹ ’.	9
(6) Before section 6(2)—	10
<i>insert—</i>	11
‘Meaning of purchaser’.	12
(7) Section 6(3), ‘(2)’—	13
<i>omit, insert—</i>	14
‘(1)’.	15
(8) Section 6(3), ‘subsection (1)’—	16
<i>omit, insert—</i>	17
‘section 6’.	18
(9) Section 6(2) and (3)—	19
<i>renumber</i> as section 6A(1) and (2).	20

	Amendment of s 9 (Identification of land)	21
--	--	----

Clause	71.(1) Section 9(1)(b)—	22
	<i>omit, insert—</i>	23

¹⁹ *Integrated Planning Act 1997*, chapter 3 (Integrated development assessment system (IDAS), part 7 (Plans of subdivision))

Equity and Fair Trading (Miscellaneous Provisions)

	‘(b) a copy of the plan of survey for the proposed allotment approved by the local government under the Planning Act, chapter 3, part 7. ²⁰ ’.	1 2 3
	(2) Section 9(3)(f), ‘section 10A(1)’—	4
	<i>omit, insert</i> —	5
	‘section 10A(3)’.	6
	Amendment of s 10 (Vendor must tell purchaser about significant variations between disclosure plan and later plans)	7 8
Clause	72.(1) Section 10(1)(b), from ‘(b)’ to ‘allotment; or’—	9
	<i>omit, insert</i> —	10
	‘(b) there is a significant variation, not attributable to the purchaser, between the details contained in—	11 12
	(i) the disclosure plan given to the purchaser under section 9(1) and a plan of survey for the proposed allotment approved by the local government under the Planning Act, chapter 3, part 7 that the vendor proposes to register under the <i>Land Act 1994</i> or <i>Land Title Act 1994</i> ; or’.	13 14 15 16 17
	(2) Section 10(1)(b)(ii), ‘section 10A(1)(b)’—	18
	<i>omit, insert</i> —	19
	‘section 10A(3)(b)’.	20
	Amendment of s 10A (Purchaser must be given registrable instrument of transfer and other documents)	21 22
Clause	73.(1) Section 10A(2) and (3)—	23
	<i>renumber</i> as section 10A(4) and (5).	24
	(2) Section 10A(1), words before paragraph (a)—	25

²⁰ *Integrated Planning Act 1997*, chapter 3 (Integrated development assessment system (IDAS), part 7 (Plans of subdivision))

*Equity and Fair Trading (Miscellaneous
Provisions)*

omit, insert—

‘**10A.(1)** The vendor of a proposed allotment must give the purchaser the registrable instrument of transfer for the allotment not later than 18 months after the purchaser enters upon the purchase of the allotment.

‘**(2)** Subsection (3) applies if the vendor of a proposed allotment does not give the purchaser a copy of the plan of survey for the proposed allotment approved by the local government under the Planning Act, chapter 3, part 7²¹ before the purchaser enters upon the purchase of the proposed allotment.

‘**(3)** The vendor must give the purchaser the following documents relating to the allotment not later than 18 months after the purchaser enters upon the purchase of the allotment—’.

(3) Section 10A(5) as renumbered, ‘(1)(c)’—

omit, insert—

‘(1) or (3)(c)’.

**PART 10—AMENDMENT OF ROMAN CATHOLIC
CHURCH (INCORPORATION OF CHURCH
ENTITIES) ACT 1994**

Act amended in pt 10

Clause **74.** This part and schedule 2 amend the *Roman Catholic Church (Incorporation of Church Entities) Act 1994*.

Amendment of s 3 (Definitions)

Clause **75.(1)** Section 3, definitions “**Code of Canon Law**” and “**incorporated church entity**”—

²¹ *Integrated Planning Act 1997*, chapter 3 (Integrated development assessment system (IDAS), part 7 (Plans of subdivision))

*Equity and Fair Trading (Miscellaneous
Provisions)*

<i>omit.</i>	1
(2) Section 3—	2
<i>insert</i> —	3
‘ “associated entity” ’ means a discrete service, work, activity or part of—	4
(a) a diocese or archdiocese, or the trustees of a diocese or archdiocese, of the church; or	5 6
(b) a religious institute or the members of a religious institute; or	7
(c) a juridic person, or a juridic person’s competent authority; or	8
(d) 1 or more holders of an office of the church under canon law.	9
“canon law” means the Code of Canon Law of the church and the statutes of juridic persons.	10 11
“competent authority” , of a juridic person or religious institute, means the person’s or institute’s competent authority as decided under canon law.	12 13
“incorporated church entity” means—	14
(a) an entity established under this Act; or	15
(b) an AI Act corporation established under this Act; or	16
(c) a RECI Act corporation established under this Act;	17
and includes—	18
(d) the Corporation of the Bishops; and	19
(e) for part 5 ²² —an AI Act corporation or RECI Act corporation that is not established under this Act.	20 21
“juridic person” means a juridic person of the church.	22
“religious institute” means an Institute of Consecrated Life or a Society of Apostolic Life.’.	23 24
(3) Section 3, definitions “bishop” and “officer” , ‘the Code of Canon Law’—	25 26
<i>omit, insert</i> —	27

²² Part 5 (Legal capacity and powers of incorporated church entities)

*Equity and Fair Trading (Miscellaneous
Provisions)*

	‘canon law’.	1
	(4) Section 3, definition “ church entity ”, from paragraph (b)—	2
	<i>omit, insert—</i>	3
	‘(b) a religious institute or the members of a religious institute; or	4
	(c) a juridic person, or a juridic person’s competent authority; or	5
	(d) 1 or more holders of an office of the church under canon law; or	6
	(e) an associated entity.’.	7
	Amendment of s 4 (Interpretation and application of Code of Canon Law)	8
		9
Clause	76.(1) Section 4, heading, ‘ Code of Canon Law ’—	10
	<i>omit, insert—</i>	11
	‘ canon law ’.	12
	(2) Section 4, from ‘applying the Code’ to ‘the code’—	13
	<i>omit, insert—</i>	14
	‘applying canon law to matters under this Act, canon law’.	15
	Amendment of s 9 (Request to incorporate church entity)	16
Clause	77.(1) Section 9—	17
	<i>insert—</i>	18
	‘(2A) Before asking for incorporation of a religious institute or an associated entity of a religious institute, the bishop or Corporation of the Bishops must obtain written consent to the making of the request from the religious institute’s competent authority who has jurisdiction for the State.	19
		20
		21
		22
	‘(2B) If the request is for the incorporation of an associated entity of a religious institute, the consent under subsection (2A) must state any assets	23
	that are to vest in the associated entity on its establishment as a corporation	24
	under this part.’.	25
		26
	(2) Section 9(3)—	27

Equity and Fair Trading (Miscellaneous Provisions)

insert—

- ‘(e) if the request is for the incorporation of an associated entity, other than an associated entity of a religious institute—state any assets that are to vest in the associated entity on its establishment as a corporation under this part; and
- (f) if the request is for the incorporation of an associated entity of a religious institute—be accompanied by a copy of the consent mentioned in subsection (2A).’.

Insertion of new ss 11A and 11B

Clause **78.** After section 11—

insert—

‘Vesting of assets

‘**11A.(1)** On the establishment of a church entity, other than an associated entity, as a corporation under this part, the church entity’s assets vest in the corporation.

‘**(2)** On the establishment of an associated entity as a corporation under this part, the following assets vest in the corporation—

- (a) for an associated entity of a religious institute—only the assets stated in the consent mentioned in section 9(2A);²³
- (b) for another associated entity—only the assets stated in the request under section 9(3)(e).

‘Transfer of rights and liabilities

‘**11B.** On the establishment of a church entity as a corporation under this part—

- (a) the rights and liabilities of the entity become the rights and liabilities of the corporation; and

²³ Section 9 (Request to incorporate church entity)

*Equity and Fair Trading (Miscellaneous
Provisions)*

- (b) a legal proceeding by or against the entity that has not been finished before the establishment may be continued and finished by or against the corporation.’. 1
2
3

Amendment of s 16 (Request to establish existing church corporation under this part) 4
5

Clause 79.(1) Section 16— 6
insert— 7

‘(2A) However, if the existing church corporation is a religious institute or an associated entity of a religious institute, a request for establishment may be made only if the religious institute’s competent authority who has jurisdiction for the State has given written consent to the making of the request. 8
9
10
11
12

‘(2B) The consent must be given to the bishop or Corporation of the Bishops making the request.’. 13
14

(2) Section 16(3)— 15
insert— 16

‘(d) if the existing church corporation is a religious institute or an associated entity of a religious institute—be accompanied by a copy of the consent mentioned in subsection (2A).’ 17
18
19

Amendment of s 21 (Establishment under this part does not affect legal personality etc.) 20
21

Clause 80. Section 21— 22
insert— 23

‘(4) To remove doubt, it is declared that the assets held by the existing church corporation immediately before its establishment under this part become, on the establishment, the assets of the corporation established under this part.’. 24
25
26
27

Equity and Fair Trading (Miscellaneous Provisions)

	Amendment of s 33 (Request to dissolve entity)	1
Clause	81.(1) Section 33(3)—	2
	<i>omit, insert—</i>	3
	‘(3) The request may be made only if—	4
	(a) dissolution of the entity accords with canon law; and	5
	(b) for an entity that is a religious institute or an associated entity of a	6
	religious institute—the religious institute’s competent authority	7
	who has jurisdiction for the State has given the person making the	8
	request written consent to the making of the request.’.	9
	(2) Section 33(4)(e), ‘the Code of Canon Law’—	10
	<i>omit, insert—</i>	11
	‘canon law’.	12
	(3) Section 33(4)—	13
	<i>insert—</i>	14
	‘(f) for an entity that is a religious institute or an associated entity of a	15
	religious entity—be accompanied by a copy of the consent	16
	mentioned in subsection (3)(b).’.	17

PART 11—AMENDMENT OF SECURITY PROVIDERS ACT 1993	18
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Act amended in pt 11	20
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Clause	82. This part amends the <i>Security Providers Act 1993</i> .	21
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Amendment of s 20 (Renewal of licence)	22
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Clause	83. Section 20—	23
	<i>insert—</i>	24

*Equity and Fair Trading (Miscellaneous
Provisions)*

‘(5) If an application is made under subsection (1) for the renewal of a licence and the chief executive has not, before the licence ends, decided whether to renew the licence, the licence is taken to continue in force until the day the chief executive renews, or refuses to renew, the licence.’.

Amendment of schedule (Disqualifying offence provisions under the Criminal Code)

Clause **84.** Schedule, part 1—

insert—

‘**3A.** Chapter 22 (Offences against morality)’.

SCHEDULE 1

MINOR AMENDMENTS OF COOPERATIVES ACT 1997

section 19

1. Section 10(3), after ‘Securities’—

insert—

‘and Investments’.

2. Section 11(2)(a), after ‘association’—

insert—

‘or constitution or replaceable rules’.

3. Section 16(3)(c), after ‘persons’—

insert—

‘, or if a lesser number than 5 is prescribed under a regulation, not less than the prescribed number of persons,’.

4. Section 19(1)(c)(ii), after ‘5’—

‘, or if a lesser number than 5 is prescribed under a regulation, at least the prescribed number of,’.

5. Section 66(1)(f), ‘dissolved’—

omit, insert—

‘deregistered’.

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SCHEDULE 1 (continued)

- | | |
|--|-------------|
| 6. Section 68(3)(b), after ‘5’— | 1 |
| <i>insert—</i> | 2 |
| ‘, or if a lesser number than 5 is prescribed under a regulation, the prescribed number’. | 3
4 |
| 7. Section 72— | 5 |
| <i>insert—</i> | 6 |
| ‘(1A) The calculation of the amount of a particular member’s regular subscription may be based on the amount of business the member does with the cooperative.’. | 7
8
9 |
| 8. Section 133(1), after ‘section’ (second mention)— | 10 |
| <i>insert—</i> | 11 |
| ‘76 ²⁴ or’. | 12 |
| 9. Section 134(1), after ‘division’— | 13 |
| <i>insert—</i> | 14 |
| ‘or section 76(2)’. | 15 |
| 10. Section 135, ‘in the approved form’— | 16 |
| <i>omit.</i> | 17 |
| 11. Section 149— | 18 |
| <i>insert—</i> | 19 |

²⁴ Section 76 (Repayment of shares on expulsion)

SCHEDULE 1 (continued)

‘(7) To remove any doubt, it is declared that this section does not apply to the issue of bonus shares to a member under section 266. ²⁵ ’.	1 2
12. Section 198(1), ‘19 months’—	3
<i>omit, insert—</i>	4
‘18 months’.	5
13. Section 204(1), after ‘records’—	6
<i>insert—</i>	7
‘within 28 days after the meeting’.	8
14. Section 208(1)(b)(iii), ‘590, 591’—	9
<i>omit, insert—</i>	10
‘344, 590’.	11
15. Section 210(6), after ‘board’—	12
<i>insert—</i>	13
‘within 28 days after the resolution is approved’.	14
16. Section 221(1), after ‘sections’—	15
<i>insert—</i>	16
‘344,’.	17

²⁵ Section 266 (Distribution of surplus or reserves to members)

SCHEDULE 1 (continued)

17. Section 221(2)(c)—	1
<i>omit.</i>	2
18. Section 232, heading, ‘accounting’—	3
<i>omit, insert—</i>	4
‘financial’.	5
19. Section 232(1)(a), ‘accounting’—	6
<i>omit, insert—</i>	7
‘financial’.	8
20. Section 232(2)(a), ‘parts 3.6 and 3.7’—	9
<i>omit, insert—</i>	10
‘part 2F.3 or chapter 2M²⁶’.	11
21. Section 232(2)(b), ‘parts 3.6 and 3.7’—	12
<i>omit, insert—</i>	13
‘chapter 2M’.	14
22. Section 252(a), after ‘cooperative’—	15
<i>insert—</i>	16
‘is authorised by its rules to accept money on deposit and’.	17

²⁶ Corporations Law, part 2F.3 (Inspection of books) and chapter 2M (Financial reports and audit)

SCHEDULE 1 (continued)

23. Section 259, after ‘members’—	1
<i>insert—</i>	2
‘or employees’.	3
24. Section 273(2), ‘person or’—	4
<i>omit.</i>	5
25. Section 273—	6
<i>insert—</i>	7
‘(6) The registrar’s approval of the resolution may be given on conditions.’.	8 9
26. Section 301(1)(c), after ‘association’—	10
<i>insert—</i>	11
‘or constitution or replaceable rules’.	12
27. Section 303(1), after ‘association’—	13
<i>insert—</i>	14
‘or constitution or replaceable rules’.	15
28. Section 315(2)(a), ‘164 and 166’—	16
<i>omit, insert—</i>	17
‘128 and 129’.	18
29. Section 330, ‘(except section 588G)’—	19
<i>omit.</i>	20

SCHEDULE 1 (continued)

30. Section 330(2)(b), ‘289’—	1
<i>omit, insert—</i>	2
‘286’.	3
 31. Section 344(2)(d), ‘dissolution’—	 4
<i>omit, insert—</i>	5
‘deregistration’.	6
 32. Section 367—	 7
<i>insert—</i>	8
‘(h) the address of the registered office of a non-participating cooperative registered under this part in the state or country in which it is registered, incorporated or formed; or	9 10 11
(i) the name under which a non-participating cooperative registered under this part carries on business in the state or country in which it is registered, incorporated or formed;’.	12 13 14
 33. Section 381(d), ‘dissolved’—	 15
<i>omit, insert—</i>	16
‘deregistered’.	17
 34. Section 439(d), ‘dissolved’—	 18
<i>omit, insert—</i>	19
‘deregistered’.	20

SCHEDULE 1 (continued)

35. Section 446(2), ‘dissolution’—	1
<i>omit, insert—</i>	2
‘deregistration’.	3
 36. Section 456(4)(f), after ‘Securities’—	 4
<i>insert—</i>	5
‘and Investments’.	6
 37. Section 463(3)(b), after ‘business’—	 7
<i>insert—</i>	8
‘or to the registered office of the foreign cooperative in its place of registration, incorporation or formation.’.	9 10
 38. Schedule 4, section 24(2)(a), ‘562’—	 11
<i>omit, insert—</i>	12
‘556’.	13
	14

SCHEDULE 2

**MINOR AMENDMENTS OF ROMAN CATHOLIC
CHURCH (INCORPORATION OF CHURCH
ENTITIES) ACT 1994**

section 74

1. Section 2—

omit.

**2. Sections 11(1), 13, 18(1), 20, 27(1) and (2)(b) and 28(3)(a), ‘the Code
of Canon Law’—**

omit, insert—

‘canon law’.