

Subcommittee report on Co-operatives Amendment Bills

1. Subcommittee met on Thursday 20 September 2012.
2. It was agreed that the subcommittee will proceed with its deliberations from clause 74.
3. On the application of labour legislation the subcommittee reached consensus on clause 74 with the proposed amendment captured in document E3.
4. The subcommittee continued with its deliberations until clause 84 and agreed that depending on the definition it would revisit clause 84 after it received an opinion from Ms K Idensohn on the definition of surplus.

Submission of opinion 2 - 4 from Ms K Idensohn

5. Opinion 2 dated 18 September 2012 relates to the definition of "surplus".
6. At the Committee meeting on 12 September Ms Idensohn was requested to draft and submit for consideration a definition of "surplus".
7. Opinion 2 reflects that definition, and after deliberation the subcommittee reached consensus with the new definition captured in document F.
8. Opinion 3 and 4 dated 19 September 2012 reflects the comments from Ms K Idensohn from clause 30 – 54.
9. She informed the subcommittee that her comments reflected in opinion 3 and 4 are mostly technical, consequential and of a drafting nature. The proposed changes would not change the substance of the clauses.
10. She informed that subcommittee that she required further clarity from DTI on the following:
 - a. Clause 30 as it relates to the information referred to. She was not sure whether this information is currently required or if it refers to new or other information.
 - b. Clause 41 (a)(1) as it relates to the word "subsidiary" which is also captured in clause 37. She wanted clarity on whether co-operatives have subsidiaries.
 - c. Clause 41 (b)(3) as it relates to the word "officers". The subparagraph contains the first reference to an "officer" with further references to "officers" on clause 62 and 66. The principal Act contains no reference to "officers" a should be or focused on three specific
11. DTI provided the necessary clarity and after deliberating on the specific concerns raised by Ms K Idensohn the changes, as proposed by the subcommittee with regard to the above clauses, have been incorporated in document F.
12. The subcommittee requested that the drafters, together Ms K Idensohn, make the necessary technical, consequential and drafting changes. These changes would be reflected in document F in purple.

13. The subcommittee also requested that Ms Idensohn comment on clause 2 – 29 and clause 55 – 84 and submit it for consideration at the next subcommittee meeting;
14. The next subcommittee meetings have been scheduled for 4 and 5 October 2012.
15. The subcommittee also wishes to submit document E3 which incorporates all the comments from Ms K Idensohn as it relates to the definitions and clause 30 – 54 and the proposed amendments made during the public hearings. .
16. The subcommittee would like to propose that Committee proceed with document E3 from clause 36.
17. The subcommittee also wishes to submit to the Committee the following documents:
 - a. Opinions 2 - 4 from Ms K Idensohn
 - b. Additional submissions from SANACO, SAFOBS and NACOFSA.
 - c. The subcommittee report on the oversight visit to Mpumlanga and KwaZulu-Natal.