



Claire LaBouchardiere
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Australian Securities and Investments Commission

Via email: sustainable.finance@asic.gov.au

19 December 2024

Dear Claire,

Thank you for the opportunity to comment on ASIC Consultation Paper 380: Sustainability reporting.

The Business Council of Co-operatives and Mutuals (BCCM) is the peak body for co-operatives and mutuals in all sectors of the economy.

B1Q2: What further guidance could we provide to help entities determine whether they are required to prepare a sustainability report?

There are more than 1,800 co-ops and mutuals in Australia, of which approximately 1,500 are registered co-operatives under state or territory legislation, the Co-operatives National Law and the Co-operatives Act 2009 (WA).¹

Approximately 25 of these registered co-operatives meet the Group 3 (or higher) economic test for sustainability reporting but are not required to prepare financial reports under Chapter 2M of the Corporations Act. Rather, as large co-operatives, they are required to prepare financial reports under Part 3.3 of the Co-operatives National Law or Part 10A of the Co-operatives Act 2009 (WA), which correspond broadly to the provisions of Chapter 2M prior to the introduction of the sustainability reporting provisions.

The guidance note would therefore be strengthened with an additional sentence at RG.00043 to clarify that co-operatives registered under state or territory legislation are not required to prepare a sustainability report:

RG 000.43

Entities that do not have to prepare an annual financial report under Ch 2M are also not required to prepare a sustainability report.

This includes:

¹ Co-operatives in Australia are registered in their home state or territory under harmonised legislation, the Co-operatives National Law (including the consistent *Co-operatives Act 2009* (WA)). Ss12-15 of the Co-operatives National Law provide the blanket exclusion of co-operatives from the Corporations Act and the exceptions to this exclusion. See [Co-operatives national law | NSW Government](#)

(a) foreign companies registered under Div 2 of Pt 5B.2 of the Corporations Act;
(b) registered charities who are not required to prepare an annual financial report under Ch 2M. These entities have separate financial reporting obligations under the Australian Charities and Not-for-profit Commission Act 2012; and
(c) co-operatives registered under the Co-operatives National Law or the Co-operatives Act 2009 (WA); and
(d) entities that rely on relief granted by ASIC from the requirement to prepare an annual financial report under Ch 2M. Note: This is because only entities that are required to prepare an annual financial report under Ch 2M are required to prepare a sustainability report: see s292A(1)(a).

The BCCM stands ready to provide further information to ASIC if required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Melina Morrison', written in a cursive style.

Melina Morrison
Chief Executive Officer