Business Council of Co-operatives and Mutuals

REPORT

The inclusion of co-operatives by Australian governments in business development support

June 2015
1. Summary of findings

This report primarily investigates the inclusion or otherwise, of information about co-operatives on government websites relating to business development, and the inclusion of co-operatives in the criteria for funding programs for business development.

The Business Council of Co-operatives and Mutuals *Blueprint for an enterprising nation* states:

3.2. Business support that is funded by Federal or State Government should be equally available to provide support to mutuals:

- Government should ensure that private sector business advisors have appropriate mutual sector experience
- Co-operatives and mutuals need geographically based business support provided at a State level
- There should be equal recognition of co-operatives and mutuals by the various small business development bodies.

Victoria and Western Australia included co-operatives as a potential business model in their advice to people interested in starting a business, and included a link to comprehensive information about co-operatives. South Australia and Queensland did not include co-operatives as a potential business model in the first instance; however in following the links further they did provide information about co-operatives. In the case of Queensland, it was only for not-for-profits, so it was omitted in the for-profit business section.

**Recommendation 1:** The Queensland and South Australian sites improve their information about co-operatives to include naming co-operatives in the first instance, and the Queensland site add co-operative information to their for-profit section.

The NSW, Tasmanian, Northern Territory and Australian government business development sites did not refer to co-operatives and included no links to any information about co-operatives. There should be equal recognition of co-operatives and mutuals by the various small business development bodies.

**Recommendation 2:** The NSW, Tasmanian, Northern Territory and Australian government business development sites be amended to include co-operatives as a business model, including links to relevant information about co-operatives, comparable to other business models.

The sites of all state and territory government jurisdictions would be improved by linking to the relevant regulatory body for co-operatives, on whose sites there is universally very comprehensive information about co-operatives. A further improvement to all sites would be linking to the BCCM website for further information about co-operatives.

**Recommendation 3:** That all state and territory sites include a link to relevant regulatory body’s site, and all sites to include a link to BCCM. A range of Australian government sites, for example the Australian Taxation Office, the Australian Business Register, and the Australian Charities and Not-for-profit Commission, varied in the approach they took to describing or including co-operatives.

**Recommendation 4:** That a consistent description of co-operatives be adopted and utilised on all Australian government sites. Each jurisdiction had examples of funding programs that variously included, partially included or did not include co-operatives as eligible to apply for funding.

**Recommendation 5:** That relevant government programs that do not currently extend to co-operatives be reviewed in order to become inclusive of co-operatives

Each state/territory has a network of business advisory services. Some are funded by the state/territory government and some by the Australian government. It is unlikely that these business advisors currently have sufficient expertise to provide consistent and accurate information about the co-operative model to clients.

**Recommendation 6:** Federal and state governments should ensure that business support funded by government is equally available to provide support to co-operatives and mutuals. This includes ensuring that contracted private sector business advisers have appropriate mutual sector expertise.
Table of contents

1. Summary of findings 2
2. Context 4

3. Governments’ primary business sites where co-operatives were fully included 5
3.1 Business Victoria 5
3.2 WA Small Business Development Corporation 5

4. Governments’ primary business sites where co-operatives were partially included 5
4.1 Queensland Government Business and Industry Portal 5
4.2 SA Department of State Development 5

5. Governments’ primary business sites where co-operatives were not included 5
5.1 NSW Small Business Toolkit 5
5.2 Business Tasmania 6
5.3 NT Department of Business 6
5.4 AusIndustry 6

6. Australian government sites where co-operatives were partially included 6
6.1 ABN Lookup 6
6.2 Australian Charities and Not-for-profits Commission 6
6.3 National Regulatory System for Community Housing 6

7. Australian government sites where co-operatives were not included 6
7.1 Australian Taxation Office 6
7.2 Australian Business Register 6
7.3 Australian Securities and Investment Commission 6

8. Examples of programs where co-operatives were fully included 7
8.1 ACT Pilot SME Growth Program 7
8.2 ACT Innovation Connect funding 7
8.3 ACT Trade Connect 7
8.4 Austrade Export Grants 7
8.5 Tasmanian Government Small Business Jobs Bonus 7
8.6 Australian Government Tasmanian Jobs Programme 7
8.7 SA Unlocking Capital for Jobs Program 7
8.8 SA Microfinance fund 7

9. Examples of programs where co-operatives were not included 7
9.1 Industry Skills Fund 7
9.2 Entrepreneur’s Infrastructure Program 7
9.3 WA Farm Finance Concessional Loans Scheme 7
9.4 WA Drought Concessional Loan Scheme 7

10. Recommendations 8
## 2. Context

Each government jurisdiction has a website to provide information regarding the establishment of a new business.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Website Name</th>
<th>Website URL</th>
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</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Innovation, Trade and Investment</td>
<td><a href="http://www.business.act.gov.au">www.business.act.gov.au</a></td>
</tr>
<tr>
<td>Australian Government</td>
<td>AusIndustry</td>
<td><a href="http://www.business.gov.au">www.business.gov.au</a></td>
</tr>
<tr>
<td>New South Wales</td>
<td>Small Business Commissioner</td>
<td><a href="http://www.smallbusiness.nsw.gov.au">www.smallbusiness.nsw.gov.au</a></td>
</tr>
<tr>
<td>Northern Territory</td>
<td>Department of Business</td>
<td><a href="http://www.dob.nt.gov.au">www.dob.nt.gov.au</a></td>
</tr>
<tr>
<td>Queensland</td>
<td>Business and industry portal</td>
<td><a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a></td>
</tr>
<tr>
<td>South Australia</td>
<td>Department of State Development</td>
<td><a href="http://www.statedevelopment.sa.gov.au">www.statedevelopment.sa.gov.au</a></td>
</tr>
<tr>
<td>Tasmania</td>
<td>Business Tasmania</td>
<td><a href="http://www.business.tas.gov.au">www.business.tas.gov.au</a></td>
</tr>
<tr>
<td>Western Australia</td>
<td>Small Business Development Corporation</td>
<td><a href="http://www.smallbusiness.wa.gov.au">www.smallbusiness.wa.gov.au</a></td>
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</tbody>
</table>

There is also a range of websites providing information about recognition of business entities for the purpose of support for businesses.

Both these types of sites vary in their recognition of co-operatives as a business model. Some sites fully include co-operatives, giving equivalent information as they do about other business models.

Some sites give partial information about the co-operative business model, by for example, identifying it but not providing equivalent further information, as is done for other business models. Some sites do not include any information about co-operatives as a business model, at all. Each jurisdiction also registers co-operatives.

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<td>Northern Territory</td>
<td>Department of Business</td>
<td><a href="http://www.dob.nt.gov.au/gamblinglicensing/business/Pages/co-operatives.aspx">www.dob.nt.gov.au/gamblinglicensing/business/Pages/co-operatives.aspx</a></td>
</tr>
<tr>
<td>Tasmania</td>
<td>Consumer Affairs</td>
<td><a href="http://www.consumer.tas.gov.auregistrations/co-operatives/">www.consumer.tas.gov.auregistrations/co-operatives/</a></td>
</tr>
<tr>
<td>Western Australia</td>
<td>Department of Commerce</td>
<td><a href="http://www.commerce.wa.gov.au/consumerprotection/co-operatives/">www.commerce.wa.gov.au/consumerprotection/co-operatives/</a></td>
</tr>
</tbody>
</table>
Each of these sites contains comprehensive information about what a co-operative is, the types of co-operatives; how to form, run, register and close a co-operative, and has the relevant forms and information about fees. NSW, Victoria and Queensland have extensive further information.

These sites are a very useful resource for anyone wanting to establish a co-operative and are an underutilised resource by the business development sector. The information provided in the Northern Territory, South Australia, Victoria and NSW is under the new National Co-operative Law.

Other states and the ACT refer to the new legislation, but the information provided relates to the older state/territory legislation still in force. None of the sites currently provide a link to the BCCM.

3. Governments’ primary business sites where co-operatives were fully included

3.1 Business Victoria
Choose the right business structure - options: sole trader, partnership, company, trust, incorporated association, incorporated aboriginal corporation, co-operative. A link provides information on what a co-operative is, advantages and disadvantages, key factors for choosing this structure and register as a co-operative.

3.2 WA Small Business Development Corporation
Business structures – options: sole trader, partnership, company, trust, co-operative and association. A link provides information on: advantages and disadvantages of a co-operative and includes a link.

4. Governments’ primary business sites where co-operatives were partially included

4.1 Queensland Government Business and Industry Portal
Business legal structures:
This guide gives you general information about the advantages and disadvantages of the 4 most common business structures - sole trader, partnership, company and trust.

However the not-for-profits section also lists incorporated associations, co-operatives, and charities. A link provides information on: what is a co-operative, co-operative forms and fees, search the co-operatives register, registering a co-operative, run a co-operative, close down a co-operative and co-operatives laws.

4.2 South Australia Department of State Development
Structuring your business – options: sole trader, partnership, company, trust.

However, this page links to a guide: choosing an ownership structure for your business, and page 13 of the guide, under legal forms of ownership, is a section on co-operatives. This section provides information on: Types of co-operatives, what are the advantages of co-operation and how do co-operatives differ from other business structures?

5. Governments’ primary business sites where co-operatives were not included

5.1 NSW Small Business Toolkit
Business models addressed: sole trader, partnership, proprietary limited company, trust, franchise, independent contractor.
5.2 Business Tasmania
Starting a business, choosing a business structure – options: sole trader, partnership, company, trust.

5.3 NT Department of Business
Starting a business, guide to business structures – options: sole trader, partnership, company.

5.4 AusIndustry
Business structures and types – options: sole trader, partnership, trust, company.

6. Australian government sites where co-operatives were partially included

6.1 ABN Lookup
Information provided about co-operatives is inconsistent with various definitions of a co-operative.

“A Cooperative is an organisation with rules:
• limiting the number of shares held by one shareholder
• prohibiting the quotation of its shares to the public, and
• establishing it primarily for the purpose of marketing, processing or storing commodities for disposal or
distribution among its shareholders, or rendering other services to its shareholders.”

6.2 Australian Charities and Not-for-profits Commission
Lists co-operatives, but does not include a link to further information as it does for associations, companies, indigenous corporations, and trusts.

6.3 National Regulatory System for Community Housing
Eligibility for Tier 1 registration requires the entity to be incorporated as either a company limited by shares or a company limited by guarantee under the Corporations Act 2001. However eligibility for Tier 2 and Tier 3 includes co-operatives or incorporated associations under state/territory legislation.

7. Australian government sites where co-operatives were not included

7.1 Australian Taxation Office
Choosing your business structure – options: sole trader, partnership, company, trust.

7.2 Australian Business Register
Applying for an ABN - options: individual sole trader, partnership, company, trust, superannuation entities, deceased estate.

7.3 Australian Securities and Investment Commission
Your business structure – options: company, individual (sole trader), partnership, and trust.
Starting a small business – options: company, sole trader, partnership, and trust.
8. Examples of programs where co-operatives were fully included

8.1 ACT Pilot SME Growth Program
   Does not appear to exclude co-operatives. Relevant criteria: be registered and trading in ACT.

8.2 ACT Innovation Connect funding
   Does not appear to exclude co-operatives. Relevant criteria: an Australian Business Number (ABN).

8.3 ACT Trade Connect
   Does not appear to exclude co-operatives. Relevant criteria: be a registered business for tax purposes.

8.4 Austrade Export Grants
   Eligible bodies include any Australian individual, partnership, company, association, co-operative, statutory corporation or trust that has carried on export promotion activities during the year for which they wish to apply for an export grant.

8.5 Tasmanian Government Small Business Jobs Bonus
   Eligibility criteria: operate a Tasmanian small business and have an Australian Business Number (ABN).

8.6 Australian Government Tasmanian Jobs Programme
   Eligibility criteria: have a physical business location in Tasmania with an Australian Business Number.

8.7 SA Unlocking Capital for Jobs Program
   Eligibility criteria: is an organisation, comprised of one or more legal entities (not a person) that are incorporated or established in Australia.

8.8 SA Microfinance fund
   Eligibility criteria: the ability to enter into a legally binding funding agreement with the South Australian government.

9. Examples of programs where co-operatives were not included

9.1 Industry Skills Fund
   Eligible businesses are corporations or trusts, not co-operatives.

9.2 Entrepreneur’s Infrastructure Program
   Applicants must be a business incorporated in Australia under the Corporations Act 2001.

9.3 WA Farm Finance Concessional Loans Scheme
   Eligibility criteria: operates as a sole trader, trust, partnership or private company.

9.4 WA Drought Concessional Loan Scheme
   Eligibility criteria: operates as a sole trader, trust, partnership or private company.
Recommendations

1. The Queensland and South Australian sites improve their information about co-operatives to include naming co-operatives in the first instance, and the Queensland site add co-operative information to their for-profit section.

2. The NSW, Tasmanian, Northern Territory and Australian government business development sites be amended to include co-operatives as a business model, including links to relevant information about co-operatives, comparable to other business models.

3. That all state and territory sites include a link to relevant regulatory body sites, and all sites to include a link to BCCM.

4. That a consistent description of co-operatives be adopted and utilised on all Australian government sites.

5. That relevant government programs that do not currently extend to co-operatives be reviewed in order to become inclusive of co-operatives

6. Federal and state governments should ensure that business support funded by government is equally available to provide support to co-operatives and mutuals. This includes ensuring that contracted private sector business advisers have appropriate mutual sector expertise.

Disclaimer

The BCCM and the author, Linda Seaborn, stress that this report is a comprehensive representation of the range of government sites and programs that could apply to co-operatives, but is not exhaustive of all the possibilities. All information is correct as of 8 June 2015.

About the author

Linda Seaborn has been involved in the Australian co-operative movement since 1993, and lives in the Cohousing Co-operative in Tasmania. She is enthusiastic about the role co-operatives can and do play in developing economies, communities and workforces. Linda currently works as a Workforce Development Consultant for the Tasmanian government.

Produced by Linda Seaborn for the Business Council of Co-operatives and Mutuals (BCCM) June 2015