

1993—No. 184

CO-OPERATIVES ACT 1992—REGULATION

(Co-operatives (General) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Co-operatives Act 1992, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE, M.P.,
Minister for Co-operatives.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Co-operatives (General) Regulation 1993.

Commencement

2. This Regulation commences on 21st May, 1993,

Definitions

3. (1) In this Regulation:

“the Act” means the Co-operatives Act 1992.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 4.

Definition of “debenture” (sec. 5)

4. The following classes of documents are prescribed as exempt documents for the purposes of paragraph (c) of the definition of “debenture” in section 5 (1) of the Act:

- (a) a passbook or other document:
 - (i) that contains all or some of the terms and conditions pursuant to which deposits are accepted by, or withdrawn from, a co-operative; and
 - (ii) that acknowledges the receipt of a deposit with a co-operative; and
 - (iii) that enables further deposits to be made at any time adding to the balance of an existing deposit; and
 - (iv) that enables the withdrawal of the whole or part of the balance of a deposit, whether at call or on the giving of a fixed period of notice; and
 - (v) that acknowledges the amount of the withdrawal and the balance remaining;
- (b) a document acknowledging a debt incurred by a co-operative:
 - (i) in the ordinary course of carrying on so much of a business as neither comprises, nor forms part of, a business of borrowing money and providing finance; and
 - (ii) in respect of money that is or may be deposited with or lent to the co-operative by a person in the ordinary course of a business carried on by the co-operative;
- (c) a document that is issued by a company and that constitutes evidence of a debt owed by the company to a co-operative that is a holding company (within the meaning of the Corporations Law) of the company;
- (d) a document that is issued by a co-operative and that constitutes evidence of a debt owed by the co-operative to a body corporate that is a subsidiary of the co-operative.

PART 2—FORMATION OF CO-OPERATIVES

Making of application (sec. 10)

5. For the purposes of section 10 (3) (d) of the Act, the prescribed fee to accompany an application for registration is the fee specified in Schedule 1 in respect of such an application.

Application for registration (sec. 19)

6. For the purposes of section 19 (3) (d) of the Act, the prescribed fee to accompany an application for registration is the fee specified in Schedule 1 in respect of such an application.

Conditions of registration—compliance with Act etc. (sec. 23)

7. (1) For the purposes of Division 3 of Part 2 of the Act, the following provisions of the Act are applied to a foreign co-operative:

- (a) Part 2 (section 12 (1) and (3) only);
- (b) Part 3;
- (c) Part 4 (section 83 and Division 5 only);
- (d) Part 5 (other than sections 107, 109, 110, 111, 112 and 113);
- (e) Part 6 (Division 1 and sections 118 and 119 (1) only);
- (f) Part 9:
 - (i) Division 5 (to the extent only to which it requires the lodgment of accounts with the Registrar);
 - (ii) Division 6 (other than sections 249 and 250);
 - (iii) Division 7 (other than section 260);
- (g) Part 10 (other than Divisions 4 and 5);
- (h) Part 12 (other than section 309 and Divisions 2 and 3);
- (i) Part 13;
- (j) Part 14;
- (k) Part 16 (section 430 only).

(2) For the purposes of the application of those provisions to a foreign co-operative:

- (a) section 119 (1) of the Act is to be read:
 - (i) as if it allowed the Registrar to exempt any particular foreign co-operative from its requirements; and
 - (ii) as if the words “in accordance with this Part” were omitted and the words “in accordance with guidelines issued by the Registrar” inserted instead; and
- (b) the requirement of section 252 of the Act that returns be submitted at least 14 days before each annual general meeting is taken to be a requirement that returns be submitted within one month after each annual’ general meeting; and
- (c) section 258 (1) of the Act is taken to require the name of the State, Territory or country in which the co-operative is registered or incorporated to appear in the seal and documents referred to in that subsection as well as the name of the co-operative; and
- (d) a reference in section 259 of the Act to a certificate of incorporation is taken to include a reference to a certificate of registration as a foreign co-operative; and
- (e) a reference in section 261 (1) of the Act to a registered office is taken to be a reference to a local agent; and

- (f) section 261 (2) of the Act is taken to require the name of the foreign co-operative to indicate whether the co-operative is registered or incorporated and (if so) the State, Territory or country in which the co-operative is registered or incorporated.
- (3) The matter required by subclause (2) (f) to be indicated in the notice under section 261 (2) of the Act:
 - (a) must be placed in brackets after or under the name of the co-operative, as registered or incorporated in its home State, Territory or country; and
 - (b) must be printed in a size which is at least 75 per cent of the size in which the name of the co-operative is printed.

PART 3—RULES

Content of rules (sec. 107)

8. For the purposes of section 107 (3) of the Act, \$1,000 is prescribed as the maximum fine which may be fixed by the rules of a co-operative.

Alteration does not take effect until registered (sec. 113)

9. An application under section 113 of the Act for registration of an alteration of the rules of a co-operative is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

PART 4—ACTIVE MEMBERSHIP REQUIREMENTS

Active membership—explanation (sec. 116)

10. (1) This clause applies to a co-operative that has as its primary activity the carrying on of a club, including a registered club within the meaning of the Registered Clubs Act 1976.

(2) For the purposes of section 116 (b) of the Act, a person's active membership of a co-operative is sufficiently established if the person is the holder of a life membership awarded under the rules of the co-operative for long or meritorious service.

Factors and considerations for determining primary activities etc. (sec. 121)

11. (1) For the purposes of section 121 (2) (c) of the Act, the following factors and considerations are relevant in determining the matter referred to in section 121 (1) (a) of the Act:

- (a) in the case of a co-operative whose activities include the provision of a taxi radio network facility, whether the co-operative actually carries out that activity;
 - (b) in the case of a co-operative whose activities include the disposal of milk, sugar cane, grain, fruit, vegetables, cotton, fish, shellfish or livestock on behalf of its members, whether the co-operative actually carries out that activity;
 - (c) in the case of a co-operative whose activities include the acquisition of particular goods for its members, whether the co-operative actually carries out that activity.
- (2) For the purposes of section 121 (2) (c) of the Act, the following factors and considerations are relevant in determining the matter referred to in section 121 (1) (b) of the Act:
- (a) in the case of a co-operative whose primary activities include the disposal of produce or livestock on behalf of its members (being produce or livestock of a kind referred to in Table 1 to this clause), whether the rate at which the produce or livestock is disposed of by the co-operative exceeds the relevant rate specified in that Table;
 - (b) in the case of a co-operative whose primary activities include the disposal of goods or the provision of services (being goods or services of a kind referred to in Table 2 to this clause), whether the rate at which the goods or services are disposed of or provided by the co-operative exceeds the relevant rate specified in that Table.
- (3) For the purposes of section 121 (3) of the Act, an activity may be specified as a primary activity:
- (a) if it makes a significant contribution to the business of the co-operative and contributes at least:
 - (i) 10 per cent of the co-operative's turnover; or
 - (ii) 10 per cent of the co-operative's income; or
 - (iii) 10 per cent of the co-operative's expenses; or
 - (iv) 10 per cent of the co-operative's surplus; or
 - (v) 10 per cent of the co-operative's business determined in some other manner approved by the Registrar; or
 - (b) if, in the opinion of the Registrar, the failure by the co-operative to conduct that activity would result in a reduction of 10 per cent or more in the business conducted by the co-operative.

TABLE 1

Milk	200 litres per member per week
Sugar cane	40 tonnes per member per year
Grain (other than seed grain)	1 tonne per member per year
Seed grain	10 kilograms per member per year
Fruit and vegetables.....	40 cases per member per year
Cotton	10 bales per member per year
Fish and shellfish	10 kilograms per member per month
Livestock	30 stock equivalents per member per year, where:
	(a) 1 head of cattle is 3 stock equivalents; and
	(b) 1 pig is 2 stock equivalents; and
	(c) 1 sheep, goat or other livestock animal is 1 stock equivalent.

TABLE 2

Form requisites	\$100 per member per month
Household requisites	\$10 per member per month
Books and stationery	\$20 per member per year
Machinery, parts and goods not included elsewhere	\$100 per member per year
Services	\$10 per member per year

Active membership—supply or purchase of goods or produce (sec. 123)

12. For the purposes of section 123 (3) (b) of the Act, a person's relationship with a co-operative as a supplier of livestock is sufficiently established if the person supplies livestock to an agent of the co-operative who in turn supplies the livestock to the co-operative.

Appeal against refusal of approval (sec. 125)

13. A request under section 125 of the Act for a review of a decision of the Registrar to refuse an approval of a proposed active membership resolution is to be accompanied by the fee specified in Schedule 1 in relation to such a request.

Repayment of deposits, debentures and CCU's (sec. 136)

14. An application under section 136 (6) of the Act for a reduction in the period for repayment under that section is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Register of cancelled memberships (sec. 137)

15. For the purposes of section 137 of the Act, the prescribed particulars for persons whose membership of a co-operative is cancelled under Part 6 of the Act are the particulars prescribed by Schedule 3 in that regard.

PART 5—SHARES**Restrictions on conversion to co-operative without share capital (sec. 145)**

16. An application under section 145 (1) of the Act for the Council's approval for conversion to a co-operative without share capital is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Members may be required to take up additional shares (sec. 155)

17. An application under section 155 of the Act for the approval of the Registrar to a proposed disclosure statement is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Bonus share issues (sec. 156)

18. For the purposes of section 156 (3) (c) of the Act, a prescribed person is:

- (a) in relation to the valuation of land, a person who is registered as a practising real estate valuer under the Valuers Registration Act 1975; and
- (b) in relation to the valuation of assets of some other kind, a person who has, for a period of or for periods totalling at least 5 years, been engaged in valuing assets of that kind.

PART 6—VOTING**Rules of co-operative formed to carry on club may restrict voting rights (sec. 177)**

19. An application under section 177 (1) of the Act for the Council's approval for the restriction of voting rights of a co-operative formed to carry on a club is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Effect of relevant share and voting interests on voting rights (sec. 178)

20. An application under section 178 (2) of the Act for the Council to review a matter is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Postal ballots on proposals for resolution (sec. 193)

21. For the purposes of section 193 (1) of the Act, a postal ballot is to be conducted in accordance with the requirements of Schedule 2.

Special postal ballots (sec. 194)

22. An application under section 194 of the Act for the approval of the Registrar to a proposed disclosure statement is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Minutes (sec. 203)

23. (1) For the purposes of section 203 of the Act, minutes of a meeting of a co-operative are to be kept and confirmed in the following manner:

- (a) a separate minute book must be kept by the secretary of the meetings of the co-operative;
- (b) the secretary must arrange for minutes of the proceedings of each meeting of the co-operative to be taken;
- (c) the minutes of each meeting must be confirmed as the first business of the next meeting of the co-operative;
- (d) a motion or discussion is not in order with respect to the minutes except with regard to their accuracy as a record of the proceedings;
- (e) the minutes must be signed after confirmation by the chairperson of the meeting at which they are confirmed;
- (f) the minutes must be recorded in the minute book within 14 days of the date of the meeting to which they relate.

(2) If it is impracticable for the minutes of a meeting to be confirmed at the next meeting of the co-operative, the minutes must be confirmed at the next meeting of the co-operative at which it is practicable to confirm them.

**PART 7—MANAGEMENT AND ADMINISTRATION OF
CO-OPERATIVES**

Election of employees as directors (sec. 216)

24. An application under section 216 (3) of the Act for the Council to approve a co-operative for the purposes of that section is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Minutes (sec. 219)

25. (1) For the purposes of section 219 of the Act, minutes of a meeting of the board are to be kept and confirmed in the following manner:

- (a) a separate minute book must be kept by the secretary of the meetings of the board;
- (b) the secretary must arrange for minutes of the proceedings of each meeting of the board to be taken;
- (c) the minutes of each meeting must be confirmed as the first business of the next meeting of the board;
- (d) a motion or discussion is not in order with respect to the minutes except with regard to their accuracy as a record of the proceedings;
- (e) the minutes must be signed after confirmation by the chairperson of the meeting at which they are confirmed;
- (f) the minutes must be recorded in the minute book within 14 days of the date of the meeting to which they relate.

(2) If it is impracticable for the minutes of a meeting to be confirmed at the next meeting of the board, the minutes must be confirmed at the next meeting of the board at which it is practicable to confirm them.

Certain persons not to manage co-operatives (sec. 231)

26. For the purposes of section 231 (2) of the Act, the Commissioner of Corrective Services is a prescribed authority.

Transitional requirements for accounts and accounting records (sec. 243)

27. (1) For the purposes of section 243 (1) of the Act, the requirements of the Co-operation (Accounts and Audit) Regulation 1988 with respect to:

- (a) the keeping of accounting records; and
- (b) the preparation of accounts and consolidated accounts; and
- (c) the auditing of accounts and consolidated accounts,

must be observed by and in respect of co-operatives within the meaning of the Act in the same way as they must be observed by and in respect of societies within the meaning of the Co-operation Act 1923.

(2) This clause ceases to have effect on the first anniversary of the commencement of this Regulation.

Power of Registrar to grant exemptions (sec. 244)

28. An application under section 244 of the Act for the granting of an exemption is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Registers to be kept by co-operatives (sec. 249)

29. (1) For the purposes of section 249 (2) of the Act, a register:
- (a) must be kept in written or electronic form; and
 - (b) must contain the particulars specified in Schedule 3.
- (2) A register may include:
- (a) any document in the English language in which the required particulars are recorded; and
 - (b) any disc, tape, soundtrack or other device in which the required particulars are recorded, so long as they are capable (with or without the aid of some other equipment) of being reproduced in a document in the English language.

Notice of appointment etc. of directors and officers (sec. 251)

30. For the purposes of section 251 (2) of the Act:
- (a) Form 1 is the prescribed form of notice of appointment or cessation of appointment; and
 - (b) the particulars set out in Form 1 are the prescribed particulars to be specified in the notice.

Returns (sec. 252)

31. (1) For the purposes of section 252 (a) of the Act, Form 2 is the prescribed form of list of directors and principal executive officers.

(2) For the purposes of section 252 (e) of the Act:

- (a) Form 3 is the prescribed form of return; and
- (b) the particulars set out in Form 3 are the prescribed particulars to be contained in the return.

(3) A return under section 252 of the Act that is sent to the Registrar after the due date under that section is to be accompanied by the fee specified in Schedule 1 in relation to a late return.

Change of name of co-operative (sec. 259)

32. (1) For the purposes of section 259 (1) of the Act, the prescribed manner of advertising the change of name of a co-operative is:

- (a) for the Registrar to cause the change of name to be advertised in the Gazette; and
- (b) for the co-operative to cause the change of name to be advertised in at least one newspaper circulating in the locality in which the registered office of the co-operative is situated,

within 28 days after the change of name is notified to the Registrar.

(2) Notification of the change of name of a co-operative must be in a form approved by the Registrar and must be forwarded to the Registrar in duplicate within one month of the meeting at which the special resolution authorising the change is passed.

(3) The application must be accompanied by:

- (a) the certificate of incorporation of the co-operative; and
- (b) an application for registration of the special resolution altering the co-operative's rules.

(4) If a co-operative is unable to produce its certificate of incorporation, a statutory declaration must be made by the chairperson of the board, or by the secretary of the co-operative, setting out the circumstances under which the certificate was lost or destroyed and, if lost, the steps that have been taken to find the certificate.

Restrictions on the use of "co-operative" by other bodies (sec. 260)

33. An application under section 260 of the Act for the granting of an exemption is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

PART 8—FUNDS, PROPERTY ETC.**Fund raising to be in accordance with rules, the Act and regulations (sec. 263)**

34. (1) A co-operative must not invite its members to deposit money with the co-operative, and must not indicate to its members that it is willing to accept deposits of money from them, unless:

- (a) the terms of the invitation; and
- (b) the terms on which any such money is to be held,

are approved by the Registrar, either unconditionally or subject to conditions.

(2) The conditions of an approval under this clause to the terms of an invitation to deposit money with a co-operative may include a condition requiring the invitation to contain any one or more of the following statements, as at a specified date:

- (a) a statement of the assets and liabilities of the co-operative;
- (b) a statement of the financial position of the co-operative;
- (c) a profit and loss statement for the co-operative;
- (d) such other information as is reasonably necessary to enable a person to make an informed assessment of the financial prospects of the co-operative.

(3) The conditions of an approval under this clause to the terms on which money is held by a co-operative may include a condition requiring the co-operative to give to the person by whom the money is deposited, within such time as the Registrar may determine, a document (such as a passbook) that is in a form approved by the Registrar and that contains one or more of the following statements:

- (a) a statement evidencing the co-operative's receipt of the money;
- (b) a statement of any interest payable on the money, together with details of the manner in which any such interest is to be calculated;
- (c) a statement of the conditions on which the money may be withdrawn or on which further money may be deposited or interest added to the money.

(4) In subclauses (1) and (2), a reference to an invitation to deposit money includes a reference to an invitation to subscribe to an issue of debentures, but does not include a reference to an invitation to subscribe to an issue of CCU's.

(5) For the purposes of section 263 of the Act, a co-operative is restricted from accepting deposits of money from persons other than its members.

(6) Subclause (5) does not apply to the acceptance of money in connection with the issue by the co-operative of debentures or CCU's.

(7) This clause does not apply to the acceptance by a co-operative of a deposit of money in connection with goods or services to be supplied by the co-operative in the ordinary course of business.

Application of Corporations Law to issues of securities and prescribed interests (sec. 266)

35. (1) For the purposes of section 266 (1) (c) of the Act, the provisions of Part 7.12 of the Corporations Law are to be read:

- (a) as if the references in those provisions (sections 1023, 1044 and 1045 excepted) to a security did not include a reference to a debenture to be issued by a co-operative to members of the co-operative; and
- (b) as if the requirement in section 1023 for a document to be given after acceptance of a deposit or loan included also a requirement that the document be approved by the Registrar before it is issued.

(2) An application under section 1084 of the Corporations Law for the granting of an exemption is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Compulsory loan by member to co-operative (sec. 268)

36. (1) For the purposes of section 268 (2) of the Act, 10 years is prescribed as the maximum term for a loan referred to in that subsection.

(2) For the purposes of section 268 (3) of the Act, 15 per cent is prescribed as the maximum rate of interest payable by a co-operative on money lent to it by its members.

CCU's not to be issued unless terms of issue etc. approved by Registrar (sec. 273)

37. An application under section 273 of the Act for the approval of the Registrar to a proposed statement is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

**PART 9—RESTRICTIONS ON THE ACQUISITION OF
INTERESTS IN CO-OPERATIVES**

Notice required to be given of voting interest (sec. 286)

38. For the purposes of section 286 of the Act, the notice in writing required to be given by a person who acquires, or ceases to have, a relevant interest in the right to vote of a member of a co-operative must be in or to the effect of Form 4 specifying the particulars required by that form.

Notice of existence of substantial share interest (sec. 287)

39. (1) For the purposes of section 287 (1) of the Act, the notice in writing required to be given by a person who acquires a substantial share interest in a co-operative must be in or to the effect of Form 5 specifying the particulars required by that form.

(2) The notice must be accompanied by:

- (a) in the case of an interest that has been acquired under a written contract, scheme or arrangement:
 - (i) a copy of the contract, scheme or arrangement; and
 - (ii) a statement in writing by the person who acquired the relevant interest verifying that the copy is a true copy of the contract, scheme or arrangement concerned; or
- (b) in the case of an interest that has been acquired otherwise than under a written contract, scheme or arrangement:
 - (i) a memorandum giving full particulars of the circumstances of the acquisition; and
 - (ii) a statement in writing by the person who acquired the relevant interest verifying that the memorandum contains full and correct particulars of the circumstances of the acquisition.

Notice of substantial change in share interest (sec. 287)

40. (1) For the purposes of section 287 (2) of the Act, the notice in writing required to be given by a holder of a substantial share interest whose shareholding in a co-operative increases or decreases by at least 1 per cent of the nominal value of the issued share capital of the co-operative must be in or to the effect of Form 6 specifying the particulars required by that form.

- (2) The notice must be accompanied by:
- (a) in the case of an interest that has been acquired or disposed of under a written contract, scheme or arrangement:
 - (i) a copy of the contract, scheme or arrangement; and
 - (ii) a statement in writing by the person who acquired or disposed of the relevant interest verifying that the copy is a true copy of the contract, scheme or arrangement concerned; or
 - (b) in the case of an interest that has been acquired or disposed of otherwise than under a written contract, scheme or arrangement:
 - (i) a memorandum giving full particulars of the circumstances of the acquisition or disposition; and
 - (ii) a statement in writing by the person who acquired or disposed of the relevant interest verifying that the memorandum contains full and correct particulars of the circumstances of the acquisition or disposition.

Notice of termination of substantial share interest (sec. 287)

41. (1) For the purposes of section 287 (3) of the Act, the notice in writing required to be given by a person who ceases to have a substantial share interest in a co-operative must be in or to the effect of Form 7 specifying the particulars required by that form.

- (2) The notice must be accompanied by:
- (a) in the case of an interest that has been disposed of under a written contract, scheme or arrangement:
 - (i) a copy of the contract, scheme or arrangement; and
 - (ii) a statement in writing by the person who disposed of the relevant interest verifying that the copy is a true copy of the contract, scheme or arrangement concerned; or
 - (b) in the case of an interest that has been disposed of otherwise than under a written contract, scheme or arrangement:
 - (i) a memorandum giving full particulars of the circumstances of the disposition; and
 - (ii) a statement in writing by the person who disposed of the relevant interest verifying that the memorandum contains full and correct particulars of the circumstances of the disposition.

Co-operative to keep register (sec. 294)

42. For the purposes of section 294 (2) (b) of the Act, the prescribed maximum fee that may be imposed by a co-operative for inspection of a register is the fee specified in Schedule 1 in respect of the inspection of such a register.

Council may grant exemptions (sec. 308)

43. An application under section 308 of the Act for the Council to grant an exemption from compliance with all or specified provisions of Division 2 of Part 11 is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

PART 10—AMALGAMATION, TRANSFER OF ENGAGEMENTS, WINDING UP ETC.**Amalgamation of local and foreign co-operatives (sec. 310)**

44. For the purposes of section 310 of the Act, the Primary Producers' Co-operative Associations Act 1923 of Queensland is a prescribed law.

Exemptions (sec. 312)

45. An application under section 312 of the Act for the Council to grant an exemption from compliance with all or specified provisions of Division 1 of Part 12 is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Application for transfer (sec. 316)

46. An application under section 316 of the Act for the registration or incorporation of a co-operative under some other law is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Winding up on Registrar's certificate (sec. 324)

47. For the purposes of section 324 (4) of the Act, the following forms of security are prescribed:

- (a) cash;
- (b) a bank cheque drawn on a bank that is authorised, under the Banking Act 1959 of the Commonwealth, to carry on banking business in Australia:

- (c) a certificate of deposit issued by a bank that is authorised, under the Banking Act 1959 of the Commonwealth, to carry on banking business in Australia;
- (d) a debenture or security that is guaranteed by the Government of New South Wales or by the Government of the Commonwealth.

Application of Corporations Law (sec. 325)

48. An application under section 325 of the Act for the Registrar to act on behalf of a defunct co-operative in relation to the execution of documents is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

Restrictions on voluntary winding up (sec. 326)

49. An application under section 326 of the Act for the Council to grant an exemption from compliance with all or specified provisions of section 194 or 326 is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

PART 11—ARRANGEMENTS AND RECONSTRUCTIONS**Registrar to be given notice and opportunity to make submissions (secs. 346, 354)**

50. (1) For the purposes of sections 346 (2) (b) and 354 (3) (b) of the Act, the information prescribed is the information prescribed for the purposes of sections 411 (3) (b) and 412 (1) (a) (ii) of the Corporations Law, comprising information concerning the matters set out in, and the documents required by, Schedule 8 to the Corporations Regulations.

- (2) Schedule 8 to the Corporations Regulations is to be construed as if
 - (a) references to provisions of those Regulations or provisions of the Corporations Law were references to the corresponding provisions of this Regulation or corresponding provisions of the Act, respectively: and
 - (b) the reference in Part 2 of that Schedule to Form 507 were a reference to Form 15 in Schedule 4 to this Regulation.

Acquisition of shares pursuant to notice to dissenting shareholder (sec. 360)

51. For the purposes of section 360 (1) of the Act, the manner in which a notice is to be given is by giving the notice to the person

personally or by means of a letter sent by post to the person at the person's address shown in the books of the transferor co-operative.

Remaining shareholders may require acquisition (sec. 362)

52. For the purposes of section 362 (1) (a) of the Act, the manner in which a notice is to be given is by giving the notice to the person personally or by means of a letter sent by post to the person at the person's address shown in the books of the transferor co-operative.

**PART 12—SUPERVISION AND PROTECTION OF
CO-OPERATIVES**

**Inspectors may require certain persons to appear, answer questions
and produce documents (sec. 375)**

53. For the purposes of section 375 (1) of the Act, Form 8 is the prescribed form of notice.

Powers of investigators (sec. 387)

54. For the purposes of section 387 (1) of the Act, Form 9 is the prescribed form of notice.

Examination of involved person (sec. 388)

55. For the purposes of section 388 (4) of the Act, the prescribed allowance and prescribed expenses to which an involved person is entitled are the allowances and expenses to which a witness is entitled in civil proceedings before the District Court.

Enlargement or abridgment of time (sec. 408)

56. An application under section 408 of the Act for the enlargement or abridgment of time for the doing of any act is to be accompanied by the fee specified in Schedule 1 in relation to such an application.

PART 13—GENERAL

Inspection of documents (sec. 438)

57. For the purposes of section 438 (1) of the Act, the prescribed fee for a service referred to in paragraph (a), (b) or (c) of that subsection is the fee specified in Schedule 1 in respect of such a service.

Forms

58. (1) If a form prescribed or approved for the purposes of the Act requires the form to be completed in a specified manner, or requires specified information to be included in, attached to or furnished with the form, the form is not duly completed unless it is completed in that manner and unless it includes, or has attached to or furnished with it, that information.

- (2) Each page of a document that is attached to a form:
 - (a) must be sequentially lettered or numbered; and
 - (b) must indicate that it is, or forms part of, an attachment to the form; and
 - (c) must be signed by the person by whom the form is signed.

Waiver of fees

59. The Registrar may waive, postpone or remit any fee payable under the Act by:

- (a) a co-operative that, in the opinion of the Registrar, is constituted primarily for a charitable purpose; or
- (b) a co-operative that, in the opinion of the Registrar, is constituted primarily for the purpose of advancing the welfare of a disadvantaged class of persons,

if, in the opinion of the Registrar, there are special circumstances that justify payment being waived, postponed or remitted.

PART 14—THE SCHEDULES TO THE ACT**Division 1—Schedule 1****Requirements for all co-operatives (cl. 1)**

60. For the purposes of clause 1 of Schedule 1 to the Act, the maximum fine that may be imposed by a co-operative on any of its members is \$1,000.

Division 2—Schedule 3**Charges required to be registered (cl. 2)**

61. For the purposes of clause 2 (5) of Schedule 3 to the Act, each of the following laws is a prescribed law of a State or Territory:

NEW SOUTH WALES

Liens on Crops and Wool and Stock Mortgages Act 1898 (Parts 2 and 3)

VICTORIA

Instruments Act 1958 (Parts 7 and 8)

QUEENSLAND

Bills of Sale and Other Instruments Act 1955 (Part 2 to the extent to which it relates to the registration of stock mortgages, liens on crops and liens on wool, and Part 4 excluding section 24)

Liens on Crops of Sugar Cane Act 1931

WESTERN AUSTRALIA

Bills of Sale Act 1899 (sections 7 and 8 and Parts 9, 10 and 11)

SOUTH AUSTRALIA

Liens on Fruit Act 1923

Stock Mortgages and Wool Liens Act 1924

TASMANIA

Bills of Sale Act 1900 (section 36)

Stock, Wool and Crop Mortgages Act 1930

AUSTRALIAN CAPITAL TERRITORY

Instruments Act 1933 (Parts 4 and 5)

Lodgment of notice of charge and copy of instrument (cl. 3)

62. (1) For the purposes of clause 3 (1) (a) of Schedule 3 to the Act, Form 10 is the prescribed form of notice.

(2) A statement referred to in clause 3 (1) (b) or (2) (b) of Schedule 3 to the Act must be in a form approved by the Registrar.

Acquisition of property subject to a charge (cl. 4)

63. For the purposes of clause 4 (1) (a) (i) of Schedule 3 to the Act, Form 10 is the prescribed form of notice.

Assignment and variation of charges (cl. 9)

64. A notice referred to in clause 9 (1) or (2) of Schedule 3 to the Act must be in a form approved by the Registrar.

Satisfaction of, and release of property from, charges (cl. 10)

65. For the purposes of clause 10 (1) of Schedule 3 to the Act, Form 11 is the prescribed form of memorandum.

Co-operative to keep documents relating to charges and register of charges (cl. 12)

66. For the purposes of clause 12 (3) (b) and (4) (a) of Schedule 3 to the Act, \$20 is prescribed as the maximum amount that a co-operative may charge for inspection of a register or for a copy of a register or any part of a register.

Registration under other legislation relating to charges (cl. 14)

67. For the purposes of clause 14 (1) of Schedule 3 to the Act, the prescribed time is the time when the period of 45 days referred to in clause 3 (1) of that Schedule expires.

Division 3—Schedule 4**Notification of appointment of receiver (cl. 12)**

68. (1) A notice referred to in clause 12 (1) of Schedule 4 to the Act must be in a form approved by the Registrar.

(2) For the purposes of clause 12 (2) of Schedule 4 to the Act, Form 12 is the prescribed form of notice.

(3) For the purposes of clause 12 (3) of Schedule 4 to the Act, Form 13 is the prescribed form of notice.

Provisions as to information where receiver appointed (cl. 14)

69. For the purposes of clause 14 (2) (b) of Schedule 4 to the Act, Form 14 is the prescribed form of report.

Receiver may require reports (cl. 15)

70. For the purposes of clause 15 (1) of Schedule 4 to the Act, Form 15 is the prescribed form of statement.

Lodging of accounts of receiver (cl. 17)

71. For the purposes of clause 17 (1) of Schedule 4 to the Act, Form 16 is the prescribed form of account.

SCHEDULE 1—FEES

Application for registration under sec. 10 of the Act (cl. 5)	\$100
Application for registration under sec. 19 of the Act (cl. 6)	\$100
Application for registration under section 113 of the Act (cl. 9)..... per rule (maximum \$70 for a single application)	\$10
Request for review under sec. 125 of the Act (cl. 13)	\$50
Application for reduction of period of repayment under sec. 136 of the Act (cl. 14)	\$50
Application for approval under sec. 145 of the Act for conversion to co-operative without share capital (cl. 16)	\$50
Application for approval under sec. 155 of the Act to proposed disclosure statement (cl. 17)	\$150
Application under sec. 177 of the Act for restriction of voting rights (cl. 19)	\$50
Application under sec. 178 of the Act for review (cl. 20)	\$50
Application for approval under sec. 194 of the Act (cl. 22)	\$150
Application for approval under sec. 216 of the Act (cl. 24)	\$50
Application for exemption under sec. 244 of the Act (cl. 28)	\$25
Late lodgment of return under sec. 252 of the Act (cl. 31)	\$50
Application for exemption under section 260 of the Act (cl. 33)	\$250
Application for exemption under sec. 1084 of the Corporations Law (cl. 35)	\$250
Application for approval under sec. 273 of the Act (cl. 37)	\$250
Inspection fee under sec. 294 of the Act (cl. 42)	\$10
Application for exemption under sec. 308 of the Act (cl. 43)	\$50
Application for exemption under sec. 312 of the Act (cl. 45)	\$50
Application under sec. 316 of the Act for registration or incorporation under some other law (cl. 46)	\$50
Application for execution of documents under sec. 325 of the Act (cl. 48)	\$10
Application for exemption under sec. 326 of the Act (cl. 49)	\$50

Application for enlargement or abridgment of time under sec. 408 of the Act (cl. 56)	\$50
Fee to inspect document under sec. 438 (1) (a) of the Act (cl. 57)	\$20
Fee for certified copy of document under sec. 438 (1) (b) of the Act (cl. 57)	\$10
Fee for certificate of registration of a co-operative under sec. 438 (1) (c) of the Act (cl. 57)	\$10
Fee for certified copy of rules of a co-operative under sec. 438 (1) (c) of the Act (cl. 57)	\$50

SCHEDULE 2—POSTAL BALLOTS

(Cl. 21)

Ballots

1. (1) The board:
 - (a) must formulate the proposal or proposals on which the ballot is to be held; and
 - (b) must fix a date for the close of the ballot; and
 - (c) must appoint a returning officer for the ballot.
- (2) A director of the co-operative may not be appointed as the returning officer.

Preparation of the voting roll and the ballot papers

2. The returning officer:
 - (a) must prepare a roll specifying:
 - (i) the name and address of each member of the cooperative, as disclosed by the register of members and shares; and
 - (ii) the number of votes to which each such member is entitled under the rules of the co-operative; and
 - (b) must cause:
 - (i) a ballot paper, in or to the effect of Form 18, together with accompanying inner, middle and outer envelopes; and
 - (ii) a copy of the proposal on which the vote is to be held; and
 - (iii) in the case of a special postal ballot—a copy of the disclosure statement referred to in section 194 of the Act,
- to be sent to each such member at least 21 days before the date fixed for the close of the ballot.

Duplicate ballot papers

3. The returning officer may send a duplicate ballot paper to any voter if the returning officer is satisfied
 - (a) that the voter has not received a ballot paper; or
 - (b) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.

Voting

4. A voter casts a vote:
 - (a) by writing the word “YES” or “NO” in the appropriate place or places on the ballot paper or by indicating the voter’s intention in such other manner as may be approved by the Registrar; and
 - (b) by completing any other particulars required by the ballot paper. and
 - (c) by sending the ballot paper, in the envelopes supplied. to the returning officer.

Safe keeping of ballot papers

5. The returning officer must place in a locked ballot box all outer envelopes (together with their contents) received before the close of the ballot.

Counting of the votes

6. (1) As soon as practicable after the close of the ballot, the returning officer must open the ballot box and deal with the contents as follows:
 - (a) each outer envelope and each middle envelope (containing the particulars that identify the voter) is to be removed from the ballot box;
 - (b) any middle envelope that bears a name that does not correspond to one of the remaining names on the voting roll is to be rejected;
 - (c) a line is to be drawn on the voting roll through the name of each person from whom an unrejected middle envelope has been received;
 - (d) each outer and middle envelope is to be discarded and the inner envelope (containing the ballot paper) is to be replaced in the ballot box,
 - (e) after all the outer and middle envelopes have been discarded and all the inner envelopes replaced in the ballot box, each inner envelope is to be removed from the ballot box;
 - (f) each ballot paper is to be removed from its inner envelope;
 - (g) the votes on the ballot papers are then to be counted
- (2) A ballot paper is to be rejected as informal:
 - (a) if it is not duly initialled by the returning officer; or
 - (b) if it is so imperfectly marked that the intention of the voter cannot with certainty be ascertained by the returning officer.
- (3) The returning officer must, in respect of each proposal, ascertain from the ballot papers:
 - (a) the number of formal votes cast in favour of the proposal concerned; and
 - (b) the number of votes cast against the proposal, and
 - (c) the number of informal votes cast.

Report

7. (1) After the votes have been counted, the returning officer must report to the board as to the results of the ballot.
- (2) The returning officer must retain:
 - (a) all ballot papers; and

- (b) all rejected middle envelopes (together with their contents); and
- (c) all voting rolls used in connection with the conduct of the ballot, locked in the ballot box until the board directs that they may be destroyed.

(3) During this period the returning officer must, if requested by the Registrar, send the ballot box to the Registrar.

SCHEDULE 3—PARTICULARS TO BE INCLUDED IN REGISTER

(Cll. 15, 29)

Register of members, directors and shares

1. (1) The register of members, directors and shares of a co-operative must contain the following particulars for each member:

- (a) the name, address and occupation of each member,
- (b) the date on which each member was admitted to the co-operative;
- (c) the folio reference to the minute evidencing the board's decision to admit the member;
- (d) if the co-operative has share capital, a statement in respect of each member by whom shares are held of:
 - (i) the number of shares held (whether on the member's own behalf or on behalf of some other person); and
 - (ii) the date on which the shares were allotted; and
 - (iii) the amount paid or agreed to be considered as having been paid on the shares;
- (e) if applicable, the date of and circumstances under which the member's membership terminated;
- (f) if shares are forfeited pursuant to section 290 of the Act, a statement of the number of shares forfeited and the date on which forfeiture was effected.
- (g) if shares are purchased pursuant to section 172 (1) of the Act, a statement of the number of shares purchased and the date on which the shares were purchased;
- (h) if there is a conversion to a co-operative without share capital, the date of the repayment of the share capital or the date of disposal and the name, address and occupation of the person or body to whom the share capital was repaid

(2) The register of members, directors and shares of a co-operative must contain the following particulars for each director:

- (a) the name, address and occupation of each director.
- (b) the date of that person's election or appointment as a director;
- (c) whether the director is a non-member director.
- (d) if applicable, the date of termination of office;
- (e) if applicable, the mode of termination of office.

(3) The register of loans to and securities given by a co-operative is required to contain the following particulars for each loan:

- (a) the name of each member to whom a loan is made;

- (b) the amount of the loan;
- (c) the date on which the loan was approved,
- (d) the folio reference to the minute evidencing the board's decision to make the loan;
- (e) a reference identifying the account created for the loan;
- (f) the date of each advance made in relation to the loan and the amount of each advance so made;
- (g) where the loan is secured by way of mortgage of real property—the address and particulars of title of the property and a reference identifying the mortgage agreement;
- (h) where the loan is secured otherwise than by way of a mortgage of real property—particulars of the security taken and a reference identifying the agreement that evidences that security;
- (i) the location of the documents relating to the security taken in respect of the loan;
- (j) particulars of any movement of those documents from that location; and
- (k) the date of the final repayment made in relation to the loan.

Register of loans, securities, debentures and deposits

2. (1) The register of loans, securities, debentures and deposits of a co-operative must contain the following particulars for each debenture given:

- (a) the name, address and occupation of each person to whom a debenture is payable;
- (b) the number and series of the debenture;
- (c) the date of its issue;
- (d) the amount of the debenture;
- (e) the rate of interest;
- (f) the dates of payment of principal;
- (g) the place of payment;
- (h) the name of the trustee (if relevant);
- (i) the ledger folio;
- (j) the name and address and occupation of transferor,
- (k) the date of transfer.

(2) The register of loans, securities, debentures and deposits of a co-operative must contain the following particulars for each deposit received by the co-operative:

- (a) the name, address and occupation of the depositor;
- (b) the date of receipt;
- (c) the amount deposited,
- (d) the rate of interest (if any);
- (e) the amount repaid;
- (f) the date of conversion to shares/debentures;
- (9) the due date for repayment;
- (h) the balance.

Register of loans, guarantees and securities

3. The register of loans, securities, debentures and deposits of a co-operative must contain the following particulars for each loan guaranteed by the co-operative:

- (a) the name of the member;
- (b) the name of the lender.
- (c) the amount of the loan;
- (d) the date of the guarantee;
- (e) the security documents held;
- (f) the due date for repayment;
- (g) the folio reference to the minutes evidencing the board's decision to guarantee the loan.

Register of co-operative capital units

4. The register of CCU's issued by a co-operative must contain the following particulars for each CCU:

- (a) the date of the resolution approving the terms of issue;
- (b) the name, address and occupation of the holder.
- (c) the number and series of the CCU;
- (d) the Face value of the CCU,
- (e) the rate of interest and the nature of the interest (whether cumulative or non-cumulative);
- (f) the date of payment of interest;
- (g) the entitlement (if any) to priority of payment of capital and dividend before shares on a winding up of the co-operative;
- (h) the entitlement (if any) to surplus assets and profits on a winding up of the co-operative;
- (i) where transferred—the name, address and occupation of the transferee;
- (j) the redemption value (if known).

Register of cancelled memberships

5. (1) The register of memberships cancelled under Part 6 of the Act must contain the following particulars for each member whose shares are forfeited:

- (a) the name of the member;
- (b) the amount subscribed in respect of the shares forfeited,
- (c) if the whereabouts of the member are unknown:
 - (i) the date when the continuous period of the member's whereabouts being unknown commenced; and
 - (ii) if the amount subscribed exceeds \$50, the date of publication of the required notice in a newspaper and the name of the newspaper;

- (d) if the whereabouts of the member are known:
 - (i) the date of the member's last active dealing with the society; and
 - (ii) the date of posting of the required notice in writing to the member;
 - (e) the date and folio number of the board's resolution cancelling membership;
 - (f) the date and folio number of the board's resolution forfeiting the shares;
 - (g) if the date fixed by the board resolution for repayment of the amount paid up on shares is within 12 months of forfeiture:
 - (i) the date of repayment; or
 - (ii) the date of payment to an unclaimed money account;
 - (h) if the amount due is to be transferred to a debenture or deposit account:
 - (i) the date of repayment; and
 - (ii) the date of transfer to such an account,
- (2) Subclause (1) (b) (c). (f). (9) and (h) apply only to co-operatives that have share capital.

Register of fixed assets

6. The register of fixed assets of a co-operative must contain the following particulars:

- (a) a short description of the fixed asset;
- (b) the method of financing any fixed asset that is leased;
- (c) the physical location of the asset;
- (d) the date of its purchase or installation;
- (e) the manner in which depreciation is calculated;
- (f) the annual percentage at which depreciation is calculated,
- (g) the annual amount of depreciation or amortisation;
- (h) the total amount of depreciation or amortisation;
- (i) the revaluation increment;
- (j) the sale price;
- (k) the date sold.

*The principal executive officer of the co-operative at the date of this annual return is
 *The principal executive officer of a subsidiary of the co-operative at the date of this annual return is
 Has the address of the Registered Office changed? *Yes/*No
 If yes, specify new address (Telephone)
 Dated this day of 19..... (signature)
 To the Registrar of Co-operatives
 Locked Bag 1500, BANKSTOWN 2200
 * Strike out words not applicable

Form 3

(CL31(2))

ANNUAL RETURN

PART A

Co-operatives Act 1992
(Sec. 252(e))

CO-OPERATIVE NAME:

A.R.B.N. (if applicable)

ADDRESS OF
REGISTERED OFFICE:

CO-OPERATIVE NO.:

* Signature

Date

Financial Year End19....		Last Year19....	
ASIC	%	ASIC	%

Financial Year End19....		Last Year19....	
LGA	%	LGA	%

NUMBER OF DIRECTORS:	Active Member Directors
	Employee Directors
	External Directors

Financial Year End19....	Last Year19....

EXPORTS:	Value of Exports
	% of Total Sales

Total Turnover (including ancillary income)
Cost of Goods Sold
Total Interest Paid or Provided
Number of Members
Number of Employees
Does the Co-operative have an exemption from any of the provisions of the Regulation ?

Yes/No	

* May be signed by Secretary, Director or Principal Executive Officer

CO-OPERATIVE NAME:

FINANCIAL YEAR END:

ANNUAL RETURN - MOVEMENT - SHARE VALUES (WHOLE DOLLARS)

Section of Act Narration	SHARES					Total
	Shares	Section 151 Issue of shares at a premium	Section 154 Issue of shares to active members in exchange for property	Section 155 Members may be required to take additional shares	Section 156 Bonus shares issue	
	\$	\$	\$	\$	\$	\$
BALANCE BEGINNING OF YEAR						
Additions						
Transfers						
Sub-total						
Forfeiture						
Re-purchase non-active						
active						
Transfers						
Sub-total						
BALANCE END OF YEAR						

ANNUAL RETURN - MOVEMENT - LOANS & CCU's (WHOLE DOLLARS)

Section of Act Narration	LOANS	DEPOSITS & DEBENTURES		C.C.U.'s	
	Section 268 Loans	Section 263 Deposits	Section 263 Debentures	Section 270 CCU's to members	Section 271 CCU's to non members
	\$	\$	\$	\$	\$
BALANCE BEGINNING OF YEAR					
Additions					
Transfers					
Sub-total					
Repayment					
Transfers					
Sub-total					
BALANCE END OF YEAR					

CO-OPERATIVE NAME:

BALANCE SHEET

Financial Year End19....	Last Year19....
\$	\$

CURRENT ASSETS

Cash		
Receivables		
Investments		
Inventories		
Other		
Total Current Assets		

NON-CURRENT ASSETS

Receivables		
Investments		
Inventories		
Property, plant & equipment		
Intangibles		
Other		
Total Non-Current Assets		

TOTAL ASSETS

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CURRENT LIABILITIES

Creditors & Borrowings		
Provisions		
Other		
Total Current Liabilities		

NON-CURRENT LIABILITIES

Creditors & Borrowings		
Provisions		
Other		
Total Non-Current Liabilities		

TOTAL LIABILITIES

--	--	--

NET ASSETS

--	--	--

SHAREHOLDERS' EQUITY

Share Capital		
Reserves		
Retained profits or accumulated losses		
Shareholders' equity attributable to members of the chief entity		
Outside equity shareholders' interest in controlled entities		

TOTAL SHAREHOLDERS' EQUITY

--	--	--

CO-OPERATIVE NAME:

PROFIT & LOSS ACCOUNT

	Financial Year End19.... \$	Last Year19.... \$
Operating Profit & Loss		
Income Tax attributable to operating profit or loss		
Operating profit or loss after income tax		
Profit or loss on extraordinary items		
Income tax attributable to profit or loss on extraordinary items		
Profit or loss on extraordinary items after income tax		
Operating profit or loss and extraordinary items after income tax		
Outside equity interests in operating profit or loss and extraordinary items after income tax		
Operating profit or loss and extraordinary items after income tax attributable to members of the chief entity		
Retained profits or accumulated losses at the beginning of the financial year		
Aggregate of amounts transferred from reserves		
Total available for appropriation		
Dividends provided for or paid		
Rebates and bonuses provided for or paid		
Aggregate of amounts transferred to reserves		
Other Appropriations		
Retained profits or accumulated losses at the end of the financial year		

Notes to and forming part of the financial statements are attached

Yes ☐No ☐

Subject to any exemption granted by the Registrar, the following documents should be attached at the time of lodgement of this form:

- (1) Auditor's Report (Section 252(d))
- (2) Directors' Statement (Clause 8(10))
- (3) Directors' Report (Section 252(d))
- (4) Accounts as submitted to the members (Section 252(b))
- (5) List of Directors and Principal Executive Officer - Form 2 (Section 252(a))

NOTE: THE CO-OPERATIVE MUST HOLD ITS ANNUAL GENERAL MEETING WITHIN 5 MONTHS AFTER THE CLOSE OF THE FINANCIAL YEAR (SEC.198(1)).

THIS RETURN (WITH THE DOCUMENTS LISTED AT THE END OF PART A ATTACHED) MUST BE SENT TO THE REGISTRAR OF CO-OPERATIVES AT LEAST 14 DAYS BEFORE THE ANNUAL GENERAL MEETING (SEC.252). A LATE FEE IS PAYABLE IF THE RETURN IS SENT AFTER THAT TIME.

Form 4

(CI.38)

NOTICE OF VOTING INTEREST

Co-operatives Act 1992
(Sec.286)To the secretary of
(name of co-operative) /I, of
(full name) (address)give notice that on the day of 19.....
I *acquired/*ceased to have a relevant interest in the right to vote of
....., a member of the above co-operative.
(full name of member)

Dated this day of 19.....

.....
Signature of person *acquiring/*ceasing
to have the relevant interest

*Strike out words not applicable

Form 5

(C139(1))

NOTICE OF SUBSTANTIAL SHARE INTEREST

Co-operatives Act 1992
(Sec.287(1))

To (name of co-operative)

1. I of
give notice that on the day of 19..... I
acquired a substantial share interest in the above co-operative.

Particulars of the shares in which the shareholder or an associate of the shareholder had a relevant interest or relevant interests at that date are set out as follows in respect of each holder of a relevant interest:

- (a) name and address of the shareholder and the associate
- (b) the number and description of the shares in which each relevant interest is held
- (c) the name and address of each person registered as holder of the shares in which the relevant interest is held
- (d) the name and address of each person entitled to become registered as holder of the shares in which the relevant interest is held
- (e) the date of each acquisition of a relevant interest within the previous 12 months and the number of shares acquired at that date, if any
- (f) the valuable consideration for each acquisition in the previous 12 months, including the nature of any part that did not consist of money.....
2. (a) The total number of shares in which the shareholder and his or her associates have relevant interests is
- (b) The total number of shares set out in subparagraph (a) is% of the total number of shares in the co-operative.
3. Reasons why a person named in paragraph 1 is considered an associate for the purposes of Part 2 of Schedule 2 are as follows:

4. Particulars of any contract, scheme, arrangement or other circumstance by reason of which the substantial shareholder or an associate, as the case may be, acquired the relevant interest or relevant interests referred to above (*exclude particulars relating to interests acquired more than 12 months previously*), where the holder has, throughout the period of 12 months immediately preceding the date of the notice, been the registered shareholder of those shares, are as follows:
5. Particulars of the nature of the relevant interests are as follows:
6. Particulars of any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers of those shares are as follows:
7. Particulars of any additional benefit that any person from whom a relevant interest was acquired has, or may, become entitled to receive, whether upon the happening of a contingency or not, in relation to that acquisition, other than the valuable consideration mentioned in paragraph 1, are as follows:

Dated this day of 19.....

.....
Signature of Substantial shareholder

Form 6

(Cl.40(1))

NOTICE OF SUBSTANTIAL CHANGE IN RELEVANT INTERESTS

Co-operatives Act 1992
(Sec.287(2))

To (name of co-operative)

1. I, of
being a person who holds a substantial share interest, give notice of a substantial change in relevant interests. Particulars relating to the relevant interests and changes (including a change in relevant interests of an associate of the substantial shareholder) are set out below.

A. *Particulars before change*

- (a) Name and address of holder of relevant interest
.....
- (b) Number and description of shares in which relevant interest held
.....
- (c) Name and address of person registered as holder of shares
.....
- (d) Name and address of person entitled to become registered as holder of shares
.....
- (e) The total number of shares in which the shareholder and his or her associates held relevant interests was
.....
- (f) The total number of shares set out in paragraph (e) was% of the total number of shares in the co-operative.
- (g) Reasons why a person named in paragraph (a), (c) or (d) was considered an associate for the purposes of Part 2 of Schedule 2 of the Co-operatives Act 1992 are as follows:
.....

B. *Particulars relating to change*

- (a) The date of change in relevant interest was
.....
- (b) Particulars of the valuable consideration given in relation to the change, including nature of that part that did not consist of money, are as follows:
.....
- (c) Particulars of any contract, scheme, arrangement or other circumstance by reason of which the change in the relevant interest occurred are as follows:
.....

(d) Particulars of any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers of those shares in which the relevant interest in which the change occurred is held, are as follows:

(e) Particulars of any additional benefit that a person has, or may, become entitled to receive, whether upon the happening of a contingency or not, as a consequence of a change in a relevant interest, particulars of which are set out in this Form, are as follows:

C. *Particulars after change*

(a) Name and address of holder of relevant interest

(b) Number and description of shares in which relevant interest held after change

(c) Name and address of person entitled to become registered as holder of shares after change

Dated this day of 19

.....
Signature of Substantial shareholder

Form 7

(Cl.41(1))

NOTICE OF PERSON CEASING TO HAVE A SUBSTANTIAL SHARE INTEREST

Co-operatives Act 1992
(Sec.287(3))

To (name of co-operative)

1. I, of give notice that I have ceased to have a substantial share interest in the above co-operative. Particulars relating to each relevant interest disposed of and of the disposal are set out below.

A. Particulars before change

Name and address of holder of relevant interest

.....

Name and address of associate

.....

Number and description of shares

.....

Name and address of any person registered as holder of shares

.....

B. Particulars consequent on change

Name and address of any person entitled to become registered as holder of shares

.....

Date on which person ceased to be a substantial shareholder

Valuable consideration for disposal of relevant interest, including nature of that part that did not consist of money

.....

Name and address of holder of relevant interest

.....

2. Particulars of any additional benefit that the former substantial shareholder or an associate has, or may, become entitled to receive, whether upon the happening of a contingency or not, as a consequence of ceasing to hold a substantial share interest, are as follows:

.....

3. The nature of each relevant interest disposed of is as follows:

.....

Dated this day of 19....

.....
Signature of former substantial shareholder

Form 8

(C1.53)

NOTICE REQUIRING PRODUCTION OF DOCUMENTS OR
APPEARANCE TO ANSWER QUESTIONSCo-operatives Act 1992
(Sec.375(1))To *(name of co-operative or person)*In relation to an inspection of *(name of co-operative)*, you are required:

- * (a) to produce to me on *(date)* at *(time)* at *(full details of place)* the documents specified in the Schedule to this notice relating to the co-operative; and
- * (b) to attend on *(date)* at *(time)* before *(name of Inspector)* at *(full details of place)* to answer any questions relating to the promotion, formation, members, control, transactions, dealings, business, or property of the co-operative.

Please note Section 380(1) of the Act (relating to self incrimination).

SCHEDULE

.....
Signed by the Inspector.....
Date :

- * Delete if not applicable

Form 9

(C154)

NOTICE TO PRODUCE DOCUMENTS, GIVE ASSISTANCE OR
TO APPEAR FOR EXAMINATION AT INQUIRYCo-operatives Act 1992
(Sect.387(4))To *(name of involved person)*:In relation to an Inquiry into the affairs of *(name of co-operative)*, you are required:

- * (a) to produce to me on *(date)* at *(time)* at *(full details of place)* the documents referred to in the Schedule of this notice that are in your custody or control and that relate to the affairs of *(name of co-operative)*; and
- * (b) to give all reasonable assistance in connection with the inquiry; and
- * (c) to appear on *(date)* at *(time)* before *(name of investigator)* at *(full details of place)* for examination on oath or affirmation and to answer questions on oath or affirmation.

Please note the provisions of Section 388(1) of the Act (relating to legal representations) and Section 388(2) of the Act relating to self incrimination.

SCHEDULE

.....
Signed by the Investigator:.....
Date:

* Delete if not applicable

lodging party or agent name _____ address _____ state _____ telephone _____ facsimile _____ DX number _____ suburb/city _____	
--	--

Registry of Co-operatives NOTIFICATION OF DETAILS OF A CHARGE	Form 10 (CII.62(1) & 63) Co-operatives Act 1992 (Sch.3 CII.3(1)(a) & 4(1)(a))
--	--

name _____ A.R.B.N. (if applicable) _____ This form must be lodged by	any co-operative or foreign co-operative which creates a charge or acquires property subject to a charge (within 45 days after the charge was created or the property was acquired), where the property involved is within the State	any foreign co-operative which has an existing charge on property within the State and is applying for registration (lodge with appropriate registration form)
--	--	--

Details of the charge

date charge was created (d/m/y)	/ /	or date property was acquired (d/m/y) / /
how was the charge created?	by resolution <input type="checkbox"/>	by instrument <input type="checkbox"/> by deposit <input type="checkbox"/> by other conduct <input type="checkbox"/> specify below _____
type of charge	fixed <input type="checkbox"/>	floating <input type="checkbox"/> fixed and floating <input type="checkbox"/>
	If the charge is a floating charge, is the creation of subsequent charges restricted or prohibited? Yes <input type="checkbox"/> No <input type="checkbox"/>	
briefly describe the liability (whether present or prospective) secured by the charge (no more than 4 lines)	_____ _____ _____ _____	
briefly describe the property charged (no more than 4 lines)	_____ _____ _____ _____	

name _____ office, floor, building name _____ street number & name _____ suburb/city _____ country (if not Australia) _____ financial benefit _____	details of the chargee <input type="checkbox"/> details of the trustee for the debenture holders <input type="checkbox"/> (surname & given name or body corporate name) if a body corporate give A.C.N. or A.R.B.N. also _____ _____ state _____ postcode _____ Nominate any financial benefit (such as an amount or rate percent of commission, allowance or discount) given to someone who, absolutely or conditionally, subscribes to or agrees to subscribe to, or procures or agrees to procure, subscriptions for any debentures included in this notice. _____ _____
--	---

Signature

co-operative _____ foreign co-operative _____ or _____ print first name _____ print body corporate name _____	This form must be signed by: a director, secretary or principal executive officer (PEO) local agent or a director, secretary or principal executive officer for a body corporate acting as a local agent or other interested person _____ (if body corporate acting as agent) _____ date _____
---	---

Verification of the attached instrument

tick boxes which apply

*I declare that the statements marked below are correct***charge created by issues of debentures**

- ☐ *The annexure marked () is a true copy of the resolution(s) passed by the co-operative authorising the issue of a series of debentures constituting the charge.*
- ☐ *I witnessed the execution of the first debenture in the series.*
- ☐ *The annexure marked () is a copy of the first debenture in the series.*

charge credited by an instrument

- ☐ *The annexure marked () is a true copy of the instrument(s) creating or evidencing the charge.*
- ☐ *I witnessed the execution of the instrument(s).*

Compliance with stamp duty law

- ☐ All the documents accompanying this form by section have
- ☐ have not
- been stamped in accordance with the law relating to stamp duty in the state or territory of:

Signature

The verification must be signed by:

- co-operative a director, secretary or principal executive officer (PEO)
- foreign co-operative a local director, agent or a director, secretary or principal executive officer for a body corporate acting as an agent

print name _____

print body corporate name (if body corporate acting as agent) _____

sign here

date

If all the documents accompanying the form required by cl.3(1) of sch.3 have been stamped in accordance with the law relating to stamp duty, complete and attach the form. Certification of compliance with stamp duties law.	Provisional registration If any document accompanying this form has not been stamped as required by any law relating to stamp duty, or if this form contains the co-operative name and the name of the broker or charges but not all other details.	the Registrar will mark the entry in the Register as 'provisional' and ask you to complete the requirements. If the requirements have not been completed by a specified time, the Registrar will delete all particulars of the charge from the register.
--	---	---

Sent to	Annotations	
Registry of Co-operatives Banktown Civic Tower Level 8 66-72 Richard Road BANKSTOWN 2200 or Locked Bag 1500 BANKSTOWN 2200	To make any signature you must 1. use A4 size paper of white or light pastel colour 2. provide a margin of at least 10mm on all sides 3. number the pages consecutively 4. print or type in dark blue or black ink, so that the document is clearly legible when photocopied	5. identify the signature with a mark such as A, B, C etc. 6. endorse the signature with the words This annexure (mark) of (number) pages referred to in Form (form number and title) 7. sign and date the form This annexure must be signed by same person(s) who signed the form.

lodging party or agent name _____ address _____ state _____ telephone _____ facsimile _____ DX number _____ suburb/city _____	
--	--

Registry of Co-operatives	Form 11 (CI.65)
NOTIFICATION OF DISCHARGE OR RELEASE OF PROPERTY FROM A CHARGE	Co-operatives Act 1992 (Sch.3, cl.10(1))

name _____
A.R.B.N. (if applicable) _____

Details of the registered charge
change was originally registered ☐ under Co-operation Act 1923 place of registration _____
original registered charge number _____
☐ under Co-operatives Act 1992 registered charge number _____
date charge was created (d/m/y) ____ / ____ / ____
or date property was acquired (d/m/y) ____ / ____ / ____

title of instrument _____
type of charge fixed ☐ floating ☐ fixed and floating ☐

Details of the chargee
name person or body corporate last entitled to the benefit of the charge (surname &
given names or body corporate name) _____
Has the chargee changed its name since it was first entitled to the benefit of the
charge? yes ☐ no ☐
if yes, name (surname & given name) _____

Details of the discharge or release of property
date of discharge or release (d/m/y) ____ / ____ / ____
extent of charge ☐ paid or satisfied in full and all property was released
☐ paid or satisfied to the extent of \$ _____
☐ paid or satisfied to the extent of \$ _____ and the property described was released
☐ the property described below was released

if not a full discharge,
briefly describe
the property released _____

(if insufficient space) Further details are described on page 2 or are enclosed in annexure marked
(). See page 2 for requirements relating to annexure.

Signature
This form must be signed by the person, or a director, secretary or principal executive officer (PEO) of the corporation entitled to benefit from the charge (i.e. a chargee or trustee for the debenture/holders).
print name _____
print corporation name (if body corporate entitled to benefit) _____
sign here _____ date _____

Send to	Annexures
Registry of Co-operatives Bankstown Civic Tower Level 8 66-72 Rickard Road BANKSTOWN 2200 or Locked Bag 1500 BANKSTOWN 2200	<p>To make any annexure you must</p> <ol style="list-style-type: none"> 1. use A4 size paper of white or light pastel colour 2. provide a margin of at least 10mm on all sides 3. number the pages consecutively 4. print or type in dark blue or black ink so that the document is clearly legible when photocopied 5. identify the annexure with a mark such as A, B, C etc. 6. endorse the annexure with the words This annexure (mark) of (number) pages referred to in Form (form number and title) 7. sign and date the form This annexure must be signed by same person(s) who signed the form.

lodging party or agent name _____
 address _____
 _____ state _____
 telephone _____
 facsimile _____
 DX number _____ suburb/city _____

Registry of Co-operatives

Form 12

(Cl.68(2))

**NOTIFICATION OF
 APPOINTMENT OR CESSATION AS AN
 EXTERNAL ADMINISTRATOR**

Co-operatives Act 1992
 (Sch.4, cl.12(2) & (4))

name _____
 A.R.B.N. (if applicable) _____

Action

tick one box	<input type="checkbox"/>	appointment	date of appointment (d/m/y)	/ /
	<input type="checkbox"/>	ceasing	date of ceasing (d/m/y)	/ /
	<input type="checkbox"/>	resignation	date of resignation (d/m/y)	/ /
	<input type="checkbox"/>	removal from office	day of removal (d/m/y)	/ /

Details of the person

tick one box

- ☐ administrator of a compromise or arrangement
- ☐ receiver of the property described in the schedule of property overleaf
- ☐ receiver & manager of the property described in the schedule of property overleaf
- ☐ official manager
- ☐ deputy official manager
- ☐ liquidator in a winding up by Court
- ☐ liquidator in a voluntary winding up by members
- ☐ liquidator in a voluntary winding up by creditors
- ☐ provisional liquidator

name (surname & given name) _____

office, floor, building name _____

street number and name _____

suburb/city _____

country (if not Australia) _____

Details of the appointment

method of appointment ☐ a court order

court	<input type="checkbox"/> Federal Court of Australia	date (d/m/y)	/ /
	<input type="checkbox"/> Supreme Court of _____	(give state or territory registry)	
	proceeding-matter number _____	(give state or territory)	
		year	

☐ an instrument date (d/m/y) / /

☐ special postal ballot of members date (d/m/y) / /

☐ a committee of management date (d/m/y) / /

☐ a resolution of the co-operative date (d/m/y) / /

☐ a special resolution of the creditors date (d/m/y) / /

☐ a meeting of the creditors date (d/m/y) / /

☐ by Registrar date (d/m/y) / / *Gazette Notice date (d/m/y) / /

* A copy of the Gazette Notice must be attached to the form

Signature

This form must be signed by the external administrator.

print name _____

sign here _____ date _____

Schedule of property

(if insufficient space) Further details are enclosed in annexure marked ()

Send to	Annexures
Registry of Co-operatives Bankstown Civic Tower Level 8 66-72 Rickard Road BANKSTOWN 2200 or Locked Bag 1500 BANKSTOWN 2200	<p>To make any annexure you must:</p> <ol style="list-style-type: none"> 1. use A4 size paper of white or light pastel colour 2. provide a margin of at least 10mm on all sides 3. number the pages consecutively 4. print or type in dark blue or black ink, so that the document is clearly legible when photocopied 5. identify the annexure with a mark such as A, B, C etc. 6. enclose the annexure with the words: This annexure (mark) of (number) pages referred to as Form (form number and title) 7. sign and date the form. This annexure must be signed by same person(s) who signed the form.

sign here _____ date _____

Form 14

(C1.69)

REPORT ABOUT AFFAIRS OF CO-OPERATIVES

Co-operatives Act 1992
(Sch.4, cl.14(2)(b))

Assets and Liabilities as at	Limited 19	(1) Valuation	Estimated realizable values
		\$	\$
1. Assets not specifically charged -			
(a) Interests in land as detailed in Schedule A			
(b) Sundry debtors as detailed in Schedule B			
(c) Cash on hand			
(d) Cash at bank			
(e) Stock as detailed in annexed inventory			
(f) Work in progress as detailed in annexed inventory			
(g) Plant and equipment as detailed in annexed inventory			
(h) Other assets as detailed in Schedule C			
2. Assets subject to specific charges, as detailed in Schedule D		\$	
Less amounts owing as detailed in Schedule D			
Total Assets			\$
Total estimated realizable values			
3. Less claims by employees as detailed in Schedule E			
4. Less amounts owing and secured by debenture or floating charge over		assets	
5. Less preferential creditors, other than employees, as detailed in Schedule F			
Estimated amount available for unsecured creditors			
6. Balances owing to partly secured creditors as detailed in Schedule G			
Total claims (\$)			
Security held (\$)			
7. Creditors (unsecured) as detailed in Schedule H			
Amount claimed (\$)			
8. Contingent liabilities \$			
Estimated to produce (\$) as detailed in Schedule I			
9. Contingent liabilities \$			
Estimated to rank for (\$) as detailed in Schedule J			
Estimated *deficiency/*surplus			
(Subject to costs of *administration/*liquidation)			
Share capital			
Issued \$			
Paid up \$			

* strike out if not applicable

Schedules

SCHEDULE A (2)

INTERESTS IN LAND

Address and description of property	(1) Valuation	Estimated realizable value	Valuation for rating purposes	Particulars of tenancy	Where possession of deeds may be obtained	Short particulars of title
	\$	\$	\$			

SCHEDULE B (2)

SUNDRY DEBTORS (INCLUDING LOAN DEBTORS)

Name and address of debtor	Amount owing	Amount realizable	Deficiency	Particulars of Security (if any) held	Explanation of deficiency
	\$	\$	\$		

SCHEDULE C (2)

OTHER ASSETS

Description of deposit or investment	Cost	Amount Realizable
	\$	\$

Deposits -

Investments

Schedules

SCHEDULE D (2)**ASSETS SUBJECT TO SPECIFIC CHARGES**

Description of asset	Date charge given	Description of charge	Holder of charge	Terms of repayment	(1) Valuation	Estimated realizable value	Amount owing under charge
					\$	\$	\$

SCHEDULE E**CLAIMS BY EMPLOYEES**

Employee's name and address	Wages	Holiday pay	Long service leave	Estimated liability
	\$	\$	\$	\$

SCHEDULE F**PREFERENTIAL CREDITORS (OTHER THAN THOSE DETAILED IN SCHEDULE E)**

Name and address of preferential creditor	Description of amount owing	Amount owing
		\$

1993—No. 184

Schedules

SCHEDULE G**PARTLY SECURED CREDITORS**

Name and address of creditor	Particulars of security held	Nature of security	Estimated value of security	Amount owing to creditor	Amount estimated to rank as unsecured
			\$	\$	\$

SCHEDULE H**UNSECURED CREDITORS**

Name and address of creditor	Amount claimed by creditor	Amount admitted as owing	Reasons for difference between amount claimed and admitted (if any)
------------------------------	----------------------------	--------------------------	---

SCHEDULE I**CONTINGENT ASSETS**

Description of asset	Gross asset	Estimated to produce
	\$	\$

Schedules

SCHEDULE J

CONTINGENT LIABILITIES

Name and address of creditor	Nature of liability	Gross liability	Estimated rank for
		\$	\$

I certify that the particulars contained in the above report as to _____ affairs _____ are true to the best of my knowledge and belief.

Dated this _____ day of _____ 19_____

Signature _____

(1) Indicate in respect of each entry whether cost or net book amount.

DIRECTIONS

- This report is to be made as at the following dates:
 - where submitted to a receiver under Clause 14(2)(b) the date of the receiver's appointment;
 - where submitted to a receiver under Clause 15 the date specified by the receiver by notice.
- A copy of this report is to be lodged with the Registrar of Co-operatives and is to be certified in writing to be a true copy of the original report.

Send to

Registry of Co-operatives
Bankstown Civic Tower
Level 8
66-72 Rickard Road
BANKSTOWN 2200
or
Locked Bag 1500
BANKSTOWN 2200

Annexures

To make any annexure you must:

- use A4 size paper of white or light pastel colour;
- provide a synopsis of at least 100mm on all sides;
- number the pages consecutively;
- print or type in dark blue or black ink, so that the document is clearly legible when photocopied.

- identify the annexure with a mark such as A, B, C etc.
- endorse the annexure with the words: The annexure (mark) of (number) pages referred to in Form (form number and title).
- sign and date the form. This annexure must be signed by same person(s) who signed the form.

Form 15

(CI.70)

STATEMENT VERIFYING REPORT

Co-operatives Act 1992
(Sch.4, cl.15(1))I (*insert name*) of State:

1. I am (*insert description sufficient to show that the person making the statement is a person referred to in clause 15(1) of Schedule 4 of the Co-operatives Act 1992*) of Limited;
2. The particulars contained in the report as to affairs relating to Limited dated 19..... in the annexure marked "A" and signed by me are true to the best of my knowledge and belief.

Dated this day of 19.....

..... (signature)

Send to

Registry of Co-operatives
Bankstown Civic Tower
Level 8
66-72 Rickard Road
BANKSTOWN Z200
or
Locked Bag 1300
BANKSTOWN Z200

Annexures

To make my annexure you must

1. use A4 size paper of white or light pastel colour
2. provide a margin of at least 10mm on all sides
3. number the pages consecutively
4. print or type in dark blue or black ink, so that the document is clearly legible when photocopied

5. identify the annexure with a mark such as A, B, C etc.
6. enclose the annexure with the words
This annexure (mark) of (number) pages referred to in Form (form number and title)
7. sign and date the form
The annexure must be signed by same person(s) who signed the form.

aggregate amount of receipts	\$
aggregate amount of payments	\$

- | | | |
|--------------------------|---|----|
| <input type="checkbox"/> | date of appointment | \$ |
| <input type="checkbox"/> | date of this account | \$ |
| <input type="checkbox"/> | estimated value of property
subject to the instrument at
date of this account | \$ |

Statements of receipts and payments during period of this notification

receipts from	date	amount \$
---------------	------	-----------

payments to	date	amount \$
-------------	------	-----------

(if insufficient space). Further details are enclosed in annexure marked ()

Signature

This form must be signed by the receiver or administrator

print name capacity

sign here date

Send to	Annexures	
Registry of Co-operatives Bankstown Civic Tower Level 8 66-72 Rickard Road BANKSTOWN 2200 or Locked Bag 1500 BANKSTOWN 2200	To make any annexure you must	5. identify the annexure with a mark such as A, B, C etc.
	1. use A4 size paper of white or light pastel colour	6. endorse the annexure with the words This annexure (mark) of (number) pages referred to in Form (form number and title)
	2. provide a margin of at least 10mm on all sides	7. sign and date the form The annexure must be signed by same person(s) who signed the form.
	3. number the pages consecutively	
	4. print or type in dark blue or black ink, so that the document is clearly legible when photocopied	

NOTE
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2. Commencement
3. Definitions
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6. Application for registration (sec. 19)
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19. Rules of co-operative formed to carry on club may restrict voting rights (sec. 177)
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SCHEDULE 2—POSTAL BALLOTS

SCHEDULE 3—PARTICULARS TO BE INCLUDED IN REGISTER

SCHEDULE 4—FORMS

EXPLANATORY NOTE

The purpose of this Regulation is to make provision under the Co-operatives Act 1992 with respect to the following procedural and administrative matters contemplated by that Act:

- the formation of co-operatives (Part 2);
- the rules of co-operatives (Part 3);
- the requirements of active membership of a co-operative (Part 4);
- shares in co-operatives (Part 5);
- voting in co-operatives (Part 6);
- management and administration of co-operatives (Part 7);
- funds, property etc. of co-operatives (Part 8);
- restrictions on the acquisition of interests in co-operatives (Part 9);
- amalgamation, transfer of engagements, winding up etc. of co-operatives (Part 10);
- arrangements, reconstructions etc. of co-operatives (Part 11);
- supervision and protection of co-operatives (Part 12);
- other matters of a minor, consequential or ancillary nature (Parts 1, 13 and 14).

This Regulation is made under the Co-operatives Act 1992, including section 446 (the general regulation making power) and various other sections mentioned in the Regulation. If this Regulation is made or gazetted before the commencement of that Act, note that section 26 of the Interpretation Act 1987 enables those steps to be taken in advance of that commencement.