



New South Wales

Co-operatives Regulation 1997

under the
Co-operatives Act 1992

His Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Co-operatives Act 1992*.

Faye Lo Po' MP
Minister for Fair Trading

Explanatory note

The *Co-operatives Amendment Act 1997* amended the *Co-operatives Act 1992* (*the Act*) to, among other things, enact certain core consistent provisions for the regulation of co-operatives found in the *Co-operatives Act 1996* of Victoria that all States and Territories in Australia have agreed, in principle, to adopt. The core consistent provisions deal with such matters as fund raising, mergers and the introduction of the concept of trading and non-trading co-operatives.

The objects of this Regulation are:

- to prescribe matters necessary for the purposes of the operation of the Act (including matters arising from the amendments made by the *Co-operatives Amendment Act 1997*), and
- to repeal the *Co-operatives (General) Regulation 1993*.

The Regulation provides for the following matters:

- (a) rules (Part 2),
- (b) requirements for active membership of co-operatives (Part 3),
- (c) shares and voting (Part 4),
- (d) management and administration (Part 5),
- (e) funds and property (Part 6),

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- (f) restrictions on the acquisition of interests (Part 7),
- (g) merger, transfer of engagements and winding up (Part S),
- (h) arrangements and reconstructions (Part 9),
- (i) formation and application of the Act to foreign co-operatives (Part 10),
- (j) supervision and protection (Part 11),
- (k) inspection of the Register of Co-operatives kept under the Act (Part 13,
- (l) provisions relating to the Schedules to the Act (eg matters dealing with subscription for minimum number of shares and certificates of particulars of charges) (Part 13),
- (m) matters relating to fees payable under the Act and the repeal of the Co-operatives (General) Regulation 1993 (Part 14),
- (n) other matters of a machinery, consequential or transitional nature (Parts 1 and 15).

The Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a machinery nature, matters of a savings or transitional nature and matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

This Regulation is made under the Act, including section 446 (the general regulation making power) and the various other sections mentioned in the Regulation.

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Co-operatives Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Co-operatives Regulation 1997*.

2 Object

The object of this Regulation is to provide for the following:

- (a) fees payable under the Act,
- (b) maximum fines that can be imposed by a co-operative on its members,
- (c) matters relating to active membership of co-operatives,
- (d) matters relating to the operation and management of co-operatives,
- (e) certain forms and procedures required by the Act and the particulars to be included in forms,
- (f) accounting and audit requirements for co-operatives,
- (g) the form and content of registers required to be kept by co-operatives,
- (h) the procedure to be followed when conducting a postal ballot,
- (i) other matters that are necessary or convenient for carrying out or giving effect to the Act.

3 Commencement

This Regulation commences on 1 December 1997.

4 Definitions

- (1) In this Regulation:

Act means *Co-operatives Act 1992*.

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Clause 4 Co-operatives Regulation 1997

Part 1 Preliminary

CCU means a co-operative capital unit and has the same meaning as provided for by Division 2 of Part 10 of the Act.

Council means the Co-operatives Council constituted under the Act.

financial institution has the same meaning as in the Financial Institutions (NSW) Code.

non-trading co-operative has the same meaning as in the Act.

trading co-operative has the same meaning as in the Act.

- (2) In this Regulation (except in Schedule 2 (Conduct of postal ballots, postal ballot paper and middle envelope)), a reference to a Form is a reference to a Form set out in Schedule 7.

Note. Penalty unit is defined in section 56 of the *Interpretation Act 1987* which provides that a reference in any Act or statutory rule to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying a specified monetary value by that number of penalty units. On the enactment of this Regulation, the monetary value of a penalty unit was \$110.

5 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

6 Definition of “debenture”—exempt documents

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.

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Clause 7 Co-operatives Regulation 1997

Part 2 Rules

Part 2 Rules

7 Maximum fine that may be imposed on member under rules

For the purposes of section 107 (7) of the Act, the maximum fine that may be fixed by the rules of a co-operative is:

- (a) in the case of a trading co-operative—10 penalty units, or
- (b) in the case of a non-trading co-operative—1 penalty unit.

Part 3 Active membership

8 Active membership-explanation

- (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.

9 Factors and considerations for determining primary activities

- (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 produce 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 or services for its members—whether the co-operative actually carries out that activity.
- (2) For the purposes of section 121 (3) of the Act, the following matters may be taken into account in determining whether an activity makes a significant contribution to the business of the co-operative:
 - (a) if the activity contributes at least 10 per cent of the co-operative's:
 - (i) turnover, or
 - (ii) income, or
 - (iii) expenses, or
 - (iv) surplus, or
 - (v) business,

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Part 3 Active membership

- (b) if 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.

10 Active membership—supply or purchase of goods or produce

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.

11 Register of cancelled memberships

For the purposes of section 137 of the Act, a register of cancelled memberships must specify the particulars set out in clause 6 of Schedule 1.

Part 4 Shares and voting

12 Notice in respect of bonus shares

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 a registered 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 been engaged in valuing assets of that kind for a period of, or for periods totalling, at least 5 years.

13 Postal ballots

For the purposes of section 193 of the Act, a postal ballot must be conducted in accordance with Schedule 2.

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Clause 14 Co-operatives Regulation 1997

Part 5 Management and administration of co-operatives

Part 5 Management and administration of co-operatives

14 Prescribed authorities

For the purposes of section 208 (3) of the Act, each of the following authorities is a *prescribed authority*:

- (a) the Commissioner of Corrective Services in New South Wales,
- (b) the governor of the prison in Victoria in which the person was detained in custody on the date of release,
- (c) the manager of the prison in Queensland in which the person was detained in custody on the date of release,
- (d) the permanent head of the Department of Corrective Services of Western Australia,
- (e) the Chief Executive, Department for Correctional Services of South Australia,
- (f) the Director of Corrective Services in Tasmania,
- (g) the Director of Correctional Services of the Northern Territory.

15 Requirements for accounts and accounting records

- (1) For the purposes of section 243 (1) of the Act, a co-operative must comply with the provisions of the *Corporations Law* adopted by subclause (2) as modified in accordance with the Act, this clause and Part 1 of Schedule 3.
- (2) The adopted provisions of the *Corporations Law* are section 111AO and Parts 3.6 and 3.7 (except sections 283B, 283C, 291, 309A, 313, 314, 317 and 325).
- (3) The provisions of the *Corporations Law* adopted by this clause apply as if:
 - (a) any offence created in respect of those provisions were the offence set out in section 243 (1) of the Act, and
 - (b) any penalty for the offence were the penalty set out in section 243 (1) of the Act.

16 Registers to be kept by co-operatives

- (1) The registers that a co-operative is required to keep under section 249 of the Act must:
 - (a) be kept in written or electronic form, and
 - (b) contain the particulars specified in Schedule 1.
- (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.
- (3) For the purposes of section 249 (1) (g) of the Act, a co-operative must keep:
 - (a) a register of names of persons who have given loans or deposits to or hold securities, debentures or CCUs given or issued by the co-operative containing the particulars specified in clause 3 of Schedule 1, and
 - (b) a register of subordinated debt containing the particulars specified in clause 8 of Schedule 1.

17 Inspection of registers etc

- (1) For the purposes of section 251 (1) (g) of the Act, the following registers are prescribed:
 - (a) the register of any loans made by or guaranteed by the co-operative, and of any securities taken by the co-operative, required to be kept under section 249 (1) (c) of the Act,
 - (b) the register of memberships cancelled under Part 6 of the Act required to be kept under section 249 (1) (e) of the Act,
 - (c) the register of notifiable interests required to be kept under section 294 of the Act,

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Part 5 Management and administration of co-operatives

- (d) the register of names of persons who have given loans or deposits to or hold securities, debentures or CCUs given or issued by the co-operative required to be kept under clause 16 (3) (a),
 - (e) the register of subordinated debt required to be kept under clause 16 (3) (b).
- (2) For the purposes of section 251 (7) of the Act, the following documents are prescribed:
- (a) a copy of the Act and this Regulation,
 - (b) a copy of the rules of the co-operative,
 - (c) a copy of the last annual report of the co-operative under section 252 of the Act.

18 Notice of appointment etc of directors and officers

For the purposes of section 251B (2) (c) of the Act, the following particulars are prescribed:

- (a) the name of the co-operative or subsidiary,
- (b) the name and position of the person giving notice of the appointment or cessation of appointment,
- (c) in respect of any person being appointed to act as a director, principal executive officer or secretary:
 - (i) the full name (family and given names), and
 - (ii) any former names, and
 - (iii) the residential address, and
 - (iv) the date of birth, and
 - (v) the office held and date appointed,
- (d) in respect of any person ceasing to hold that office:
 - (i) the full name (family and given names), and
 - (ii) the date of birth, and
 - (iii) the office held and date appointment ceased,
- (e) in respect of any change of name of a director, principal executive officer or secretary:

- (i) the name previously notified, and
- (ii) the new name (family and given names), and
- (iii) the date of change, and
- (iv) the date of birth, and
- (v) the office held,
- (f) in respect of any change of address of a director, principal executive officer or secretary:
 - (i) the new address, and
 - (ii) the date of change, and
 - (iii) the date of birth, and
 - (iv) the office held.

19 Annual report

For the purposes of section 252 (1) (e) of the Act, the prescribed form of return, and the prescribed particulars to be contained in the return, are set out in Form 1.

20 Advertising change of name of co-operative

For the purposes of section 259 (1) of the Act, the prescribed manner of advertising the change of name of a co-operative is for the co-operative to cause the change of name to be advertised in at least one newspaper circulating in the locality or localities in which the co-operative carries on business within 28 days after the change of name has been registered by the Registrar.

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Clause 21 Co-operatives Regulation 1997

Part 6 Funds and property

Part 6 Funds and property

21 Fund raising to be in accordance with Act and regulations

- (1) This clause applies to a co-operative that is a deposit taking co-operative.
- (2) For the purposes of section 263 (1) of the Act, a deposit taking co-operative is restricted from accepting money on deposit from persons other than its members.
- (3) A deposit taking co-operative must provide a depositor with a copy of a current disclosure statement before the first deposit is made by the depositor after the commencement of this clause and, afterwards, at least once in each period of 12 months.
- (4) A current disclosure statement is a disclosure statement that:
 - (a) has been submitted to and registered by the Registrar, and
 - (b) has not, within 23 days after the date on which it was submitted to the Registrar, been the subject of a direction by the Registrar under section 264 of the Act, and
 - (c) complies with any such direction given by the Registrar, and
 - (d) complies with any conditions imposed by the Registrar under subclause (7), and
 - (e) is not more than 12 months old.
- (5) A disclosure statement that is submitted to the Registrar under subclause (5) must contain:
 - (a) a statement of the assets and liabilities of the co-operative, and
 - (b) a statement of the financial position of the co-operative, and
 - (c) a profit and loss statement for the co-operative, and
 - (d) such other information as the Registrar directs.
- (6) The Registrar may register a disclosure statement submitted under this clause with or without conditions.

- (7) The Registrar may require a deposit taking co-operative to give to a depositor, within such time as the Registrar may determine, a document of a kind referred to in clause 6 (a) of this Regulation.
- (8) This clause does not apply to the acceptance of money in connection with the issue by the co-operative of debentures.
- (9) 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.

22 Compulsory loan by member to co-operative

For the purposes of section 268 (2) of the Act, the prescribed term is 10 years.

23 Limited dividend

For the purposes of section 282 (3) of the Act, the prescribed amount is 20 cents for each dollar invested in the shares of the co-operative.

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Clause 24 Co-operatives Regulation 1997

Part 7 Restrictions on acquisition of interests in co-operatives

Part 7 Restrictions on acquisition of interests in co-operatives

24 Notice of relevant interest in member's right to vote

For the purposes of section 288 (b) of the Act, the prescribed particulars to be specified when giving notice of having or ceasing to have a relevant interest in the right to vote of a member of a co-operative are as follows:

- (a) the name of the co-operative to whom notice is being given,
- (b) the full name and address of the person giving notice,
- (c) the date on which the relevant interest was acquired or ceased,
- (d) the name of the member whose right to vote was so affected,
- (e) the date of giving notice.

25 Notice of substantial share interest

For the purposes of section 288 (b) of the Act, the prescribed particulars to be specified when giving notice of a substantial share interest are as follows:

- (a) the name of the co-operative to whom notice is being given,
- (b) the full name and address of the person giving notice,
- (c) the date on which the relevant interest was acquired,
- (d) in respect of each holder of a relevant interest:
 - (i) the full name and address of the holder, and
 - (ii) the number and description of the shares in which each relevant interest is held, and
 - (iii) the name and address of each person registered as the holder of the shares in which the relevant interest is held, and
 - (iv) the name and address of each person entitled to become registered as the holder of the shares in which the relevant interest is held, and

- (v) 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), and
 - (vi) the valuable consideration for each acquisition in the previous 12 months, including the nature of any part that did not consist of money, and
 - (vii) the total number of shares in which the holder has a substantial interest,
- (e) particulars of any contract, scheme, arrangement or other circumstance by reason of which the holder of the relevant interest acquired the relevant interest (not including interests acquired more than 12 months previously) if the holder has, throughout the period of 12 months immediately preceding the date of the notice, been the registered shareholder of those shares,
 - (f) particulars of the nature of the relevant interest,
 - (g) 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 the relevant shares,
 - (h) particulars of any additional benefit that any person from whom a relevant interest was acquired has, or may, become entitled to receive, whether on the happening of a contingency or not, in relation to that acquisition, other than the valuable consideration referred to in paragraph (d) (vi) above,
 - (i) the date on which notice is given.

26 Notice of change in substantial share interest

For the purposes of section 288 (b) of the Act, the prescribed particulars to be specified when giving notice of a change in a substantial share interest are as follows:

- (a) the name of the co-operative to whom notice is being given,
- (b) the full name and address of the person giving notice,
- (c) the following particulars applicable before the change:
 - (i) the full name and address of the holder of the relevant interest,

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Part 7 Restrictions on acquisition of interests in co-operatives

- (ii) the number and description of the shares in which the relevant interest was held,
 - (iii) the name and address of the person registered as the holder of the shares,
 - (iv) the name and address of the person entitled to become registered as the holder of the shares,
 - (v) the total number of shares in which the holder of the relevant interest held the relevant interest,
- (d) the following particulars relating to the change:
- (i) the date of the change in the relevant interest,
 - (ii) particulars of the valuable consideration given in relation to the change, including the nature of that part (if any) that did not consist of money,
 - (iii) particulars of any contract, scheme, arrangement or other circumstance by reason of which the change in the relevant interest occurred,
 - (iv) 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,
 - (v) particulars of any additional benefit that a person has, or may, become entitled to receive, whether on the happening of a contingency or not, as a consequence of a change in a relevant interest,
- (e) the following particulars applicable after the change:
- (i) the full name and address of the holder of the relevant interest,
 - (ii) the number and description of the shares in which the relevant interest is held,
 - (iii) the full name and address of the person entitled to become registered as the holder of the shares,
- (f) the date on which notice is given.

27 Notice of cessation of substantial share interest

For the purposes of section 288 (b) of the Act, the prescribed particulars to be specified when giving notice of a cessation of a substantial share interest in a co-operative are as follows:

- (a) the name of the co-operative to whom notice is being given,
- (b) the full name and address of the person giving notice,
- (c) the full name and address of the person ceasing to have a substantial share interest in the co-operative,
- (d) the date on which the person ceased to have a substantial share interest in the co-operative,
- (e) details of any agreement or other circumstances because of which the person ceased to hold a substantial interest in the co-operative,
- (f) in relation to each change in a substantial share interest of the person since the person was last required to give notice of such a change to the co-operative:
 - (i) the date of the change, and
 - (ii) the nature of the change, and
 - (iii) the consideration given in relation to the change, and
 - (iv) the class and number of shares affected by the change,
- (g) the date on which notice is given.

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Clause 28 Co-operatives Regulation 1997

Part 8 Merger, transfer of engagements and winding up

Part 8 Merger, transfer of engagements and winding up

28 Application for registration or incorporation under another law

For the purposes of section 316 (1) (f) of the Act, the *Aboriginal Councils and Associations Act 1976* of the Commonwealth is a prescribed law.

29 Winding up on Registrar's certificate

For the purposes of section 324 (4) of the Act, the security a liquidator must give is \$50,000 in the form of

- (a) cash, or
- (b) a cheque drawn on a financial institution, or
- (c) a certificate of deposit issued by a financial institution, or
- (d) a debenture or security that is guaranteed by the Government of a State or Territory or by the Government of the Commonwealth, or
- (e) a surety issued by a financial institution or a body corporate authorised to carry on insurance business under the *Insurance Act 1973* of the Commonwealth.

30 Application of Corporations Law to winding up

For the purposes of section 325 (3) of the Act, the modifications set out in Part 2 of Schedule 3 are prescribed.

Part 9 Arrangements and reconstructions

31 Explanatory statements

For the purposes of sections 346 (2) (b) and 354 (3) (b) of the Act, the prescribed information that must be included in a draft explanatory statement or explanatory statement (as the case may be) is set out in Schedule 4.

32 Compulsory acquisition notice

For the purposes of section 360 (1) of the Act, a compulsory acquisition notice must be in Form 2.

33 Notice to remaining shareholders

For the purposes of section 362 (1) (a) of the Act, a notice to a remaining shareholder must be in Form 3.

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Clause 34 Co-operatives Regulation 1997

Part 10 Foreign co-operatives

Part 10 Foreign co-operatives

34 Application for registration of participating co-operative as foreign co-operative

- (1) An application under section 369E of the Act by a participating co-operative for registration as a foreign co-operative must be made in writing to the Registrar.
- (2) For the purposes of section 369E (2) (d) of the Act, the statement must be verified by a statement by a director or the secretary of the applicant co-operative.
- (3) For the purposes of section 369E (2) (e) of the Act, the other information that must accompany an application by a participating co-operative for registration as a foreign co-operative is as follows:
 - (a) the details of the proposed business activities to be carried on in New South Wales,
 - (b) the details of the proposed principal place of business of the co-operative in New South Wales,
 - (c) the address of the registered office in the participating State of the co-operative,
 - (d) the name under which the participating co-operative carries on business in the participating State,
 - (e) the details of any charges required to be registered pursuant to Schedule 3 to the Act.

35 Application for registration of non-participating co-operative as foreign co-operative

- (1) An application under section 369F of the Act by a non-participating co-operative for registration as a foreign co-operative must be made in writing to the Registrar.
- (2) For the purposes of section 369F (2) (b) of the Act, the statement must be verified by a statement by a director or the secretary of the applicant co-operative.

- (3) For the purposes of section 369F (2) (c), the other documents and information that must accompany an application by a non-participating co-operative for registration as a foreign co-operative are as follows:
- (a) a copy of the co-operative's certificate of registration,
 - (b) a copy of the latest audited accounts of the co-operative,
 - (c) the full name, date of birth and residential address of each director of the co-operative,
 - (d) the details of the proposed business activities to be carried on in New South Wales,
 - (e) the details of the proposed principal place of business of the co-operative in New South Wales,
 - (f) the address of the registered office in the jurisdiction under the law of which the co-operative is incorporated,
 - (g) the name under which the co-operative carries on business in that jurisdiction,
 - (h) the details of any charges required to be registered pursuant to Schedule 3 to the Act.

36 Registration of foreign co-operatives

For the purposes of section 369I of the Act, if the Registrar has registered a foreign co-operative under that section, the Registrar must send to the co-operative a certificate of registration at the address notified under section 369E (2) (d) (ii) or section 369F (2) (b) (ii) of the Act (as the case may be).

37 Application of Act and regulations to foreign co-operatives

- (1) For the purposes of section 369J of the Act:
- (a) the following provisions of the Act and this Regulation are prescribed in relation to a participating co-operative:
 - (i) Division 4 of Part 1,
 - (ii) sections 258 and 264,
 - (iii) section 325 (but only to the extent that it adopts Parts 5.4, 5.4B and 5.6 of the *Corporations Law* in relation to the winding up of a participating co-operative in insolvency),

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Part 10 Foreign co-operatives

- (iv) sections 407 and 440A,
- (v) clause 56,
- (b) the following provisions of the Act and this Regulation are prescribed in relation to a non-participating co-operative:
 - (i) Divisions 3 and 4 of Part 1,
 - (ii) sections 13 (2), 14 and 15,
 - (iii) Part 3,
 - (iv) Division 5 of Part 4,
 - (v) sections 106, 108, 109, 253, 254 and 258,
 - (vi) Division 1 of Part 10,
 - (vii) Part 12 (except Divisions 1 and 3)
 - (viii) Parts 13 and 16,
 - (ix) section 440A
 - (x) clause 56.
- (2) For the purposes of section 369J section 258 is modified in its application to a foreign co-operative to require the name of the foreign co-operative, when appearing as required by section 258 (1) (b) or (c), to indicate the State, Territory or country in which the foreign co-operative was originally registered or incorporated.

38 Notification by foreign co-operative of certain changes

If a foreign co-operative lodges with the Registrar particulars of an alteration under section 369K of the Act, the particulars must be accompanied by the following documents:

- (a) in the case of a change of name resulting in the issue of a new or amended certificate of registration in the participating State, a copy of the new or amended certificate, certified by the Registrar of the participating State,

- (b) in the case of an alteration or change affecting the rules of the foreign co-operative:
 - (i) if the foreign co-operative is a participating co-operative—a copy of the new or amended rules, certified by the Registrar of the participating State, or
 - (ii) if the foreign co-operative is a non-participating co-operative—a copy of the new or amended rules.

39 Co-operative proposing to register as foreign co-operative

- (1) For the purposes of section 369N (1) of the Act, the prescribed provisions of the Act are as follows:
 - (a) Parts 5 and 6,
 - (b) Divisions 5, 6 and 7 of Part 9,
 - (c) Division 1 of Part 10.
- (2) For the purposes of section 369N (3) of the Act, the prescribed documents are as follows:
 - (a) a copy, certified by the Registrar, of the co-operative's certificate of registration,
 - (b) a copy, certified by the Registrar, of the co-operative's rules,
 - (c) a copy, certified by the Registrar, of the last audited balance sheet of the co-operative lodged with the Registrar,
 - (d) a list containing the full name, date of birth, and residential address of each director of the co-operative.

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Clause 40 Co-operatives Regulation 1997

Part 11 Supervision and protection of co-operatives

Part 11 Supervision and protection of co-operatives

40 Notice to appear, answer questions and produce documents

For the purposes of section 375 (1) of the Act, a notice must be in Form 4.

41 Investigator's notice to involved person

For the purposes of section 387 (1) of the Act, a notice must be in Form 5.

42 Examination of involved person—allowance and expenses

For the purposes of section 388 (4) of the Act, the prescribed expenses to which an involved person is entitled are as follows:

- (a) for persons ordinarily receiving wages, salary, remuneration or fees, for each hour, or part of an hour, of attendance—the amount of wages, salary, remuneration or fees actually lost because of the person's attendance, but not exceeding \$217 for any one day,
- (b) in any other case—the actual expenditure incurred (other than expenses under paragraphs (c) and (d)), but not exceeding \$59 for any one day,
- (c) for travelling expenses to and from a person's usual place of residence or business and the place of attendance:
 - (i) the amount actually paid, or
 - (ii) an amount calculated at 18 cents per kilometre travelled,

whichever is the lesser,

- (a) for accommodation and meals, if a person is required to be absent over night from the person's usual place of residence:
 - (i) the amount actually paid, or
 - (ii) an amount not exceeding \$150 for any one night,whichever is the lesser.

Part 12 Administration of Act

43 Inspection of Register

For the purposes of section 413A (1) (b) of the Act, the prescribed documents are as follows:

- (a) rules approved by the Registrar under section 18,
- (b) documents lodged with the Registrar under section 19 or 24 that result in the registration of the co-operative concerned,
- (c) documents lodged with the Registrar under the following:
 - (i) section 251B, 252, 261, 369K (a) or 369L (1) of the Act,
 - (ii) Schedule 3 to the Act that create or evidence a charge, or the complete or partial satisfaction of a charge,
 - (iii) clause 12 or 17 of Schedule 4 to the Act,
- (d) documents lodged with the Registrar under section 369E (2) (c) or 369F (2) (a) of the Act that result in the registration of the co-operative concerned,
- (e) documents lodged under section 450A, 450B, 450C, 450D, 465A, 470, 494, 509 (3) and (7), 537 or 539 of the *Corporations Law* (as adopted by sections 325 and 332 of the Act),
- (f) disclosure statements approved by the Registrar under section 17, 155, 194, 266A, 268, 311A or 369R of the Act or registered under clause 21,
- (g) copies of certificates of registration issued by the Registrar under section 21, 26 or 369I of the Act,
- (h) documents evidencing consent or permission given by the Registrar under section 76A, 311, 346, 369Q or 440A of the Act,
- (i) copies of orders of the Court issued under section 90, 292, 350 or 443 of the Act or any other orders of the Court relating to a co-operative, or to a register kept by the Registrar, that are required by the Court to be lodged or filed with the Registrar,

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Clause 43 Co-operatives Regulation 1997

Part 12 Administration of Act

- (j) alterations of rules registered under section 113 of the Act,
- (k) documents evidencing exemptions granted by the Minister under section 143 of the Act,
- (l) special resolutions registered under section 192A of the Act,
- (m) documents evidencing exemptions granted by the Registrar under section 244, 266, 298 or 369R of the Act or under clause 44 of Schedule 3 to the Act,
- (n) prospectuses lodged with the Registrar under Part 7.12 of the *Corporations Law* (as adopted by section 266 of the Act),
- (o) documents approved by the Registrar under the following:
 - (i) section 273 or 355 of the Act,
 - (ii) clause 34 of the *Co-operatives (General) Regulation 1993* as in force immediately before its repeal by this Regulation,
- (p) documents evidencing exemptions granted by the Council under section 285, 308, 316 or 326 of the Act,
- (q) documents relating to a court approved scheme of arrangement or reconstruction under Part 13 of the Act,
- (r) documents that were available for inspection under section 438 of the Act, as in force immediately before its repeal by the *Co-operatives Amendment Act 1997*, other than reports lodged under clause 7 of Schedule 4 to the Act or under section 438D or 533 of the *Corporations Law* (as adopted by sections 325 and 332 of the Act).

Part 13 Provisions relating to Schedules to Act

44 Subscription for minimum number of shares

For the purposes of item 9 of clause 2 of Schedule 1 (Matters for which rules must make provision) to the Act, the rules of a co-operative with a share capital must make provision for the minimum number of shares to which a member of the co-operative must subscribe.

45 Variation or abrogation of share rights if more than one class of shares

For the purposes of item 9 of clause 2 of Schedule 1 (Matters for which rules must make provision) to the Act, the rules of a co-operative with a share capital must make provision for the variation or abrogation of rights attaching to the shares of the co-operative if there is more than 1 class of shares issued or to be issued by the co-operative.

46 Exclusions—holders of prescribed offices

For the purposes of clause 13 of Schedule 2 (Relevant interests, associates, related bodies) to the Act, the prescribed offices are those set out in Schedule 5.

47 Charges required to be registered

For the purposes of clause 8 of Schedule 3 (Registration etc of charges) to the Act, each of the following laws is a prescribed law of a State or Territory:

- (a) Parts 2 and 3 of the *Liens on Crops and Wool and Stock Mortgages Act 1898*,
- (b) Parts 7 and 8 of the *Instruments Act 1958* of Victoria,
- (c) 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) of the *Bills of Sale and Other Instruments Act 1955* of Queensland,
- (d) the *Liens on Crops of Sugar Cane Act 1931* of Queensland,

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Part 13 Provisions relating to Schedules to Act

- (e) sections 7 and 8 and Parts 9, 10 and 11 of the *Bills of Sale Act 1899* of Western Australia,
- (f) the *Liens on Fruit Act 1923* of South Australia,
- (g) the *Stock Mortgages and Wool Liens Act 1924* of South Australia,
- (h) section 36 of the *Bills of Sale Act 1900* of Tasmania,
- (i) the *Stock, Wool and Crop Mortgages Act 1930* of Tasmania,
- (j) Parts 4 and 5 of the *Instruments Act 1933* of the Australian Capital Territory,
- (k) the Instruments Act of the Northern Territory.

48 Inspection of register of charges

For the purposes of clause 41 (3) (b) of Schedule 3 to the Act, the prescribed amount is \$10.

49 Copies of register of charges

For the purposes of clause 41 (5) (a) of Schedule 3 to the Act, the prescribed amount is \$1 per page, to a maximum of \$20.

50 Request for certificate of particulars of charge

A request to the Registrar for a certificate under clause 42 of Schedule 3 to the Act must be in writing.

51 Managing controller's report

For the purposes of clause 6A (1) of Schedule 4 (Receivers, and other controllers, of property of co-operatives) to the Act, Form 6 is the prescribed form of report.

52 Notification of matters relating to controller

- (1) A notice referred to in clause 12 (1) (a), (2) (a) and (3) (a) of Schedule 4 to the Act is to be in Form 7.
- (2) For the purposes of clause 12 (4) of Schedule 4 to the Act, Form 8 is the prescribed form of notice.
- (3) A notice referred to in clause 12 (6) (a) of Schedule 4 to the Act is to be in Form 8.

53 Reporting officers' report

For the purposes of clause 14 (2) (b) of Schedule 4 to the Act, Form 6 is the prescribed form of report.

54 Report required by controller

For the purposes of clause 15 (1) of Schedule 4 to the Act, Form 6 is the prescribed form of report.

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Clause 55 Co-operatives Regulation 1997

Part 14 Miscellaneous

Part 14 Miscellaneous

55 Fees

The fees payable under the Act, including the amount of the additional fee that the Registrar may impose for late lodgment of a document required to be lodged under the Act, are set out in Schedule 6.

56 Waiver of fees

For the purposes of section 446 (2A), the Registrar may waive, reduce or refund any fee payable by a co-operative under the Act or this Regulation if, in the opinion of the Registrar, the co-operative is constituted primarily for:

- (a) a charitable purpose, or
- (b) the purpose of advancing the welfare of a class of disadvantaged persons,

and, in the opinion of the Registrar, there are special circumstances that justify payment being waived, reduced or refunded.

57 Repeal

- (1) The *Co-operatives (General) Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Co-operatives (General) Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

Part 15 Transitional provisions

58 Requirement by non-trading co-operatives to take up additional shares

A proposal requiring a member of a non-trading co-operative to take up or subscribe for additional shares that was approved by a special resolution of the co-operative before the commencement of this clause has effect as if section 155 of the Act had not been substituted by the *Co-operatives Amendment Act 1997*.

59 Issue of bonus shares by non-trading co-operatives

A member of a non-trading co-operative who, immediately before the commencement of this clause, held bonus shares issued by the co-operative retains all rights in respect of those shares that the member held immediately before that commencement.

60 Accounts and accounting records requirements for existing co-operatives

Despite clause 15, during the period of 18 months immediately following the commencement of this clause, a co-operative that was registered before that commencement may, instead of complying with that clause, comply with clause 27 of the *Co-operatives (General) Regulation 1993* as in force immediately before its repeal by this Regulation.

61 Interstate co-operatives carrying on business in State

- (1) A foreign co-operative that, immediately before the commencement of Part 13A carried on business within the meaning of section 369D in this State:
 - (a) must as soon as practicable notify the Registrar that it is carrying on business in this State, and
 - (b) if the foreign co-operative proposes to continue carrying on business in this State, must, within 6 months after the commencement of this clause (or such longer period as the Registrar may allow) apply to the Registrar for registration under Part 13A as a foreign co-operative.

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Clause 61 Co-operatives Regulation 1997

Part 15 Transitional provisions

- (2) A foreign co-operative that notifies the Registrar in accordance with subclause (1) is taken to be registered under Part 13A as a foreign co-operative for 6 months after the commencement of this clause or for such longer period as the Registrar may allow.
- (3) A foreign co-operative that notifies the Registrar and applies for registration in accordance with subclause (1) is taken to be registered under Part 13A as a foreign co-operative until so registered or until the Registrar gives written notice to the co-operative that its application for registration has been refused.

62 Pending applications for approval of invitations to deposit money

Clause 34 of the *Co-operatives (General) Regulation 1993* as in force immediately before its repeal by this Regulation continues to apply to an application made to the Registrar before that repeal for approval to the terms of an invitation to deposit money with a co-operative and the terms on which such money is to be held.

Schedule 1 Particulars to be included in registers

(Clauses 11 and 16)

1 Register of members, directors and shares

- (1) The register of members, directors and shares of a co-operative must contain the following particulars for each member:
- (a) the name and address 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 beneficially and non-beneficially, and
 - (ii) the identifying number of each share held, and
 - (iii) the date on which the shares were allotted, and
 - (iv) the amount paid or agreed to be considered as having been paid on the shares,
 - (e) the date of and circumstances under which the member's membership ceased (if applicable),
 - (f) 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,
 - (g) 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,
 - (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 and address of the person or body to whom the share capital was repaid.

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Schedule 1 Particulars to be included in registers

- (2) The register of members, directors and shares of a co-operative must contain the following particulars for each director:
- (a) the name, any former names, date of birth, and residential address 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) the date of termination of office (if applicable),
 - (e) the mode of termination of office (if applicable).

2 Register of loans to, securities given by, debentures issued by and deposits received by co-operative

- (1) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative is required to contain the following particulars for each loan:
- (a) the name of the person by whom the loan is made,
 - (b) the amount of the loan,
 - (c) the date on which the loan was received by the co-operative,
 - (d) the folio reference to the minute evidencing the board's decision to accept the loan,
 - (e) a reference identifying the account created for the loan,
 - (f) the date of each payment made in relation to the loan and the amount of each payment so made,
 - (g) if 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) if the loan is secured otherwise than by way of a mortgage of real property, particulars of the security given and a reference identifying the agreement that evidences that security,
 - (i) the location of the documents relating to the security given in respect of the loan,

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- (j) particulars of any movement of those documents from that location,
 - (k) the date of the final repayment made in relation to the loan.
- (2) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative must contain the following particulars for each debenture issued:
- (a) the name and address 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 applicable),
 - (i) the ledger folio,
 - (i) the name, address and occupation of any transferor,
 - (k) the date of any transfer,
 - (l) the redemption value.
- (3) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative must contain the following particulars for each deposit received by the co-operative:
- (a) the name and address 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 or debentures (if applicable),

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Schedule 1 Particulars to be included in registers

- (g) the due date for repayment,
- (h) the balance owing (if any).

3 Register of names of persons who have given loans or deposits to or hold securities or debentures given or issued by co-operative

The register of names of persons who have given loans or deposits to or hold securities or debentures given or issued by a co-operative must contain the following particulars for each person:

- (a) the full name and any former names of the person,
- (b) the address of the person,
- (c) whether the person:
 - (i) has given a loan or deposit to the co-operative, or
 - (ii) holds securities given by the co-operative, or
 - (iii) holds debentures issued by the co-operative,
- (d) a reference to the relevant entry in the register of loans to, securities given by, debentures issued by and deposits received by the co-operative.

4 Register of loans made by or guaranteed by co-operative and of any securities taken by co-operative

- (1) The register of loans made by or guaranteed by a co-operative and of any securities taken by a co-operative must contain the following details for each loan made:
 - (a) the name of each person 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,

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- (g) if 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) if 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,
 - (k) the date of the final repayment made in relation to the loan.
- (2) The register of loans made by or guaranteed by a co-operative and of any securities taken by 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 folio reference to the minutes evidencing the board's decision to guarantee the loan,
 - (f) if 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,
 - (g) if 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,
 - (h) the location of the documents relating to the security taken in respect of the loan,
 - (i) particulars of any movement of those documents from that location,
 - (j) the due date for repayment.
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5 Register of CCUs

The register of CCUs 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 ranking for priority of payment of capital and interest 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) if transferred, the name, address and occupation of the transferee,
- (i) the redemption value (if known),
- (k) the date and manner of redemption.

6 Register of memberships cancelled under Part 6 of Act

- (1) The register of memberships cancelled under Part 6 of the Act must contain the following particulars for each member whose membership is cancelled:
 - (a) the name of the member,
 - (b) if the whereabouts of the member are known:
 - (i) the date of the member's last active dealing with the co-operative, and
 - (ii) the date of giving the required notice to the member,
 - (c) the date and folio number of the board's resolution cancelling membership.

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- (2) The register of memberships cancelled under Part 6 of the Act must, if the co-operative has a share capital, contain the following additional particulars for each member whose membership is cancelled:
- (a) the amount subscribed in respect of the shares forfeited,
 - (b) if the whereabouts of the member are unknown:
 - (i) the date when the required period of the member's whereabouts being unknown commenced, and
 - (ii) if the amount required to be repaid to the member in respect of the cancelled membership exceeds \$50, the date of publication of the required notice in a newspaper and the name of the newspaper,
 - (c) the date and folio number of the board's resolution forfeiting the shares,
 - (d) 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 and nature of the application of the amount under section 134 (2) of the Act,
 - (e) if the amount due is to be transferred to a debenture or deposit account:
 - (i) the date of transfer to such an account, and
 - (ii) the date of repayment.

7 Register of fixed assets

The register of fixed assets of a co-operative must contain the following particulars for each fixed asset:

- (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,

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- (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,
- (i) the sale price,
- (k) the date sold.

8 Register of subordinated debt

The register of subordinated debt must contain the following particulars for each subordinated debt incurred:

- (a) the name and address of the person to whom the debt is owed,
- (b) the amount of the debt,
- (c) the date on which the debt was incurred,
- (d) the folio reference to the minute evidencing the board's decision to incur the debt,
- (e) a reference identifying the account created for the debt,
- (f) the date of each payment made in relation to the debt and the amount of each payment made,
- (g) the date of the final repayment made in relation to the debt.

Schedule 2 Conduct of postal ballots, postal ballot paper and middle envelope

(Clause 13)

1 Ballots

- (1) The board must:
 - (a) cause the details of the proposal on which the ballot is to be held to be set out in a statement, and
 - (b) fix the dates for:
 - (i) the forwarding of ballots to members, and
 - (ii) the closing of the ballot, and
 - (c) appoint a returning officer for the ballot.
- (2) Every ballot must be conducted by the returning officer appointed by the board.

2 Returning officers

- (1) A director of the co-operative may not be appointed as a returning officer.
- (2) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

3 Preparation of voting roll and ballot papers

- (1) The returning officer must prepare a roll of the full names and addresses of the members of the co-operative, as disclosed by the register of members, directors and shares, together with particulars of the number of votes each member would be entitled to exercise on a poll.
- (2) A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.
- (3) The returning officer must cause ballot papers to be prepared in or to the effect of Form A in this Schedule.

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Schedule 2 Conduct of postal ballots, postal ballot paper and middle envelope

- (4) Each ballot paper must be initialled by the returning officer or an appointed assistant.
- (5) The returning officer must, at least 21 days before the date fixed for the closing of the ballot, send by post or otherwise deliver to every member entitled to vote in the ballot one set of the following material:
 - (a) one ballot paper,
 - (b) an envelope (in this Schedule referred to as *the outer envelope*) addressed to the returning officer,
 - (c) a smaller envelope (in this Schedule referred to as *the middle envelope*), the reverse side of which must be printed in or to the effect of Form B in this Schedule,
 - (d) a small envelope (in this Schedule referred to as *the inner envelope*) in which the ballot paper is to be enclosed,
 - (e) a copy of the statement prepared by the board setting out the details of the proposal on which the decision of the members is to be sought,
 - (f) in the case of a special postal ballot, a copy of any disclosure statement approved by the Registrar under section 194 or 369R of the Act in respect of the ballot.

4 Duplicate ballot papers

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.

5 Voting

A member casts a vote in the ballot by:

- (a) completing the details on the reverse side of the middle envelope, and

- (b) marking his or her vote on the ballot paper according to the instructions on the ballot paper, and
- (c) sending the ballot paper, in the envelopes provided, to the returning officer.

6 Safe keeping of ballot papers

- (1) The returning officer must provide a ballot box that must be locked immediately before the ballot papers are delivered to members in accordance with clause 3 (5) and must remain locked until the close of the ballot.
- (2) The returning officer must place the outer envelopes in the ballot box not later than noon on the date fixed for the closing of the ballot.

7 Counting of the votes

- (1) Ballot papers received after noon on the date fixed for the closing of the ballot must not be taken into account at the ballot.
- (2) As soon as practicable after noon on the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers as may be appointed by the board, open the ballot box and deal with the contents in accordance with subclause (3).
- (3) The returning officer must:
 - (a) remove the middle envelope from the outer envelope, and
 - (b) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it “rejected”, and
 - (c) according to the information on the middle envelope, for each set of voting papers returned, mark the voter’s name on the roll by drawing a line through the name, and
 - (d) if a member’s name has already been crossed out on the roll, reject the postal vote and mark it “rejected”, and
 - (e) if the middle envelope has not been signed, or if the details shown on the envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope and mark it “rejected”, and

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Schedule 2 Conduct of postal ballots, postal ballot paper and middle envelope

- (f) extract the inner envelopes containing the ballot papers from all unrejected middle envelopes, separating the contents from the middle envelopes in such a way that no inner envelope could subsequently be identified with any particular voter, and
 - (g) when all the middle envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.
- (4) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that:
- (a) is not duly initialled by the returning officer or appointed assistant, or
 - (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer, or
 - (c) has any mark or writing not authorised by this Schedule that, in the opinion of the returning officer, will enable the voter to be identified, or
 - (d) has not been marked as prescribed on the ballot paper itself.

8 Statement by returning officer

- (1) The returning officer must count all votes cast and make out and sign a statement of
 - (a) the number of formal votes cast in favour of the proposal, and
 - (b) the number of formal votes cast against the proposal, and
 - (c) the number of informal votes cast, and
 - (d) the number of middle envelopes marked “rejected”, and
 - (e) the proportion of the formal votes cast in favour of the proposal.
- (2) On the declaration of the returning officer of the result of the postal ballot, the board of the co-operative must cause an entry to be made in the minute book showing the particulars referred to in clause 8 (1) (a)–(c).

- (3) The returning officer must forward a copy of the statement to the chairperson of the board of the co-operative who must announce the result of the ballot at the next general meeting.

9 Notification of result of ballot

- (1) A co-operative must give notification of the result of a ballot (other than a ballot conducted to alter the rules of a co-operative) by displaying the result on the notice board at the registered office of the co-operative.
- (2) In the case of a postal ballot conducted to alter the rules of a co-operative, the co-operative must cause the result of the ballot to be notified in writing to its members as soon as practicable after the alteration takes effect and, in any event, not later than the date on which notice is given to the members of the next annual general meeting of the co-operative following the date on which the alteration takes effect.

10 Retention of ballot papers

- (1) The returning officer must retain:
 - (a) all ballot papers (whether formal or otherwise), and
 - (b) all rejected outer envelopes, and
 - (e) all rolls,used in connection with the conduct of the postal ballot, locked in the ballot box, in accordance with this clause.
- (2) The returning officer must retain those items for a period of not less than 8 weeks after the date fixed for the closing of the ballot unless directed in writing by the board to retain those items for a longer period specified in the board's direction.

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Form A Postal ballot paper

Form A Postal ballot paper

Co-operatives Regulation 1997

(Schedule 2, clause 3 (3))

Note: Before completing this ballot paper, please read the “How to vote” section below.

Name of Co-operative:

Ballot of members to determine the following proposal:

.....
.....
.....

Do you support the above proposal?

(Please write YES or NO in the box)

The ballot will close at noon on

How to vote

- 1 Read these directions and the ballot paper carefully.
- 2 Complete and sign the details on the reverse side of the envelope that has appropriate spaces for the insertion of your name, address and signature (in this ballot paper referred to as the middle envelope).
- 3 If:
 - (a) you are in favour of the proposal—write the word “YES” in the box provided above, or
 - (b) you are not in favour of the proposal—write the word “NO” in the box provided above.
- 4 After marking the ballot paper, fold it and place it in the small envelope provided and seal the envelope. Then place the small envelope in the completed middle envelope and place the middle envelope in the envelope addressed to the returning officer. Forward this envelope either by post or personal delivery so as to reach the returning officer not later than noon on.....

Co-operatives Regulation 1997

Postal ballot paper

Schedule 2

-
- 5 Unless the ballot paper is marked as indicated in 3 above and the details referred to in 2 above are completed in full and the middle envelope signed, your vote may be rejected as informal.

.....
Initials of returning officer

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Co-operatives Regulation 1997

Form B Middle envelope (member details)

Form B Middle envelope (member details)

Co-operatives Regulation 1997
(Schedule 2, clause 3 (5) (c))

Note: Please use capital letters for your name and address

.....
(Full name of member)

.....
(Address of member)

.....
(Full name of person casting vote if vote is being cast on behalf of a co-operative
or other body corporate that is a member)

.....
(Address of person casting vote if vote is being cast on behalf of a co-operative
or other body corporate that is a member)

.....
(Signature of person casting vote)

Schedule 3 Modifications of Corporations Law

(Clauses 15 and 30)

Part 1 Section 243 of Act—Requirements for accounts and accounting records

Division 1 Corporations Law

[1] Section 111AO Accounting requirements

Omit section 111AO (2) (b).

[2] Parts 3.6 and 3.7 (except sections 283B, 283C, 291, 309A, 313, 314, 317 and 325)

In these provisions:

- (a) references to “company” are to be read as references to “co-operative”, and
- (b) references to “the Commission” are to be read as references to “the Registrar”, and
- (c) references to “the Court” are to be read as references to “the Supreme Court”, and
- (d) references to “prescribed” are to be read as references to “approved by the Registrar”, and
- (e) references to “securities” are to be read as references to “debentures and CCUs”.

[3] Section 283A Public company

Omit “or a large proprietary company”.

[4] Section 283D Time for preparing accounts etc.

Omit section 283D (3)–(8).

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Schedule 3 Modifications of Corporations Law

[5] Section 289 Accounting records

Insert “in the State or, if the Registrar approves, outside the State” after “places” in section 289 (3).

[6] Section 290 Synchronisation

Omit all matter after “directors of the company” in section 290 (5). Insert instead “stating the reasons for seeking the order and signed by at least 2 directors.”.

[7] Section 290 (10)–(14)

Omit the subsections. Insert instead:

- (10) If the Registrar serves a copy of an order made under subsection (9) on a co-operative, the directors of the co-operative may, within 2 months after the service of the order, appeal against the order to the Supreme Court.
- (11) The Supreme Court may determine the appeal and may for that purpose:
 - (a) exercise any power that the Registrar has, and
 - (b) make any order that the Registrar may make, on an application under this section.
- (12) If an application under this section is made by the directors of a co-operative, subsection (1) does not apply to a corporation that is a subsidiary to which the application relates until the application is granted or an appeal against a refusal to grant the application is determined.
- (13) If the Registrar or the Supreme Court makes an order granting an application under this section, compliance with the terms of the order is to be taken to be compliance with subsection (1).

-
- (14) If the Registrar or the Supreme Court makes an order refusing an application under this section, the directors of the co-operative must comply with subsection (1) within 12 months after:
- (a) if no appeal is lodged—the date of service of the copy of the Registrar’s order, or
 - (b) if an appeal is lodged and the appeal is withdrawn—the date on which the appeal is withdrawn, or
 - (c) if an order is made by the Supreme Court—the date on which the Court makes the order.
- (15) If an application under this section is refused by the Registrar or on appeal, the directors of the co-operative are not entitled to make a further application under this section within 3 years after the date of refusal.

[8] Section 303 Statements under this Division

Omit “Subject to subsection (1A), a” from section 303 (1).
Insert instead “A”.

[9] Section 303 (1A) and (3)

Omit the subsections.

[10] Section 304 Report on company that is not a chief entity

Omit “a proprietary company or a wholly-owned subsidiary of another company” from section 304 (1A) (b).
Insert instead “a wholly-owned subsidiary of another co-operative or of a company”.

[11] Section 305 Report on company that is a chief entity

Omit section 305 (1A).

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Schedule 3 Modifications of Corporations Law

[12] Section 307 Public companies

Omit “the company is a public company and is not a wholly-owned subsidiary of another company” from section 307 (1).

Insert instead “the co-operative is not a wholly-owned subsidiary of another co-operative or of a company”.

[13] Section 307 (1) (b)

Omit the paragraph.

[14] Section 307 (1) (c) (i)

Omit “subsection 231 (1)”. Insert instead “section 234 of the Act”.

[15] 307 (1) (c)

Omit “or a corresponding previous law” wherever occurring.

[16] Section 310 Reports generally

Omit section 310 (3).

[17] Section 315 Members entitled to financial statements and reports

Omit section 315 (3A) and (5).

[18] Section 316 Financial statements and reports to be laid before annual general meeting

Omit “public company’s” from section 316 (1).

Insert instead “co-operative’s”.

[19] Section 316 (1)

Omit “section 245”. Insert instead “section 198 of the Act”.

[20] Section 320 Disclosure of information

Omit “a staff member, or a member or acting member, of the Commission” from section 320 (b).

Insert instead “the Registrar”.

[21] Section 324 Qualifications of auditors

Insert “or a person who, immediately before 1 December 1997, was the co-operative’s duly appointed auditor and continues to be the duly appointed auditor” after “auditor” in section 324 (1) (d).

[22] Section 324 (1) (f) and (2) (g) and (h)

Omit ““except where the company is a proprietary company,” wherever occurring.

[23] Section 324 (2) (d)

Insert “or a person who, immediately before 1 December 1997, was the co-operative’s duly appointed auditor and continues to be the duly appointed auditor” after “Australia”.

[24] Section 324 (2) (e)

Omit “a State or Territory”. Insert instead “the State”.

[25] Section 324 (12)–(15)

Omit the subsections.

[26] Section 327 Appointment of auditors

Omit section 327 (5) (b) and (12) (b).

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Schedule 3 Modifications of Corporations Law

[27] Section 329 Removal and resignation of auditors

Omit “Subject to subsection (9), the” from section 329 (8).
Insert instead “The”.

[28] Section 329 (9)

Omit the subsection.

[29] Section 330 Effect of winding up on office of auditor

Renumber section 330 (b) as 330 (c).

[30] Section 330 (b)

Insert after section 330 (a):

- (b) a certificate winding up the co-operative is given by the Registrar, or

[31] Section 330 (c)

Insert “or (b)” after “paragraph (a)” in section 330 (c) (as renumbered by item [29]).

[32] Section 331A Auditor must report

Omit “or (3A)” from section 331A (2).

[33] Section 332 Auditor may obtain information and attend company meetings, and must report certain breaches to Commission

Omit “section 245” from section 332 (9).
Insert instead “section 198 of the Act”.

Division 2 Corporations Regulations**[34] Regulation 3.6.01 Accounting records**

Omit “Form 313”. Insert instead “the approved form”.

[35] Regulation 3.6.05 Rounding off amounts: section 311 of the Corporations Law

Omit “group of companies” from Regulation 3.6.05 (6) (b).
Insert instead “co-operative and its related bodies corporate”.

Part 2 Section 325 of Act—Application of Corporations Law to winding up**[36] Section 461 General grounds on which company may be wound up by Court**

Omit “the Commission has stated in a report prepared under Division 1 of Part 3 of the ASC Law that, in its opinion:” from section 461 (h).

Insert instead “the Registrar has, as a result of an inquiry conducted under Division 2 or Division 4 of Part 14 of the Act, stated that:”.

[37] Section 464 Application for winding up in connection with investigation under ASC Law

Omit “If the Commission is investigating, or has investigated, under Division 1 of Part 3 of the ASC Law:” from section 464 (1).

Insert instead “If the Registrar is holding or has held an inquiry under Division 2 or Division 4 of Part 14 of the Act in relation to:”.

[38] Section 542 Books of company

Insert after section 542 (3) (c):

,and

- (d) in the case of a winding up on a certificate of the Registrar under section 324 of the Act—with consent of the Registrar.

Schedule 4 Prescribed information relating to proposed compromise or arrangement

(Clause 31)

1 Definitions

In this Schedule:

internal creditor means a creditor who is:

- (a) a member of the co-operative, or
- (b) a relative of a member, or
- (c) a relative of the spouse of a member.

marketable securities has the same meaning as it has in the *Corporations Law*.

relative has the same meaning as it has in the *Corporations Law*.

Scheme means the proposed compromise or arrangement.

scheme creditors means the creditors or class of creditors of a co-operative to whom the Scheme would apply.

scheme members means the members or class of members of a co-operative to whom the Scheme would apply.

2 Prescribed information relating to proposed compromise or arrangement with creditors or class of creditors

- (1) The prescribed information that must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a co-operative and any of its creditors is:
 - (a) the expected dividend that would be available to scheme creditors if the co-operative were to be wound up within 6 months after the date of the hearing of the application to the Court for an order under section 345 (1) of the Act, and
 - (b) if a composition of debts is proposed, the expected dividend that would be paid to scheme creditors if the Scheme were put into effect as proposed, and

- (c) a list of the names of all known scheme creditors and the debts owed to those creditors, and
 - (d) if a scheme creditor is known to be a guaranteed creditor, the name of the creditor and the amount of the debt owed, and
 - (e) if a scheme creditor is known to be an internal creditor, the name of the creditor and the amount of the debt owed.
- (2) The statement referred to in subclause (1) must contain a statement that an order under section 345 (1) of the Act is not an endorsement of, or any other expression of opinion on, the Scheme.
- (3) The statement referred to in subclause (1) must contain or include:
- (a) a report on the affairs of the co-operative in or to the effect of the form approved by the Registrar, showing the financial position of the co-operative as at a day within one month of the date on which it is intended to apply to the Court for an order under section 345 (1) of the Act, and
 - (b) a copy, certified by a director or by the principal executive officer or a secretary of the co-operative to be a true copy, of all accounts and group accounts (if any) required to be laid before the co-operative at the annual general meeting, together with a copy of every document required by law to be annexed to the accounts, and
 - (c) if the co-operative the subject of the Scheme is a trustee, a statement:
 - (i) of the number of trusts administered by the trustee, and
 - (ii) whether the trustee carries on any business separate from that of the trust, and
 - (iii) how the scheme creditors may obtain a copy of the relevant trust deed, free of charge, before the date of the meeting, and

- (d) if the person (if any) who would be appointed to manage the Scheme proposes to charge for his or her services and for the services of his or her staff in accordance with a particular scale of charges, that scale of charges.

3 Prescribed information relating to proposed compromise or arrangement with members or a class of members

- (1) The prescribed information that must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a co-operative and any of its members is:
 - (a) unless the co-operative the subject of the Scheme is in the course of being wound up or is under official management, in relation to each director of the co-operative:
 - (i) whether the director recommends the acceptance of the Scheme or recommends against acceptance and, in either case, his or her reasons for so recommending, or
 - (ii) if the director is not available to consider the Scheme, that the director is not so available and the cause of his or her not being available, or
 - (iii) in any other case, that the director does not desire to make, or does not consider himself or herself justified in making, a recommendation and, if the director so requires, his or her reasons for not wishing to do so, or
 - (b) if the co-operative is in the course of being wound up or is under official management, in relation to each liquidator or each official manager:
 - (i) whether he or she recommends acceptance of the Scheme or recommends against acceptance and, in either case his or her reasons for so recommending, or
 - (ii) in any other case, that the liquidator or official manager does not wish to make a recommendation and his or her reasons for not wishing to do so.

- (2) The statement referred to in subclause (1) must set out:
- (a) the number, description and amount of marketable securities of the co-operative the subject of the Scheme held by or on behalf of each director of the co-operative or, if none are held by or on behalf of a director, a statement to that effect, and
 - (b) for each director of the co-operative by whom or on whose behalf shares in that co-operative are held, whether:
 - (i) the director intends to vote in favour of, or against, the Scheme, or
 - (ii) the director has not decided whether he or she will vote in favour of, or against, the Scheme, and
 - (c) if the other party to the proposed reconstruction or amalgamation is, or includes, a body corporate, whether any marketable securities of the body corporate are held by, or on behalf of, any director of the co-operative the subject of the Scheme and, if so, the number, description and amount of those marketable securities, and
 - (d) particulars of any payment or other benefit that is proposed to:
 - (i) be made or given to any director, secretary or executive officer of the co-operative the subject of the Scheme as compensation for loss of, or as consideration for or in connection with his or her retirement from, office in that co-operative or in a related body corporate, or
 - (ii) be made or given to any director, secretary or executive officer of any related body corporate as compensation for the loss of, or as consideration for or in connection with his or her retirement from, office in that body Corporate or in the co-operative the subject of the Scheme, and
 - (e) if there is any other agreement or arrangement made between a director of the co-operative the subject of the Scheme and another person in connection with or conditional on the outcome of the Scheme, particulars of the agreement or arrangement, and

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Schedule 4 Prescribed information relating to proposed compromise or arrangement

- (f) if the object of the Scheme is for a co-operative to acquire control of a company, particulars of the nature and extent of any interest of a director of that company in any contract entered into by the co-operative, and
 - (g) whether, within the knowledge of the directors of the co-operative the subject of the Scheme or, if the co-operative is in liquidation or under official management, the knowledge of the liquidator or the official manager, the financial position of the co-operative has materially changed since the date of the last balance sheet laid before the co-operative in general meeting and, if so, full particulars of any change, and
 - (h) any other information material to the making of a decision in relation to the Scheme, being information that is within the knowledge of any director, liquidator or official manager of a co-operative the subject of the Scheme or of a related company and that has not previously been disclosed to the Scheme members.
- (3) If:
- (a) the other party to the proposed reconstruction or amalgamation of the co-operative the subject of the Scheme has a prescribed share holding in the co-operative, or
 - (b) a director of any body corporate that is the other party to the proposed reconstruction or amalgamation is a director of a co-operative the subject of the Scheme,
- the statement must include a copy of a report made by an expert who is not associated with the body corporate that is the other party, stating whether or not, in his or her opinion, the proposed Scheme is in the best interest of the members of the co-operative the subject of the Scheme and setting out his or her reasons for that opinion.
- (4) If the co-operative the subject of the Scheme obtains 2 or more reports, each of which could be used for the purposes of subclause (3), the statement must include a copy of each report.

- (5) If:
- (a) the co-operative the subject of the Scheme obtains a report for the purposes of subclause (3), and
 - (b) the report contains:
 - (i) a forecast of the profits or profitability of the co-operative, or
 - (ii) a statement that the market value of an asset or assets of the co-operative or of a related body corporate differs from an amount at which the value of the asset or assets is shown in the books of the co-operative or the related body corporate,
- that report must not be included in the Statement except with the consent in writing of the Registrar and in accordance with such conditions (if any) as are stated by the Registrar.
- (6) For the purposes of subclause (3):
- (a) a person has a prescribed share holding in a co-operative if he or she is entitled to not less than 30 per cent of the shares in the co-operative, and
 - (b) a person has a prescribed share holding in a co-operative in which the shares are divided into 2 or more classes of shares, if he or she is entitled to not less than 30 per cent of the shares in one of those classes.
- (7) If the consideration to be offered to scheme members consists, in whole or in part, of marketable securities issued, or to be issued, by a body corporate, the statement must set out the formula to be applied to find out the number of marketable securities to be issued to each scheme member, and the basis on which that formula was developed.
- (8) If marketable securities of the same class as those referred to in subclause (7) are granted official quotation on a securities exchange, the statement must state the fact, specify the securities exchange concerned, and set out:
- (a) the latest recorded sale price before the date on which the statement is sent to the Registrar, and

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Schedule 4 Prescribed information relating to proposed compromise or arrangement

- (b) the highest and lowest recorded sale prices during the 3 months immediately before that date and the dates of the relevant sales, and
 - (c) if the Scheme has been the subject of a public announcement in newspapers or by any other means before the statement has been sent to the Registrar, the latest recorded sale price immediately before the public announcement.
- (9) If the marketable securities referred to in subclause (7) are granted official quotation on more than one securities exchange, it is sufficient compliance with subclause (8) (a) and (c) if information on the marketable securities is given for the securities exchange at which there has been the greatest number of recorded dealings in the securities in the 3 months immediately before the date on which the statement is sent to the Registrar.
- (10) If the securities referred to in subclause (7) have not been granted official quotation on a securities exchange, the statement must set out all the information that a director, liquidator or official manager of the co-operative the subject of the Scheme or of a related body corporate has about the number of securities that have been sold in the 3 months immediately before the date on which the statement was prepared and the price of those securities or, if that information or any part of that information cannot be ascertained, must include a statement to that effect.
- (11) The statement must set out particulars of the intentions of the directors of the co-operative the subject of the Scheme regarding:
 - (a) the continuation of the business of the co-operative or, if the undertaking, or any part of the undertaking, of a co-operative is to be transferred, how that undertaking or part is to be conducted in the future, and
 - (b) any major changes to be made to the business of the co-operative, including any redeployment of the fixed assets of the co-operative, and
 - (c) the future employment of the present employees of the co-operative.

Schedule 5 Prescribed offices

(Clause 46)

COMMONWEALTH

- 1 The Treasurer.
- 2 A trustee under Pan IV, X or XI of the *Bankruptcy Act 1966* of the Commonwealth.
- 3 The following officers of the Australian Securities Commission under the *Australian Securities Commission Act 1989* of the Commonwealth:
 - (a) the Chairperson. Deputy Chairperson or member of the Commission.
 - (b) the President or a member of the Corporations and Securities Panel.

AUSTRALIAN CAPITAL TERRITORY

- 1 Treasurer.
- 2 The Public Trustee under the *Administration and Probate Act 1929* and the *Public Trustee Act 1985* of the Australian Capital Territory.
- 3 A Registrar or Master of the Supreme Court of the Australian Capital Territory.

NEW SOUTH WALES

- 1 Treasurer.
- 2 The Public Trustee under the *Public Trustee Act 1913*.
- 3 A master under Division I of Part 8 of the *Supreme Court Act 1970*
- 4 The Supervisor of Loan Fund Companies under the *Loan Fund Companies Act 1976*.
- 5 The Protective Commissioner under the *Protected Estates Act 1983*

NORTHERN TERRITORY

- 1 Treasurer.
- 2 The Public Trustee under the *Public Trustee Act* of the Northern Territory
- 3 A Master of the Supreme Court of the Northern Territory
- 4 The Commissioner for Corporate Affairs.

QUEENSLAND

- 1 Treasurer
- 2 The Commissioner for Corporate Affairs.
- 3 The Public Trustee under the *Public Trustee Act 1978* of Queensland
- 4 A Registrar of the Supreme Court of Queensland.

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Schedule 5 Prescribed offices

SOUTH AUSTRALIA

- 1 Treasurer.
- 2 The Public Trustee under the *Public Trustee Act 1995* of South Australia
- 3 A Master or Assessor under the *Supreme Court Act 1935* of South Australia.

TASMANIA

- 1 Treasurer.
- 2 An administrator under Chapter 49 of the *Criminal Code Act 1924* of Tasmania.
- 3 The Commissioner for Corporate Affairs.
- 4 The Public Trustee under the *Public Trustee Act 1930* of Tasmania.
- 5 A Registrar of the Supreme Court of Tasmania.

VICTORIA

- 1 Treasurer.
- 2 The Commissioner for Corporate Affairs.
- 3 State Trustees within the meaning of the *State Trustees (State Owned Company) Act 1994* of Victoria.
- 4 A Master under the *Supreme Court Act 1986* of Victoria.

WESTERN AUSTRALIA

- 1 Treasurer.
- 2 The Commissioner for Corporate Affairs.
- 3 The Public Trustee under the *Public Trustee Act 1941* of Western Australia
- 4 A Master or Registrar of the Supreme Court of Western Australia under the *Supreme Court Act 1935* of Western Australia.

Schedule 6 Fees

(Clause 55)

Item	Section of Act	Type of fee	Amount
1	19	Application to Registrar for registration—proposed co-operative	\$100 non-trading \$150 trading
2	24	Application to Registrar for registration—existing body corporate	\$150
3	28G	Issue of duplicate certificate	\$20
4	67 (2)	Application for Registrar's certificate	\$25
5	76A (2)	Application for Registrar's consent	\$50
6	108 (3)	Copy of rules	\$1 for each page after the first page to a maximum of \$50
7	113 (2)	Registration of rule alteration	\$10 per rule to a maximum of \$70
8	113 (5)	Issue of certificate of registration of rule alteration	\$25
9	125 (1)	Application to Council for review	\$50
10	126 (3)	Application to Registrar for determination of member's eligibility to vote	\$100
11	136 (6)	Application to Council for reduction in period for repayment	\$200
12	143	Application to Minister for exemption	\$200
13	145 (1)	Application to Council for approval to convert to a co-operative without share capital	\$50
14	155 (3) (a)	Application to Registrar for approval of disclosure statement	\$200
15	177(1)(a)	Application to Council for approval of rules restricting voting rights	\$200
16	178 (2)	Application to Council for review of voting entitlement	\$200
17	192 (2) (c)	Lodgment of special resolution (nor involving alteration of rules)	\$10
18	194 (3)	Application to Registrar for approval of disclosure statement	\$200
19	216 (3) (b)	Application to Council for approval of a co-operative to have employee directors	\$50

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Schedule 6

Fees

20	243	Lodgment by disclosing entity that is a co-operative of financial statements and other documents mentioned in section 317A of the <i>Corporations Law</i> (as adopted by section 243 of the Act)	Nil
21	244 (1)	Application to Registrar for exemption	\$200
22	250 (1) (d)	Approval of office where register is to be kept	\$15
23	251 (4)	Obtaining copy or an entry in the Register	\$5 and \$1 for each page after the first page to a maximum of \$50
24	252 (1)	Lodgment of annual report. —on or before due date —more than 1 day but less than 28 days after the due date —28 days or more after the due date	Nil \$75 \$150
25	255 (5) (g)	Application to Register for exemption to use word "Co-operative or abbreviation	\$250
26	257 (e)	Application to Registrar for approval of abbreviation or elaboration of name	\$25
27	259 (1)	Application to Registrar for approval of change of name	\$50
28	261 (3)	Lodgment of notice of change of address	Nil
29	266 (1)	Lodgment by unlisted disclosing entity of document containing price sensitive information referred to in section 1001B (1) of the <i>Corporations Law</i> (as adopted by section 266 of the Act)	Nil
30	266 (1)	Lodgment of prospectus under section 101B of the <i>Corporations Law</i> (as adopted by section 266 of the Act)	\$1500
31	266 (1)	Lodgment of supplementary or replacement prospectus under section 1023B or 1024 of the <i>Corporations Law</i> (as adopted by section 266 of the Act)	Nil
32	266 (1)	Lodgment of notice under section 1043B (and 1043D) of the <i>Corporations Law</i> (as adopted by section 266 of the Act) relating to sale of debentures	\$200
33	266 (6)	Application to Registrar for exemption	\$200
34	266A (2)	Application to Registrar for approval of disclosure statement	\$200
35	268 (3) (a)	Application to Registrar for approval of disclosure statement	\$200
36	273 (1) (c)	Application to Register for approval of terms of issue of CCUs	\$200
37	285 (2)	Application to Council for exemption	\$200
38	289 (3)	Application to Council for approval of maximum share interest	\$200
39	294 (2) (b)	Inspection of register of notifiable interests	\$25

Co-operatives Regulation 1997

Fees

Schedule 6

40	298	Application to Registrar for exemption	\$200
41	300 (1)	Application to Council for approval of share offer	\$200
42	302 (4)	Application to Registrar for extension of period of share offer	\$50
43	308	Application to Council for exemption	\$200
44	311 (2)	Application for Registrar's consent	\$50
45	311A (2)	Application to Registrar for approval of disclosure statement	\$200
46	311B (1)	Application to Registrar for approval of merger or transfer of engagements	\$50
47	312 (1)	Application to Council for exemption	\$550
48	316 (4)	Application to Council for exemption	\$200
49	325	Application for Registrar to exercise powers conferred by section 575 or 577 of the <i>Corporations Law</i> (as adopted by section 325 of the Act)	\$50
50	326 (2)	Application to Council for exemption	\$50
51	346 (1) (a)	Application for Registrar's permission	\$50
52	348 (1) (f)	Application to Registrar for direction	\$200
53	355 (1)	Application to Registrar for approval of explanatory statement	\$500
54	357 (5)	Lodgement of copy of order	\$25
		Additional fee for late lodgement	\$50
55	369E (2) (f)	Application to Registrar for registration—participating co-operative	\$200
56	369F (2) (d)	Application to Registrar for registration—non-participating co-operative	\$500
57	369K	Lodgement of particulars of alteration	\$25
		Additional fee for late lodgement	\$50
58	369L (1)	Lodgement of balance sheet.	
		—on or before due date	Nil
		—more than 1 day but less than 28 days after the due date	\$75
		—28 days or more after the due date	\$150
59	369M (1)	Lodgement of notice of cessation of business—foreign co-operative	Nil
60	369N (1)	Application to Registrar for certificate of compliance	\$600
61	369Q (3) (a)	Application for Registrar's consent	\$200
62	369R (2)	Application to Registrar for approval of disclosure statement	\$200
63	369R (4)	Application to Registrar for exemption	\$200

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Schedule 6 Fees

64	3695 (1)	Application to Registrar for approval of merger or transfer of engagements	\$200
65	402 (1) (a)	Application to Registrar for special meeting	\$200
66	402 (1) (b)	Application to Registrar for inquiry	\$500
67	408 (1)	Application to Registrar for extension or abridgement of time	\$50
68	413A (1) (a)	Inspection of Register	\$10
69	413A (1) (b)	Inspection of prescribed documents	\$10
70	413A (1) (c)	Certified copy of document	\$20 and \$2 for each page after the first page to a maximum of \$40
71	440A (2) (c)	Application to Registrar for permission to give notice by newspaper	\$50
72	Sch 3 cl 13 (1)	Lodgement of notice of charge	\$50
73	Sch 3 cl 137 (1) (a)	Lodgement of notice of acquisition of property subject to charge	\$50
74	Sch 3 cl 20 (3) (c)	Application to Registrar for extension of time	\$50
75	Sch 3 cl 136 (1)	Lodgment of notice of assignment of charge	\$50
76	Sch 3 cl 36 (2)	Lodgment of notice of variation of terms of charge	\$50
77	Sch 3 cl 37 (2)	Lodgment of memorandum of discharge	\$25
78	Sch 3 cl 42 (1) and (3)	Request for certificate	Nil
79	Sch 3 cl 44	Application to Registrar for exemption	\$200
80	Sch 1 cl 3 (1) (f)	Application to Registrar for direction	\$200
81	Sch 1 cl 6A (2)	Lodgment of managing controller's report: —on or before due date —more than 1 day but less than 28 days after the due date —28 days or more after the due date	Nil \$75 \$150
82	Sch 1 cl 61A (3) (b)	Inspection of managing controllers's report	\$10
83	Sch 1 cl 7 (1) (c)	Lodgment of receiver's report	Nil
84	Sch 1 cl 12 (1) (a)	Lodgment of notice of order Additional fee for late lodgment	Nil \$25

Co-operatives Regulation 1997

Fees

Schedule 6

85	Sch 4 cl 12 (2) (a)	Lodgement of notice of appointment of controller Additional fee for late lodgement	Nil \$25
86	Sch 4 cl 12 (3) (a)	Lodgement of notice that person has entered into possesses or taken control of property of co-operative Additional fee for late lodgement	Nil \$25
87	Sch 4 cl 12 (5)	Lodgement of notice of change in situations of controller's office Additional fee for late lodgement	Nil \$25
88	Sch 4 cl 12 (6) (a)	Lodgement of notice of cessation as controller Additional fee for late lodgement	Nil \$25
89	Sch 4 cl 14 (2) (c)	Lodgment of copy of controller's report Additional fee for late lodgement	Nil \$25
90	Sch 4 cl 14 (4)	Lodgment of notice by controller that extension of time within which to report has been granted Additional fee for late lodgement	Nil \$25
91	Sch 4 cl 14 (5)	Lodgment of copy of court order that extension of time within which to report has been granted Additional fee for late lodgement	Nil \$25
92	Sch 4 cl 17 (1)	Lodgment of controller's account —on or before due date —more than 1 day but less than 28 days after the due date —28 days or more after the due date	Nil \$75 \$150
93		Lodgment of any other document under the Act Additional fee for late lodgement	Nil \$25
94		Lodgment of any other document under the <i>Corporations Law</i> as adopted by the Act	Nil

* Fees payable to the co-operative

Schedule 7 Forms

Form 1 Annual report

(Clause 19)

Part A

Co-operatives Act 1992
(Section 252 (1) (e))

Co-operative name:
 A.R.B.N. (if applicable):..... Telephone:
 Address of registered office:
 Co-operative No:

Signature

Date

Financial year ended 19.....		Last year 19.....		Financial year ended 19.....		Last Year 19.....	
ANZSIC	%	ANZSIC	%	LGA	%	LGA	%

Financial year ended 19.....		Last year 19.....	
NUMBER OF DIRECTORS	Active member directors		
	Employee directors		
	Other independent directors		

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 <i>Co-operation (Accounts and Audit) Regulation 1988</i> or clause 15 of the <i>Co-operatives Regulation 1997</i> ?	Yes/No	
	If yes, please specify details	

*May be signed by secretary, director or principal executive officer

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Co-operatives Regulation 1997

Schedule 7 Forms

Co-operative name:
 Financial year ended:

ANNUAL REPORT - MOVEMENT - SHARE VALUES (WHOLE DOLLARS)

Section of Act	SHARES					Total
	Section 151	Section 151	Sections 151(4)(a), 156 and 282(1)(h)	Section 154	Section 155	
Narration	Shares	Issue of shares at a premium	Bonus shares issue	Issue of shares to active members in exchange for property	Members may be required to take up additional shares	
\$	\$	\$	\$	\$	\$	\$
Balance at beginning of year						
Additions						
Transfers						
Sub-total						
Fortiture						
Re-purchase non-active						
Re-purchase active						
Transfers						
Sub-total						
Balance at end of year						

ANNUAL REPORT - MOVEMENT - LOANS & CCUs (WHOLE DOLLARS)

Section of Act	DEPOSITS & DEBENTURES			LOANS	CCUs	
	Section 263A	Section 266	Section 266A	Section 268	Part 10, Division 2	
Narration	Deposits	Debentures	Debentures	Loans	CCUs to members	CCUs to non-members
\$	\$	\$	\$	\$	\$	\$
Balance at beginning of year						
Additions						
Transfers						
Sub-total						
Repayment						
Transfers						
Sub-total						

Balance at end of year						
------------------------	--	--	--	--	--	--

Co-operative name:

BALANCE SHEET

Financial year ended 19..... \$	Last year 19..... \$
---	----------------------------------

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		
---------------------	--	--

CURRENT LIABILITIES

Creditors and borrowings		
Provisions		
Other		
Total current liabilities		

NON-CURRENT LIABILITIES

Creditors and borrowings		
Provisions		

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Schedule 7 Forms

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 within the meaning of the Corporations Law		
Outside equity shareholders' interest in controlled entities		
TOTAL SHAREHOLDERS' EQUITY		

Co-operative name:

PROFIT & LOSS ACCOUNT

	Financial year ended 19..... \$	Last year 19..... \$
Operating profit and 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 within the meaning of the Corporations Law		
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		
Aggregates 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 lodgment of this return:

- (1) Auditors' or directors' report (section 252 (1) (d))
- (2) Directors' statements (section 30301 of the *Corporations Law* as adopted by clause 15)
- (3) Accounts as submitted to the members (section 252 (1) (b))
- (4) List of directors and principal executive officers (section 252 (1) (a) and Parr B of this Form)
- (5) Declarations of interest (section 234 (1) and Part C of this Form)

PART B

Co-operative No

LIST OF DIRECTORS AND PRINCIPAL EXECUTIVE OFFICERS
Co-operatives Act 1992
(Section 252 (1) (a))

Name of Co-operative being *a director/*the principal executive officer/*a secretary of the abovementioned co-operative, give notice that the abovementioned persons
 * (1) are the directors of the co-operative as at the date of this annual report
 * (2) are the directors of a subsidiary of the co-operative as the date of this annual report

Surname	Given names (in full)	Date of birth	Residential address	Office held	Date of appointment

* The principal executive officer of the co-operative at the date of this annual report is
 * The principal executive officer of a subsidiary of the co-operative at the date of this annual report is
 Has the address of the registered office changed? * Yes/* No

If yes, specify new address (Telephone)
 Dated 19..... (Signature)

To the Registrar of Co-operatives
 PO Box 3035
 BANKS TOWN 2200

* Strike out words not applicable

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Schedule 7 Forms

Form 2 Compulsory acquisition notice

(Clause 32)

Co-operatives Act 1992
(Section 360 (1))

1. To: *(name of dissenting shareholder)*
- of: *(address of dissenting shareholder)*
- A. The transferee *(insert name of person giving notice)* on *(insert date)* made an offer to the holders of *shares in *(insert name)* Co-operative Limited/*shares included in a class of shares in *(insert name)* Co-operative Limited for the transfer of those shares to the transferee, not being an offer made under a scheme or contract to which Division 2 of Part 11 of the *Co-operatives Act 1992* applies, and
- B. The scheme or contract involving the transfer of those shares to the transferee was on or before *(insert date)* approved by the holders of at least 90% in nominal value of all the shares concerned, other than excluded shares, and
- C. You are a dissenting shareholder.
2. The transferee gives you notice under section 360 (1) of the *Co-operatives Act 1992* that the transferee desires to acquire those shares held by you.
3. You are entitled under section 360 (2) of the *Co-operatives Act 1992* to ask the transferee, by written notice given to the transferee within one month after the day on which this notice is given, to give you a statement in writing of the names and addresses of all other dissenting shareholders as shown in the register of members.
- *4. You are entitled not later than the expiration of 28 days after the date on which this notice is given or 14 days after the date on which a statement is supplied to you under section 360 (2) of the *Co-operatives Act 1992*, whichever is the later, to elect, by notice to the transferee, which of the alternative terms offered to the approving shareholders under the scheme or contract you prefer. The alternative terms are as follows: *(insert details)*
5. Unless, on application made by you within 28 days after the date on which this notice is given or within 14 days after a statement is supplied to you under section 360 (2) of the *Co-operatives Act 1992*, the Supreme Court otherwise orders, the transferee will be entitled and bound subject to section 360 (2) to acquire your shares:
- (a) on the terms on which, under the scheme or contract, the shares of the approving shareholders are to be transferred to the transferee, or
- (b) if alternative terms were offered:
- (i) on the terms for which you have elected, or
- (ii) if you have not so elected, on whichever of those terms the transferee determines unless the Supreme Court otherwise orders

Dated

19

.....

(Signature of transferee)

** Strike out words not applicable*

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Co-operatives Regulation 1997

Schedule 7 Forms

Form 3 Notice to remaining shareholder

(Clause 33)

Co-operatives Act 1992
(Section 362 (1) (a))

1. To: *(name of remaining shareholder)*

of: *(address of remaining shareholder)*

A The transferee *(insert name of person giving notice)* on *(insert date)* made offers to the holders of *shares in *(insert name of co-operative)* Co-operative Limited/*shares included in a class of shares in *(insert name of co-operative)* Co-operative Limited for the transfer of those shares to the transferee, not being offers made under a scheme or contract to which Division 2 of Part II of the *Co-operatives Act 1992* applies, and

B Under the scheme or contract the transferee became on *(insert date)* beneficially entitled to shares in that co-operative which together with any other shares in that co-operative to which the transferee, or the transferee and any body corporate related to the transferee, is beneficially entitled, comprise or include 90% in nominal value of the shares concerned. and

C You are the holder of remaining shares *in that co-operative/*included in that class of shares in that co-operative and have not assented to the scheme or contract or been given notice in respect of those shares by the transferee under section 360 (1) of the *Co-operatives Act 1992*
- 2 The transferee gives you notice under section 362 (1) (a) of the *Co-operatives Act 1992* that under that scheme or contract the transferee on *(insert date)* became beneficially entitled to shares in *(insert name of co-operative)* Limited and those shares together with any other shares in that co-operative to which the transferee, or the transferee and any body corporate related to the transferee, is beneficially entitled, comprise or include 90% in nominal value of the shares *in that co-operative/*included in that class of shares in that co-operative
3. You are entitled under section 362 (1) (b) of the *Co-operatives Act 1992* within 3 months after being given this notice. by notice to the transferee to require the transferee to acquire your shares
- *4 You are entitled under section 362 (1) (b) of the *Co-operatives Act 1992*, within 3 months after being given this notice to elect by notice to the transferee which of the alternative terms offered to the approving shareholders under the scheme or contract you will accept The alternative terms are as follows *(insert details)*
- 5 If you require the transferee to acquire the shares held by you, the transferee will be entitled and bound to acquire those shares
 - (a) on the terms that under the scheme or contract were offered to the approving shareholders. or
 - (b) if alternative terms were offered
 - (i) on the terms for which you have elected, or
 - (ii) if you do not so elect. on whichever of the terms the transferee

determines. or

- (c) on such other terms as are agreed or as the Supreme Court on the application of the transferee or of yourself orders.

Dated 19

.....

(Signature of transferee)

• *Strike out words not applicable*

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Schedule 7 Forms

(Clause 40)

Co-operatives Act 1992
(Section 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, membership, control, transactions, dealings, business or property of the co-operative.

Please note section 380 of the Act (relating to self-incrimination).

SCHEDULE

.....
Signed by the inspector

.....
Date

* *Strike out words not applicable*

Form 5 Investigator's notice to involved person

(Clause 41)

Co-operatives Act 1992
(Section 387 (1))

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

Please note the provisions of section 388 (1) of the Act (relating to legal representation) and section 388 (2) and (3) of the Act (relating to self-incrimination).

SCHEDULE

.....
Signed by the investigator

.....
Date

* *Strike out words not applicable*

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Schedule 7 Forms

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

Registry of Co-operatives

Form 6

REPORT AS TO AFFAIRS

(Clauses 51, 53 and 54)
 Co-operatives Act 1992
 (Sch 4, cl 6A (1), 14 (2) (b)
 and 15 (1))

Co-operative name _____
 A.R.B.N. (if applicable) _____

Annexure Notes

- Wording required on the Annexure should read as follows:
 "This is the annexure of pages marked "A" referred to in the
 Statement Verifying Report signed by me*/us* and dated .../.../... (d/m/y)"
 * delete one
- Signature/s are required on the Annexure of each person who signs the Statement
 Verifying Report

Reason for Report

- tick one box managing controller clause 6A(1) of Schedule 4
 appointment of controller clause 14(2)(b) of Schedule 4
 appointment of controller clause 15(1) of Schedule 4

Assets and Liabilities

Date specified under the relevant section as the date of the report (see directions) / / (d/m/y)

	Valuation (for each entry show whether cost or net book amount) \$	Estimated Realisable 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		
Sub Total	\$	\$
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		

Co-operatives Regulation 1997

Forms

Schedule 7

3. Less payable in advance of secured creditor(s) _____
 Amounts owing for tax instalment deductions and prescribed
 payments tax
 Amounts owing for employee entitlements as detailed in
 Schedule E
-
4. Less amounts owing and secured by debenture or floating
 charge over assets _____
-
5. Less preferential claims ranking behind secured creditors,
 as detailed in Schedule F _____
-
6. Balances owing to partly secured creditors as detailed in
 Schedule G
- | | | | |
|---------------|----|-------|---|
| Total claims | (S | _____ |) |
| Security held | (S | _____ |) |
-
7. Creditors (unsecured) as detailed in Schedule H
- | | | | |
|----------------|----------|-------|---|
| Amount claimed | (S.....) | _____ |) |
|----------------|----------|-------|---|
-
8. Contingent assets (S.....)
 Estimated to produce as detailed in
 Schedule I _____
-
9. Contingent liabilities (S _____)
 Estimated to rank as detailed in
 Schedule J
- Estimated deficiency or
 - Estimated surplus
 - Subject to costs of administration or
 - Subject to costs of liquidation
- Share capital \$ _____
 Issued \$ _____
 Paid up \$ _____

Schedules

SCHEDULE A
INTERESTS IN LAND

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

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Co-operatives Regulation 1997

Schedule 7 Forms

Schedules

SCHEDULE B

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

OTHER ASSETS

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

Deposits

Investments

SCHEDULE D

ASSETS SUBJECT TO SPECIFIC CHARGES

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

Schedules

**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
		\$

**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
			\$	\$	\$

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Schedule 7 Forms

Schedules

**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
	\$	\$

**SCHEDULE J
CONTINGENT LIABILITIES**

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

Certification

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

1. This report is to be made as at the following dates:
 - (a) where prepared by the managing controller under clause 6A(1) of Schedule 4 - a day not later than 30 days before the day when it is prepared
 - (b) where submitted to a controller under clause 14(2)(b) of Schedule 4 - the control day
 - (c) where submitted to the controller under clause 15(1)(c) of Schedule 4 - the date specified by the controller by notice.
2. Where this report is required under clause 15(1) of Schedule 4, the report is to be verified by a statement in writing, in accordance with the form entitled "Statement Verifying Report", by a person referred to in that subclause.
3. When a copy of this report is lodged with the Registrar of Co-operatives pursuant to clause 14(2)(c) of Schedule 4, the report must be certified by the controller of the property of the Co-operative as a true copy of the original report.

Additional Requirements

Purpose for lodgment of copy of Statement Verifying Report
(tick appropriate box and complete date)

- by the managing controller of property under clause 6A(2) of Schedule 4
(to be lodged within 2 months after the control day)
if a receiver and manager - date of appointment (d/m/y)/...../.....

if a person who is in possession or has control of
the property for the purpose of enforcing a charge
date when person took control (d/m/y)/...../.....

- by the controller of property under clause 14(2)(c) of Schedule 4
(to be lodged within one (1) month after the receipt of the report)
date of receipt of report (d/m/y)/...../.....

Send to	Annexures	
Registry of Co-operatives Bankstown Civic Tower Level 8 66-72 Rickard Road BANKSTOWN 2200 or P.O. Box 4035 BANKSTOWN 2200	To make any annexure you must <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 	<ol style="list-style-type: none"> 5 identify the annexure with a mark such as A, B, C etc 6 endorse the annexure with the words The 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

Signature

This form must be signed by

- (a) where the form is lodged for the purposes of clause 12 (1) (a) or clause 12 (2) (a) of Schedule 4, by the person who obtains an order for the appointment of, or who appoints, the controller, or
- (b) where the form is lodged for the purposes of clause 12(3)(a) of Schedule 4, by the controller.

print name _____ name of corporation (if applicable)
 capacity _____ director secretary principal executive officer
 sign here _____ date / /

Schedule of property

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

Send to	Annexures
Registry of Co-operatives Bankstown Civic Tower Level 8 66-72 Rickard Road BANKSTOWN 2200 or P.O. Box 3035 BANKSTOWN 2200	To make any annexure you must <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 8

Notification of
 appointment or cessation as an
 external administrator

(Clause 52 (2) and (3))
 Co-operatives Act 1992
 (Sch 4, clause 12 (4) and (6) (a))

Co-operative name _____
 A.R.B.N. (if applicable) _____

Details of person(s) appointed

name (surname & given names) _____
 at the office of _____
 office, floor, building name _____
 street number and name _____
 suburb/city _____ state _____ postcode _____
 country (if not Australia) _____
 type of appointment appointed singly appointed jointly appointed jointly and severally

name (surname & given names) _____
 at the office of _____
 office, floor, building name _____
 street number and name _____
 suburb/city _____ state _____ postcode _____
 country (if not Australia) _____
 type of appointment appointed singly appointed jointly appointed jointly and severally

Appointment

type of administrator
 (tick one box) administrator of a compromise or arrangement
 receiver of the property described in the schedule of property to this form
 receiver & manager of the property described in the schedule of property to this form
 managing controller (other than a receiver & manager) of the property described in the schedule of property to this form
 controller (other than a receiver or managing controller) of the property described in the schedule of property to this form
 administrator of a co-operative under administration
 administrator of a deed of company arrangement
 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

method of appointment
 appointment by court order Federal Court of Australia (give State or Territory registry)
 Family Court of Australia (give State or Territory registry)
 Supreme Court of (give State or Territory registry)
 Other (specify) _____

date of obtaining order (d/m/y) ____/____/____ proceeding matter number _____ year _____

appointment by or under instrument date of instrument (d/m/y) ____/____/____

description of instrument _____

(tick one of the following boxes)
 instrument is registered in Register of co-operative charges registered charge number _____
 Australian register of company charges registered charge number _____
 register of company charges of State or Territory (give State or Territory) registered charge number _____

instrument not registered name of appointor _____

by company by writing under its common seal
 by liquidator or provisional liquidator

Cessation, resignation or removal

(If a controller, show details of method of appointment above)

- cessation of administrator of compromise or arrangement date (d/m/y) / /
- cessation of receiver date (d/m/y) / /
- cessation of receiver & manager date (d/m/y) / /
- cessation of managing controller date (d/m/y) / /
(other than receiver & manager)
- cessation of controller date (d/m/y) / /
(other than receiver or managing controller)
- cessation, resignation or removal of administrator date (d/m/y) / /
of a co-operative under administration
- cessation, resignation or removal of administrator date (d/m/y) / /
of deed of company arrangement
- resignation or removal of liquidator date (d/m/y) / /
- resignation or removal of provisional liquidator date (d/m/y) / /

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 () of () pages.

1997 No 631

Co-operatives Regulation 1997

Schedule 7 Forms

Additional information requirements

If this notice is lodged to notify the cessation, resignation, removal of an external administrator or where an administrator has been appointed to replace a currently appointed person or persons, please show below the details of the person or persons who have resigned etc. If your administrators, show only the names of the person or persons who have resigned etc.

name _____
 name _____
 name _____

If one of the following administrators, please tick appropriate box and complete date of appointment of the person(s) who have ceased etc.

- receiver appointment date (d/myy) / /
- receiver and manager appointment date (d/myy) / /
- managing controller (other than a receiver & manager) appointment date (d/myy) / /
- controller (other than a receiver or managing controller) appointment date (d/myy) / /

Please note that failure to supply this information may result in the rejection of this document.

Send to

Registry of Co-operatives
 Banksstown Civic Tower
 Level 5
 60-72 Rickard Road
 BANKSTOWN 2200
 or
 P.O. Box 3035
 BANKSTOWN 2200

Annexures

- To make any 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. 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.