



New South Wales

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees and Miscellaneous Matters) Regulation 2001

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

JOHN WATKINS, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Co-operative Housing and Starr-Bowkett Societies Regulation 2000*:

- (a) to provide for additional fees to be paid in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including fees for lodgment of any documents under that Act and additional fees for late lodgment of any documents under that Act, and consequentially to provide a definition and to repeal clause 9 (Fees for inspection of documents) of the Regulation, and
- (b) to provide for the Registrar (a position whose functions are performed by the Director-General of the Department of Fair Trading) to waive, reduce or refund any fee payable by a co-operative housing body where, in the opinion of the Registrar:
 - (i) the body is constituted primarily for a charitable purpose or for the purpose of advancing the welfare of a class of disadvantaged persons, or

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Explanatory note

- (ii) there are special circumstances that satisfy the Registrar that it would be expedient to waive, reduce or refund the fee, and
- (c) to provide that an association listed at the end of clause 5 of Schedule 5 to the Act must, within 5 months and 28 days after the close of each financial year for the association, provide the Registrar with an annual report as set out in Form 1 of Schedule 7 to the *Co-operatives Regulation 1997*, and
- (d) to provide for the replacement of the terms *profit and loss account* and *balance sheet* with the terms *statement of financial performance* and *statement of financial position*, respectively, so as to update the terminology used in the Regulation with terms used in Australian Accounting Standards AAS 1 (*Statement of Financial Performance*) and AAS 36 (*Statement of Financial Position*).

This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including section 225 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Co-operative Housing and Starr-Bowkett Societies Amendment (Fees and Miscellaneous Matters) Regulation 2001*.

2 Commencement

This Regulation commences on 10 August 2001.

3 Amendment of Co-operative Housing and Starr-Bowkett Societies Regulation 2000

The *Co-operative Housing and Starr-Bowkett Societies Regulation 2000* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 9 Fees for inspection of documents

Omit the clause.

[2] Clause 27 Annual returns: secs 148 and 190

Insert after clause 27 (3):

- (4) An association listed at the end of clause 5 of Schedule 5 to the Act must, within 5 months and 28 days after the close of each financial year for the association, provide the Registrar with an annual report as set out in Form 1 of Schedule 7 to the *Co-operatives Regulation 1997*.

[3] Clauses 28A and 28B

Insert before clause 28:

28A Fees

- (1) The fees to be paid in connection with the administration of the Act, including fees for the lodgment of any documents and additional fees for late lodgment of any documents under the Act, are set out in Schedule 2.

- (2) In Schedule 2:

the 1998 Act means the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

28B Waiver, reduction or refund of fees

The Registrar may waive, reduce or refund any fee payable by a co-operative housing body under the Act or this Regulation if, in the opinion of the Registrar:

- (a) the body is constituted primarily for a charitable purpose, or

- (b) the body is constituted primarily for the purpose of advancing the welfare of a class of disadvantaged persons, or
- (c) there are special circumstances that satisfy the Registrar that it would be expedient to waive, reduce or refund the fee.

[4] Schedule 1 Forms

Omit “**Profit and loss account for the year ended**” from Form 5 (Annual return—Starr-Bowkett Society).

Insert instead “**Statement of financial performance for the year ended**”.

[5] Schedule 1, Form 5

Omit “**Management account**”. Insert instead “**Management Account**”.

[6] Schedule 1, Form 5

Omit “**Interest account**”. Insert instead “**Interest Account**”.

[7] Schedule 1, Form 5

Omit “**Balance sheet as at**” from Form 5.

Insert instead “**Statement of financial position as at**”.

[8] Schedule 1, Form 5

Omit “**Profit and loss account—Surplus**”.

Insert instead “**Statement of financial performance—Surplus**”.

[9] Schedule 1, Form 6 (Annual return—Co-operative Housing Society)

Omit “**balance sheet and notes**”.

Insert instead “**statement of financial position and notes**”.

[10] Schedule 1, Form 6

Omit “**1 Management Account for the year ended**”.

Insert instead “**Statement of financial performance for the year ended**”.

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Schedule 1 Amendments

[11] Schedule 1, Form 6

Insert “**Part 1 Management Account**” under the heading of “**Statement of financial performance for the year ended**” as inserted by item [11].

[12] Schedule 1, Form 6

Omit “Balance Sheet and the Notes” wherever occurring.
Insert instead “Statement of financial position and the Notes”.

[13] Schedule 1, Form 6

Omit “**2 Interest Account for the year ended**”.
(final day of financial year)
Insert instead “**Part 2 Interest Account**”.

[14] Schedule 1, Form 6

Omit “**3 Balance sheet as at**”.
Insert instead “**Statement of financial position as at**”.

[15] Schedule 1, Form 6

Omit “Balance Sheet is”. Insert instead “Statement of financial position is”.

[16] Schedule 1, Form 6

Omit “**4 Notes**”. Insert instead “**Notes**”.

[17] Schedule 1, Form 6

Re-number items 4.1–4.19 as items 1–19, respectively.

[18] Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 28A)

Section of 1998 Act	Type of fee	Amount
23 (1) (a)	Inspection of prescribed document	\$10
23 (1) (b)	Certified copy of prescribed document	\$22 and \$2 for each page after the first page to a maximum of \$41
25	Application for extension or abridgement of time within which anything is required to be done under the 1998 Act	\$54
50 (1)	Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society	\$160
67	Registration of alteration of society's rules	\$11 per rule to a maximum of \$70
80 (2)	Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body	\$27
80 (4)	Application for approval of use by co-operative housing body of name other than registered name	\$27
84 (3)	Application by person or body (other than co-operative housing body) for exemption to use words co-operative housing society or Starr-Bowkett , or other words, abbreviations or symbols with similar meaning	\$266

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Amendments

Schedule 1

Section of 1998 Act	Type of fee	Amount
117 (3)	Application for consent of Registrar for society to keep all or any registers at office other than registered office	\$27
148 (1)	Lodgment of returns:	
	(a) on or before the due date	Nil
	(b) more than 1 day but less than 28 days after the due date	\$79
	(c) 28 days or more after the due date	\$160
149 (1)	Application for order for relief from certain specified requirements as to accounts or audit	\$214
152	Application for certification by Registrar that co-operative housing societies are of same type for purpose of proposed merger or transfer of engagements	\$54
153 (1)	Application for merger of, or transfer of engagements by, co-operative housing societies	\$54
153 (2)	Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements	\$54
153 (3)	Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements	\$214
153 (5)	Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the 1998 Act	\$54
173	Application of the following sections of the Corporations Act in accordance with section 173 of the 1998 Act: Section 411 (2) (a): Application to Registrar for permission to lesser period of notice of hearing of application under section 411 (1) or (1A)	\$54

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Schedule 1 Amendments

Section of 1998 Act	Type of fee	Amount
	Section 411 (2) (b): Examination by Registrar of terms of proposed compromise or arrangement to which application relates and draft explanatory statement relating to proposed compromise or arrangement	\$533
	Section 411 (7): Application to Registrar for direction that section 411 (7) (f) does not apply in relation to appointment of person to administer compromise or arrangement	\$214
	Section 413 (3): Lodgment of office copy of order made under section 413	\$27
	Additional fee for late lodgment of copy of order	\$54
174	Application of the following sections of the Corporations Act in accordance with section 174 of the 1998 Act: Section 418 (1): Application to Registrar for direction that section 418 (1) (f) does not apply in relation to appointment of person as receiver of property of corporation	\$214
	Section 421A (2): Lodgment of managing controller's report about corporation's affairs:	
	(a) on or before the due date	Nil
	(b) more than 1 day but less than 28 days after the due date	\$79
	(c) 28 days or more after the due date	\$160
	Section 421A (3): Inspection of managing controller's report at Registrar's office	\$10
	Section 427 (1) (a): Lodgment of notice of order of appointment of receiver	Nil
	Additional fee for late lodgment	\$27

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Amendments

Schedule 1

Section of 1998 Act	Type of fee	Amount
	Section 427 (1A) (a):	
	Lodgment of notice of appointment of controller of property of corporation	Nil
	Additional fee for late lodgment	\$27
	Section 427 (1B) (a):	
	Lodgment of notice that controller has entered into possession or taken control	Nil
	Additional fee for late lodgment	\$27
	Section 427 (2):	
	Lodgment of notice of address of controller	Nil
	Additional fee for late lodgment	\$27
	Section 427 (3):	
	Lodgment of notice of change in situation of controller's office	Nil
	Additional fee for late lodgment	\$27
	Section 427 (4) (a):	
	Lodgment of notice of cessation as controller	Nil
	Additional fee for late lodgment	\$27
	Section 429 (2) (c):	
	Lodgment by controller of reporting officers' report about corporation's affairs and notice setting out comments (if any) by controller relating to report	Nil
	Additional fee for late lodgment	\$27
	Section 432 (1):	
	Lodgment of controller's accounts:	
	(a) on or before the due date	Nil
	(b) more than 1 day but less than 28 days after the due date	\$79
	(c) 28 days or more after the due date	\$160
177	Application to Registrar to exercise powers conferred by Part 5A.1 of the Corporations Act in accordance with section 177 of the 1998 Act	\$54

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Schedule 1 Amendments

Section of 1998 Act	Type of fee	Amount
184 (1)	Application for registration of two or more bodies to form association	\$160
—	Lodgment of any other document under the 1998 Act	Nil
	Additional fee for late lodgment	\$27

[19] Schedule 3 Prescribed information relating to proposed compromise or arrangement

Omit “balance sheet” from clause 3 (2) (g).
Insert instead “Statement of financial position”.

[20] Schedule 3, clause 3 (3)

Insert “referred to in subclause (1)” after “statement”.

BY AUTHORITY