



New South Wales

Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2008

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*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including section 225 (the general regulation-making power) and, in particular, section 225 (1A).

2008 No 225

Clause 1 Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)
Regulation 2008

**Co-operative Housing and Starr-Bowkett Societies
Amendment (Fees) Regulation 2008**

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

1 Name of Regulation

This Regulation is the *Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

**3 Amendment of Co-operative Housing and Starr-Bowkett Societies
Regulation 2005**

The *Co-operative Housing and Starr-Bowkett Societies Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 27)

| Column 1 Item | Column 2 Section of 1998 Act | Column 3 Type of fee | Column 4 Amount |
|------------------|------------------------------------|--|---|
| 1 | 23 (1) (a) | Inspection of prescribed document | \$16 |
| 2 | 23 (1) (b) | Certified copy of prescribed document | \$17 and \$2 for each page after the first page |
| 3 | 25 | Application for extension or abridgement of time within which anything is required to be done under the 1998 Act | \$67 |
| 4 | 50 (1) | Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society | \$196 |
| 5 | 67 | Registration of alteration of society's rules | \$14 per rule to a maximum of \$130 |
| 6 | 80 (2) | Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body | \$67 |
| 7 | 80 (4) | Application for approval of use by co-operative housing body of name other than registered name | \$34 |

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Regulation 2008

Schedule 1 Amendment

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|----------------------------|---|-----------------|
| Item | Section of 1998 Act | Type of fee | Amount |
| 8 | 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 | \$326 |
| | 88 | Application of the following sections of the Corporations Act in accordance with section 88 of the 1998 Act: | |
| 9 | | Section 263 (1): Lodgment of: | |
| | | (a) notice of charge | \$67 |
| | | (b) copy of resolution, where it is only evidence of charge | \$67 |
| | | (c) instrument, where charge was created or evidenced by the instrument | \$67 |
| 10 | | Section 264 (1): Lodgment of: | |
| | | (a) notice of acquisition of property subject to charge | \$67 |
| | | (b) copy of resolution, where it is only evidence of charge | \$67 |
| | | (c) instrument, where charge was created or evidenced by the instrument | \$67 |
| 11 | | Section 265 (5) (b): Application to Registrar for extension of time to lodge certificate to effect that all documents accompanying notice required under section 263 or 264 have been duly stamped | \$67 |
| 12 | | Section 268 (1): Lodgment of notice of assignment of charge | \$67 |
| 13 | | Section 268 (2): Lodgment of notice of variation of terms of charge | \$67 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|----------------------------|---|----------------------|
| Item | Section of 1998 Act | Type of fee | Amount |
| 14 | | Section 269 (2): Lodgment of memorandum acknowledging satisfaction of, and release of property from, charges | \$67 |
| 15 | 115 (7) | Lodgment of special resolution for registration | \$14 |
| 16 | 117 (3) | Application for consent of Registrar for society to keep all or any registers at office other than registered office | \$34 |
| 17 | 148 (1) | Lodgment of returns: (a) on or before the due date (b) more than 1 day but less than 28 days after the due date (c) 28 days or more after the due date | Nil \$96 \$196 |
| 18 | 149 (1) | Application for order for relief from certain specified requirements as to accounts or audit | \$260 |
| 19 | 152 | Application for certification by Registrar that co-operative housing societies are of same type for purpose of proposed merger or transfer of engagements | \$67 |
| 20 | 153 (1) | Application for registration of merger of, or transfer of engagements by, co-operative housing societies | \$67 |
| 21 | 153 (2) | Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements | \$67 |
| 22 | 153 (3) | Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements | \$260 |

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Regulation 2008

Schedule 1 Amendment

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|----------------------------|---|-----------------|
| Item | Section of 1998 Act | Type of fee | Amount |
| 23 | 153 (5) | Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the 1998 Act | \$67 |
| | 173 | Application of the following sections of the Corporations Act in accordance with section 173 of the 1998 Act: | |
| 24 | | Section 411 (2) (a): Application to Registrar for permission for lesser period of notice of hearing of application under section 411 (1) or (1A) | \$67 |
| 25 | | 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 | \$647 |
| 26 | | 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 | \$260 |
| 27 | | Section 413 (3): Lodgment of office copy of order made under section 413 | \$34 |
| | | Additional fee for late lodgment of copy of order | \$67 |
| | 174 | Application of the following sections of the Corporations Act in accordance with section 174 of the 1998 Act: | |
| 28 | | 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 | \$260 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|----------------------------|---|----------------------|
| Item | Section of 1998 Act | Type of fee | Amount |
| 29 | | Section 421A: Inspection of managing controller's report at Registrar's office | \$16 |
| 30 | | Section 421A (2): Lodgment of managing controller's report about corporation's affairs: (a) on or before the due date (b) more than 1 day but less than 28 days after the due date (c) 28 days or more after the due date | Nil \$96 \$196 |
| 31 | | Section 427 (1) (a): Lodgment of notice of order of appointment of receiver Additional fee for late lodgment | Nil \$34 |
| 32 | | Section 427 (1A): Lodgment of notice of appointment of controller of property of corporation Additional fee for late lodgment | Nil \$34 |
| 33 | | Section 427 (1B) (a): Lodgment of notice that controller has entered into possession or taken control Additional fee for late lodgment | Nil \$34 |
| 34 | | Section 427 (2): Lodgment of notice of address of controller Additional fee for late lodgment | Nil \$34 |
| 35 | | Section 427 (3): Lodgment of notice of change in situation of controller's office Additional fee for late lodgment | Nil \$34 |

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Regulation 2008

Schedule 1 Amendment

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|----------------------------|--|-----------------|
| Item | Section of 1998 Act | Type of fee | Amount |
| 36 | | Section 427 (4): Lodgment of notice of cessation as controller | Nil |
| | | Additional fee for late lodgment | \$34 |
| 37 | | 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 | \$34 |
| 38 | | 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 | \$96 |
| | | (c) 28 days or more after the due date | \$196 |
| 39 | 177 | Application to Registrar to exercise powers conferred by the provisions of the Corporations Act referred to in: | |
| | | (a) section 177 (2) (a) of the 1998 Act | \$35 |
| | | (b) section 177 (2) (b) of the 1998 Act | \$67 |
| 40 | 184 (1) | Application for registration of two or more bodies as an association | \$196 |
| 41 | 225 (1A) | Lodgment of any other document under the 1998 Act | Nil |
| | | Additional fee for late lodgment | \$34 |

BY AUTHORITY