



New South Wales

# Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2009

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*.

VIRGINIA JUDGE, MP  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Co-operative Housing and Starr-Bowkett Societies Regulation 2005*:

- (a) to increase certain fees payable in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, and
- (b) to remove a fee relating to the inspection of a managing controller's report consequent on the repeal of section 421A (3) of the *Corporations Act 2001* of the Commonwealth.

The fee increases are generally in line with movements in the Consumer Price Index (rounded to the nearest dollar).

This Regulation is made under the *Co-operative Housing and Starr-Bowkett Societies Act 1998*, including sections 23 (1) and 225 (the general regulation-making power) and, in particular, section 225 (1A).

**2009 No 201**

Clause 1 Co-operative Housing and Starr-Bowkett Societies Amendment (Fees)  
Regulation 2009

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**Co-operative Housing and Starr-Bowkett Societies  
Amendment (Fees) Regulation 2009**

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 2009*.

**2 Commencement**

This Regulation commences on 1 July 2009 and is required to be published on the NSW legislation website.

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## Schedule 1      **Amendment of Co-operative Housing and Starr-Bowkett Societies Regulation 2005**

### Schedule 2

Omit the Schedule. Insert instead:

## Schedule 2      **Fees**

(Clause 27)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
1	23 (1) (a)	Inspection of prescribed document	\$17
2	23 (1) (b)	Certified copy of prescribed document	\$18 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	\$70
4	50 (1)	Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society	\$203
5	67	Registration of alteration of society's rules	\$15 per rule to a maximum of \$135
6	80 (2)	Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body	\$70
7	80 (4)	Application for approval of use by co-operative housing body of name other than registered name	\$35

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Regulation 2009Schedule 1 Amendment of Co-operative Housing and Starr-Bowkett Societies  
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
8	84 (3)	Application by person or body (other than co-operative housing body) for exemption to use words <b>co-operative housing society</b> or <b>Starr-Bowkett</b> , or other words, abbreviations or symbols with similar meaning	\$338
	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	\$70
		(b) copy of resolution, where it is only evidence of charge	\$70
		(c) instrument, where charge was created or evidenced by the instrument	\$70
10		Section 264 (1): Lodgment of:	
		(a) notice of acquisition of property subject to charge	\$70
		(b) copy of resolution, where it is only evidence of charge	\$70
		(c) instrument, where charge was created or evidenced by the instrument	\$70
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	\$70
12		Section 268 (1): Lodgment of notice of assignment of charge	\$70

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
13		Section 268 (2): Lodgment of notice of variation of terms of charge	\$70
14		Section 269 (2): Lodgment of memorandum acknowledging satisfaction of, and release of property from, charges	\$70
15	115 (7)	Lodgment of special resolution for registration	\$15
16	117 (3)	Application for consent of Registrar for society to keep all or any registers at office other than registered office	\$35
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 \$100 \$203
18	149 (1)	Application for order for relief from certain specified requirements as to accounts or audit	\$270
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	\$70
20	153 (1)	Application for registration of merger of, or transfer of engagements by, co-operative housing societies	\$70
21	153 (2)	Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements	\$70
22	153 (3)	Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements	\$270

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
23	153 (5)	Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the 1998 Act	\$70
	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)	\$70
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	\$671
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	\$270
27		Section 413 (3): Lodgment of office copy of order made under section 413	\$35
		Additional fee for late lodgment of copy of order	\$70
	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	\$270

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
29		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	\$100
		(c) 28 days or more after the due date	\$203
30		Section 427 (1) (a): Lodgment of notice of order of appointment of receiver	Nil
		Additional fee for late lodgment	\$35
31		Section 427 (1A): Lodgment of notice of appointment of controller of property of corporation	Nil
		Additional fee for late lodgment	\$35
32		Section 427 (1B) (a): Lodgment of notice that controller has entered into possession or taken control	Nil
		Additional fee for late lodgment	\$35
33		Section 427 (2): Lodgment of notice of address of controller	Nil
		Additional fee for late lodgment	\$35
34		Section 427 (3): Lodgment of notice of change in situation of controller's office	Nil
		Additional fee for late lodgment	\$35
35		Section 427 (4): Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$35

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<b>Item</b>	<b>Section of the 1998 Act</b>	<b>Type of fee</b>	<b>Amount</b>
36		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	\$35
37		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	\$100
		(c) 28 days or more after the due date	\$203
38	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	\$36
		(b) section 177 (2) (b) of the 1998 Act	\$70
39	184 (1)	Application for registration of two or more bodies as an association	\$203
40	225 (1A)	Lodgment of any other document under the 1998 Act	Nil
		Additional fee for late lodgment	\$35