



New South Wales

# Co-operatives Amendment (Fees) Regulation 2009

under the

Co-operatives Act 1992

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

VIRGINIA JUDGE, MP  
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-operatives Act 1992*.

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

This Regulation is made under the *Co-operatives Act 1992*, including sections 19 (1) (b), 24 (b), 28G (b), 108 (3), 192 (2) (c), 251 (5), 294 (2) (b), 369E (2) (f), 369F (2) (d), 413A (1) and 446 (the general regulation-making power) and, in particular, section 446 (2) (c).

## **2009 No 202**

Clause 1            Co-operatives Amendment (Fees) Regulation 2009

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### **Co-operatives Amendment (Fees) Regulation 2009**

under the

Co-operatives Act 1992

#### **1 Name of Regulation**

This Regulation is the *Co-operatives 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-operatives Regulation 2005

**Schedule 6**

Omit the Schedule. Insert instead:

**Schedule 6      Fees**

(Clause 55)

<b>Column 1 Item</b>	<b>Column 2 Provision of Act</b>	<b>Column 3 Type of fee</b>	<b>Column 4 Amount</b>
1	19	Application to Registrar for registration—proposed co-operative	\$134 non-trading \$203 trading
2	24	Application to Registrar for registration—existing body corporate	\$203
3	28G	Issue of duplicate certificate	\$35
4	67 (2)	Application for Registrar's certificate	\$35
5	76A (2)	Application for Registrar's consent	\$70
6	108 (3)	Copy of rules	\$17 for the first page and \$1 for each page thereafter
7	113 (2)	Application for registration of rule alteration	\$15 per rule to a maximum of \$135
8	113 (5)	Issue of certificate of registration of rule alteration	\$35
9	125 (1)	Application to Council for review	\$70
10	126 (3)	Application to Registrar for determination of a member's eligibility to vote	\$134
11	127 (5)	Application to Council for an order against cancellation of membership	\$134
12	136 (6)	Application to Council for reduction in period for repayment	\$270

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Schedule 1 Amendment of Co-operatives Regulation 2005

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
13	143	Application to Minister for exemption	\$270
14	145 (1)	Application to Council for approval to convert to a co-operative without share capital	\$70
15	155 (3) (a)	Application to Registrar for approval of disclosure statement	\$270
16	172 (3)	Application to Council for exemption regarding purchase and repayment of shares	\$270
17	177 (1) (a)	Application to Council for approval of rules restricting voting rights	\$270
18	178 (2)	Application to Council for review of voting entitlement	\$270
19	192 (2) (c)	Lodgment of special resolution (not involving alteration of rules)	\$15 per resolution to a maximum of \$135
20	192A (3)	Issue of certificate of registration of special resolution	\$35
21	194 (3)	Application to Registrar for approval of disclosure statement	\$270
22	212 (1) (c)	Application to Registrar for approval to fill a casual vacancy on a board in an alternative manner	\$70
23	216 (3) (b)	Application to Council for approval of co-operative to have employee director	\$70
24	243	Lodgment by a disclosing entity that is a co-operative of an annual financial report and an annual director's report pursuant to sections 292 and 319 of the Corporations Act (as applied by section 243 of the Act)	Nil
25	244 (1)	Application to Registrar for exemption	\$270
26	250 (1) (d)	Approval of office where register is to be kept	\$35

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
27*	251 (5)	Obtaining copy of an entry in the Register	\$8 for the first page and \$1 for each page thereafter to a maximum of \$68 per document
28	252 (1)	Lodgment of annual report:	
		(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
29	255 (5) (g)	Application to Registrar for exemption to use the word "Co-operative" or abbreviation	\$338
30	256	Application to Registrar for approval of the omission of the word "Limited" or abbreviation	\$70
31	257 (e)	Application to Registrar for approval of abbreviation or elaboration of name	\$35
32	259 (1)	Application to Registrar for approval of change of name	\$70
33	260 (3)	Application to Registrar for exemption from the restriction on the use of the words "co-operative" and "co-op" and words importing a similar meaning	\$338
34	261 (3)	Lodgment of notice of change of address	Nil
35	266 (1)	Lodgment of disclosure document under sections 706, 707, 721 and 727 of the Corporations Act (as applied by section 266 of the Act)	\$2,020

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
36	266 (1)	Lodgment of supplementary or replacement disclosure document under section 719 of the Corporations Act (as applied by section 266 of the Act)	Nil
37	266 (1)	Lodgment of disclosure document under section 707 of the Corporations Act (as applied by section 266 of the Act) relating to sale of unquoted securities	\$270
38	266 (4)	Application to Registrar for exemption	\$270
39	266A (2)	Application to Registrar for approval of disclosure statement	\$270
40	268 (3) (a)	Application to Registrar for approval of disclosure statement	\$270
41	273 (1) (c)	Application to Registrar for approval of terms of issue of CCUs	\$270
42	282 (3)	Application to Registrar for approval of limited dividend amount or rate in excess of prescribed amount	\$270
43	285 (2)	Application to Council for exemption	\$270
44	289 (3)	Application to Council for approval of maximum share interest	\$270
45*	294 (2) (b)	Inspection of register of notifiable interests	\$35
46	298	Application to Registrar for exemption	\$270
47	300 (1)	Application to Council for approval of share offer	\$270
48	302 (4)	Application to Registrar for extension of period of share offer	\$70
49	308	Application to Council for exemption	\$270
50	311 (2)	Application for Registrar's consent	\$70
51	311A (2)	Application to Registrar for approval of disclosure statement	\$270

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
52	311B (1)	Application to Registrar for approval of merger or transfer of engagements	\$70
53	312	Application to Council for exemption	\$70
54	316 (4)	Application to Council for exemption	\$270
55	325	Application to Registrar to exercise powers conferred by section 601AE or 601AF of the Corporations Act (as applied by section 325 of the Act)	\$70
56	326 (2)	Application to Council for exemption	\$70
57	346 (1) (a)	Application for Registrar's permission	\$70
58	348 (1) (f)	Application to Registrar for direction	\$270
59	355 (1)	Application to Registrar for approval of explanatory statement	\$2,020
60	357 (5)	Lodgment of copy of order	\$35
		Additional fee for late lodgment	\$70
61	369E (2) (f)	Application to Registrar for registration—participating co-operative	\$270
62	369F (2) (d)	Application to Registrar for registration—non-participating co-operative	\$671
63	369K	Lodgment of particulars of alteration	\$35
		Additional fee for late lodgment	\$70
64	369L (1)	Lodgment of balance sheet:	
		(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
65	369M (1)	Lodgment of notice of cessation of business—foreign co-operative	Nil
66	369N (1)	Application to Registrar for certificate of compliance	\$807

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#### Schedule 1 Amendment of Co-operatives Regulation 2005

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
67	369Q (3) (a)	Application for Registrar's consent	\$270
68	369R (2)	Application to Registrar for approval of disclosure statement	\$270
69	369R (4)	Application to Registrar for exemption	\$270
70	369S (1)	Application to Registrar for approval of merger or transfer of engagements	\$270
71	402 (1) (a)	Application to Registrar for special meeting	\$270
72	402 (1) (b)	Application to Registrar for inquiry	\$671
73	408 (1)	Application to Registrar for extension or abridgment of time	\$70
74	413A (1) (a)	Inspection of Register	\$17
75	413A (1) (b)	Inspection of prescribed document	\$17
76	413A (1) (c)	Certified copy of a document	\$18 for the first page and \$2 for each page thereafter
77	421 (1A)	Application to Registrar for certificate of compliance	\$70
78	421 (1B)	Application to Registrar for certificate stating that a body was not or had ceased to be registered as a co-operative	\$35
79	440A (2) (c)	Application to Registrar for permission to give notice by newspaper	\$70
80	Sch 3 cl 13 (1)	Lodgment of notice of charge	\$70
81	Sch 3 cl 17 (1) (a)	Lodgment of notice of acquisition of property subject to charge	\$70
82	Sch 3 cl 20 (3) (c)	Application to Registrar for extension of time	\$70
83	Sch 3 cl 36 (1)	Lodgment of notice of assignment of charge	\$70
84	Sch 3 cl 36 (2)	Lodgment of notice of variation of terms of charge	\$70



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
85	Sch 3 cl 37 (2)	Lodgment of memorandum of discharge	\$70
86	Sch 3 cl 42 (1) and (3)	Request for certificate	\$35
87	Sch 3 cl 44	Application to Registrar for exemption	\$270
88	Sch 4 cl 3 (1) (f)	Application to Registrar for direction	\$270
89	Sch 4 cl 6A (2)	Lodgment of managing controller's report:	
		(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
90	Sch 4 cl 6A (3) (b)	Inspection of managing controller's report	\$17
91	Sch 4 cl 7 (1) (c)	Lodgment of receiver's report	Nil
92	Sch 4 cl 12 (1) (a)	Lodgment of notice of order	Nil
		Additional fee for late lodgment	\$35
93	Sch 4 cl 12 (2) (a)	Lodgment of notice of appointment of controller	Nil
		Additional fee for late lodgment	\$35
94	Sch 4 cl 12 (3) (a)	Lodgment of notice that person has entered into possession or taken control of property of co-operative	Nil
		Additional fee for late lodgment	\$35
95	Sch 4 cl 12 (5)	Lodgment of notice of change in situation of controller's officer	Nil
		Additional fee for late lodgment	\$35

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<b>Item</b>	<b>Provision of Act</b>	<b>Type of fee</b>	<b>Amount</b>
96	Sch 4 cl 12 (6) (a)	Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$35
97	Sch 4 cl 14 (2) (c)	Lodgment of copy of controller's report	Nil
		Additional fee for late lodgment	\$35
98	Sch 4 cl 14 (4)	Lodgment of notice by controller that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$35
99	Sch 4 cl 14 (5)	Lodgment of copy of court order that extension of time within which to report has been granted	Nil
		Additional fee for late lodgment	\$35
100	Sch 4 cl 17 (1)	Lodgment of controller's financial statement:	
		(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
101		Lodgment of any other document under the Act	Nil
		Additional fee for late lodgment	\$35
102		Lodgment of any other document under the Corporations Act as adopted by the Act	Nil

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\*Fees payable to the co-operative