



New South Wales

Co-operatives Amendment (Fees) Regulation 2010

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 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).

2010 No 207

Clause 1 Co-operatives Amendment (Fees) Regulation 2010

Co-operatives Amendment (Fees) Regulation 2010

under the

Co-operatives Act 1992

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Fees) Regulation 2010*.

2 Commencement

This Regulation commences on 1 July 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Co-operatives Regulation 2005

Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Fees

(Clause 55)

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|--|
| Item | Provision of Act | Type of fee | Amount |
| 1 | 19 | Application to Registrar for registration—proposed co-operative | \$137 non-trading \$207 trading |
| 2 | 24 | Application to Registrar for registration—existing body corporate | \$207 |
| 3 | 28G | Issue of duplicate certificate | \$36 |
| 4 | 67 (2) | Application for Registrar's certificate | \$36 |
| 5 | 76A (2) | Application for Registrar's consent | \$72 |
| 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 \$138 |
| 8 | 113 (5) | Issue of certificate of registration of rule alteration | \$36 |
| 9 | 125 (1) | Application to Council for review | \$72 |
| 10 | 126 (3) | Application to Registrar for determination of a member's eligibility to vote | \$137 |
| 11 | 127 (5) | Application to Council for an order against cancellation of membership | \$137 |
| 12 | 136 (6) | Application to Council for reduction in period for repayment | \$276 |

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Schedule 1 Amendment of Co-operatives Regulation 2005

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|---|
| Item | Provision of Act | Type of fee | Amount |
| 13 | 143 | Application to Minister for exemption | \$276 |
| 14 | 145 (1) | Application to Council for approval to convert to a co-operative without share capital | \$72 |
| 15 | 155 (3) (a) | Application to Registrar for approval of disclosure statement | \$276 |
| 16 | 172 (3) | Application to Council for exemption regarding purchase and repayment of shares | \$276 |
| 17 | 177 (1) (a) | Application to Council for approval of rules restricting voting rights | \$276 |
| 18 | 178 (2) | Application to Council for review of voting entitlement | \$276 |
| 19 | 192 (2) (c) | Lodgment of special resolution (not involving alteration of rules) | \$15 per resolution to a maximum of \$138 |
| 20 | 192A (3) | Issue of certificate of registration of special resolution | \$36 |
| 21 | 194 (3) | Application to Registrar for approval of disclosure statement | \$276 |
| 22 | 212 (1) (c) | Application to Registrar for approval to fill a casual vacancy on a board in an alternative manner | \$72 |
| 23 | 216 (3) (b) | Application to Council for approval of co-operative to have employee director | \$72 |
| 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 | \$276 |
| 26 | 250 (1) (d) | Approval of office where register is to be kept | \$36 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|---|
| Item | Provision of Act | Type of fee | Amount |
| 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 \$69 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 | \$102 |
| | | (c) 28 days or more after the due date | \$207 |
| 29 | 255 (5) (g) | Application to Registrar for exemption to use the word "Co-operative" or abbreviation | \$345 |
| 30 | 256 | Application to Registrar for approval of the omission of the word "Limited" or abbreviation | \$72 |
| 31 | 257 (e) | Application to Registrar for approval of abbreviation or elaboration of name | \$36 |
| 32 | 259 (1) | Application to Registrar for approval of change of name | \$72 |
| 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 | \$345 |
| 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) | \$2,064 |
| 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 |

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Schedule 1 Amendment of Co-operatives Regulation 2005

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|-----------------|
| Item | Provision of Act | Type of fee | Amount |
| 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 | \$276 |
| 38 | 266 (4) | Application to Registrar for exemption | \$276 |
| 39 | 266A (2) | Application to Registrar for approval of disclosure statement | \$276 |
| 40 | 268 (3) (a) | Application to Registrar for approval of disclosure statement | \$276 |
| 41 | 273 (1) (c) | Application to Registrar for approval of terms of issue of CCUs | \$276 |
| 42 | 282 (3) | Application to Registrar for approval of limited dividend amount or rate in excess of prescribed amount | \$276 |
| 43 | 285 (2) | Application to Council for exemption | \$276 |
| 44 | 289 (3) | Application to Council for approval of maximum share interest | \$276 |
| 45* | 294 (2) (b) | Inspection of register of notifiable interests | \$36 |
| 46 | 298 | Application to Registrar for exemption | \$276 |
| 47 | 300 (1) | Application to Council for approval of share offer | \$276 |
| 48 | 302 (4) | Application to Registrar for extension of period of share offer | \$72 |
| 49 | 308 | Application to Council for exemption | \$276 |
| 50 | 311 (2) | Application for Registrar's consent | \$72 |
| 51 | 311A (2) | Application to Registrar for approval of disclosure statement | \$276 |
| 52 | 311B (1) | Application to Registrar for approval of merger or transfer of engagements | \$72 |
| 53 | 312 | Application to Council for exemption | \$72 |
| 54 | 316 (4) | Application to Council for exemption | \$276 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|-----------------|
| Item | Provision of Act | Type of fee | Amount |
| 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) | \$72 |
| 56 | 326 (2) | Application to Council for exemption | \$72 |
| 57 | 346 (1) (a) | Application for Registrar's permission | \$72 |
| 58 | 348 (1) (f) | Application to Registrar for direction | \$276 |
| 59 | 355 (1) | Application to Registrar for approval of explanatory statement | \$2,064 |
| 60 | 357 (5) | Lodgment of copy of order | \$36 |
| | | Additional fee for late lodgment | \$72 |
| 61 | 369E (2) (f) | Application to Registrar for registration—participating co-operative | \$276 |
| 62 | 369F (2) (d) | Application to Registrar for registration—non-participating co-operative | \$686 |
| 63 | 369K | Lodgment of particulars of alteration | \$36 |
| | | Additional fee for late lodgment | \$72 |
| 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 | \$102 |
| | | (c) 28 days or more after the due date | \$207 |
| 65 | 369M (1) | Lodgment of notice of cessation of business—foreign co-operative | Nil |
| 66 | 369N (1) | Application to Registrar for certificate of compliance | \$825 |
| 67 | 369Q (3) (a) | Application for Registrar's consent | \$276 |
| 68 | 369R (2) | Application to Registrar for approval of disclosure statement | \$276 |
| 69 | 369R (4) | Application to Registrar for exemption | \$276 |

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Schedule 1 Amendment of Co-operatives Regulation 2005

| Column 1 | Column 2 | Column 3 | Column 4 |
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| Item | Provision of Act | Type of fee | Amount |
| 70 | 369S (1) | Application to Registrar for approval of merger or transfer of engagements | \$276 |
| 71 | 402 (1) (a) | Application to Registrar for special meeting | \$276 |
| 72 | 402 (1) (b) | Application to Registrar for inquiry | \$686 |
| 73 | 408 (1) | Application to Registrar for extension or abridgment of time | \$72 |
| 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 | \$72 |
| 78 | 421 (1B) | Application to Registrar for certificate stating that a body was not or had ceased to be registered as a co-operative | \$36 |
| 79 | 440A (2) (c) | Application to Registrar for permission to give notice by newspaper | \$72 |
| 80 | Sch 3 cl 13 (1) | Lodgment of notice of charge | \$72 |
| 81 | Sch 3 cl 17 (1) (a) | Lodgment of notice of acquisition of property subject to charge | \$72 |
| 82 | Sch 3 cl 20 (3) (c) | Application to Registrar for extension of time | \$72 |
| 83 | Sch 3 cl 36 (1) | Lodgment of notice of assignment of charge | \$72 |
| 84 | Sch 3 cl 36 (2) | Lodgment of notice of variation of terms of charge | \$72 |
| 85 | Sch 3 cl 37 (2) | Lodgment of memorandum of discharge | \$72 |
| 86 | Sch 3 cl 42 (1) and (3) | Request for certificate | \$36 |
| 87 | Sch 3 cl 44 | Application to Registrar for exemption | \$276 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|---|-----------------|
| Item | Provision of Act | Type of fee | Amount |
| 88 | Sch 4 cl 3 (1) (f) | Application to Registrar for direction | \$276 |
| 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 | \$102 |
| | | (c) 28 days or more after the due date | \$207 |
| 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 | \$36 |
| 93 | Sch 4 cl 12 (2) (a) | Lodgment of notice of appointment of controller | Nil |
| | | Additional fee for late lodgment | \$36 |
| 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 | \$36 |
| 95 | Sch 4 cl 12 (5) | Lodgment of notice of change in situation of controller's office | Nil |
| | | Additional fee for late lodgment | \$36 |
| 96 | Sch 4 cl 12 (6) (a) | Lodgment of notice of cessation as controller | Nil |
| | | Additional fee for late lodgment | \$36 |
| 97 | Sch 4 cl 14 (2) (c) | Lodgment of copy of controller's report | Nil |
| | | Additional fee for late lodgment | \$36 |

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| Column 1 | Column 2 | Column 3 | Column 4 |
|-----------------|-------------------------|--|-------------------------------|
| Item | Provision of Act | Type of fee | Amount |
| 98 | 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 lodgment | Nil \$36 |
| 99 | 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 lodgment | Nil \$36 |
| 100 | Sch 4 cl 17 (1) | Lodgment of controller's financial statement: (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 \$102 \$207 |
| 101 | | Lodgment of any other document under the Act Additional fee for late lodgment | Nil \$36 |
| 102 | | Lodgment of any other document under the Corporations Act as adopted by the Act | Nil |

*Fees payable to the co-operative