



New South Wales

Co-operatives Amendment (Fees) Regulation 2011

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*.

ANTHONY ROBERTS, 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 increase are generally in line with movements in the Consumer Price Index (rounded to the nearest dollar).

This Regulation also:

- (a) removes a redundant fee for lodging an annual financial report and annual director's report by a disclosing entity that is a co-operative, and
- (b) clarifies the fee payable for lodging a disclosure document under sections 706, 707, 721 and 727 of the *Corporations Act 2001* of the Commonwealth (as applied by section 266 of the *Co-operatives Act 1992*), and
- (c) removes the additional fees for late lodgment of a notice by a controller that an extension of time within which to report has been granted and late lodgment of a copy of the court order by reporting officers relating to an application to the court for an extension of time.

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 clause 6A (3) (b) of Schedule 4.

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Clause 1 Co-operatives Amendment (Fees) Regulation 2011

Co-operatives Amendment (Fees) Regulation 2011

under the

Co-operatives Act 1992

1 Name of Regulation

This Regulation is the *Co-operatives Amendment (Fees) Regulation 2011*.

2 Commencement

This Regulation commences on 1 July 2011 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 Item	Column 2 Provision of Act	Column 3 Type of fee	Column 4 Amount
1	19	Application to Registrar for registration—proposed co-operative	\$140 non-trading \$212 trading
2	24	Application to Registrar for registration—existing body corporate	\$212
3	28G	Issue of duplicate certificate	\$37
4	67 (2)	Application for Registrar's certificate	\$37
5	76A (2)	Application for Registrar's consent	\$74
6	108 (3)	Copy of rules	\$18 for the first page and \$1 for each page thereafter
7	113 (2)	Application for registration of rule alteration	\$16 per rule to a maximum of \$141
8	113 (5)	Issue of certificate of registration of rule alteration	\$37
9	125 (1)	Application to Council for review	\$74
10	126 (3)	Application to Registrar for determination of a member's eligibility to vote	\$140
11	127 (5)	Application to Council for an order against cancellation of membership	\$140

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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
12	136 (6)	Application to Council for reduction in period for repayment	\$283
13	143	Application to Minister for exemption	\$283
14	145 (1)	Application to Council for approval to convert to a co-operative without share capital	\$74
15	155 (3) (a)	Application to Registrar for approval of disclosure statement	\$283
16	172 (3)	Application to Council for exemption regarding purchase and repayment of shares	\$283
17	177 (1) (a)	Application to Council for approval of rules restricting voting rights	\$283
18	178 (2)	Application to Council for review of voting entitlement	\$283
19	192 (2) (c)	Lodgment of special resolution (not involving alteration of rules)	\$16 per resolution to a maximum of \$141
20	192A (3)	Issue of certificate of registration of special resolution	\$37
21	194 (3)	Application to Registrar for approval of disclosure statement	\$283
22	212 (1) (c)	Application to Registrar for approval to fill a casual vacancy on a board in an alternative manner	\$74
23	216 (3) (b)	Application to Council for approval of co-operative to have employee director	\$74
24	244 (1)	Application to Registrar for exemption	\$283
25	250 (1) (d)	Approval of office where register is to be kept	\$37

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
26*	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
27	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	\$104
		(c) 28 days or more after the due date	\$212
28	255 (5) (g)	Application to Registrar for exemption to use the word "Co-operative" or abbreviation	\$353
29	256	Application to Registrar for approval of the omission of the word "Limited" or abbreviation	\$74
30	257 (e)	Application to Registrar for approval of abbreviation or elaboration of name	\$37
31	259 (1)	Application to Registrar for approval of change of name	\$74
32	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	\$353
33	261 (3)	Lodgment of notice of change of address	Nil
34	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), other than a disclosure document referred to in item 35	\$2,113

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Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
35	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	\$283
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 (4)	Application to Registrar for exemption	\$283
38	266A (2)	Application to Registrar for approval of disclosure statement	\$283
39	268 (3) (a)	Application to Registrar for approval of disclosure statement	\$283
40	273 (1) (c)	Application to Registrar for approval of terms of issue of CCUs	\$283
41	282 (3)	Application to Registrar for approval of limited dividend amount or rate in excess of prescribed amount	\$283
42	285 (2)	Application to Council for exemption	\$283
43	289 (3)	Application to Council for approval of maximum share interest	\$283
44*	294 (2) (b)	Inspection of register of notifiable interests	\$36
45	298	Application to Registrar for exemption	\$283
46	300 (1)	Application to Council for approval of share offer	\$283
47	302 (4)	Application to Registrar for extension of period of share offer	\$74
48	308	Application to Council for exemption	\$283

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
49	311 (2)	Application for Registrar's consent	\$74
50	311A (2)	Application to Registrar for approval of disclosure statement	\$283
51	311B (1)	Application to Registrar for approval of merger or transfer of engagements	\$74
52	312	Application to Council for exemption	\$74
53	316 (4)	Application to Council for exemption	\$283
54	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)	\$74
55	326 (2)	Application to Council for exemption	\$74
56	346 (1) (a)	Application for Registrar's permission	\$74
57	348 (1) (f)	Application to Registrar for direction	\$283
58	355 (1)	Application to Registrar for approval of explanatory statement	\$2,113
59	357 (5)	Lodgment of copy of order	\$37
		Additional fee for late lodgment	\$74
60	369E (2) (f)	Application to Registrar for registration—participating co-operative	\$283
61	369F (2) (d)	Application to Registrar for registration—non-participating co-operative	\$702
62	369K	Lodgment of particulars of alteration	\$37
		Additional fee for late lodgment	\$74

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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
63	369L (1)	Lodgment of balance sheet: (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 \$104 \$212
64	369M (1)	Lodgment of notice of cessation of business—foreign co-operative	Nil
65	369N (1)	Application to Registrar for certificate of compliance	\$845
66	369Q (3) (a)	Application for Registrar's consent	\$283
67	369R (2)	Application to Registrar for approval of disclosure statement	\$283
68	369R (4)	Application to Registrar for exemption	\$283
69	369S (1)	Application to Registrar for approval of merger or transfer of engagements	\$283
70	402 (1) (a)	Application to Registrar for special meeting	\$283
71	402 (1) (b)	Application to Registrar for inquiry	\$702
72	408 (1)	Application to Registrar for extension or abridgment of time	\$74
73	413A (1) (a)	Inspection of Register	\$18
74	413A (1) (b)	Inspection of prescribed document	\$18
75	413A (1) (c)	Certified copy of a document	\$19 for the first page and \$2 for each page thereafter
76	421 (1A)	Application to Registrar for certificate of compliance	\$74

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
77	421 (1B)	Application to Registrar for certificate stating that a body was not or had ceased to be registered as a co-operative	\$37
78	440A (2) (c)	Application to Registrar for permission to give notice by newspaper	\$74
79	Sch 3 cl 13 (1)	Lodgment of notice of charge	\$74
80	Sch 3 cl 17 (1) (a)	Lodgment of notice of acquisition of property subject to charge	\$74
81	Sch 3 cl 20 (3) (c)	Application to Registrar for extension of time	\$74
82	Sch 3 cl 36 (1)	Lodgment of notice of assignment of charge	\$74
83	Sch 3 cl 36 (2)	Lodgment of notice of variation of terms of charge	\$74
84	Sch 3 cl 37 (2)	Lodgment of memorandum of discharge	\$74
85	Sch 3 cl 42 (1) and (3)	Request for certificate	\$37
86	Sch 3 cl 44	Application to Registrar for exemption	\$283
87	Sch 4 cl 3 (1) (f)	Application to Registrar for direction	\$283
88	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	\$104
		(c) 28 days or more after the due date	\$212
89	Sch 4 cl 6A (3) (b)	Inspection of managing controller's report	\$18
90	Sch 4 cl 7 (1) (c)	Lodgment of receiver's report	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
91	Sch 4 cl 12 (1) (a)	Lodgment of notice of order	Nil
		Additional fee for late lodgment	\$37
92	Sch 4 cl 12 (2) (a)	Lodgment of notice of appointment of controller	Nil
		Additional fee for late lodgment	\$37
93	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	\$37
94	Sch 4 cl 12 (5)	Lodgment of notice of change in situation of controller's office	Nil
		Additional fee for late lodgment	\$37
95	Sch 4 cl 12 (6) (a)	Lodgment of notice of cessation as controller	Nil
		Additional fee for late lodgment	\$37
96	Sch 4 cl 14 (2) (c)	Lodgment of copy of controller's report	Nil
		Additional fee for late lodgment	\$37
97	Sch 4 cl 14 (4)	Lodgment of notice by controller that extension of time within which to report has been granted	Nil
98	Sch 4 cl 14 (5)	Lodgment of copy of court order that extension of time within which to report has been granted	Nil
99	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	\$104
		(c) 28 days or more after the due date	\$212

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Amendment of Co-operatives Regulation 2005

Schedule 1

Column 1	Column 2	Column 3	Column 4
Item	Provision of Act	Type of fee	Amount
100		Lodgment of any other document under the Act	Nil
		Additional fee for late lodgment	\$37
101		Lodgment of any other document under the Corporations Act as applied by the Act	Nil

*Fees payable to the co-operative