



New South Wales

Co-operatives (New South Wales) Amendment (Fees) Regulation 2016

under the

Co-operatives (Adoption of National Law) Act 2012

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Co-operatives (Adoption of National Law) Act 2012*.

VICTOR DOMINELLO, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to amend the *Co-operatives (New South Wales) Regulation 2014* to increase certain fees payable in connection with the administration of the *Co-operatives (Adoption of National Law) Act 2012*, the *Co-operatives National Law (NSW)* and the *Co-operatives National Regulations (NSW)*. The fee increases are generally in line with the Consumer Price Index (rounded to the nearest dollar).

This Regulation is made under the *Co-operatives (Adoption of National Law) Act 2012*, including section 18 (the general power to make local regulations).

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under the

Co-operatives (Adoption of National Law) Act 2012

1 Name of Regulation

This Regulation is the *Co-operatives (New South Wales) Amendment (Fees) Regulation 2016*.

2 Commencement

This Regulation commences on 1 July 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Co-operatives (New South Wales) Regulation 2014

[1] **Clause 11**

Omit the clause. Insert instead:

11 Fees

The fees to be paid in connection with the administration of the Act, the *Co-operatives National Law (NSW)* and the *Co-operatives National Regulations (NSW)*, including fees for the lodgment of any documents and fees for late lodgment of any documents under the Act, the *Co-operatives National Law (NSW)* and the *Co-operatives National Regulations (NSW)*, are set out in Schedule 1.

[2] **Clause 12 Fees with respect to the applied provisions of the Corporation Act**

Omit “clause 11”. Insert instead “Schedule 1”.

[3] **Clause 13 Waiving, reducing or refunding fees**

Omit “this Part”. Insert instead “Schedule 1”.

[4] **Schedule 1**

Insert after Part 4:

Schedule 1 Fees

(Clause 11)

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee
1	CNL s 26 (1) (b) (ii)	Application for registration of proposed co-operative—draft formation disclosure statement required under CNL s 23	\$363
2	CNL s 26 (1) (b) (ii)	Application for registration of proposed co-operative—draft formation disclosure statement not required under CNL s 23	\$104
3	CNL s 31 (b) (ii)	Application for registration of existing corporation—draft formation disclosure statement required under CNL s 23	\$363
4	CNL s 31 (b) (ii)	Application for registration of existing corporation—draft formation disclosure statement not required under CNL s 23	\$104
5	CNL s 37 (b) (ii)	Issue of duplicate certificate of registration	\$32
6	CNL s 60	Application for Registrar’s prior approval of certain rule amendments	\$72

Item	Column 1	Column 2	Column 3
	Provision	Type of fee	Fee
7	CNL s 63 (2)	Application for registration of rule amendment, other than where pre-approved under CNL s 60—per rule (maximum of \$158 per lodgment) Plus fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	\$32 \$104 \$208
8	CNL s 63 (4)	Application for issue of certificate of registration of rule amendment	\$32
9	CNL s 71 (1)	Application for exemption from any or all provisions of Division 2 of Part 2.4 of CNL	\$72
10	CNL s 82 (3) (a)	Application for registration of disclosure statement for compulsory share take up	\$259
11	CNL s 119 (5)	Application to extend period for carrying on business with too few members	\$259
12	CNL s 152 (3)	Application for determination of a member's eligibility to vote on an active membership resolution	\$259
13	CNL s 171	Application for exemption of co-operative from any or all provisions of Division 5 of Part 2.6 of CNL (former member entitlements)	\$259
14	CNL s 213 (1) (d)	Application for approval to keep register at another office	\$72
15	CNL s 220 (7)	Use of "Co-operative", "Co-op" etc—application for exemption by Registrar (cl 5 of this Regulation)	\$259
16	CNL s 221 (1)	Application to approve omission of "Limited" or "Ltd" in name	\$156
17	CNL s 222 (e)	Application to approve abbreviation or elaboration of name	\$32
18	CNL s 224	Application to approve change of name	\$259
19	CNL s 225 (2)	Restriction on use of "Co-operative", "Co-op" etc—application for exemption by Registrar (cl 6 of this Regulation)	\$259
20	CNL s 226 (4)	Lodgment of notice of change of address Fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	nil \$104 \$208
21	CNL s 226 (6)	Application for exemption for a small co-operative or class of small co-operatives from CNL s 226 (3) requirement for a notice about the name of a co-operative and its registered office	\$72
22	CNL s 233 (2)	Application by member for review of voting entitlement	\$259

Item	Column 1	Column 2	Column 3
	Provision	Type of fee	Fee
23	CNL s 243 (2) (c) (ii)	Filing fee for registration of special resolution— per resolution (maximum of \$158 per lodgment) Plus fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	\$32 \$104 \$208
24	CNL s 244 (3)	Application for certificate of registration of special resolution	\$32
25	CNL s 248 (3)	Application for approval of disclosure statement for special postal ballot	\$259
26	CNL s 289	Lodgment of annual financial reports by large co-operative Plus fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	\$259 \$104 \$208
27	CNL s 290	Lodgment of half-year reports by co-operative that is a disclosing entity Fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	nil \$104 \$208
28	CNL s 293	Lodgment of annual return by small co-operative Plus fee for late lodgment: (a) within first 28 days after due date (b) after first 28 days after due date	\$71 \$104 \$208
29	CNL s 316 (1)	Application for exemption of certain persons (in relation to a co-operative) from all or specified requirements of “target provisions”	\$259
30	CNL s 317 (1)	Application for exemption of certain persons (in respect of a class of co-operatives) from all or specified requirements of “target provisions”	\$259
31	CNL s 319 (1)	Application for exemption of certain persons from all or specified requirements of “target provisions”	\$259
32	CNL s 320 (1)	Application for exemption of certain persons (in respect of classes of audit firms or audit companies) from all or specified requirements of “target provisions”	\$259
33	CNL s 322	Application for exemption from a provision of CNR made under Part 3.3 (Financial reports and audit) of CNL	\$259
34	CNL s 337	Lodgment of disclosure documents for issue of securities other than an issue of securities under CNL s 338	\$2,282

Item	Column 1	Column 2	Column 3
	Provision	Type of fee	Fee
35	CNL s 337	Application for exemption or modification of disclosure provisions under Chapter 6D of Corporations Act (as applied)	\$1,120
36	CNL s 338 (3)	Application for approval of disclosure statement for issue of non-share securities to members or employees of co-operative	\$259
37	CNL s 343 (3) (a)	Application for approval of disclosure statement for compulsory loan from members to co-operative	\$259
38	CNL s 343 (10)	Application for exemption from all or specified provisions of CNL s 343 (requirements for compulsory loans from members to co-operative)	\$259
39	CNL s 350 (1) (b) and (c)	Application for approval of the statement and terms of issue of CCUs	\$259
40	CNL s 359 (3)	Application for exemption from a provision of CNL s 248 and s 359 (requirements in respect of disposal or acquisition of significant assets)	\$259
41	CNL s 363 (2)	Application to permit a higher maximum level of share interest than 20% in particular co-operative	\$259
42	CNL s 372 (1)	Application by an individual for exemption from the restrictions on share interests, relevant interests etc	\$259
43	CNL s 374 (1) (b)	Application for approval of share offers provided for in CNL s 373 that may result in substantial change in share interest in co-operative	\$2,282
44	CNL s 376 (5)	Application to extend time permitted for board to consider a share offer of the kind specified in CNL s 373 (1)	\$72
45	CNL s 380 (1)	Application for exemption from a provision of Division 2 of Part 3.5 and s 248 of CNL (requirements for share offers under Division 2 of Part 3.5 of CNL)	\$1,120
46	CNL s 396 (2)	Application for consent to merger or transfer of engagements by way of board approval	\$72
47	CNL s 397 (2)	Application for approval of disclosure statement for purposes of a merger or transfer of engagements	\$259
48	CNL s 397 (4)	Application for exemption of co-operative from complying with CNL s 397 in relation to disclosure statement about a merger or transfer of engagements	\$259
49	CNL s 398 (1)	Application for approval of merger or transfer of engagements	\$72
50	CNL s 404 (4)	Application for exemption from a provision of CNL s 248 and s 404 (requirements for transfer of incorporation)	\$259

Item	Column 1	Column 2	Column 3
	Provision	Type of fee	Fee
51	CNL s 416 (1) (a)	Application for Registrar's permission to shorten notice	\$32
52	CNL s 418 (1) (f)	Application for direction exempting from disqualification from administering compromise or arrangement	\$259
53	CNL s 424 (1) (b)	Application for Registrar's statement of no objection to compromise or arrangement	\$259
54	CNL s 425 (4)	Lodgment of Supreme Court order with Registrar relating to compromise or arrangement Plus fee for late lodgment:	\$32
		(a) within first 28 days after due date	\$104
		(b) after first 28 days after due date	\$208
55	CNL s 428 (1)	Application for Registrar's approval of explanatory statement for compromise or arrangement	\$1,120
56	CNL s 445 (3)	Application for exemption from a provision of CNL s 248 or s 445 (requirements for voluntary winding up)	\$259
57	CNL s 453	Application to Registrar to exercise powers in respect of property of a deregistered co-operative	\$259
58	CNL s 476 (2) (a)	Application to local Registrar to consent to merger or transfer of engagements occurring as a result of approval by special resolution or decision by the board—merger between local and participating co-operatives	\$72
59	CNL s 477 (2)	Application for approval by appropriate Registrar of disclosure statement for merger or transfer of engagements—local and participating co-operatives	\$259
60	CNL s 477 (4)	Application to appropriate Registrar for exemption from requirements of CNL s 477 applying to a merger or transfer of engagements—local and participating co-operatives	\$259
61	CNL s 478 (1)	Application for approval of merger or transfer of engagements—local and participating co-operatives	\$259
62	CNL s 531 (1) (a)	Application to Registrar for special meeting	\$259
63	CNL s 531 (1) (b)	Application to Registrar for inquiry	\$498
64	CNL s 588 (1)	Application to Registrar for a certificate stating that a thing had or had not been done within a specified period or by a specified date	\$72
65	CNL s 588 (2)	Application to Registrar for a certificate stating that requirements of the Law had or had not been complied with or had been complied with at a specified date or within a specified period	\$72

Item	Column 1	Column 2	Column 3
	Provision	Type of fee	Fee
66	CNL s 588 (3)	Application to Registrar for a certificate stating that on a specified date a body was not or had ceased to be registered as a co-operative under the Law	\$41
67	CNL s 601 (1) (a)	Inspection of register of co-operatives	\$20
68	CNL s 601 (1) (b)	Inspection of documents kept by Registrar relating to a co-operative and prescribed by the National Regulations	\$20
69	CNL s 601 (1) (c)	Extract from register of co-operatives inspected under CNL s 601 (1) (a):	
		first page	\$20
		each additional page	\$1
70	CNL s 601 (1) (d)	Certified copy of document that may be inspected under CNL s 601 (1) (b):	
		first page	\$22
		each additional page	\$2
71	CNL s 601 (1) (e)	Copy of document that may be inspected under CNL s 601 (1) (b):	
		first page	\$20
		each additional page	\$1
72	CNL s 609 (1)	Application for extension or shortening of time	\$72
73	CNL s 611 (2) (c) (iii)	Application for permission to give notice to members by newspaper	\$72
74	CNR reg 1.4 (5)	Application by co-operative for declaration that it is a small co-operative for a particular financial year	\$259
75	<i>Co-operatives (Adoption of National Law) Act 2012</i> , Sch 1, cl 5 (1) (a)	Application for approval for rules of certain co-operatives to restrict voting rights	\$259
76	<i>Co-operatives (Adoption of National Law) Act 2012</i> , Sch 1, cl 5 (2)	Application for prior approval of proposed amendment of co-operative's rules relating to cl 5 (1)	\$72