



New South Wales

# Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2017

under the

Co-operative Housing and Starr-Bowkett Societies Act 1998

His 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*.

MATT KEAN, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Co-operative Housing and Starr-Bowkett Societies Regulation 2015* as follows:

- (a) to increase certain fees payable in connection with the administration of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases effected by this Regulation 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).

## **Co-operative Housing and Starr-Bowkett Societies Amendment (Fees) Regulation 2017**

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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 2017*.

### **2 Commencement**

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Co-operative Housing and Starr-Bowkett Societies Regulation 2015

**[1] Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*fee unit*—see Part 2 of Schedule 2.

**[2] Clause 15 Prescribed fees**

Insert “Part 1 of” before “Schedule 2” in clause 15 (1).

**[3] Schedule 2**

Omit the Schedule. Insert instead:

### Schedule 2 Fees

(Clause 15)

#### Part 1 Fees payable

Item	Column 1 Section of the Act	Column 2 Type of fee	Column 3 Fee (in fee units)
1	23 (1) (a)	Inspection of prescribed document	0.20
2	23 (1) (b)	Certified copy of prescribed document	0.22 and 0.02 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 Act	0.73
4	50 (1)	Application to Registrar for registration of proposed co-operative housing society or Starr-Bowkett society	2.43
5	67	Registration of alteration of society’s rules	0.18 per rule to a maximum of 1.63
6	80 (2)	Application for issue of amended certificate of incorporation or new certificate resulting from change of name of co-operative housing body	0.85
7	80 (4)	Application for approval of use by co-operative housing body of name other than registered name	0.43
8	84 (3)	Application by person or body (other than co-operative housing body) for exemption to use words “co-operative housing society” or “Starr-Bowkett”, or other words, abbreviations or symbols with similar meaning	4.04
9	115 (7)	Lodgment of special resolution for registration	0.18
10	117 (3)	Application for consent of Registrar for society to keep all or any registers at office other than registered office	0.43

Item	Column 1	Column 2	Column 3
	Section of the Act	Type of fee	Fee (in fee units)
11	148 (1)	Lodgment of returns:	
		(a) on or before the due date	Nil
		(b) more than 1 day but less than 28 days after the due date	1.19
		(c) 28 days or more after the due date	2.43
12	149 (1)	Application for order for relief from certain specified requirements as to accounts or audit	3.24
13	152	Application for certification by Registrar that co-operative housing societies are of same type for purpose of proposed merger or transfer of engagements	0.85
14	153 (1)	Application for registration of merger of, or transfer of engagements by, co-operative housing societies	0.85
15	153 (2)	Application for determination by Registrar that co-operative housing societies' boards may approve of proposed merger or transfer of engagements	0.85
16	153 (3)	Application for approval by Registrar of statement to be sent to members specifying details of proposed merger or transfer of engagements	3.24
17	153 (5)	Application to Registrar seeking exemption from requirement to send statement under section 153 (3) of the Act	0.85
18	184 (1)	Application for registration of 2 or more bodies as an association	2.43
19	225 (1A)	Lodgment of any other document under the Act	Nil
		Additional fee for late lodgment	0.43

## Part 2 Adjustment of fees for inflation

### 1 Definitions

In this Part:

**CPI number** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

**financial year** means a period of 12 months commencing on 1 July.

### 2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

- (a) in the financial year 2017–18—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

*A* is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

*B* is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

### **3 Rounding of fee amounts**

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

### **4 Notice of indexed fees**

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:
  - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
  - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.