



New South Wales

Co-operatives (New South Wales) Amendment (Fees) Regulation 2017

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*.

MATT KEAN, 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* as follows:

- (a) 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)*,
- (b) to provide 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-operatives (Adoption of National Law) Act 2012*, including section 18 (the general power to make local regulations).

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Co-operatives (Adoption of National Law) Act 2012

1 Name of Regulation

This Regulation is the *Co-operatives (New South Wales) Amendment (Fees) Regulation 2017*.

2 Commencement

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

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

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 1.

[2] Clauses 11–13

Insert “Part 1 of” before “Schedule 1” wherever occurring.

[3] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clause 11)

Part 1 Fees payable

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
1	CNL s 26 (1) (b) (ii)	Application for registration of proposed co-operative—draft formation disclosure statement required under CNL s 23	3.70
2	CNL s 26 (1) (b) (ii)	Application for registration of proposed co-operative—draft formation disclosure statement not required under CNL s 23	1.06
3	CNL s 31 (b) (ii)	Application for registration of existing corporation—draft formation disclosure statement required under CNL s 23	3.70
4	CNL s 31 (b) (ii)	Application for registration of existing corporation—draft formation disclosure statement not required under CNL s 23	1.06
5	CNL s 37 (b) (ii)	Issue of duplicate certificate of registration	0.33
6	CNL s 60	Application for Registrar’s prior approval of certain rule amendments	0.73
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	0.33 1.06 2.12
8	CNL s 63 (4)	Application for issue of certificate of registration of rule amendment	0.33
9	CNL s 71 (1)	Application for exemption from any or all provisions of Division 2 of Part 2.4 of CNL	0.73

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
10	CNL s 82 (3) (a)	Application for registration of disclosure statement for compulsory share take up	2.64
11	CNL s 119 (5)	Application to extend period for carrying on business with too few members	2.64
12	CNL s 152 (3)	Application for determination of a member's eligibility to vote on an active membership resolution	2.64
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)	2.64
14	CNL s 213 (1) (d)	Application for approval to keep register at another office	0.73
15	CNL s 220 (7)	Use of "Co-operative", "Co-op" etc—application for exemption by Registrar (cl 5 of this Regulation)	2.64
16	CNL s 221 (1)	Application to approve omission of "Limited" or "Ltd" in name	1.59
17	CNL s 222 (e)	Application to approve abbreviation or elaboration of name	0.33
18	CNL s 224	Application to approve change of name	2.64
19	CNL s 225 (2)	Restriction on use of "Co-operative", "Co-op" etc—application for exemption by Registrar (cl 6 of this Regulation)	2.64
20	CNL s 226 (4)	Lodgment of notice of change of address Fee for late lodgment:	Nil
		(a) within first 28 days after due date	1.06
		(b) after first 28 days after due date	2.12
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	0.73
22	CNL s 233 (2)	Application by member for review of voting entitlement	2.64
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:	0.33
		(a) within first 28 days after due date	1.06
		(b) after first 28 days after due date	2.12
24	CNL s 244 (3)	Application for certificate of registration of special resolution	0.33
25	CNL s 248 (3)	Application for approval of disclosure statement for special postal ballot	2.64

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
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	2.64 1.06 2.12
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 1.06 2.12
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	0.72 1.06 2.12
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”	2.64
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”	2.64
31	CNL s 319 (1)	Application for exemption of certain persons from all or specified requirements of “target provisions”	2.64
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”	2.64
33	CNL s 322	Application for exemption from a provision of CNR made under Part 3.3 (Financial reports and audit) of CNL	2.64
34	CNL s 337	Lodgment of disclosure documents for issue of securities other than an issue of securities under CNL s 338	23.24
35	CNL s 337	Application for exemption or modification of disclosure provisions under Chapter 6D of Corporations Act (as applied)	11.41
36	CNL s 338 (3)	Application for approval of disclosure statement for issue of non-share securities to members or employees of co-operative	2.64
37	CNL s 343 (3) (a)	Application for approval of disclosure statement for compulsory loan from members to co-operative	2.64
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)	2.64

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
39	CNL s 350 (1) (b) and (c)	Application for approval of the statement and terms of issue of CCUs	2.64
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)	2.64
41	CNL s 363 (2)	Application to permit a higher maximum level of share interest than 20% in particular co-operative	2.64
42	CNL s 372 (1)	Application by an individual for exemption from the restrictions on share interests, relevant interests etc	2.64
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	23.24
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)	0.73
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)	11.41
46	CNL s 396 (2)	Application for consent to merger or transfer of engagements by way of board approval	0.73
47	CNL s 397 (2)	Application for approval of disclosure statement for purposes of a merger or transfer of engagements	2.64
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	2.64
49	CNL s 398 (1)	Application for approval of merger or transfer of engagements	0.73
50	CNL s 404 (4)	Application for exemption from a provision of CNL s 248 and s 404 (requirements for transfer of incorporation)	2.64
51	CNL s 416 (1) (a)	Application for Registrar's permission to shorten notice	0.33
52	CNL s 418 (1) (f)	Application for direction exempting from disqualification from administering compromise or arrangement	2.64
53	CNL s 424 (1) (b)	Application for Registrar's statement of no objection to compromise or arrangement	2.64
54	CNL s 425 (4)	Lodgment of Supreme Court order with Registrar relating to compromise or arrangement Plus fee for late lodgment:	0.33
		(a) within first 28 days after due date	1.06
		(b) after first 28 days after due date	2.12
55	CNL s 428 (1)	Application for Registrar's approval of explanatory statement for compromise or arrangement	11.41

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
56	CNL s 445 (3)	Application for exemption from a provision of CNL s 248 or s 445 (requirements for voluntary winding up)	2.64
57	CNL s 453	Application to Registrar to exercise powers in respect of property of a deregistered co-operative	2.64
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	0.73
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	2.64
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	2.64
61	CNL s 478 (1)	Application for approval of merger or transfer of engagements—local and participating co-operatives	2.64
62	CNL s 531 (1) (a)	Application to Registrar for special meeting	2.64
63	CNL s 531 (1) (b)	Application to Registrar for inquiry	5.07
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	0.73
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	0.73
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	0.42
67	CNL s 601 (1) (a)	Inspection of register of co-operatives	0.20
68	CNL s 601 (1) (b)	Inspection of documents kept by Registrar relating to a co-operative and prescribed by the National Regulations	0.20
69	CNL s 601 (1) (c)	Extract from register of co-operatives inspected under CNL s 601 (1) (a): first page each additional page	0.20 0.01
70	CNL s 601 (1) (d)	Certified copy of document that may be inspected under CNL s 601 (1) (b): first page each additional page	0.22 0.02

Item	Column 1 Provision	Column 2 Type of fee	Column 3 Fee (in fee units)
71	CNL s 601 (1) (e)	Copy of document that may be inspected under CNL s 601 (1) (b): first page each additional page	0.20 0.01
72	CNL s 609 (1)	Application for extension or shortening of time	0.73
73	CNL s 611 (2) (c) (iii)	Application for permission to give notice to members by newspaper	0.73
74	CNR reg 1.4 (5)	Application by co-operative for declaration that it is a small co-operative for a particular financial year	2.64
75	<i>Co-operatives (Adoption of National Law) Act 2012, Sch 1, cl 5 (1) (a)</i>	Application for approval for rules of certain co-operatives to restrict voting rights	2.64
76	<i>Co-operatives (Adoption of National Law) Act 2012, Sch 1, cl 5 (2)</i>	Application for prior approval of proposed amendment of co-operative's rules relating to cl 5 (1)	0.73

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.