



Queensland

*Co-operatives National Law Act 2020*

# Co-operatives National Law Regulation 2020

Current as at 1 December 2020

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# Co-operatives National Law Regulation 2020

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# Co-operatives National Law Regulation 2020

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Co-operatives National Law Regulation 2020*.

### 2 Commencement

This regulation commences on 1 December 2020, immediately after the commencement of the *Co-operatives National Law Act 2020*, section 27.

### 3 Definitions

In this regulation—

*the Law* means the Co-operatives National Law (Queensland).

*the Regulation* means the Co-operatives National Regulation (Queensland).

## Part 2 Prescribed matters

### 4 Unsuitable names for co-operatives—the Law, s 220

For section 220(5) of the Law and regulation 3.7 of the Regulation, a name is declared an unsuitable name for a co-operative if the Registrar is satisfied—

- (a) the name is likely to mislead, including, for example, because the name is likely to mislead a person about the nature, objects or functions of the co-operative; or

- (b) the name is identical to, or closely resembles, the name of another co-operative registered in this jurisdiction or in a participating jurisdiction.

## **5 Entities exempt from using particular words in name—the Law, ss 220 and 225**

For sections 220(7) and 225(2) of the Law, the following entities are exempt from sections 220(4) and 225(1) of the Law—

- (a) a society under the *Financial Intermediaries Act 1996*;
- (b) a corporation that is allowed, under an Act of a State or the Commonwealth, to use ‘co-operative’ or ‘cooperative’ or the abbreviation ‘co-op’ or ‘coop’ in its name.

## **6 Applications for transfer—the Law, s 403**

For section 403(b) of the Law, a corporation under any of the following laws is prescribed—

- (a) the *Associations Incorporation Act 1981*;
- (b) the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth);
- (c) the *Financial Intermediaries Act 1996*;
- (d) another Act of a State or the Commonwealth that provides for the incorporation of a building society, credit union or friendly society.

## **7 Allowances and expenses for involved persons—the Law, s 522**

For section 522(4)(b) of the Law, the allowance and the expenses prescribed are the allowances and the expenses payable under the *Uniform Civil Procedure (Fees) Regulation 2019* to a witness in a civil proceeding before a District Court.

## **8 Inspection of register of co-operatives—the Law, s 601**

- (1) For section 601(2) of the Law, the following are prescribed for the doing of a thing mentioned in section 601(1) of the Law—
  - (a) a person must ask the Registrar for approval to do the thing—
    - (i) in the approved form; or
    - (ii) if there is no approved form for the request, by written request given to the Registrar;
  - (b) the time and place for doing the thing is during the department’s usual business hours at an office of the department.
- (2) For section 601(5) of the Law, definition *prescribed fee*, paragraph (b), the prescribed fee for doing a thing mentioned in section 601(1) of the Law is the fee prescribed by schedule 1 for doing the thing.

## **9 Procedure for giving exemptions—the Law, s 621**

- (1) For section 621 of the Law, this section states the procedure for the giving of an exemption by the Registrar under the Law.
- (2) An application for an exemption must be made to the Registrar in the approved form or, if there is no approved form for the application, the application must be made in writing.
- (3) The application must be made within a reasonable time before the event or the occurrence of the matter for which the exemption is sought.
- (4) The application must be accompanied by the fee prescribed by schedule 1.

## Part 3 Fees

### 10 Fees—Act, s 27

- (1) For section 27(2)(c) of the Act, the fees payable in relation to the administration of the Law are stated in schedule 1.
- (2) Without limiting subsection (1), the fee payable for a chargeable matter for the Corporations Act, as applied by the Law, is—
  - (a) the fee payable for the matter stated in schedule 1; or
  - (b) if a fee for the matter is not stated in schedule 1—the fee payable for the matter under the *Corporations (Fees) Act 2001* (Cwlth).
- (3) In this section—  
*chargeable matter* see the *Corporations (Fees) Act 2001* (Cwlth), section 4(1).

### 11 Late fees—Act, s 27

- (1) This section applies if—
  - (a) an entity is required under the Law to give a document to, or file a document with, the Registrar by a particular day or within a particular period; and
  - (b) the entity gives the document to, or files the document with, the Registrar after the day or the end of the period.
- (2) For section 27(2)(c) of the Act, the entity must pay the late fee stated in schedule 1 for the document.
- (3) The late fee is payable in addition to any penalty imposed under the Law for failure to give or file the document by the day or within the period.



**12 Waiving, refunding or reducing fees—Act, s 27**

For section 27(2)(d) of the Act, the Registrar may waive or refund all or part of a fee, or reduce a fee, payable under the Law if satisfied there are special circumstances for doing so.

## Schedule 1 Fees

sections 8(2), 9(4), 10 and 11

	\$
1 Submission for approval, under section 23 of the Law, of—	
(a) the draft rules proposed for a co-operative	81.45
(b) a draft formation disclosure statement for a co-operative	285.00
2 Application for registration of a proposed co-operative if a draft formation disclosure statement is required under section 23 of the Law (the Law, s 26(1)(b)(ii))	30.55
3 Application for registration of a proposed co-operative if a draft formation disclosure statement is not required under section 23 of the Law (the Law, s 26(1)(b)(ii))	30.55
4 Application for registration of an existing corporation if a draft formation disclosure statement is required under section 23 of the Law (the Law, s 31(b)(ii))	30.55
5 Application for registration of an existing corporation if a draft formation disclosure statement is not required under section 23 of the Law (the Law, s 31(b)(ii))	30.55
6 Issue of a duplicate certificate of registration (the Law, s 37(b)(ii))	47.95
7 Copy of the rules of a co-operative under section 57(3) of the Law (the Law, s 57(3)(b))—	
(a) first page	9.30
(b) each additional page	1.70
8 Submission of a proposed amendment of rules for approval under section 60 of the Law—	
(a) for each rule to be altered	19.15

	\$
(b) maximum fee	81.45
9 Application for registration of an amendment of rules under section 63(2) of the Law	47.95
10 Application for the giving of a certificate of registration of an amendment of rules under section 63(4) of the Law	47.95
11 Application for an exemption under section 71 of the Law	384.00
12 Registration of a disclosure statement for a required share take up or subscription under section 82(3)(a) of the Law	384.00
13 Application under section 119(5) of the Law to further extend the period mentioned in section 119(1) of the Law	47.95
14 Application under section 152(3) of the Law for a decision about a member's eligibility to vote	191.70
15 Application for an exemption under section 171 of the Law	384.00
16 Application for approval under section 213(1)(d) of the Law to keep a register at another office	47.95
17 Application for an exemption under section 220(6A) of the Law	384.00
18 Application for approval to omit 'Limited' or 'Ltd' from a co-operative's name under section 221 of the Law	47.95
19 Application for approval of an abbreviation or elaboration of a co-operative's name mentioned in section 222(e) of the Law	47.95
20 Application for approval of a change to a co-operative's name mentioned in section 224(1) of the Law	47.95
21 Application for an exemption under section 225(1A) of the Law	384.00
22 Giving notice of a change of address under section 226(4) of the Law	nil*
23 Application for an exemption under section 226(6) of the Law	384.00

## Schedule 1

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24 Application by a member for review of voting entitlement under section 233(2) of the Law	191.70
25 Filing fee for registration of a special resolution (the Law, s 243(2)(c)(ii))	47.95
26 Giving of a certificate of registration of a special resolution under section 244(1) of the Law	47.95
27 Application for approval of a disclosure statement for a special postal ballot mentioned in section 248(3) of the Law	285.00
28 Lodging an annual financial report by a large co-operative under section 289 of the Law	nil*
29 Lodging a report for a half-year under section 290 of the Law	nil*
30 Lodging an annual return by a small co-operative under section 293 of the Law	nil*
31 Application for an exemption under section 316 of the Law	384.00
32 Application for an exemption under section 317 of the Law	384.00
33 Application for an exemption under section 319 of the Law	384.00
34 Application for an exemption under section 320 of the Law	384.00
35 Application for an exemption under section 322 of the Law	384.00
36 Lodging disclosure documents for issue of debentures for a purpose of a provision of the Corporations Act as applied by section 337 of the Law	2,443.00
37 Application to the Registrar under the Corporations Act for an exemption from or declaration in relation to a provision of the Corporations Act as applied by section 337 of the Law	384.00

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38 Application for approval of a disclosure statement for issue of debentures to members or employees of a co-operative mentioned in section 338(3) of the Law	285.00
39 Application for approval of a disclosure statement for a compulsory loan from members to a co-operative mentioned in section 343(3)(a) of the Law	384.00
40 Application for an exemption under section 343(10) of the Law	384.00
41 Application for approval of a statement and terms of issue of CCUs mentioned in section 350(1)(b) and (c) of the Law	384.00
42 Application for an exemption under section 359(3) of the Law	384.00
43 Application to state a greater maximum under section 363(2) of the Law	384.00
44 Application by an individual for an exemption under section 372(1) of the Law	384.00
45 Application for approval mentioned in section 374(1)(b) of the Law	384.00
46 Application to extend the period mentioned in section 376(5) of the Law	95.85
47 Application for an exemption under section 380(1) of the Law	384.00
48 Application for consent mentioned in section 396(2) of the Law	95.85
49 Application for approval of a disclosure statement mentioned in section 397(2) of the Law	384.00
50 Application for an exemption under section 397(4) of the Law	384.00
51 Application for approval of a merger or transfer of engagements under section 398(1) of the Law	384.00

## Schedule 1

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52 Application for an exemption under section 404(4) of the Law	384.00
53 Application for Registrar's permission to shorten notice period mentioned in section 416(1)(a) of the Law	95.85
54 Application for a direction mentioned in section 418(1)(f) of the Law	384.00
55 Application for a statement of no objection to a compromise or arrangement mentioned in section 424(1)(b) of the Law	384.00
56 Filing a Supreme Court order with the Registrar under section 425(4) of the Law	nil*
57 Application for approval of an explanatory statement mentioned in section 428(1) of the Law	946.80
58 Application for an exemption under section 445(3) of the Law	384.00
59 Application to the Registrar under the Corporations Act, section 601AE or 601AF, as applied under section 453 of the Law	384.00
60 Application for consent mentioned in section 476(2)(a) of the Law	95.85
61 Application for approval by the Registrar of a disclosure statement mentioned in section 477(2) of the Law	384.00
62 Application to the Registrar for an exemption under section 477(4) of the Law	384.00
63 Application to the Registrar for approval of a merger or transfer of engagements under section 478(1) of the Law	384.00
64 Application to call a special meeting under section 531(1)(a) of the Law	384.00
65 Application to hold an inquiry under section 531(1)(b) of the Law	384.00

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66 Application for certification that a thing had or had not been done within a specified period or by a specified date under section 588(1) of the Law	47.95
67 Application for a certificate under section 588(2) of the Law stating that a requirement of the Law—	
(a) had, or had not, been complied with at a date or within a specified period	47.95
(b) had been complied with at a specified date but not before the date	47.95
68 Application for a certificate under section 588(3) of the Law	47.95
69 Inspection of the register of co-operatives (the Law, s 601(1)(a))	19.15
70 Inspection of documents mentioned in section 601(1)(b) of the Law (the Law, s 601(1)(b))	19.15
71 Extract from the register of co-operatives inspected under section 601(1)(a) of the Law (the Law, s 601(1)(c))	19.15
72 Certified copy of a document that may be inspected under section 601(1)(b) of the Law (the Law, s 601(1)(d))—	
(a) first page	38.35
(b) each additional page	3.55
73 Copy of a document that may be inspected under section 601(1)(b) of the Law (the Law, s 601(1)(e))—	
(a) first page	9.30
(b) each additional page	1.70
74 Application for extension or shortening of time under section 609(1) of the Law	95.85
75 Application for permission to give notice to members by newspaper mentioned in section 611(2)(c)(iii) of the Law	95.85
76 Application by a co-operative under regulation 1.4(5) of the Regulation for a declaration that it is a small co-operative for a particular financial year	384.00

Schedule 1

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77 Making an application or request to the Registrar to exercise a power, or to do an act, the Registrar is authorised or required under the Law to exercise or do on application or request, for which no other fee is prescribed under this regulation	47.95
78 Lodging a supplementary or replacement document with the Registrar under the Corporations Act, section 719 as applied by the Law	nil*
79 Lodging any other document with the Registrar under the Corporations Act as applied by the Law	nil*
80 Late fee—	
(a) less than 28 days late	95.85
(b) 28 days late or later	384.00

\* indicates late fee stated in item 80 applies