

South Australia

Co-operatives (Fees) Variation Regulations 2017

under the *Co-operatives National Law (South Australia) Act 2013*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Co-operatives (Fees) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 July 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Co-operatives (South Australia) Regulations 2015*

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
1	CNL (SA) s 26(1)(b)(ii)	Application for registration of proposed co-operative—draft formation disclosure statement required under CNL (SA) s 23	\$367.00

Co-operatives (Fees) Variation Regulations 2017Part 2—Variation of *Co-operatives (South Australia) Regulations 2015*

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
2	CNL (SA) s 26(1)(b)(ii)	Application for registration of proposed co-operative—draft formation disclosure statement not required under CNL (SA) s 23	\$185.00
3	CNL (SA) s 31(b)(ii)	Application for registration of existing corporation—draft formation disclosure statement required under CNL (SA) s 23	\$367.00
4	CNL (SA) s 31(b)(ii)	Application for registration of existing corporation—draft formation disclosure statement not required under CNL (SA) s 23	\$185.00
5	CNL (SA) s 37(b)(ii)	Issue of duplicate certificate of registration	\$46.25
6	CNL (SA) s 60	Application for Registrar's prior approval of certain rule amendments	\$91.50
7	CNL (SA) s 63(2)	Application for registration of rule amendment, other than where pre-approved under CNL (SA) s 60—per rule (maximum of \$145.00 per lodgement) Plus fee for late lodgement—	\$14.50
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
8	CNL (SA) s 63(4)	Application for issue of certificate of registration of rule amendment	\$46.25
9	CNL (SA) s 71(1)	Application for exemption from any or all provisions of Division 2 of Part 2.4 of CNL (SA)	\$367.00
10	CNL (SA) s 82(3)(a)	Application for registration of disclosure statement for compulsory share take up	\$367.00
11	CNL (SA) s 119(5)	Application to extend period for carrying on business with too few members	\$367.00
12	CNL (SA) s 152(3)	Application for determination of a member's eligibility to vote on an active membership resolution	\$185.00
13	CNL (SA) s 171	Application for exemption of co-operative from any or all provisions of Division 5 of Part 2.6 of CNL (SA) (former member entitlements)	\$367.00
14	CNL (SA) s 213(1)(d)	Application for approval to keep register at another office	\$46.25
15	CNL (SA) s 220(7)	Use of "co-operative", "co-op" etc—application for exemption by Registrar (cl 5 of this regulation)	\$367.00
16	CNL (SA) s 221(1)	Application to approve omission of "Limited" or "Ltd" in name	\$46.25

Co-operatives (Fees) Variation Regulations 2017
Variation of *Co-operatives (South Australia) Regulations 2015*—Part 2

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
17	CNL (SA) s 222(e)	Application to approve abbreviation or elaboration of name	\$46.25
18	CNL (SA) s 224	Application to approve change of name	\$46.25
19	CNL (SA) s 225(2)	Restriction on use of "co-operative", "co-op" etc—application for exemption by Registrar (cl 6 of this regulation)	\$46.25
20	CNL (SA) s 226(4)	Lodgement of notice of change of address	nil
		Fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
21	CNL (SA) s 226(6)	Application for exemption for a small co-operative or class of small co-operatives from CNL (SA) s 226(3) requirement for a notice about the name of a co-operative and its registered office	\$91.50
22	CNL (SA) s 233(2)	Application by member for review of voting entitlement	\$367.00
23	CNL (SA) s 243(2)(c)(ii)	Filing fee for registration of special resolution—per resolution (maximum of \$226.25 per lodgement)	\$46.25
		Plus fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
24	CNL (SA) s 244(3)	Application for certificate of registration of special resolution	\$46.25
25	CNL (SA) s 248(3)	Application for approval of disclosure statement for special postal ballot	\$367.00
26	CNL (SA) s 289	Lodgement of annual financial reports by large co-operative	\$91.50
		Plus fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
27	CNL (SA) s 290	Lodgement of half yearly reports by co-operative that is a disclosing entity	nil
		Fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
28	CNL (SA) s 293	Lodgement of annual return by small co-operative	\$91.50
		Plus fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50

Co-operatives (Fees) Variation Regulations 2017Part 2—Variation of *Co-operatives (South Australia) Regulations 2015*

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
		(b) after first 28 days after due date	\$166.00
29	CNL (SA) s 316(1)	Application for exemption of certain persons (in relation to a co-operative) from all or specified requirements of "target provisions"	\$367.00
30	CNL (SA) 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"	\$367.00
31	CNL (SA) s 319(1)	Application for exemption of certain persons from all or specified requirements of "target provisions"	\$367.00
32	CNL (SA) 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"	\$367.00
33	CNL (SA) s 322	Application for exemption from a provision of CNL (SA) made under Part 3.3 (Financial reports and audit) of CNL (SA)	\$367.00
34	CNL (SA) s 337	Lodgement of disclosure documents for issue of securities other than an issue of securities under CNL (SA) s 338	\$2 603.00
35	CNL (SA) s 337	Application for exemption or modification of disclosure provisions under Chapter 6D of Corporations Act (as applied)	\$367.00
36	CNL (SA) s 338(3)	Application for approval of disclosure statement for issue of non-share securities to members or employees of co-operative	\$367.00
37	CNL (SA) s 343(3)(a)	Application for approval of disclosure statement for compulsory loan from members to co-operative	\$367.00
38	CNL (SA) s 343(10)	Application for exemption from all or specified provisions of CNL (SA) s 343 (requirements for compulsory loans from members to co-operative)	\$367.00
39	CNL (SA) s 350(1)(b) and (c)	Application for approval of the statement and terms of issue of CCUs	\$367.00
40	CNL (SA) s 359(3)	Application for exemption from a provision of CNL (SA) s 248 and s 359 (requirements in respect of disposal or acquisition of significant assets)	\$367.00
41	CNL (SA) s 363(2)	Application to permit a higher maximum level of share interest than 20% in particular co-operative	\$367.00
42	CNL (SA) s 372(1)	Application by an individual from the restrictions on share interests, relevant interests etc	\$367.00

Co-operatives (Fees) Variation Regulations 2017
Variation of *Co-operatives (South Australia) Regulations 2015*—Part 2

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
43	CNL (SA) s 374(1)(b)	Application for approval of share offers provided for in CNL (SA) s 373 that may result in structural change of co-operative	\$367.00
44	CNL (SA) s 376(5)	Application to extend time permitted for board to consider a share offer of the kind specified in CNL (SA) s 373(1)	\$91.50
45	CNL (SA) s 380(1)	Application for exemption from a provision of Division 2 of Part 3.5 and s 248 of CNL (SA) (requirements for share offers under Division 2 of Part 3.5 of CNL (SA))	\$367.00
46	CNL (SA) s 396(2)	Application for consent to merger or transfer of engagements by way of board approval	\$91.50
47	CNL (SA) s 397(2)	Application for approval of disclosure statement for purposes of a merger or transfer of engagements	\$367.00
48	CNL (SA) s 397(4)	Application for exemption of co-operative from complying with CNL (SA) s 397 in relation to disclosure statement about a merger or transfer of engagements	\$367.00
49	CNL (SA) s 398(1)	Application for approval of merger or transfer of engagements	\$367.00
50	CNL (SA) s 404(4)	Application for exemption from a provision of CNL (SA) s 248 and s 404 (requirements for transfer of incorporation)	\$367.00
51	CNL (SA) s 416(1)(a)	Application for Registrar's permission to shorten notice	\$91.50
52	CNL (SA) s 418(1)(f)	Application for direction exempting from disqualification from administering compromise or arrangement	\$367.00
53	CNL (SA) s 424(1)(b)	Application for Registrar's statement of no objection to compromise or arrangement	\$367.00
54	CNL (SA) s 425(4)	Lodgement of Supreme Court order with Registrar relating to compromise or arrangement	\$46.25
		Plus fee for late lodgement—	
		(a) within first 28 days after due date	\$53.50
		(b) after first 28 days after due date	\$166.00
55	CNL (SA) s 428(1)	Application for Registrar's approval of explanatory statement for compromise or arrangement	\$917.00
56	CNL (SA) s 445(3)	Application for exemption from a provision of CNL (SA) s 248 or s 445 (requirements for voluntary winding up)	\$367.00

Co-operatives (Fees) Variation Regulations 2017Part 2—Variation of *Co-operatives (South Australia) Regulations 2015*

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
57	CNL (SA) s 453	Application to Registrar to exercise powers in respect of property of a deregistered co-operative	\$360.00
58	CNL (SA) 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	\$91.50
59	CNL (SA) s 477(2)	Application for approval by appropriate Registrar of disclosure statement for merger or transfer of engagements—local and participating co-operatives	\$367.00
60	CNL (SA) s 477(4)	Application to appropriate Registrar for exemption from requirements of CNL (SA) s 477 applying to a merger or transfer of engagements—local and participating co-operatives	\$367.00
61	CNL (SA) s 478(1)	Application for approval of merger or transfer of engagements—local and participating co-operatives	\$367.00
62	CNL (SA) s 531(1)(a)	Application to Registrar for special meeting	\$367.00
63	CNL (SA) s 531(1)(b)	Application to Registrar for inquiry	\$917.00
64	CNL (SA) 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	\$91.50
65	CNL (SA) 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	\$91.50
66	CNL (SA) 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	\$46.25
67	CNL (SA) s 601(1)(a)	Inspection of register of co-operatives	\$26.50
68	CNL (SA) s 601(1)(b)	Inspection of documents kept by Registrar relating to a co-operative and prescribed by the National Regulations	\$26.50
69	CNL (SA) s 601(1)(c)	Extract from register of co-operatives inspected under CNL (SA) s 601(1)(a)— first page each additional page	\$5.85 \$1.60

Co-operatives (Fees) Variation Regulations 2017
Variation of *Co-operatives (South Australia) Regulations 2015*—Part 2

Column 1	Column 2	Column 3	Column 4
Item	Provision	Subject	Fee
70	CNL (SA) s 601(1)(d)	Certified copy of document that may be inspected under CNL (SA) s 601(1)(b)— first page each additional page	 \$26.50 \$1.60
71	CNL (SA) s 601(1)(e)	Copy of document that may be inspected under CNL (SA) s 601(1)(b)— first page each additional page	 \$5.85 \$1.60
72	CNL (SA) s 609(1)	Application for extension or shortening of time	\$91.50
73	CNL (SA) s 611(2)(c)(iii)	Application for permission to give notice to members by newspaper	\$91.50
74	CNR (SA) reg 1.4(5)	Application by co-operative for declaration that it is a small co-operative for a particular financial year	\$260.00

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 22 June 2017

No 132 of 2017

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