



Queensland

Co-operatives National Law Regulation 2019

Subordinate Legislation 2019 No. ...

made under the

Co-operatives National Law Act 2019

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Consultation draft

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Co-operatives National Law Regulation 2019*.

2 Commencement

This regulation commences on [insert date].

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 an unsuitable name for a co-operative if the Registrar is satisfied—

- (a) the name is misleading in relation to the co-operative, including, for example, because the name is misleading 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 expenses payable to an involved person who attends for examination by an inspector are the allowance and expenses payable under the *Uniform Civil Procedure (Fees) Regulation 2009* to a witness in a civil proceeding before a District Court.

[s 8]

8 Inspection of registers of co-operatives—the Law, s 601

- (1) For section 601(2) of the Law, for doing a thing mentioned in section 601(1) of the Law—
 - (a) the prescribed manner is to make a request to the Registrar in the approved form or, if there is no relevant approved form, to make a written request to the Registrar; and
 - (b) the prescribed time and place to do 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.

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 relevant approved form, the application must be made in writing.
- (3) If appropriate, 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

- (1) The fees payable under the Law are stated in schedule 1.

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- (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

- (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 within a particular period or by a particular day; and
 - (b) the entity gives the document to, or files the document with, the Registrar after the period or day.
- (2) The entity must pay the late fee stated in schedule 1.
- (3) The late fee is payable in addition to any penalty imposed under the Law for failure to give or lodge the document within the period or by the day.

12 Waiving, refunding or reducing fees

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.

Co-operatives National Law Regulation 2019
Part 3 Fees

[s 12]

Note—

Transitional and saving provisions are being considered. This draft is subject to further review.

Schedule 1 Fees

		section 10
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1	Submission for approval, under the Law, section 23, of—	
	(a) draft rules proposed for co-operative	188.30
	(b) a draft formation disclosure statement for co-operative	377.20
2	Application for registration of proposed co-operative if a draft formation disclosure statement is required under section 23 of the Law (the Law, s 26(1)(b))	188.30
3	Application for registration of proposed co-operative if a draft formation disclosure statement is not required under section 23 of the Law (the Law, s 26(1)(b))	188.30
4	Application for registration of existing corporation if draft formation statement is required under section 23 of the Law (the Law, s 31(b))	188.30
5	Application for registration of existing corporation if draft formation statement is not required under section 23 of the Law (the Law, s 31(b))	188.30
6	Issue of duplicate certificate of registration (the Law, s 37(b))	47.10
7	Submission of a proposed amendment of rules for approval under section 60 of the Law—	
	(a) for each rule to be altered	18.80
	(b) maximum fee	188.30
8	Application for the registration of an amendment of rules under section 63(2) of the Law	47.10
9	Application for the giving of a certificate of registration of an amendment of rules under section 63(4) of the Law	47.10

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Schedule 1

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10 Application for an exemption under section 71 of the Law	377.20
11 Registration of disclosure statement for required share take-up or subscription under section 82(3)(a) of the Law	377.20
12 Application under section 119(5) of the Law to further extend the period mentioned in section 119(1) of the Law	47.10
13 Application under section 152(3) of the Law for decision about a member's eligibility to vote	188.30
14 Application for an exemption under section 171 of the Law	377.20
15 Application for approval under section 213(1)(d) of the Law to keep register at another office	47.10
16 Application for exemption under section 220(6A) of the Law	377.20
17 Application for approval to omit 'Limited' or 'Ltd' from a co-operative's name under section 221 of the Law	47.10
18 Application for approval of an abbreviation or elaboration of a co-operative's name mentioned in section 222(e) of the Law	47.10
19 Application for approval of change to a co-operative's name mentioned in section 224(1) of the Law	47.10
20 Application for an exemption mentioned in section 225(1A) of the Law for an entity to use 'Co-operative' or 'Cooperative' or 'Co-op' or 'Coop' in name	377.20
21 Giving a notice of change of address under section 226(4) of the Law	nil*
22 Application for an exemption under section 226(6) of the Law	377.20
23 Application by a member for review of voting entitlement under section 233(2) of the Law	188.30
24 Filing fee for registration of special resolution (the Law, s 243(2)(c)(ii))	47.10

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25 Giving of certificate of registration of special resolution under section 244(1) of the Law	47.10
26 Application for approval of disclosure statement for special postal ballot mentioned in section 248(3) of the Law	377.20
27 Lodging an annual financial report by large co-operative under section 289 of the Law	265.00
28 Lodging a report for a half-year by co-operative that is a disclosing entity under section 290 of the Law	nil
29 Lodging an annual return by small co-operative under section 293 of the Law	70.00*
30 Application for exemption under section 316 of the Law	377.20
31 Application for exemption under section 317 of the Law	377.20
32 Application for exemption under section 319 of the Law	377.20
33 Application for exemption under section 320 of the Law	377.20
34 Application for exemption under section 322 of the Law	377.20
35 Filing disclosure documents, within the meaning of the Corporations Act, with the Registrar for an offer of securities to which section 337 of the Law applies	3,236.00
36 Application for exemption or modification of provision of the Corporations Act, chapter 6D as applied by section 337 of the Law	377.20
37 Application for approval of disclosure statement for issue of debentures to members or employees of co-operative mentioned in section 338(3) of the Law	377.20
38 Application for approval of disclosure statement for compulsory loan from members to co-operative mentioned in section 343(3)(a) of the Law	377.20
39 Application for exemption under section 343(10) of the Law	377.20

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Schedule 1

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40 Application for approval of the statement and terms of issue of CCUs mentioned in section 350(1)(b) and (c) of the Law	377.20
41 Application for exemption under section 359(3) of the Law	377.20
42 Application to state a greater maximum under section 363(2) of the Law	377.20
43 Application by an individual for an exemption under section 372(1) of the Law	377.20
44 Application for approval mentioned in section 374(1)(b) of the Law	377.20
45 Application to extend period mentioned in section 376(5) of the Law	94.15
46 Application for exemption under section 380(1) of the Law	377.20
47 Application for consent to merger or transfer of engagements by way of resolution of the board under section 396(2) of the Law	94.15
48 Application for approval of disclosure statement for purposes of a merger or transfer of engagements mentioned in section 397(2) of the Law	377.20
49 Application for exemption if the application is in relation to the requirement for a disclosure statement under section 397(4) of the Law	377.20
50 Application for approval of merger or transfer of engagements under section 398(1) of the Law	377.20
51 Application for exemption under section 404(4) of the Law	377.20
52 Application for Registrar's permission to shorten notice period mentioned in section 416(1)(a) of the Law	94.15
53 Application for direction mentioned in section 418(1)(f) of the Law	377.20

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54 Application for Registrar's statement of no objection to compromise or arrangement mentioned in section 424(1)(b) of the Law	377.20
55 Filing a Supreme Court order with the Registrar under section 425(4) of the Law	nil*
56 Application for approval of explanatory statement mentioned in section 428(1) of the Law	930.10
57 Application for exemption under section 445(3) of the Law	377.20
58 Application to Registrar under the Corporations Act, part 5A.1, as applied under section 453 of the Law	377.20
59 Application to the Registrar for consent mentioned in section 476(2)(a) of the Law	94.15
60 Application for approval by Registrar of disclosure statement mentioned in section 477(2) of the Law	377.20
61 Application to Registrar for exemption made under section 477(4) of the Law	377.20
62 Application for approval of merger or transfer of engagements under section 478(1) of the Law	377.20
63 Application to call special meeting under section 531(1)(a) of the Law	377.20
64 Application to hold inquiry under section 531(1)(b) of the Law	377.20
65 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	47.10
66 Application for a certificate under section 588(2) of the Law stating that requirements of the Law—	
(a) had, or had not, been complied with at a date or within a specified period	47.10
(b) had been complied with at a specified date but not before the date	47.10

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Schedule 1

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67 Application for a certificate under section 588(3) of the Law	47.10
68 Inspection of register of co-operatives (the Law, s 601(1)(a))	18.80
69 Inspection of documents kept by Registrar relating to a co-operative and prescribed by the Regulation (the Law, s 601(1)(b))	18.80
70 Extract from register of co-operatives inspected under section 601(1)(a) of the Law (the Law, s 601(1)(c))	18.80
71 Certified copy of document that may be inspected under section 601(1)(b) of the Law (the Law, s 601(1)(d))—	
(a) first page	37.65
(b) each additional page	3.50
72 Copy of document that may be inspected under section 601(1)(b) of the Law (the Law, s 601(1)(e))—	
(a) first page	9.15
(b) each additional page	1.65
73 Application for extension or shortening of time under section 609(1) of the Law	94.15
74 Application for permission to give notice to members by newspaper mentioned in section 611(2)(c)(iii) of the Law	94.15
75 Application by co-operative under rule 1.4(5) of the Regulation for a declaration that it is a small co-operative for a particular financial year	377.20
76 Making an application or request to the registrar to exercise a power, or to do an act the registrar is authorised or required to do on application or request, for which no other fee is prescribed under this regulation	47.10
77 Lodging a report under the Corporations Act, section 320 as applied by the Law	nil*
78 Lodging a supplementary or replacement document under the Corporations Act, section 719 as applied by the Law	nil

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79 Lodging any other document under the Corporations Act as applied by the Law	nil*
80 Copy of rules of a co-operative under section 57(3) of the Law	5.00
81 Late fee—	
(a) less than 28 days late	94.15
(b) 28 days late or later	377.20

* indicates late fee stated in item 81 applies

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ENDNOTES

- 1 Made by the Governor in Council on [Made by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Justice and Attorney-General.