



## Application to approve statement/disclosure statement

Co-operatives National Law (Queensland)

This form is effective from 1 December 2020

ABN: 13 846 673 994

### OFFICE USE ONLY

Date received

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### Instructions

Please complete in **BLOCK** letters. Attach extra sheets if needed. All references to dates should be in DD/MM/YYYY.

### Privacy statement—please read

The Office of Fair Trading (OFT) collects information, including personal information, on this form as required by the *Co-operatives National Law (Queensland)* to process your application. Your personal information will be placed on a register which may be inspected by the public upon payment of a prescribed fee. Any documents required by the OFT are available for inspection by the public upon payment of a prescribed fee. Additionally, information on this form can be disclosed without your consent where authorised or required by law. Under the *Fair Trading Act 1989* information may also be shared on a confidential basis with other Australian fair trading agencies.

If you give the OFT an email address to communicate with you, the personal information in these communications will be stored on your email service provider's servers. These servers may be outside of Australia. By giving us your email address, you are consenting to the personal information contained within the emails to and from the OFT to be transferred outside Australia.

### Fees

The applicable fees for this form are available on the Fair Trading website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading). No GST is payable on the fees.

## Instructions

### This form is to be used for:

- an application to approve a disclosure statement in relation to a special postal ballot under s.248(3) of the CNL
- a disclosure statement under section 338 in relation to the issue of debentures to members or employees of the co-operative
- a statement under section 350 in relation to the proposed issue of Co-operative Capital Units (CCUs)
- an explanatory statement under Part 4.4 of the CNL.

### Do not use this form in relation to an:

- application to approve a formation disclosure statement (see Form 1)
- filing disclosure statements/documents under s68 or 337 of the CNL or regulation 3.17 (5) of the CNR (see Form 7).

### What information is required?

A disclosure statement issued in connection with a special resolution to be passed by a special postal ballot under section 248 must address the matters required by the CNL including:

- the intention to propose the special resolution
- the purpose of the special resolution
- the effect of the special resolution being passed
- the financial position of the co-operative
- the interests of the directors of the co-operative in the proposal, including any interests of the directors in another organisation concerned in the proposal
- any compensation or consideration to be paid to officers or members of the co-operative in connection with the proposal
- any additional matters the CNL requires be addressed in relation to a particular proposal as required by sections 82, 343, 378, 397 and 477 of the CNL (where relevant)
- any other matters the Co-operative considers to be relevant to the proposal
- any other information the Registrar directs.\*

### \*Notes:

The Registrar may direct a disclosure statement be accompanied by a report made by an independent person approved by the Registrar about any matters the Registrar directs: s.248(5) CNL.

Section 615 of the CNL states that a disclosure statement may only include a statement by a person or a statement said in the disclosure statement to be based on a statement by a person if:

- (a) the person has consented to the statement being included in the disclosure statement in the form and context in which it is included
- (b) the disclosure statement states that the person has given consent
- (c) the person has not withdrawn this consent before the disclosure statement is approved by, or registered with, the Registrar of the OFT

A disclosure statement under section 338 in relation to an issue of debentures to members or employees must address the matters specified in section 338 of the CNL

A statement under section 350 in relation to the proposed issue of Co-operative Capital Units (CCUs) must address the matters specified in section 350 of the CNL

An explanatory statement under Part 4.4 of the CNL must set out the matters specified in s.416 & s.427 and regulation 4.2 of the *Co-operatives National Regulation (Queensland)*.

## Part 1—Applicant details

### Applicant name, address and contact details

Contact person submitting application.

Preferred title  Mr  Mrs  Ms  Miss Other (specify) .....

First name ..... Last name .....

Address .....

Suburb ..... State  Postcode

Phone ( ) ..... Fax ( ) .....

Mobile ..... Email .....

Preferred contact method?  Phone  Fax  Mobile  Email

## Part 2—Co-operative details

### Section 1

#### Co-operative details

Name of co-operative .....

Registration number .....

## Part 3—Purpose of the special resolution

- What is the purpose of the special resolution for which the statement/disclosure statement is required? (please tick a box)
- Section 35(1)(a)  
Conversion from a co-operative with share capital to a co-operative without share capital, or vice versa
- Section 35(1)(b)  
Conversion from a distributing co-operative to a non-distributing co-operative, or vice versa
- Section 82  
Require members to take up additional shares and special resolution to deduct amounts for additional shares
- Section 250  
A special resolution on the requisition of members
- Section 338  
Issue of debentures to members or employees of co-operative
- Section 343  
Compulsory loan from members to co-operative
- Section 350  
Application for approval of Statement and terms of issue of CCUs
- Section 359  
Acquisition or disposal of assets
- Section 363  
Increase the maximum permissible level of share interest for a particular person
- Section 374  
Share offers under CNL s373(1)
- Section 404  
Transfer of incorporation
- Section 445  
Voluntary winding up by members
- Sections 397 & 477  
Merger of co-operatives
- Sections 397 & 477  
Transfer of engagements
- Part 4.4  
Compromise or arrangement

## Part 3—Declaration and checklist

<b>Declaration</b>	I declare that: <ul style="list-style-type: none"><li>• I am authorised to lodge this application for this co-operative</li><li>• the particulars contained in this application and other documents are true and correct</li><li>• I acknowledge that it is an offence under section 514 of the <i>Co-operatives National Law (Queensland)</i> to provide the Registrar with false or misleading documents.</li></ul>
<b>Checklist</b>	I have enclosed the following (please tick box): <input type="checkbox"/> the sum of \$ ..... being the prescribed fee (fee is available at <a href="http://www.qld.gov.au/fairtrading">www.qld.gov.au/fairtrading</a> )
<b>Sign here</b>	Name (please print) ..... Position (office) held ..... Signature ..... Date signed <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <small>D D M M Y Y Y Y</small>

## Lodgement details

<b>IMPORTANT!</b> Please make sure you: <ul style="list-style-type: none"><li>• provide all necessary information and documentation</li><li>• sign the application</li><li>• return all pages of the application form.</li></ul>	<p>The prescribed fee for the particular application is available at <a href="http://www.qld.gov.au/fairtrading">www.qld.gov.au/fairtrading</a>. You may also contact the Registry for assistance in determining the prescribed fee.</p> <p><b>Please lodge the completed application, any supporting documentation and applicable fees to the Office of Fair Trading at the address below, at one of our regional offices, or at a Queensland Government Service Office.</b></p> <p><b>By mail:</b> Registration Services Unit, GPO Box 3111, Brisbane QLD 4001</p> <p><b>In person:</b> Visit <a href="http://www.qld.gov.au/fairtrading">www.qld.gov.au/fairtrading</a> or call <b>13 QGOV</b> (13 74 68) for information and your nearest Fair Trading Office or Queensland Government Service Office.</p>
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Proceed to the payment section.

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Proceed to the payment section.**

## Payer details

This section must be completed if payment has been made by another person on behalf of the applicant.

Name .....

Postal address .....

Suburb ..... State    Postcode

Mobile ..... Fax number .....

Receipt request Yes  No

Email .....

## Payment

### Payment details

Cash—pay in person  Debit/Credit card  Money order  Cheque  
**Do not send cash by mail**

Make money order or cheque payable to the Office of Fair Trading.  
**A receipt will not be issued unless specifically requested.**

### Debit/Credit card

**OFT cannot accept debit/credit card details over the phone, fax or email (including any attachments) in accordance with the Payment Card Industry Data Security Standard. If an email or fax is received containing debit/credit card details, it will be deleted immediately and your application and payment will not be processed.**

Charge my:



Go online to [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)

Debit/Credit card number:

Cardholder's name:

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Amount authorised:

\$ ..... Expiry date:   /

Cardholder's signature:

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### Online payments

Tick box if you wish to pay online

If you select this option, once OFT has received your documentation, an officer will be in contact to provide you with a Customer Reference Number (CRN). You can use this to pay via the following methods:



Go online to [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)



Payments can be made using **BPAY** through your bank or financial institution using the reference details that will be provided to you.



### By post

A cheque or money order can be posted in, together with the application form.

**Make money order or cheque payable to the Office of Fair Trading**



### In person

You can also visit a Fair Trading Office or an applicable Queensland Government Service Office to lodge this application and pay the applicable fees over the counter.

Visit [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading) or call **13 QGOV** (13 74 68) for your nearest Fair Trading Office or Queensland Government Service Office.