



Application for approval of proposed rules for a co-operative

Co-operatives National Law (Queensland)

This form is effective from 1 December 2020

ABN: 13 846 673 994

OFFICE USE ONLY

Date received

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 fee for this form is available on the Fair Trading website at www.qld.gov.au/fairtrading. No GST is payable on the fees.

Part 1—Application details

Application details

This application for approval of a draft proposed rules for a co-operative under the name of is made by:

Given names

Surname

The name you propose will not be accepted if it is deemed unsuitable, or similar or identical to an existing name. To check to see if your name already exists or is similar you can search [ASIC's business name register](#).

The name must include Co-operative, Cooperative, Co-op or Coop and must end in Limited or Ltd.

We will contact you if the name is unavailable.

Part 2—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 3—Co-operative details

Section 1

Proposed co-operative details

The co-operative is proposed to be a (please tick):

- co-operative with five or more people or less people if approved by the Registrar
- co-operative group comprising two or more co-operatives that will remain separately registered.

The co-operative is proposed to be a (please tick):

- distributing with share capital
- non-distributing with share capital
- non-distributing without share capital.

In addition, the co-operative is (please tick one):

- a new proposed co-operative with no previous incorporation
- an existing body proposing to be a co-operative (e.g. corporation, incorporated association, indigenous corporation).

Section 2

Purpose of the co-operative and how it will operate

What will be the purpose of the co-operative and how will it operate?

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Section 3

Financial obligations

What will be the financial obligations and financial involvement of members?

Minimum and maximum shareholding (if applicable)

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Entrance fees

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Annual subscriptions

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Projected income and expenditure of the co-operative for the first year of operation

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Other financial contributions or financial involvement of members

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Part 3—Co-operative details

Section 4

Involvement of members

How will the members be involved in the co-operative's activities?

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Part 4—Declaration and checklist

Declaration

Note: If adopting the model rules without variations, Annexure A (at the end of this form) need not be completed.

I declare that:

- I am lodging this form as a written notice of intention to apply for registration as a co-operative
- the particulars contained in this form and any attachments are true and correct
- I acknowledge that it is an offence under section 514 of the *Co-operatives National Law (Queensland)* to give the Registrar a document containing false or misleading information
- the proposed co-operative has the prescribed number of active members.

Checklist

I declare that the matters as prescribed in Schedule 1 of the *Co-operatives National Law (Queensland)* and contained in Annexure A (on page 4 of this form) are provided for in these proposed rules of the co-operative.

I have enclosed the following (please tick box):

a copy of the draft rules of the proposed co-operative (including active membership provisions)

the sum of \$ being the prescribed fee (fee is available at www.qld.gov.au/fairtrading)

The proposed date of the formation meeting (if known) is / /
D D M M Y Y Y Y

Sign here

Name (please print)

Position (office) held

Signature Date signed / /
D D M M Y Y Y Y

Lodgement details

IMPORTANT!

Please make sure you:

- provide all necessary information and documentation
- sign the application
- return all pages of the application form.

Please note

The draft of the rules proposed for the co-operative must be submitted to the Registrar at least 28 days before the formation meeting is due to be held. The proposed rules of the proposed co-operative must be the rules approved by the Registrar under Section 24 of the *Co-operatives National Law (Queensland)*.

The application and attachments will be reviewed. We will notify you in writing if further information is needed, or in the case of a non-distributing co-operative a disclosure statement is required.

When the form is completed correctly and all necessary documents are attached, within 28 days, we will notify you of the next steps in the registration process.

If any change occurs in the information you have provided in your application, you must notify us as soon as possible.

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.

By mail:

Registration Services Unit, GPO Box 3111, Brisbane QLD 4001

In person:

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

Annexure A

The annexure contains the matters as prescribed in Schedule 1 of the *Co-operatives National Law (CNL) (Queensland)* and must be completed in all cases where the model rules have not been adopted or have been varied.

Note if adopting model rules without variations do not complete this annexure.

Item	Rule numbers (enter rule number)
Name of the co-operative.	
Active membership provisions.	
The mode and conditions of admission to membership, and the payment to be made, or the share or interest to be acquired, before rights of membership are exercised.	
The rights and liabilities of members, and of the estates of deceased members, and the rights and liabilities of representatives of members under bankruptcy or mental incapacity.	
The circumstances in which members may be expelled or suspended, and the rights and liabilities of expelled and suspended members.	
The circumstances in which membership ceases.	
The charges or subscriptions payable by a member to the co-operative.	
The circumstances in which fines and forfeitures may be imposed on members of the co-operative, and the amount of the fines, being not more than the maximum amount prescribed by the National Regulations.	
The grievance procedures for settling disputes between the co-operative and any of its members as defined in Section 129, or between a member and another member.	
The restrictions, if any, on the powers of the co-operative and the board.	
The number of directors, the qualifications of director, and the way of electing, remunerating and removing directors and filling a vacancy, the period for which directors are to hold office, whether directors are to retire by rotation or otherwise, and the holding of annual elections.	
The quorum for and the procedure at meetings of the board.	
The device, custody and use of the seal of the co-operative.	
How the funds of the co-operative are to be managed, and in particular the mode of drawing and signing cheques, draft, bills of exchange, promissory notes, and other negotiable instruments for the co-operative.	
The custody of securities belonging to the co-operative.	
How debentures may be transferred.	
The date on which the financial year of the co-operative ends.	
The preparation of financial reports of the co-operative, the provision of those reports to members of the co-operative, and whether and how those reports are to be audited or reviewed.	
How a loss that may result from the transactions of the co-operative is to be provided for.	
The procedure for calling general and special meetings, the requisite notices of meetings, and the quorum for meetings, of the co-operative.	
The procedure at meetings of the co-operative, including the rights of members in voting at meetings, the way of voting, and the majority necessary for carrying resolutions, and any special majority in addition to that required under the CNL necessary for carrying specified resolutions.	
The method of conducting postal ballots, including special postal ballots, including the sending and filing of information and votes by facsimile or electronic means, the way of voting and the majority necessary for carrying resolutions, and any special majority in addition to that required under the CNL necessary for carrying specified resolutions.	
The way of altering rules.	
How the co-operative may be wound-up.	
A matter prescribed by the National Regulations for the purposes of this clause	
Other matters that appear necessary or desirable to the co-operative.	

Annexure A continued

Item	Rule numbers (enter rule number)
Additional matters—co-operatives with share capital	
The nominal value of each share in the co-operative.	
The amount of the contingent liability, if any, attaching to shares.	
The terms on which shares, not including bonus shares, but including shares, if any, with a contingent liability attached to them are to be issued.	
The periodic subscriptions by which or the manner in which shares are to be paid for.	
For a distributing co-operative—how any surplus may be distributed.	
The allocation of a deficiency on the winding-up of a co-operative.	
The forfeiture of shares on expulsion or on failure to pay any subscription or call, the extent to which members whose shares have been forfeited are to remain liable for any amount still unpaid for them, and the sale or cancellation of forfeited shares.	
How shares may be transferred.	
A matter prescribed by the National Regulations for the purposes of this clause.	
Additional matters—non-trading co-operatives	
That there must be no return or distribution of surplus or share capital to members other than the nominal value of shares, if any, at winding-up.	
For the way of distribution of the surplus property at winding-up.	

**This page has been intentionally left blank.
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

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



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 or call **13 QGOV** (13 74 68) for your nearest Fair Trading Office or Queensland Government Service Office.