

FORM C16

Application to Approve Statement/Disclosure Statement

Co-operatives National Law (NSW)



1800 502 042 fairtrading.nsw.gov.au

Please read this information before completing this form.
This form can be completed in Adobe Reader and saved for your records.

When should this form be lodged?

- An application to approve: a disclosure statement for the purpose of a special postal ballot; a disclosure statement under s. 338 or s.343(3).
- 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 C1).
- Application to approve a disclosure statement for merger of co-operatives (See Form C2).
- Application to approve a disclosure statement for transfer of engagements (See Form C3).

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 (as shown in financial statements prepared as at a date not more than 3 months before the date of the disclosure statement);
- 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 officer 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 of the CNL (where relevant);
- any other matters the Co-operative considers to be relevant to the proposal;
- and any other information the Registrar directs.*

**Note: 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.*

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 Clause 4.2 of the Co-operatives National Regulations (NSW).

Fees

An application fee may be required. Please see Schedule 1 to the Co-operatives (New South Wales) Regulation 2020 for details of the applicable fee or contact Registry and Accreditation.

How to pay the lodgement fee

Pay by credit card or PayPal using the following link: www.fairtrading.nsw.gov.au/registrypayments

- Step 1** - Click on the link or type the URL into your web browser.
- Step 2** - Follow the instructions online to complete payment. (select 'Registry and Accreditation' as the agency)

Step 3 - You will receive a receipt upon payment.

Step 4 - Attach a copy of the receipt to the form.

Alternatively, if you intend to pay by cheque or money order this can be done in person at a Service NSW Centre accepting this form of payment. Please telephone 13 77 88 or visit www.service.nsw.gov.au/service-centre prior to attending, to confirm accepted payment methods.

Cheques or money orders should be made payable to NSW Fair Trading.

Not providing all required information and a copy of the receipt may result in delays in processing your application.

How to lodge

- **By email** to registrylodgements@customerservice.nsw.gov.au ensuring a copy of the receipt of payment is attached.
- **By post** to Registry and Accreditation, PO Box 22, Bathurst NSW 2795, ensuring a copy of the receipt of payment is included.
- **In person** at any **Service NSW Centre**. For the address of your nearest Service NSW Centre please telephone 13 77 88 or visit www.service.nsw.gov.au/service-centre to confirm accepted payment methods prior to attending.

What happens when you lodge your form

- The application and attachments will be reviewed. You will be contacted within 28 days following the receipt of the application.
- If any change occurs in the information you have provided in your application, you must notify NSW Fair Trading as soon as possible.

The *Co-operatives National Law (NSW)* can be found at the Appendix to the *NSW Co-operatives (Adoption of National Law) Act 2012*.

Contacting Registry and Accreditation

Telephone 1800 502 042
Mail Registry and Accreditation, PO Box 22
Bathurst NSW 2795
Website [www.fairtrading.nsw.gov.au/
associations-and-co-operatives/co-operatives](http://www.fairtrading.nsw.gov.au/associations-and-co-operatives/co-operatives)

Assistance

Telephone - 13 14 50
Ask for an interpreter in your language.
TTY - 133 677
Telephone service for the hearing impaired.

The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form.



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Fee (GST free)
Please see Schedule 1 to the Co-operatives
(New South Wales) Regulation 2020
or contact Registry and Accreditation

1. Provide details of the co-operative

Name of co-operative

LIMITED

Co-operative registration number NSWC

2. Purpose of the special resolution for which the statement/disclosure statement is required

- 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
- Part 4.4 Compromise or arrangement

3. Declaration and privacy acknowledgement

I declare that:

- I am authorised to lodge this application for this co-operative.
- The particulars contained in this application and other documents are true and correct. I acknowledge that it is an offence under section 514 of the *Co-operatives National Law (NSW)* to provide the Registrar with false or misleading documents.

Signature

Date signed (DD/MM/YYYY)

This form is designed to be completed in Adobe Reader. A cross appearing in the digital signature field above may indicate a compatibility issue. If a cross appears please sign here

Printed name

Position (office) held

4. Privacy statement

NSW Fair Trading, Department of Customer Service gives priority to protecting the privacy of your personal information. We do this by handling personal information in a responsible manner and in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act). Service NSW acts as a shopfront for us and performs transactions for you, on our behalf.

The personal information contained in your application is collected and held by NSW Fair Trading and Service NSW will collect and hold personal information on our behalf as part of the application process.

We are collecting your personal information for the following purposes:

1. To process your application to approve the statement/disclosure statement of co-operatives under sections 82(3)(a), 248(3), 337, 338(3) and 343(3)(a), 350, 374, 445 & Part 4.4 of the *Co-operatives National Law (NSW)* (CNL Act).
2. Internal administrative purposes, including liaising with you in relation to your application.
3. We may use the information to support more informed policy making, program management, evaluation, research and service planning as it can facilitate more efficient service delivery for co-operatives in NSW.
4. As required by legislation to record information on a public register, parts of which will be published online.

The consequence of not providing it is that your application may not be able to be determined. We may use the personal information contained in your application to confirm your details if you make any subsequent applications. We may also use it to administer/update our public register, including to send you information that we consider important such as information and updates regarding Co-operative's obligations under the CNL Act.

We will store and manage your personal information in accordance with provisions under the PPIP Act.

If required, we may make enquiries and exchange information with other NSW government agencies (including the NSW Police Force), or other States, Territories and/or the Commonwealth for the purpose of assessing your application and for compliance purposes. We may disclose your personal information for these purposes.

We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or permitted to do so by law. Our [Privacy Statement](#) describes when this may occur. You can find this information and our [Privacy Management Plan](#) on the Department of Customer Service website.

Please see the [Fair Trading Privacy Code of Practice](#) for more information about how we handle your personal information, how you can request access to or correct the personal information we hold about you (if the information is inaccurate, incomplete, not relevant or out of date) and who to contact if you have a privacy enquiry or complaint, or email brdprivacy@customerservice.nsw.gov.au.

For more information about how Service NSW handles personal information please visit www.service.nsw.gov.au/privacy.

Who should NSW Fair Trading contact if there is a query about this form?

Title	Given name(s)	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact number	Mobile number	
<input type="text"/>	<input type="text"/>	
Address		
<input type="text"/>		
Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email address		
<input type="text"/>		

Payment details

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Receipt number