

FORM C1

Application to Approve Co-operative Rules and Formation Disclosure Statement

Co-operatives National Law (NSW) Part 2.1, Division 3



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?

- Do not complete this form if you are merging 2 or more co-operatives or transferring engagements. Instead, you will need to complete form C2 or C3 as appropriate. Those forms are available on the [NSW Fair Trading website](http://www.fairtrading.nsw.gov.au)
- A draft formation disclosure statement must accompany this form for:
 - all proposed distributing co-operatives.
 - a proposed non-distributing co-operative if directed by the Registrar.
- This form is used to obtain approval of the rules and disclosure statement (when required) prior to the formation meeting for a new co-operative.

Fees

The following fees apply for the lodgement of this form:

- Submission of draft rules: \$87.00
- Submission of draft formation disclosure statement: \$315.00

There is no GST payable.

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**. Before visiting 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 application?

- The application and attachments will be reviewed. You will be notified 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 you will receive notification of the next steps.
- 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

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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and saved for your records.

Fee (GST free)
Submission of draft rules - \$87.00
Submission of draft formation disclosure statement - \$315.00

1. Who is making this application?

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

2. Are you (choose one option only)

- ☐ 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)

3. Will the proposed co-operative be (choose one option only)

- ☐ A stand alone co-operative with individual members
- ☐ A co-operative group comprising two or more co-operative members that will remain separately registered

4. What will be the name of the proposed co-operative?

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 Organisation and Business Names Register](#).

The name **must** include 'Co-operative', 'Cooperative', 'Co-op' or 'Coop' and must end in 'Limited' or 'Ltd'. You will be contacted if the name is currently unavailable.

NOTE: The proposed name must be available at the time the Application to register the co-operative is processed.

Proposed name

<input type="text"/>	LIMITED
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5. What type of co-operative are you proposing to form? (choose one option only)

- ☐ **A distributing co-operative with share capital.**
Distributing co-operatives may give returns or distributions on surplus or share capital to members.
- ☐ **A non-distributing co-operative that has share capital.**
These co-operatives are **prohibited** from giving returns or distributions on surplus or share capital to members, other than the nominal value of shares at winding up.
- ☐ **A non-distributing co-operative that has no share capital.**
These co-operatives are **prohibited** from giving returns or distribution on surplus to members.

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

(If insufficient space, additional page(s) can be annexed to this form)

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

This part must include details of:

Minimum and maximum shareholding *(if applicable)*

Entrance fees

Annual subscriptions

Any other financial contributions or financial involvement of members

(If insufficient space, additional page(s) can be annexed to this form)

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

(If insufficient space, additional page(s) can be annexed to this form)

9. Document checklist

Your application cannot be processed without the following documents:

For all applicants:

- ☐ A draft of the **proposed rules** for the co-operative (including active membership provisions).
- ☐ The projected income and expenditure of the co-operative for the first year of operation.

For all distributing co-operatives and any non-distributing co-operatives directed by the Registrar:

- ☐ You must also attach a copy of the **draft formation disclosure statement** for the co-operative. A template disclosure statement is available on the [Fair Trading website](#). The disclosure statement for a distributing co-operative must contain the information necessary to ensure prospective members are adequately informed of the nature and extent of a person's financial involvement or liability as a member of the co-operative, including as far as applicable:
 - the estimated costs of formation,
 - the active membership provisions of the proposed co-operative,
 - the rights and liabilities attaching to shares in the proposed co-operative,
 - the capital required for the co-operative at the time of formation,
 - the projected income and expenditure of the co-operative for its first year of operation,
 - information about any contracts required to be entered into by the co-operative,
 - any other information that the Registrar directs to be included.

Non-distributing co-operatives are not required to provide a disclosure statement unless directed by the Registrar.

10. Declaration

I declare that:

- 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 (NSW)* to give the Registrar a document containing false or misleading information.
- The proposed co-operative has the prescribed number of active members.

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

11. 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* (PIIP 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 for initial approval of rules and information disclosure statement under Part 2.1, Division 3 of *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 in relation to 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 PIIP 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