

FORM C2

Application to Approve Disclosure Statement for Merger of Co-operatives

Co-operatives National Law (NSW) Sections 397 and 477



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 I use this form?

This application must be submitted with a draft disclosure statement for a proposed merger where the merged co-operative is to be registered in NSW.

Fees

Application fee: \$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 required.
- When the form is completed correctly and all necessary documents are attached, within 28 days you will receive notification of the next steps in the merger process.
- 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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Fee (GST free) - \$315.00

1. Applicant

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. Details of co-operatives proposing to merge

Name of co-operative to which this application relates

<input type="text"/>	LIMITED
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Co-operative registration number NSW

<input type="text"/>

3. Details of co-operatives with which the co-operative is proposing to merge

Name of co-operative	Where registered (Australian state)	Registration number
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. What will be the name of the proposed merged 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. Document checklist

Your application cannot be processed without the following documents:

A copy of the disclosure statement for approval. The disclosure statement 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 merged co-operative, including if applicable:

- the financial position of each co-operative concerned in the proposed merger as shown in financial statements prepared as at a date not more than 6 months before the date of the statement
- any interest any officer of each co-operative has in the proposed merger
- compensation or other consideration proposed to be paid, or other incentive proposed to be given, to any officer or member of each co-operative in relation to the proposed merger
- the reason for the merger
- the estimated costs of the merger
- the active membership provisions of the proposed merged co-operative
- the rights and liabilities attaching to shares in the proposed merged co-operative
- the capital required for the co-operative at the time of merger
- the projected income and expenditure of the merged co-operative for its first year of operation
- information about any contracts required to be entered into by the merged co-operative
- any other information the Registrar directs to be included
- If required by the Registrar – A report made by an independent person about any matters the Registrar directs.

7. 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 disclosure statement for merger of co-operatives under sections 397 and 477 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.

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8. Declaration

I declare that:

- I am authorised to lodge this application on behalf of the Co-operatives.
- 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.

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

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

Application fee: \$315.00

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Receipt number