

Form C1

Application to Approve Co-operative Rules and Formation Disclosure Statement

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

**Fee must accompany form
See information under fees**

Web: www.fairtrading.nsw.gov.au/associations-and-co-operatives/co-operatives

Registry and Accreditation, PO Box 22, Bathurst, NSW 2795

Telephone: 1800 502 042

THINGS TO KNOW BEFORE STARTING YOUR APPLICATION

- 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 is required for:
 - all proposed distributing co-operatives.
 - a proposed non-distributing co-operative if directed by the Registrar.

How to complete this form

- Please use a blue or black pen and print clearly using block letters.
- **Complete all parts of the form and the contact details.**
- Attachments are required as part of this application. Refer to the document checklist at part 9.

Fees

The following fees apply for the lodgement of this form:

- Submission of draft rules: \$78.00
- Submission of draft formation disclosure statement: \$281.00

The fee must be paid at the time of application. There is no GST payable.

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

How to pay

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.

Not providing this information may result in delays in processing your form.

Alternatively, if you intend to pay by cheque or money order this can be done in person at any Service NSW Centre.

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

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 in the registration 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*.

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.

Form C1

Application to Approve Co-operative Rules and Formation Disclosure Statement

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

Applicant

1. Who is making this application?

Surname			
Given name(s)			
Address (including state and postcode)	Town/Suburb	State	Postcode
Daytime telephone number			
Email address			

Details of proposed co-operative

2. Are you (choose one option only):

<input type="checkbox"/>	A new proposed co-operative with no previous incorporation
<input type="checkbox"/>	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):

<input type="checkbox"/>	A stand alone co-operative with individual members
<input type="checkbox"/>	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 unavailable.

Proposed name	Limited
---------------	---------

5. What type of co-operative are you proposing to form (choose one option only):

<input type="checkbox"/>	A distributing co-operative with share capital. Distributing co-operatives may give returns or distributions on surplus or share capital to members.
<input type="checkbox"/>	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.
<input type="checkbox"/>	A non-distributing co-operative that has no share capital. These co-operatives are prohibited from giving returns or distribution on surplus to members.

Details of the co-operative

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?

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

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

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)

Document checklist

9. Your application cannot be processed without the following documents:

<input type="checkbox"/>	For all applicants:
<input type="checkbox"/>	A draft of the proposed rules for the co-operative (including active membership provisions).
<input type="checkbox"/>	The projected income and expenditure of the co-operative for the first year of operation.
<input type="checkbox"/>	<p>If you are proposing to be a distributing co-operative, 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:</p> <ul style="list-style-type: none">• 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. <p>Non-distributing co-operatives are not required to provide a disclosure statement unless directed by the Registrar.</p>

Certification and signature

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

Signature		
Printed name		
Date of signing (dd/mm/yyyy)		

Privacy - NSW Fair Trading is committed to responsible and fair handling of your personal information, consistent with the laws we administer and the *Privacy and Personal Information Protection Act 1998*. Some information on this form will be placed on a public register in accordance with the *Co-operatives National Law (NSW)*. We may be unable to process this form if you do not provide the required information. You can contact us at any time to request access to the personal information we hold about you. In exceptional circumstances, you may apply to have public access to your personal information restricted. Our privacy statement and other privacy information are available at the [NSW Fair Trading website](#) or on request.

This page left blank intentionally

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

Surname	<input type="text"/>	Given name(s)	<input type="text"/>	
Title	<input type="text"/>	Daytime telephone	<input type="text"/>	
Address	<input type="text"/>			
Town/suburb	<input type="text"/>	State	<input type="text"/>	Postcode <input type="text"/>
Email	<input type="text"/>			