

**NORTHERN TERRITORY OF AUSTRALIA**

**CO-OPERATIVES (NATIONAL UNIFORM LEGISLATION)  
REGULATIONS 2015**

As in force at 1 January 2017

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2017

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## CO-OPERATIVES (NATIONAL UNIFORM LEGISLATION) REGULATIONS 2015

### Regulations under the *Co-operatives (National Uniform Legislation) Act 2015*

#### **1 Citation**

These Regulations may be cited as the *Co-operatives (National Uniform Legislation) Regulations 2015*.

#### **2 Commencement**

These Regulations commence on 1 January 2017.

#### **3 Definition**

In these Regulations:

*Law* means the *Co-operatives National Law (NT)*.

#### **4 Fees**

The Schedule specifies the fee payable for each provision of the Law or the *Co-operatives National Regulations (NT)* in relation to the matter specified opposite the fee.

#### **5 Registrar may exempt, waive or refund fees**

The Registrar may exempt a person from payment of a fee or waive (wholly or partly) or refund (wholly or partly) payment of a fee specified in these Regulations if the Registrar considers it appropriate to do so.

#### **6 Fees for applied provisions of Corporations Act**

Fees for anything done by or in relation to the Registrar under provisions of the Corporations Act as applied under the Law that are not otherwise provided for in these Regulations are the same as the fees for chargeable matters under the *Corporations (Fees) Act 2001 (Cth)*.

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**Schedule Fees**

regulation 4

| <b>Item</b> | <b>Provision</b>     | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|----------------------|---|------------------------------------|
| 1           | section 26(1)(b)(ii) | Application for registration of proposed co-operative – draft formation disclosure statement required under section 23 of the Law   | 310                                |
| 2           | section 26(1)(b)(ii) | Application for registration of proposed co-operative – draft formation disclosure statement not required under section 23 of the Law   | 89                                 |
| 3           | section 31(b)(ii)    | Application for registration of existing corporation – draft formation disclosure statement required under section 23 of the Law  | 310                                |
| 4           | section 31(b)(ii)    | Application for registration of existing corporation – draft formation disclosure statement not required under section 23 of the Law  | 89                                 |
| 5           | section 37(b)(ii)    | Issue of duplicate certificate of registration  | 27                                 |
| 6           | section 60           | Application for Registrar's prior approval of certain rule amendments   | 62                                 |
| 7           | section 63(2)        | Application for registration of rule amendment, other than where pre-approved under section 60 of the Law – per rule (maximum of 133 revenue units per lodgement)<br><br>Plus fee for late lodgement: | 27                                 |
|             |                      | (a) within first 28 days after due date   | 89                                 |

| <b>Item</b> | <b>Provision</b>  | <b>Description</b>   | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-------------------|--|------------------------------------|
|             |                   | (b) after first 28 days after due date   | 177                                |
| 8           | section 63(4)     | Application for issue of certificate of registration of rule amendment   | 27                                 |
| 9           | section 71(1)     | Application for exemption from any or all provisions of Part 2.4, Division 2 of the Law  | 62                                 |
| 10          | section 82(3)(a)  | Application for registration of disclosure statement for compulsory share take up  | 221                                |
| 11          | section 119(5)    | Application to extend period for carrying on business with too few members   | 221                                |
| 12          | section 152(3)    | Application for decision of a member's eligibility to vote on an active membership resolution  | 221                                |
| 13          | section 171       | Application for exemption of co-operative from any or all provisions of Part 2.6, Division 5 of the Law (former member entitlements) | 221                                |
| 14          | section 213(1)(d) | Application for approval of office at which register may be kept   | 62                                 |
| 15          | section 220(7)    | Use of "Co-operative", "Cooperative", "Co-op" or "Coop" – application for exemption by Registrar                                     | 221                                |
| 16          | section 221(1)    | Application to approve omission of "Limited" or "Ltd" in name  | 133                                |
| 17          | section 222(e)    | Application to approve abbreviation or elaboration of name   | 27                                 |
| 18          | section 224       | Application to approve change of name  | 221                                |

| <b>Item</b> | <b>Provision</b>      | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-----------------------|---|------------------------------------|
| 19          | section 225(2)        | Restriction on use of "Co-operative", "Cooperative", "Co-op" or "Coop" – application for exemption by Registrar   | 221                                |
| 20          | section 226(4)        | Lodgement of notice of change of address<br>Fee for late lodgement:   | nil                                |
|             |                       | (a) within first 28 days after due date   | 89                                 |
|             |                       | (b) after first 28 days after due date  | 177                                |
| 21          | section 226(6)        | Application for exemption for a small co-operative or class of small co-operatives from requirement for displaying a notice about the name of a co-operative and its registered office in section 226(3) of the Law | 62                                 |
| 22          | section 233(2)        | Application by member for review of voting entitlement  | 221                                |
| 23          | section 243(2)(c)(ii) | Filing fee for registration of special resolution – per resolution (maximum of 133 revenue units per lodgement)<br>Plus fee for late lodgement:   | 27                                 |
|             |                       | (a) within first 28 days after due date   | 89                                 |
|             |                       | (b) after first 28 days after due date  | 177                                |
| 24          | section 244(3)        | Application for certificate of registration of special resolution   | 27                                 |
| 25          | section 248(3)        | Application for approval of disclosure statement for special postal ballot  | 221                                |

| <b>Item</b> | <b>Provision</b> | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|------------------|---|------------------------------------|
| 26          | section 289      | Lodgement of annual financial report by large co-operative<br>Plus fee for late lodgement:  | 221                                |
|             |                  | (a) within first 28 days after due date   | 89                                 |
|             |                  | (b) after first 28 days after due date  | 177                                |
| 27          | section 290      | Lodgement of half yearly report by co-operative that is a disclosing entity<br>Fee for late lodgement:  | nil                                |
|             |                  | (a) within first 28 days after due date   | 89                                 |
|             |                  | (b) after first 28 days after due date  | 177                                |
| 28          | section 293      | Lodgement of annual return by small co-operative<br>Plus fee for late lodgement:  | 62                                 |
|             |                  | (a) within first 28 days after due date   | 89                                 |
|             |                  | (b) after first 28 days after due date  | 177                                |
| 29          | section 316(1)   | Application for exemption of certain persons (in relation to a co-operative) from all or specified requirements of "target provisions"          | 221                                |
| 30          | section 317(1)   | Application for exemption of certain persons (in respect of a class of co-operatives) from all or specified requirements of "target provisions" | 221                                |
| 31          | section 319(1)   | Application for exemption of certain persons from all or specified requirements of "target provisions"  | 221                                |

| <b>Item</b> | <b>Provision</b>          | <b>Description</b>   | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|---------------------------|--|------------------------------------|
| 32          | section 320(1)            | Application for exemption of certain persons (in respect of a class of audit firms or audit companies) from all or specified requirements of "target provisions" | 221                                |
| 33          | section 322               | Application for exemption from a provision of National Regulations made under Part 3.3 of the Law  | 221                                |
| 34          | section 337               | Lodgement of disclosure documents for an issue of securities other than an issue of securities under section 338 of the Law                                      | 1 946                              |
| 35          | section 337               | Application for exemption or modification of disclosure provisions under Chapter 6D of the Corporations Act (as applied)   | 955                                |
| 36          | section 338(3)            | Application for approval of disclosure statement for issue of non-share securities to members or employees of co-operative                                       | 221                                |
| 37          | section 343(3)(a)         | Application for approval of disclosure statement for compulsory loan from members to co-operative  | 221                                |
| 38          | section 343(10)           | Application for exemption from all or specified provisions of section 343 of the Law (requirements for compulsory loans from members to co-operative)            | 221                                |
| 39          | section 350(1)(b) and (c) | Application for approval of the statement and terms of the issue of CCUs   | 221                                |



| <b>Item</b> | <b>Provision</b>  | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-------------------|---|------------------------------------|
| 40          | section 359(3)    | Application for exemption from a provision of sections 248 and 359 of the Law (requirements in relation to disposal or acquisition of significant assets)           | 221                                |
| 41          | section 363(2)    | Application to permit a maximum level of share interest greater than 20% in particular co-operative   | 221                                |
| 42          | section 372(1)    | Application by a person for an exemption from the operation of Part 3.5, Division 1 of the Law  | 221                                |
| 43          | section 374(1)(b) | Application for approval of share offers provided for in section 373 of the Law that may result in structural change of co-operative                                | 1 946                              |
| 44          | section 376(5)    | Application to extend time permitted for board to consider a share offer of the kind specified in section 373(1) of the Law   | 62                                 |
| 45          | section 380(1)    | Application for exemption from a provision of Part 3.5, Division 2 and section 248 of the Law (requirements for share offers under Part 3.5, Division 2 of the Law) | 955                                |
| 46          | section 396(2)    | Application for consent to merger or transfer of engagements by way of board approval   | 62                                 |
| 47          | section 397(2)    | Application for approval of disclosure statement for purposes of a merger or transfer of engagements  | 221                                |

| <b>Item</b> | <b>Provision</b>  | <b>Description</b>   | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-------------------|--|------------------------------------|
| 48          | section 397(4)    | Application for exemption of co-operative from complying with section 397 of the Law in relation to disclosure statement about a merger or transfer of engagements | 221                                |
| 49          | section 398(1)    | Application for approval of merger or transfer of engagements  | 62                                 |
| 50          | section 404(4)    | Application for exemption from a provision of sections 248 and 404 of the Law (requirements for transfer of incorporation)   | 221                                |
| 51          | section 416(1)(a) | Application for Registrar's permission to shorten notice   | 27                                 |
| 52          | section 418(1)(f) | Application for direction exempting from disqualification from administering compromise or arrangement   | 221                                |
| 53          | section 424(1)(b) | Application for Registrar's statement of no objection to compromise or arrangement   | 221                                |
| 54          | section 425(4)    | Lodgement of Supreme Court order with Registrar relating to compromise or arrangement<br>Plus fee for late lodgement   | 27                                 |
|             |                   | (a) within first 28 days after due date  | 89                                 |
|             |                   | (b) after first 28 days after due date   | 177                                |
| 55          | section 428(1)    | Application for Registrar's approval of explanatory statement for compromise or arrangement  | 955                                |

| <b>Item</b> | <b>Provision</b>  | <b>Description</b>   | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-------------------|--|------------------------------------|
| 56          | section 445(3)    | Application for exemption from a provision of section 248 or 445 of the Law (requirements for voluntary winding up)  | 221                                |
| 57          | section 453       | Application to Registrar to exercise powers in relation to property of a deregistered co-operative   | 221                                |
| 58          | section 476(2)(a) | Application to local Registrar to consent to merger or transfer of engagements occurring as a result of approval by special resolution or decision by the board – merger between local and participating co-operatives | 62                                 |
| 59          | section 477(2)    | Application for approval by appropriate Registrar of disclosure statement for merger or transfer of engagements – local and participating co-operatives  | 221                                |
| 60          | section 477(4)    | Application to appropriate Registrar for exemption from requirements of section 477 of the Law applying to a merger or transfer of engagements – local and participating co-operatives                                 | 221                                |
| 61          | section 478(1)    | Application for approval of merger or transfer of engagements – local and participating co-operatives  | 221                                |
| 62          | section 531(1)(a) | Application to Registrar for special meeting   | 221                                |
| 63          | section 531(1)(b) | Application to Registrar for inquiry   | 423                                |
| 64          | section 588(1)    | Application to Registrar for a certificate stating that a thing had or had not been done within a specified period or by a specified date  | 62                                 |

| <b>Item</b> | <b>Provision</b>  | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|-------------------|---|------------------------------------|
| 65          | section 588(2)    | Application to Registrar for a certificate stating that a requirement of the Law had or had not been complied with or had been complied with at a specified date or within a specified period | 62                                 |
| 66          | section 588(3)    | Application to Registrar for a certificate stating that on a specified date a body was not or had ceased to be registered as a co-operative under the Law                                     | 34                                 |
| 67          | section 601(1)(a) | Fee for inspection of register of co-operatives   | 17                                 |
| 68          | section 601(1)(b) | Fee for inspection of documents kept by Registrar relating to a co-operative and prescribed by the National Regulations   | 17                                 |
| 69          | section 601(1)(c) | Fee for extract from register of co-operatives inspected under section 601(1)(a) of the Law:  |                                    |
|             |                   | (a) first page  | 17                                 |
|             |                   | (b) each additional page  | 1                                  |
| 70          | section 601(1)(d) | Fee for certified copy of document that may be inspected under section 601(1)(b) of the Law:  |                                    |
|             |                   | (a) first page  | 19                                 |
|             |                   | (b) each additional page  | 2                                  |
| 71          | section 601(1)(e) | Fee for copy of document that may be inspected under section 601(1)(b) of the Law:  |                                    |
|             |                   | (a) first page  | 17                                 |
|             |                   | (b) each additional page  | 1                                  |
| 72          | section 609(1)    | Application for extension or shortening of time   | 62                                 |

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| <b>Item</b> | <b>Provision</b>       | <b>Description</b>  | <b>Fee<br/>(revenue<br/>units)</b> |
|-------------|------------------------|---|------------------------------------|
| 73          | section 611(2)(c)(iii) | Application for permission to give notice to members by newspaper   | 62                                 |
| 74          | regulation 1.4(5)      | Application by co-operative for declaration that it is a small co-operative for a particular financial year | 221                                |

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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

#### ***Co-operatives (National Uniform Legislation) Regulations (SL No. 29, 2015)***

|           |                      |
|-----------|----------------------|
| Notified  | 2 December 2015      |
| Commenced | 1 January 2017 (r 2) |

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: r 1.