



Co-operatives Act 1997
 section 18 and 102,
 schedule 1 to the Act
 Co-operatives Regulations 1997
 regulation 41



Government of South Australia
 Office of Consumer and
 Business Affairs

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Application for Approval of Proposed Rules for a Co-operative

Please note:

The Office of Consumer and Business Affairs (OCBA) undertakes the administration of the Act on behalf of the Corporate Affairs Commission.

This application for approval of a draft proposed rules relates to the following proposed co-operative

Name of person by whom or on whose behalf the form is lodged _____

Residential address _____

Postal address (optional) _____

Contact telephone number _____ Facsimile number _____

The following matters prescribed in Schedule 1 of the Co-operatives Act 1997 are provided for in these proposed rules of the co-operative.

Requirements for all co-operatives

Item	(enter rule number)
1. Name of the co-operative	_____
2. Active membership provisions (within the meaning of Part 6 of the Act)	_____
3. The mode and conditions of admission to membership, and the payment to be made, or the share or interest to be acquired, before rights of membership are exercised	_____
4. The rights and liabilities of members, and of the estates of deceased members, and the rights and liabilities of representatives of members under bankruptcy or mental incapacity	_____
5. The circumstances in which members may be expelled or suspended, and the rights and liabilities of expelled and suspended members	_____
6. The circumstances in which membership ceases	_____
7. Any charges or subscriptions payable by a member to the co-operative	_____
8. The circumstances in which fines and forfeitures may be imposed on members of the co-operative, and the amount of the fines, being not more than the maximum amount prescribed under a regulation	_____

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9. The grievance procedures for settling disputes under the rules between the co-operative and any of its members as defined in section 83, or between a member and any member _____
10. The restrictions, if any, on the powers of the co-operative and the board _____
11. The number of directors, the qualification of directors, and the way of electing, remunerating and removing directors and filling a vacancy, the period for which directors are to hold office, and whether directors are to retire by rotation or otherwise, and for the holding of annual elections _____
12. The quorum for meetings, and the procedure at meetings, of the board _____
13. The device, custody and use of the seal of the co-operative _____
14. The manner in which the funds of the co-operative are to be managed, and in particular the mode of drawing and signing cheques, draft, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative _____
15. The custody of securities belonging to the co-operative _____
16. The manner in which debentures may be transferred _____
17. The date on which the financial year of the co-operative ends _____
18. Provision for the financial reports of the co-operative to be audited annually or more frequently and the manner of appointment of the auditor _____
19. The manner in which a loss that may result from the transactions of the co-operative is to be provided for _____
20. The manner of calling general and special meetings, the requisite notices of meetings, and the quorum for meetings, of the co-operative _____
21. The procedure at meetings of the co-operative, including rights of members in voting at meetings, the way of voting, and the majority necessary for carrying resolutions _____
22. The method of conducting postal ballots, including special postal ballots, including the sending and filing of information and votes by facsimile or electronic means _____
23. The manner of altering rules _____
24. The manner in which the co-operative may be wound-up _____
25. Any matter prescribed under a regulation for this section (specify) _____
26. Any other matters that to the co-operative appear necessary or desirable _____

Additional matters - co-operatives with share capital

(enter rule number)

1. The nominal value of each share in the co-operative _____
2. The amount of the contingent liability, if any, attaching to shares _____

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3. The terms on which shares, not including bonus shares, but including shares, if any, with a contingent liability attached to them are to be issued _____
4. The periodic subscriptions by which or the manner in which shares are to be paid for _____
5. In the case of a trading co-operative - the manner in which any surplus may be distributed _____
6. The allocation of a deficiency on the winding-up of a co-operative _____
7. Provision for the forfeiture of shares on expulsion or on failure to pay any subscription or call, the extent to which members whose shares have been forfeited are to remain liable for any amount still unpaid for them, and the sale or cancellation of forfeited shares _____
8. The manner in which shares may be transferred _____
9. A matter prescribed under a regulation:
The minimum number of shares to which a member of the co-operative must subscribe, and the manner in which minimum number may be decided _____

Additional matters - non-trading co-operatives

(enter rule number)

1. That there must be no return or distribution on surplus or share capital to members other than the nominal value of shares, if any, at winding-up _____
2. For the manner of distribution of the surplus property at winding-up _____

The Co-operative is proposed to be (please place 1 tick in each column) as appropriate:

- | | |
|--|--------------------------|
| A co-operative with 5 or more active members | <input type="checkbox"/> |
| An association with 2 or more co-operatives as members | <input type="checkbox"/> |
| A federation with 2 or more associations as members | <input type="checkbox"/> |
| Trading with share capital | <input type="checkbox"/> |
| Non-trading with share capital | <input type="checkbox"/> |
| Non-trading with no share capital | <input type="checkbox"/> |

Forwarded with this form are the following:

- (a) A copy of the draft rules of the proposed co-operative
- (b) The prescribed fee
- (c) If the rules contain any alterations of the model rules, a statement showing the alterations and the reasons for the alterations (please tick if applicable)

Dated this _____ day of _____, 20_____

(name)

(signature of person submitting draft disclosure statement)

Prescribed time for lodgement

The draft disclosure statement for the proposed co-operative must be submitted to OCBA at least 28 days (or the shorter period OCBA may allow in a particular case) before the formation meeting is due to be held.

Prescribed fees

The prescribed fee must accompany this form. Prescribed fees are set out in Schedule 5 of the Co-operatives Regulations.

Further information, Forms, Fee details and Circulars are available from:

Office of Consumer and Business Affairs
Business and Occupational Services
Tel 1300 138 918
www.ocba.sa.gov.au

The Legislation can be purchased from:

Service SA Government Legislation Outlet
108 North Terrace
Adelaide SA 5000
Telephone 13 23 24
or download from www.legislation.sa.gov.au