



CO-OPERATIVES ACT 1997
 sections 102 and 107,
 section 187,
 Schedule 1 to the Act
 Co-operatives Regulations 1997
 regulation 41



Government of South Australia
 Office of Consumer and
 Business Affairs

Document Id _____
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LUN _____
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Application for Approval of Proposed Alteration of the Rules

Please note:

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

Name of Co-operative _____

Registration Number _____

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

Residential address _____

Postal address (optional) _____

Contact telephone number _____ Facsimile number _____

This application to seek OCBA's approval of the proposed draft rule alterations of the above mentioned co-operative is made by a director or secretary of the co-operative. The following rules of the co-operative are affected by the proposed alterations: _____

(Insert rule numbers to be altered)

If total new set of rules is to be adopted, tick

Special Resolution

Date notice is proposed to be given to members
 / / 20

By members in general meeting

If by Board resolution state date of proposed
 resolution / / 20

By postal ballot

By special postal ballot

Dated this _____ day of _____ 20 _____

 (name)

 (signature)

 (director/secretary)

- Annexed to this application are: (tick)
- a copy of the proposed alteration to the co-operative's rules
 - if a total new set of rules, a completed checklist (see attached)
 - a statement detailing the reasons for the alterations

Special Resolution

If the rule alteration is required to be made by special resolution, annexed to this application is a copy of each of the following documents which, following approval, are required to be sent to members:

- (tick)
- a copy of the proposed special resolution under section 187(4) of the Act
 - a draft copy of the intention to propose the special resolution (s187(3)(a))
 - a draft copy of the reasons for proposing the special resolution (s187(3)(b))
 - a draft copy of the effects of the special resolution being passed (s187(3)(c))

Note:

These proposed draft alterations do not take effect until passed by members by special resolution or resolution of the board and until registered by OCBA (section 110(1)).

Prescribed time for lodgement

At least 28 days before notice of the proposed special resolution altering the rules is given to the members or the resolution is passed by the board.

Prescribed fees

The prescribed fee must accompany this form. Late fees also apply if lodged after the prescribed time. Prescribed fees (including late 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

Requirements for all Co-operatives

| Item | (enter rule number) |
|---|---------------------|
| 1. Name of the co-operative | <hr/> |
| 2. Active membership provisions (within the meaning of Part 6 of the Act) | <hr/> |
| 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 | <hr/> |
| 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 | <hr/> |
| 5. The circumstances in which members may be expelled or suspended, and the rights and liabilities of expelled and suspended members | <hr/> |
| 6. The circumstances in which membership ceases | <hr/> |
| 7. Any charges or subscriptions payable by a member to the co-operative | <hr/> |
| 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 | <hr/> |
| 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 | <hr/> |
| 10. The restrictions, if any, on the powers of the co-operative and the board | <hr/> |
| 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 | <hr/> |
| 12. The quorum for meetings, and the procedure at meetings, of the board | <hr/> |
| 13. The device, custody and use of the seal of the co-operative | <hr/> |
| 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 | <hr/> |
| 15. The custody of securities belonging to the co-operative | <hr/> |
| 16. The manner in which debentures may be transferred | <hr/> |
| 17. The date on which the financial year of the co-operative ends | <hr/> |
| 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 | <hr/> |

- 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 _____
- 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 _____