

# Application to Approve Co-operative Name, Rules and Formation Disclosure Statement

*Co-operatives National Law (South Australia)*

**Email enquiries:** [associations@agd.sa.gov.au](mailto:associations@agd.sa.gov.au)

**Web:** [cbs.sa.gov.au/wcm/licensing-and-registration/co-operatives/](http://cbs.sa.gov.au/wcm/licensing-and-registration/co-operatives/)

**Postal:** GPO Box 1719 Adelaide SA 5001

**Telephone:** 131 882

## Things to know before starting your application

Do not complete this form if you are merging or transferring engagements of 2 or more co-operatives. Instead, you will need to complete different forms available on the **Consumer and Business Services SA website**.

## Lodging this application

- To lodge this application by email, you will need a credit card. If you are not paying by credit card you can print it out and complete by hand and post in.
- If completing the form by hand, please use a blue or black pen and print clearly using block letters.
- Attachments are required as part of this application. Refer to the document checklist at question 8.

## Fees

- The fee for this application must be paid at the time of application.

## Lodgement person

### 1. Who is lodging this application?

Surname	
Given names	
Address (including postcode)	
Daytime telephone number	
Email address	

## Type of applicant

### 2. Are you (choose one option only): (Mark with an X)

<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): (Mark with an X)

<input type="checkbox"/>	A co-operative group consisting of two or more co-operatives that will remain separately registered
<input type="checkbox"/>	A standalone co-operative with individual members



4. **What is the name of the proposed co-operative?** The name you propose may not be accepted because 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.

If your first choice of co-operative name is unavailable, you have the option to list two other preferred names here. We will use this list to automatically register the first available name. Please consider your preferences carefully as you will not be contacted to confirm the name that is registered. Your preferences should be substantially different to each other and existing names.

Proposed name	
Second preference	
Third preference	

5. **What type of co-operative are you proposing to form?** Choose one only (Mark with an X)

<input type="checkbox"/>	<b>A distributing co-operative</b> with share capital and that is not prohibited from giving returns or distributions on surplus or share capital
<input type="checkbox"/>	<b>A non-distributing co-operative that has share capital</b> but is prohibited from giving returns or distributions on surplus or share capital to members, other than the nominal value of shares (if any) at winding up
<input type="checkbox"/>	<b>A non-distributing co-operative that has no share capital</b>
<input type="checkbox"/>	<b>A non-distributing co-operative that has share capital proposing to be supported by a Government Guarantee Loan</b>

## Rules

6. **What are the proposed rules of the co-operative?**

Choose one only (Mark with an X)

<input type="checkbox"/>	Own rules (you must choose this option if your rules differ in any way from the model rules)
<input type="checkbox"/>	The model rules

## Certification and signature

7. 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 application are true and correct. I acknowledge that it is an offence under section 514 of the *Co-operatives National Law (SA)* to provide the Registrar with false or misleading documents.
- The proposed co-operative has the prescribed number of active members.
- If lodging electronically, I acknowledge that Consumer and Business Services will accept this communication as containing my signature for the purposes of the *Electronic Transactions Act 2000*.

Signature (type name if lodging by email or sign if lodging by post)	X
Date	

## Document checklist

8. **Your application cannot be processed without the following documents:** (Mark with an X)

<input type="checkbox"/>	For all applicants, a draft of the <b>proposed rules</b> for the co-operative (including active membership provisions).
<input type="checkbox"/>	If you are proposing to be a distributing co-operative, you must also attach a copy of the <b>draft formation disclosure statement</b> for the co-operative. An example of a disclosure statement is available on the <b>Consumer and Business Services website</b> . 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 if applicable: <ul style="list-style-type: none"> <li>○ the estimated costs of formation</li> <li>○ the active membership provisions of the proposed co-operative</li> <li>○ the rights and liabilities attaching to shares in the proposed co-operative</li> <li>○ the capital required for the co-operative at the time of formation</li> <li>○ the projected income and expenditure of the co-operative for its first year of operation</li> <li>○ information about any contracts required to be entered into by the co-operative</li> <li>○ any other information that the Registrar directs to be included.</li> </ul> Non-distributing co-operatives are not required to provide a disclosure statement unless later requested by the Registrar.

## What happens when you lodge your application

- If 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 Consumer and Business Services as soon as possible.

## How to lodge and pay

### If lodging electronically

- The total email size cannot exceed 10MB. Will have to check with IT
- The name (signature) of the person lodging this form must be included in question 7.
- Enter the credit card details below.
- Email your application and attachments to [associations@agd.sa.gov.au](mailto:associations@agd.sa.gov.au)

### If posting the application and attachments

- Use paperclips and not staples for all documents.
- The signature of the person lodging this form must be included in question 7.
- If paying by credit card fill in the details below or attach a cheque or money order made payable to 'Consumer and Business Services' to the application form.

## Credit card details

Please debit my (choose one) (Mark with an X)

	<input type="checkbox"/> Visa
	<input type="checkbox"/> Mastercard
Amount	\$
Card number	
Expiry date	
CCV number (3 numbers)	
Name of cardholder	
Signature of cardholder (type name if lodging by email or sign if lodging by post)	X
Date	
Daytime telephone number of cardholder	

The *Co-operatives National Law (SA)* can be found at the Schedule to the *SA Co-operatives National Law (South Australia) Act 2013*.

**Privacy** – CBS is committed to responsible and fair handling of your personal information, consistent with the laws we administer and the *Freedom of Information Act 1991*. Some information on this form will be placed on a public register in accordance with the *Co-operatives National Law (SA)*. We may be unable to process this application 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 ***Consumer and Business Services website***.