

# Application to approve co-operative name, rules and formation disclosure statement

*Co-operatives National Law (Victoria)*

Email enquiries: [cav.registration.enquiries@justice.vic.gov.au](mailto:cav.registration.enquiries@justice.vic.gov.au)  
Web: [consumer.vic.gov.au/co-operatives](http://www.consumer.vic.gov.au/co-operatives)  
GPO Box 4567 Melbourne VIC 3001, Telephone: 1300 55 81 81

## Things to know before starting your application

Do not complete this form if you are merging or transferring engagements of two or more co-operatives. Instead, you will need to complete different forms available at <consumer.vic.gov.au/co-operatives>.

The name of a co-operative:

* May consist of words, numbers or a combination of both.
* Must include the word “Co-operative” or “Cooperative” or the abbreviation “Co-op” or “Coop”.
* Must have the word “Limited” or the abbreviation “Ltd” as the last word.

## Lodging this application

* **. Do not lodge by email. We cannot accept forms containing credit card numbers that are emailed to us.**
* You can complete the form onscreen and print it out or print and complete by hand.
* If completing the form by hand, please use a blue or black pen and print clearly using block letters.
* Post your form and attachments to GPO Box 4567 Melbourne VIC 3001Attachments are required as part of this application. Refer to the document checklist at question 9.

## Fees

* If you are proposing to be a distributing co-operative, the fee is $370.30. This is for the submission of the draft disclosure document ($288.80) plus the submission of the draft rules ($81.50).You must also attach a copy of the draft formation disclosure statement and a copy of the draft rules to this application.
* For all other co-operatives the fee is $81.50 for the submission of the draft rules. You must also attach a copy of the draft rules to this application.
* 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

|  |  |  |  |
| --- | --- | --- | --- |
| 1. **Are you (choose one option only):** (Mark with an X) | | | |
| A new proposed co-operative with no previous incorporation | |  | |
| An existing body proposing to be a co-operative (e.g. corporation, incorporated association, indigenous corporation) | |  | |
| 1. **Will the proposed co-operative be (choose one option only):** (Mark with an X) | | |
| A co-operative group consisting of two or more co-operatives that will remain separately registered | |  |
| A stand alone co-operative with individual members | |  |
| 1. **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](http://connectonline.asic.gov.au/) (asic.gov.au). 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 |  | |
| 1. **What type of co-operative are you proposing to form?** Choose one only (Mark with an X) | | |
| **A distributing co-operative**with share capital andthat is not prohibited from giving returns or distributions on surplus or share capital (NB – a copy of the draft disclosure document must be attached to this application) | |  |
| **A non-distributing co-operativethat has share capital** 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 | |  |
| **A non-distributing co-operativethat has no share capital** | |  |
| **A non-distributing co-operativethat has share capital proposing to be supported by a Government Guarantee Loan** | |  |

## Rules

|  |  |
| --- | --- |
| 1. **What are the proposed rules of the co-operative?** Choose one only (Mark with an X) | |
| Own rules (you must choose this option if your rules differ in any way from the model rules as described  below) |  |
| The model rules in full, to be adopted as in force at a particular time (recommended) |  |
| The model rules in full, to be adopted as in force from time to time |  |

## Declaration and signature

|  |  |
| --- | --- |
| 1. **I declare 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 (Victoria) to provide the Registrar with false or misleading documents. * The proposed co-operative has the prescribed number of active members. | |
| Signature | *X* |
| Date |  |

## Document checklist

|  |  |
| --- | --- |
| 1. **Your application cannot be processed without the following documents:** (Mark with an X) | |
|  | For all applicants, a draft of the **proposed rules** for the co-operative (including active membership provisions). |
|  | 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. An example of a disclosure statement is available at [consumer.vic.gov.au/co-operatives](http://www.consumer.vic.gov.au/co-operatives). 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:   * 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.   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 Affairs Victoria as soon as possible.

## How to lodge and pay

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

* 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 Affairs Victoria’ to the application form.

## Credit card details

* If you are proposing to be a distributing co-operative, the fee is $370.30.
* For all other co-operatives the fee is $81.50.

Please debit my (choose one of two credit card types. Mark the choice with an X, then complete the rest of the card details)

|  |  |
| --- | --- |
| Visa |  |
| Mastercard |  |
| Amount | $ |
| Card number |  |
| Expiry date |  |
| CCV number (3 numbers) |  |
| Name of cardholder |  |
| Signature of cardholder | *X* |
| Date |  |
| Daytime telephone number of cardholder |  |

*The Co-operatives National Law (Victoria)* can be found on the Victorian Government Legislation and Parliamentary document website.

**Privacy** – CAV is committed to responsible and fair handling of your personal information, consistent with the laws we administer and the *Privacy and Data Protection Act 2014*. Some information on this form will be placed on a public register in accordance with the *Co-operatives National Law (Victoria).* 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 [consumer.vic.gov.au/privacy](http://www.consumer.vic.gov.au/privacy) or on request.

July 2018