



Australian Capital Territory

# **Co-operatives National Law (ACT) Regulation 2017**

**SL2017-11**

made under the

**Co-operatives National Law (ACT) Act 2017**

**Republication No 1**

**Effective: 1 May 2017 – 15 November 2017**

Republication date: 1 May 2017

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Co-operatives National Law (ACT) Regulation 2017*, made under the *Co-operatives National Law (ACT) Act 2017* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 May 2017. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

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**Co-operatives National Law (ACT) Act 2017**

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**1 Name of regulation**

This regulation is the *Co-operatives National Law (ACT) Regulation 2017*.

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Unsuitable names for co-operatives—the Law, s 220 (5), the regulation, reg 3.7**

For the *Co-operatives National Law (ACT)*, section 220 (5) (Name to include certain matter) and the *Co-operatives National Regulation (ACT)*, regulation 3.7 (Unsuitable names for co-operatives), a name is unsuitable if the Registrar is satisfied that it is likely to mislead.

**6 Exemption from restriction on corporations registering name including word ‘co-operative’ or similar words—the Law, s 220 (7)**

For the *Co-operatives National Law (ACT)*, section 220 (7), a corporation is exempt from that Law, section 220 (4) if the corporation is—

- (a) a company that is permitted to use the expression ‘building society’, ‘credit union’ or ‘credit society’ under the *Banking Act 1959* (Cwlth), section 66 (Restriction on use of certain words and expressions); or
- (b) a company that is a friendly society under the *Life Insurance Act 1995* (Cwlth), section 16C (What is a friendly society?); or
- (c) a company or society formed or incorporated under an Act before 5 June 2003; or

*Note* 5 June 2003 is the day the *Cooperatives Act 2002* commenced.

- (d) allowed under an Act to use any of the following words in its name:
  - (i) ‘co-operative’;
  - (ii) ‘co-op’;
  - (iii) ‘cooperative’;
  - (iv) ‘coop’; or
- (e) exempted, in writing, by the Registrar from the operation of the *Co-operatives National Law (ACT)*, section 220 (4).

**7 Exemption from restriction on use of word ‘co-operative’ or similar words—the Law, s 225 (2)**

For the *Co-operatives National Law (ACT)*, section 225 (2), a person is exempt from that Law, section 225 (1) if the person is—

- (a) a company that is permitted to use the expression ‘building society’, ‘credit union’ or ‘credit society’ under the *Banking Act 1959* (Cwlth), section 66 (Restriction on use of certain words and expressions); or
- (b) a company that is a friendly society under the *Life Insurance Act 1995* (Cwlth), section 16C (What is a friendly society?); or
- (c) a company or society formed or incorporated under an Act before 5 June 2003; or

*Note* 5 June 2003 is the day the *Cooperatives Act 2002* commenced.

- (d) allowed under an Act to use any of the following words in its name:
  - (i) ‘co-operative’;
  - (ii) ‘co-op’;
  - (iii) ‘cooperative’;
  - (iv) ‘coop’; or
- (e) exempted, in writing, by the Registrar from the operation of the *Co-operatives National Law (ACT)*, section 225 (1).

**8 Application for transfer—the Law, s 403 (b)**

For the *Co-operatives National Law (ACT)*, section 403 (b) (Application for transfer) the following legislation is prescribed:

- (a) the *Associations Incorporation Act 1991*;
- (b) the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth);



- (c) any legislation of the Commonwealth that provides for the incorporation of a building society, credit union or friendly society.

**9 Procedures regarding giving of exemptions—  
the Law, s 621**

For the *Co-operatives National Law (ACT)*, section 621 (Procedures regarding giving of exemptions) an application for an exemption must be made—

- (a) in writing; and
- (b) a reasonable time before the event, or the occurrence of the matter, for which the exemption is sought.

**10 Co-operatives may continue to operate under old rules**

- (1) A co-operative may continue to operate under the rules applying to the co-operative that were in force immediately before the commencement of the Act, section 3 (the *old rules*).
- (2) However, if a co-operative is operating under the old rules—
  - (a) if there is an inconsistency between a provision of the old rules and a provision of the new law, the provision of the new law prevails; and
  - (b) a reference in the old rules to a requirement in the *Cooperatives Act 2002* or the *Cooperatives Regulation 2003* (a *former requirement*) is to be read as a reference to the requirement in the new law that substantially corresponds to the former requirement; and
  - (c) a reference in the old rules to—
    - (i) a trading cooperative is to be read as a reference to a distributing co-operative; and

(ii) a non-trading cooperative is to be read as a reference to a non-distributing co-operative.

(3) In this section:

*new law* means the following:

- (a) the Act;
- (b) this regulation;
- (c) the *Co-operatives National Law (ACT)*;
- (d) the *Co-operatives National Regulation (ACT)*.

## **11 Prescribed fees**

- (1) The fee payable for a matter stated in an item in schedule 1, column 3 is the amount stated in column 4 for the item.
- (2) The fee for the matter stated in an item in schedule 1, column 3 is payable to the Territory by the person requesting the matter.

## Schedule 1 Prescribed fees

(see s 11)

column 1 item	column 2 section	column 3 matter	column 4 fee (\$)
1	26 (1) (b) (ii)	application for registration of a proposed co-operative	164
2	31 (b) (ii)	application for registration of existing corporation	164
3	37 (b) (ii)	issue of duplicate certificate	41
4	222 (e)	application to use an abbreviation or elaboration of the name of a co-operative	78
5	243 (2) (c) (ii)	filing fee for registration of each special resolution	41
6	601 (1) (a)	inspection of register of co-operatives	24
7	609 (1)	application to the Registrar to grant an extension or shortening of time limits	78

*Note* GST is not applicable to these fees.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- corporation
- Co-operatives National Law (ACT)
- Co-operatives National Regulation (ACT)
- GST
- person (see s 160).

*Note 3* Terms used in this regulation have the same meaning that they have in the [Co-operatives National Law \(ACT\) Act 2017](#) (see [Legislation Act](#), s 148). For example, the following term is defined in the [Co-operatives National Law \(ACT\) Act 2017](#), s 9:

- Registrar.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

**Co-operatives National Law (ACT) Regulation 2017 SL2017-11**  
notified LR 28 April 2017  
s 1, s 2 commenced 28 April 2017 (LA s 75 (1))  
remainder commenced 1 May 2017 (s 2 and see Co-operatives  
National Law (ACT) Act 2017 [A2017-8](#) s 2)

**4 Amendment history**

**Commencement**

s 2 om LA s 89 (4)

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