



# Application to Approve Disclosure Statement for Merger of Co-operative Form C2

*Co-operatives National Law (ACT) Act 2017 – Section 397 and 477  
Co-operatives National Law (ACT) Regulation 2017*

## PURPOSE

This form is to be used when a proposed cooperative wishes to register as a cooperative under the *Co-operatives National Law (ACT) Act 2017* (the Act). You can access the legislation at [www.legislation.act.gov.au](http://www.legislation.act.gov.au). You may also obtain further information and forms at [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR).

## PRIVACY

The Act authorises the Registrar to collect the personal information required by this form for the purposes of registering a cooperative under the Act. The Registrar prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Registrar provides identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances. The Act provides for some information about cooperatives to be publicly available.

## THINGS TO KNOW BEFORE STARTING YOUR APPLICATION

Before applying to merge two or more co-operatives, each co-operative must send to each of its members a disclosure statement approved by the Registrar stating:

- the financial position of each co-operative concerned in the proposed merger as shown in financial statements prepared as at a date not more than 6 months before the date of the statement; and
- any interest any officer of each co-operative has in the proposed merger; and
- compensation or other consideration proposed to be paid, or other incentive proposed to be given, to any officer or member of each co-operative in relation to the proposed merger; and
- the reason for the merger; and
- any other information the Registrar directs.

## HOW TO COMPLETE THIS FORM

- Please use a blue or black pen and print clearly using block letters.
- **Complete all parts of the form and the contact details in all cases.**
- Each co-operative proposing to merge must complete one of these forms and provide a copy of a disclosure statement for approval.

## FEES AND HOW TO PAY

- There is no prescribed fee for this application.

## WHAT HAPPENS WHEN YOU LODGE YOUR APPLICATION

- The application will be reviewed. You will be notified by email if further information is required.
- If your application is approved, the co-operative will be registered and you will receive an electronic confirmation of registration.
- If your application is refused, you will receive written notification of the reasons.
- If any change occurs in the information you have provided in your application, you must notify Access Canberra as soon as possible.

The *Co-operatives National Law (ACT) 2017* can be found at the Appendix to the *NSW Co-operatives (Adoption of National Law) Act 2012*.

***The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form.***

## LODGEMENT AND CONTACT INFORMATION

### Email:

[accesscanberra.bil@act.gov.au](mailto:accesscanberra.bil@act.gov.au)

### Post:

Access Canberra  
Cooperatives Registration  
GPO Box 158  
Canberra, ACT 2601

### In Person:

Please visit [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)  
Or call **132281** to find an Access Canberra  
Service Centre

## TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.



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Co-operatives National Law (ACT) Regulation 2017

## Applicant

<b>1. Who is making this application?</b>					
Given names(s) (in full)					
Surname					
Address (Property Name, Unit, Flat No, Street Number, Street Name)					
Suburb / Town		State / Territory		Postcode	
Daytime telephone number					
Email address					

## Details of co-operatives proposing to merge

<b>2. Name of co-operative to which this application relates:</b>	
Co-operative registration number	
Name of co-operative	

<b>3. Details of co-operatives with which the co-operative is proposing to merge:</b>		
Name of co-operative	Where registered (Australian state)	Registration number

Note: If more than 5 co-operatives, attach a separate list with the additional co-operative details as requested above.

## 4. What will be the name of the proposed merged co-operative?

The name you propose will not be accepted if 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](#). The name **must** include 'Co-operative', 'Cooperative', 'Co-op' or 'Coop' and **must** end in 'Limited' or 'Ltd'. You will be contacted if the name is unavailable.

Proposed name	
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<b>5. What type of co-operative are you proposing to form?</b> (Choose one option only)	
<input type="checkbox"/>	<b>A distributing co-operative with share capital</b> Distributing co-operatives may give returns or distributions on surplus or share capital to members.
<input type="checkbox"/>	<b>A non-distributing co-operative that has share capital</b> These co-operatives are <b>prohibited</b> from giving returns or distributions on surplus or share capital to members, other than the nominal value of shares at winding up.
<input type="checkbox"/>	<b>A non-distributing co-operative that has no share capital</b> These co-operatives are <b>prohibited</b> from giving returns or distributions on surplus to members.

**Document checklist**

<b>6. Your application cannot be processed without the following documents:</b>	
<input type="checkbox"/>	<p>A copy of the disclosure statement for approval. The disclosure statement 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 merged co-operative, including if applicable:</p> <ul style="list-style-type: none"> <li>the financial position of each co-operative concerned in the proposed merger as shown in financial statements prepared as at a date not more than 6 months before the date of the statement</li> <li>any interest any officer of each co-operative has in the proposed merger</li> <li>compensation or other consideration proposed to be paid, or other incentive proposed to be given, to any officer or member of each co-operative in relation to the proposed merger</li> <li>the reason for the merger</li> <li>the estimated costs of the merger</li> <li>the active membership provisions of the proposed merged co-operative</li> <li>the rights and liabilities attaching to shares in the proposed merged co-operative</li> <li>the capital required for the co-operative at the time of merger</li> <li>the projected income and expenditure of the merged co-operative for its first year of operation</li> <li>information about any contracts required to be entered into by the merged co-operative</li> <li>any other information the Registrar directs to be included</li> </ul>

**Declaration and signature**

<b>7. I declare that:</b>	
<ul style="list-style-type: none"> <li>I am authorised to lodge this application on behalf of the Co-operative.</li> <li>All co-operatives involved in the proposed merger agree to the proposed merger.</li> <li>The particulars contained in this form and any attachments are true and correct. I understand that a person who intentionally makes a false statement is guilty of an offence under the Criminal Code and I believe that the statements in this declaration are true in every particular.</li> </ul>	
<b>Signature</b>	
<b>Printed name</b>	
<b>Date of signing (dd/mm/yyyy)</b>	/ /
<b>Position (office) held</b>	

**Who should Access Canberra contact if there is a query about this form?** (NOTE: This information is not going to be made public)

<b>Given names(s) (in full)</b>					
<b>Surname</b>					
<b>Address</b> ( <i>Property Name, Unit, Flat No, Street Number, Street Name</i> )					
<b>Suburb / Town</b>		<b>State / Territory</b>		<b>Postcode</b>	
<b>Daytime telephone number</b>					
<b>Email address</b>					