

Form 1

This form is effective from 1 July 2025

Application to approve co-operative's rules and formation disclosure statement

Co-operatives Act 2009 s16, s17 and Regulation 5

Please read this information before completing this form

About this form

Use this form to obtain approval of the name, rules, and disclosure statement (if required) under the *Co-operatives Act 2009* (the Act) before holding the formation meeting of a new co-operative.

Do not use this form for merging two or more co-operatives or transferring engagements.

Lodgement period

At least 35 days before the proposed formation meeting is due to be held. You can seek a shorter timeframe using the [Form 12 – Application for an extension or abridgement \(shortening\) of time](#).

How to complete this form

- You can complete this form onscreen and print it out or print and complete it by hand.
- If completing by hand use a blue or black pen and print using BLOCK letters.
- Complete all sections of the application and the contact details in all cases.
- Attachments are required as part of this application. Refer to the document checklist in section 2.

Fees

Please refer to our [Co-operatives fees and forms webpage](#) for the current fees. Fees are exempt from GST and subject to change without notice.

Guides and related information

Proposed name:

- The proposed name must include 'Co-operative', 'Cooperative', 'Co-op' or 'Coop' and must end in 'Limited' or 'Ltd'.
- When considering the name for the co-operative, please be mindful names may not be accepted if deemed unsuitable, or similar or identical to an already registered name. You can check whether the name already exists or may similar to another registered name by searching [ASIC's Organisation and Business Names register](#)

Draft rules:

- A co-operative's rules must provide for the matters included in Schedule 1 of the Act and comply with section 98 of the Act. A co-operative choose to create its own rules or the use the model rules.
- The model rules are complete set of rules prescribed by the Act that meet all of the mandatory requirements. We recommend using one of the following sets of model rules to draft the co-operatives rules:
 - [Model Rules of Distributing Coop with Share Capital](#)
 - [Model Rules of a Non-distributing Co-operative that has Share Capital](#)
 - [Model Rules of Non-Distributing Co-operative that has no Share Capital](#)
- Co-operatives that intend to make significant changes to the model rules or write their own rules should consider seeking professional assistance.

Formation disclosure statement:

- The purpose of the formation disclosure statement is to ensure that prospective members are fully informed about the nature and extent of their financial involvement or liability.

Guides and related information (cont.)

Formation disclosure statement (cont.):

- A draft formation disclosure statement must accompany this form for all proposed distributing co-operatives, and for proposed non-distributing co-operatives, if directed by the Registrar. A template is available on our [website](#)
- If the disclosure statement includes a statement made by an expert (e.g. an accountant or auditor), or a statement based on an expert's advice, it must meet the following conditions:
 - (a) The expert must have consented in writing to the inclusion of the statement in the form and context in which it appears; and
 - (b) The disclosure statement must clearly state that the expert has given, and not withdrawn, their consent.

How to lodge and pay

Once you have completed this form and prepared your supporting documents, you can lodge them using one of the following methods:

In person:	Submit your completed form and supporting documents at: Cashier Services Level 1, Mason Bird Building 303 Sevenoaks Street CANNINGTON Opening hours: 8:30 am to 4:30 pm (weekdays)
By post	• If paying by credit card or Bpay: You will receive a Payment Number (PN) after your form is received. Use this number to make payment via Consumer Protection's secure online payment portal at: https://payportal.dmirs.wa.gov.au/ • If paying by cheque or money order: Attach a cheque or money order made payable to "Department of Local Government, Industry Regulation and Safety" and post it with your completed form to: Department of Local Government, Industry Regulation and Safety Associations and Charities Locked Bag 14 CLOISTERS SQUARE PERTH WA 6850

What happens next

- The form and supporting documents will be reviewed. The contact person will be notified in writing if further information is needed, if the proposed name is unavailable, or if the rules need to be amended to comply with Schedule 1 or section 98 of the Act.
- If the application is approved, the contact person will be advised in writing of the next steps.
- If any information provided in the application changes, Consumer Protection must be notified as soon as possible.

Privacy

Consumer Protection at the Department of Local Government, Industry Regulation and Safety (LGIRS) is collecting information on this form for the purposes of the *Co-operatives Act 2009* (the Act).

In accordance with the Act, a register of this information and any documents lodged with the Registrar of Co-operatives will be available for inspection by the public upon payment of a prescribed fee. In other instances, information on this form can be disclosed without your consent where authorised or required by law.

Contact

For help completing this form, checking the progress of your application, or for general information about co-operatives, please contact us:

Telephone **1300 30 40 74 or (08) 6552 9300** (8:30 am to 4:30 pm weekdays)
Email cooperatives@lgirs.wa.gov.au
Website www.lgirs.wa.gov.au/co-ops

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

Form 1 - Application to approve co-operative's rules and formation disclosure statement

Co-operatives Act 2009 s16, s17 and Regulation 5

OFFICE USE ONLY

SECTION 1 – PROPOSED CO-OPERATIVES DETAILS

Name of proposed co-operative

The proposed date for holding the formation meeting is (dd/MM/YYYY)

Will the proposed co-operative be? (choose one option only)

- ☐ A standalone co-operative with individual members
- ☐ A co-operative group comprising of two or more co-operative members that will remain separately registered

What type of co-operative is proposed to be registered? (choose one option only)

- ☐ Distributing co-operative with share capital
This type of co-operative may give returns or distributions on surplus or share capital to members.
- ☐ Non-distributing co-operative that has share capital
This type of co-operative is prohibited from giving returns or distributions on surplus or share capital to members, other than the nominal value of shares at winding up.
- ☐ Non-distributing co-operative that has no share capital
This type of co-operative is prohibited from giving returns or distribution on surplus to members

SECTION 2 - DOCUMENT CHECKLIST

This form cannot be processed without the following documents. Mark the documents you are submitting.

For all applicants:

- ☐ A draft of the **proposed rules** for the co-operative (including active membership provisions)

For distributing co-operatives and any non-distributing co-operatives directed by the Registrar:

- ☐ A copy of the **draft formation disclosure statement** for the co-operative. The disclosure statement must contain:
- 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; and
 - any other information that the registrar directs to be included.

Non-distributing co-operatives are not required to provide a disclosure statement unless directed by to do so by the Registrar.

SECTION 3 – RULES

The table below lists the matters as prescribed in Schedule 1 of the *Co-operatives Act 2009* that must be provided in a co-operative's rules.

Complete the table by stating the rule number(s) that addresses each item in the space provided.

Matters to be included in the rules for every cooperative	Rule number/s
Name of the co-operative	
Active membership provisions (within the meaning of Part 6 of the Act)	
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	
The rights and liabilities of members; of the estates of deceased members, and representatives of members under bankruptcy or mental incapacity	
The circumstances in which members may be expelled or suspended, and the rights and liabilities of expelled and suspended members	
The circumstances in which membership ceases	
The charges or subscriptions payable by a member to the co-operative	
The circumstances in which fines and forfeitures may be imposed on members of the co-operative, and the amount of the fines being no more than the maximum amount of \$1,000	
The grievance procedures for settling disputes under the rules between the co-operative and any of its members as defined in section 79(4), or between a member and another member	
The restrictions, if any, on the powers of the co-operative and the board	
The number of directors, the qualification of directors, the way of electing, remunerating and removing directors and filling a vacancy, the period for which directors are to hold office, whether directors are to retire by rotation or otherwise, and the holding of annual elections	
The quorum for, and the procedure of, meetings of the board	
The design, custody and use of the seal of the co-operative	
How the funds of the co-operative are to be managed, and in particular the mode of drawing and signing cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative	
The custody of securities belonging to the co-operative	
How debentures are to be transferred	
The date on which the financial year of the co-operative ends	
The auditing of the financial reports of the co-operative, and the appointing of an auditor	
How a loss may result from the transactions of the co-operative is to be dealt with	
The procedure for calling general and special meetings, the requisite notices of meetings, and the quorum for meetings	
The procedure at meetings of the co-operative, including the rights of members in voting at meetings, the manner of voting, and the majority necessary for carrying resolutions	
The method of conducting postal ballots, including special postal ballots, and the sending and lodgement of information and votes by facsimile or electronic means	
The way of altering the rules	
How the co-operative may be wound-up	
Additional matters to be included by co-operatives with share capital	
The nominal value of each share in the co-operative	
The amount of the contingent liability, if any, attaching to shares	
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	
The periodic subscriptions by which or the way in which shares are to be paid for	
For a distributing co-operative, how any surplus may be distributed	
The allocation of a deficiency on the winding-up of a co-operative	
The forfeiture of share 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 an amount still unpaid for them, and the sale or cancellation of forfeited shares	
How shares may be transferred	

SECTION 3 – RULES (cont.)

Additional matters to be included by non-distributing co-operatives

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	
For the way of distribution of the surplus property at winding-up	

These additional matters may be included - non-distributing co-operative that has operated

Surplus funds are payable only to members who have paid contributions to the co-operative and have a credit balance in the member's ledger	
The payment of surplus funds is limited to the return of the contributions paid by the members to the co-operative and the nominal paid up value of the shares, if any	

SECTION 4 – DECLARATION AND SIGNATURE

I declare that:

- I am submitting this form as a written notice of the co-operative's intention to apply for registration;
- I have attached the draft rules of the co-operative (including active membership provisions)
- The matters prescribed in Schedule 1 of the Act have been provided for in the draft rules of the co-operative and the draft rules complies with section 98 of the *Co-operatives Act 2009*;
- If the proposed co-operative intends to be a distributing co-operative or has been directed to provide a disclosure statement, I have attached a draft formation disclosure statement which contains the information necessary to ensure that 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 so far as applicable, the following:
 - 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; and
 - information about any pre-registration contractual obligations of the co-operative under Part 3 Division 5 of the Act; and
 - any other information the registrar directs to be included.
- All of the information contained in this form, and any attachments, is to the best of my knowledge, complete, true and correct, and I have taken reasonable steps and made reasonable inquiries to confirm this; and
- I understand that giving false or misleading information or documents and failing to give information that renders the information in the form or documents false or misleading is a criminal offence under the *Co-operatives Act 2009*.

Signature

Date signed

Name of person signing this form

Address

Suburb

State

Postcode

Daytime telephone number

Email

SECTION 5 – CONTACT

Who should be contacted if there is a query about this form?

- ☐ The person signing this form
- ☐ The contact shown below:

Name of contact

Address

Suburb

State

Postcode

Daytime telephone number

Email