

ASSOCIATIONS INCORPORATION.

2° Elizabeth II., No. VIII.

No. 8 of 1953.

AN ACT to amend the Associations Incorporation Act, 1895-1947.

[Assented to 3rd November, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation

1. (1) This Act may be cited as the *Associations Incorporation Act Amendment Act, 1953*.

(2) In this Act the Associations Incorporation Act, 1895-1947,

Act 59 Victoriæ No. 20 as amended by Act No. 71 of 1947,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Associations Incorporation Act, 1895-1953.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section two of the principal Act is amended by— S. 2 amended.

(a) deleting the interpretation “Public notice”;

(b) adding after the interpretation “Association” the following interpretation:—

“Registrar” means the Registrar of Companies appointed under the provisions of the Companies Act, 1943-1951, and includes a duly appointed acting or deputy Registrar.

4. Section three of the principal Act is repealed and re-enacted as follows:— S. 3 repealed and re-enacted.

3. (1) An Association may be incorporated under this Act by a trustee or a person authorised by a majority of the members of the Association so to do, filing with the Registrar the following:— Mode of incorporation.

(a) A memorial in the prescribed form and containing the particulars therein required to be set forth, together with an affidavit by the trustee or person verifying the contents of the memorial; and

(b) a copy of the rules and regulations or Trust or Settlement deed of the Association, together with an affidavit by the trustee or person verifying the contents of the copy of the rules and regulations or Trust or Settlement deed of the Association.

(2) The trustee or person shall within fourteen days after filing the memorial and the rules and regulations or Trust or Settlement deed of the Association as the case may be, cause to be published twice at an interval of seven days in a newspaper approved by the Registrar published in Perth in the State and circulating throughout the State a notice in the prescribed form.

(3) (a) If at any time after the expiration of one month from the date of the later publication of the notice, the trustee or person proves to the satisfaction of the Registrar that the notice as required by the last preceding subsection has been duly published, the Registrar may, subject to the provisions of sections four and four A of this Act, grant to the trustee or person a certificate of incorporation in the prescribed form.

(b) The certificate of incorporation or a copy of the certificate certified by the Registrar shall be received in evidence without further proof in any Court, that the Association to which the certificate refers is duly incorporated under the provisions of this Act.

S. 4A added.

5. The principal Act is amended by adding after section four a section as follows:—

4A. An Association shall not be incorporated under the provisions of this Act by a name which in the opinion of the Registrar is—

- (a) offensive;
- (b) likely to mislead the public as to the object or purpose of the Association;
- (c) undesirable; or
- (d) identical with that by which an Association in existence is already incorporated under the provisions of this Act or which in the opinion of the Registrar resembles any such name in a manner calculated or likely to mislead the public; or

- (e) identical with that by which a company is registered under the Companies Act, 1943-1951, or which in the opinion of the Registrar resembles any such name in a manner calculated or likely to mislead the public.

6. Section five of the principal Act is amended by— S. 5
amended

- (a) (i) substituting for the words “in the Supreme Court” in line two of subsection (1) the words “with the Registrar”;
- (ii) substituting for the words “or to the effect set forth in Schedule D to this Act” in line three of the subsection the word “prescribed”;
- (iii) adding after the word “persons” in line eight of the subsection the words “or any change of the name of the Association”;
- (iv) substituting for the words “in the Court” in lines eight and nine of the subsection the words “with the Registrar”;

(b) substituting for subsection (3) the following:—

(3) (a) An Association incorporated under the provisions of this Act shall within twenty-eight days after the making of any additional rules, regulations or trusts, or any alteration to any rules, regulations or trusts, file with the Registrar, a copy of the additional rules, regulations or trusts or the alteration to the rules, regulations or trusts.

(b) The copy so filed shall be verified by the affidavit of the person or persons authorised for the time being to use the Common Seal of the Association. ;

- (c) (i) substituting for the words “in the said Court” in line two of subsection (5) the words “with the Registrar”;

- (ii) substituting for the word "clause" in line three of the subsection the word "section";
- (iii) deleting the words "of Law or Equity" in line four of the subsection.

S. 6
amended.

7. Subsection (1) of section six of the principal Act is amended by adding after the word "incorporated" the words "or the abbreviation "Inc."";

S. 7
amended.

8. Section seven of the principal Act is amended by—

- (a) adding after the subsection designation (1) in line one the letter "a" in a bracket thus—
(a);
- (b) adding after the word "may" in line two of subsection (1) the words "with the written approval of the Registrar";
- (c) substituting for the word "Master" in line three of subsection (1) the words "the Registrar if he is satisfied that the provisions of paragraph (b) of this subsection have been complied with";
- (d) substituting for the proviso to subsection (1) the following:—
 - (b) Where an Association changes its name under the provisions of paragraph (a) of this subsection, notice of the alteration shall be published by the Association within seven days after the alteration is made, or within such longer period as the Registrar may allow, once in a newspaper approved by the Registrar published in Perth in the State and circulating throughout the State. ;
- (e) substituting for the words "A written statement verified by the" in line one of subsection (4) the word "An".

S. 7A
amended.

9. Section seven A of the principal Act is amended by—

- (a) substituting for the words "A written statement verified by the" in line one of subsection (3) the word "An";

- (b) substituting for the words "in the Supreme Court" where appearing in subsections (4) and (5) respectively the words "with the Registrar".

10. Section 10 of the principal Act is amended by deleting the words and the letter "in Schedule E to this Act" in lines nine and ten. S. 10
amended.

11. Section thirteen of the principal Act is amended by deleting the words "of the Peace for the Colony" in line two. S. 13
amended.

12. Section fourteen of the principal Act is repealed. S. 14
repealed.

13. The principal Act is amended by adding a section to follow section fifteen as follows:— New s. 16
Regulations.

16. (1) Regulations, not inconsistent with this Act, may be made by the Governor prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act into effect, or to give effect to any power, function, duty, or authority under this Act, and without limiting the generality of the power conferred by this section, the regulations may prescribe—

- (a) the fees to be paid to the Registrar under this Act;
- (b) the forms to be used under this Act;
- (c) the duties of the Registrar for the purposes of this Act;
- (d) generally the conduct and regulation of registration under this Act, and any matters or things convenient to be prescribed for carrying this Act into effect.

(2) The regulations may prescribe penalties not exceeding twenty pounds for any breach thereof.

14. The principal Act is amended by repealing Schedules A, B, C, D, E and F. Schedules
repealed.