

CE322\*

Companies (Co-operative) Act 1943  
Criminal Procedure Act 2004

## **The Companies Amendment Regulations 2006**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are *The Companies Amendment Regulations 2006*.

### **2. Commencement**

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

### **3. The regulations amended**

The amendments in these regulations are to *The Companies Regulations 1947\**.

[\* *Published in Gazette 5 November 1947, p. 2017-58.*  
*For amendments to 29 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 56-7.*]

### **4. Regulations 1 and 2 repealed**

Regulations 1 and 2 are repealed.

**5. Regulation 1 inserted**

Before regulation 3 the following regulation is inserted in Part I —

“

**1. Citation**

These regulations are the *Companies (Co-operative) Regulations 1947*.

”.

**6. Regulation 33 amended**

Regulation 33(6) is amended as follows:

- (a) by deleting “the magistrate of a local court” and inserting instead —  
“ a magistrate ”;
- (b) by deleting “*Local Courts Act 1904-1930*” and inserting instead —

“

*Magistrates Court Act 2004* and *Magistrates Court (Civil Proceedings) Act 2004*

”.

**7. Regulation 36 repealed**

Regulation 36 is repealed.

**8. Regulation 43 inserted**

After regulation 42 the following regulation is inserted —

“

**43. Infringement notices**

- (1) The offences specified in Schedule III are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule III is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Registrar may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (4) The Registrar is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

”.

## 9. Schedule I amended

Schedule I is amended after Form 95 by inserting the following forms —

“

### FORM 96

<i>Companies (Co-operative) Act 1943</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	Description of offence _____	
	<i>Companies (Co-operative) Act 1943 s.</i>	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice _____ / _____ /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence.            If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p><b>How to pay</b>  <b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Companies (Co-operative) Act 1943</i>’) to:            Approved Officer — <i>Companies (Co-operative) Act 1943</i>            Department of Consumer and Employment Protection            Locked Bag 14 Cloisters Square            Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at:            Department of Consumer and Employment Protection            219 St George’s Terrace, Perth WA</p> <p><b>If you do not pay</b> the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver’s licence and/or vehicle licence may be suspended.</p> <p><b>If you need more time</b> to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p> <p><b>If you want this matter to be dealt with by prosecution in court</b>, sign here _____            and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>	

### FORM 97

<i>Companies (Co-operative) Act 1943</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	

<b>Infringement notice</b>	Infringement notice no.
	Date of issue / /20
<b>Alleged offence</b>	Description of offence _____
	<i>Companies (Co-operative) Act 1943 s.</i>
	Date / /20 Time a.m./p.m.
<b>Officer withdrawing notice</b>	Name
	Signature
	Office
<b>Date</b>	Date of withdrawal / /20
<b>Withdrawal of infringement notice</b>	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed.
	<i>[*delete whichever is not applicable]</i> or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Approved Officer — <i>Companies (Co-operative) Act 1943</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850
	Signature / /20

**10. Schedule III inserted**

After Schedule II the following Schedule is inserted —

**Schedule III — Prescribed offences and modified penalties**

[r. 43]

<b>Offences under <i>Companies (Co-operative) Act 1943</i></b>	<b>Modified penalty</b>
s. 112(4) Company failing to file annual return .....	\$8
s. 112(4) Officer of company that fails to file annual return ..	\$8
s. 404(3) Unregistered person acting as auditor or liquidator of co-operative company .....	\$40

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.