



Western Australia

Associations and Co-operatives Legislation Amendment Act 2025

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Associations and Co-operatives Legislation Amendment Act 2025

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Western Australia

Associations and Co-operatives Legislation Amendment Act 2025

No. 9 of 2025

**An Act to amend the *Associations Incorporation Act 2015* and the
Co-operatives Act 2009.**

[Assented to 22 August 2025]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Associations and Co-operatives Legislation Amendment Act 2025*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) sections 5, 12 to 14, 26 and 28 — on a day fixed by proclamation, and different days may be fixed for different provisions;
- (c) the rest of the Act — on the day after assent day.

Part 2 — *Associations Incorporation Act 2015* amended

3. Act amended

This Part amends the *Associations Incorporation Act 2015*.

4. Section 18 amended

In section 18(3)(b) delete “duplicate instruments of title and other”.

5. Part 2 Division 4 inserted

At the end of Part 2 insert:

Division 4 — Reservation of names

20A. Application for reservation of name

- (1) An application for reservation of a name may be made to the Commissioner by an incorporated association or by an applicant for the incorporation of an association.
- (2) An application for reservation of a name —
 - (a) must be in the approved form; and
 - (b) must state the name to be reserved; and
 - (c) must be accompanied by the fee prescribed by the regulations.

20B. Decision on application

- (1) The Commissioner may determine an application for reservation of a name by reserving the name or by refusing the application.

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- (2) An application for reservation of a name may be refused —
- (a) if the nominated name is not appropriate having regard to section 12; or
 - (b) if the Commissioner is satisfied that the application has been made for an improper purpose.

20C. Duration of reservation of name

The reservation of a name expires at the end of the period of 3 months after the name is reserved or, if an application for the incorporation of an association or for a change in an incorporated association's name is made within that period, when the application is determined.

6. Section 23A inserted

After section 23 insert:

23A. Rules imposing additional requirements not inconsistent with Act

The rules of an incorporated association are not inconsistent with this Act merely because the rules impose a requirement that is in addition to the requirements imposed by this Act.

7. Section 24 amended

In section 24(1) —

- (a) in paragraph (g) delete “Act.” and insert:

Act;

- (b) after paragraph (g) insert:
- (h) an association that is incorporated under an Act of another State or a Territory that corresponds to this Act;
 - (i) an Aboriginal and Torres Strait Islander corporation as defined in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Commonwealth) section 16.5;
 - (j) a religious organisation incorporated by or under a written law;
 - (k) an entity endorsed by the Commissioner of Taxation of the Commonwealth under the *Income Tax Assessment Act 1997* (Commonwealth) as a deductible gift recipient.

8. Section 50 amended

After section 50(3) insert:

- (4) Subsection (1) does not apply to an incorporated association for a calendar year if, as a result of the Commissioner allowing a longer period under subsection (3)(b), the association does not hold an annual general meeting in that calendar year.

9. Section 51 amended

Delete section 51(5).

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10. Section 52A inserted

At the end of Part 4 Division 4 insert:

52A. Holding meetings remotely in whole or part

- (1) Unless the rules of an incorporated association state otherwise —
 - (a) a general meeting of the association or a management committee meeting may be held in whole or in part using a telephone or other means of instantaneous communication; and
 - (b) a person who is entitled to be present and heard at a general meeting of the association or a management committee meeting may participate in the meeting in whole or in part using a telephone or other means of instantaneous communication.
- (2) A person who participates in a general meeting or management committee meeting in reliance on subsection (1)(a) or (b) is taken to have attended and been present at the meeting and, if the person votes at the meeting, the person is taken to have voted in person.

11. Section 53 amended

After section 53(2) insert:

- (3) Subsection (2) does not prevent the incorporated association from including other information in the register of members, in accordance with the rules of the association.

12. Section 54 amended

- (1) Delete section 54(1) and insert:
- (1) Subject to section 56A, an incorporated association must, at the request of a member, make the register of members available for inspection by the member within —
- (a) 30 days after the day of the request; or
 - (b) a shorter period stated in the rules of the association for the purposes of this section.
- Penalty for this subsection: a fine of \$2 750.

- (2) In section 54(2) after “Subject to” insert:

section 56A and

13. Section 56 amended

- (1) In section 56(3) after “Subject to” insert:
- section 56A and
- (2) In section 56(3) in the Penalty delete “Penalty:” and insert:
- Penalty for this subsection:

14. Sections 56A and 56B inserted

After section 56 insert:

56A. Restriction of access to personal information

- (1) A member of an incorporated association may apply to the secretary of the association to restrict access to the personal information of the person recorded in the register of members.
- (2) A request under subsection (1) may seek to restrict access so that the personal information is available only to the Commissioner and the secretary.
- (3) If the secretary is satisfied that prescribed circumstances exist for doing so, the secretary must agree to the request.
- (4) If the secretary agrees to the request, access to the personal information is restricted in accordance with the request.
- (5) If the secretary refuses the request, the secretary must notify the member who made the request of the decision as soon as practicable and in any case within 30 days from the date of the decision.
- (6) The notice must —
 - (a) be in writing; and
 - (b) include the reasons for the decision.

56B. Secretary must pass on information if contact details restricted

- (1) This section applies if —
 - (a) a member of an incorporated association (the *first member*) wishes to give information relating to the affairs of the association to

another member of the association (the *second member*); and

- (b) access to the second member's contact details on the register of members of the association has been restricted under section 56A.
- (2) If the first member requests that the secretary of the incorporated association give the information to the second member, the secretary must do so as soon as practicable and in any case within 14 days from the date of the request.

15. Section 87 amended

- (1) After section 87(2) insert:
 - (2A) A reviewer or auditor may be appointed at a general meeting for a fixed term stated in the incorporated association's rules for the purposes of this section.
 - (2B) If a fixed term is stated in the incorporated association's rules, the term must be at least 2 years but not more than 5 years.
- (2) In section 87(3):
 - (a) in paragraph (e) delete "(5)." and insert:

(5); or
 - (b) after paragraph (e) insert:

(f) completes a fixed term of appointment.

16. Part 9 heading replaced

Delete the heading to Part 9 and insert:

Part 9 — Administration, winding up and restructuring

17. Part 9 Division 1 heading replaced

Delete the heading to Part 9 Division 1 and insert:

Division 1 — Voluntary administration, winding up and restructuring

18. Section 121 amended

After section 121(3) insert:

- (4) If money is paid to the Commissioner by a liquidator under the Corporations Act section 544, the Commissioner has power to pay the debts and liabilities of the incorporated association and wind up its affairs.
- (5) The Commissioner may for the purposes of subsection (4) or any incidental purpose —
 - (a) do all such other acts and things as are reasonably necessary or expedient; and
 - (b) appoint a person to investigate the affairs of the association and exercise any power on behalf of the Commissioner; and
 - (c) give such directions as the Commissioner thinks fit; and

- (d) do or omit to do any act or thing, or take any step, that is prescribed.
- (6) The reasonable costs, charges and expenses of the Commissioner or a person appointed under subsection (5)(b) relating to the exercise and performance of the powers and functions conferred by or under subsections (4) and (5) in respect of an incorporated association are to be paid out of the money paid to the Commissioner as described in subsection (4).

19. Section 121A inserted

After section 121 insert:

121A. Restructuring under Corporations Act

- (1) This section makes provision for the restructuring under the Corporations Act of an incorporated association.
- (2) Subsection (3) is made for the purposes of the *Corporations (Ancillary Provisions) Act 2001* Part 3.
- (3) The restructuring of an incorporated association is declared to be an applied Corporations legislation matter in relation to the Corporations Act Part 5.3B subject to the following modifications —
 - (a) the modifications to the text of that Act set out in Schedule 3;
 - (b) such other modifications (within the meaning of the *Corporations (Ancillary Provisions) Act 2001* Part 3) as may be prescribed by the regulations.

s. 20

20. Section 122 amended

In section 122 delete “120 or 121” and insert:

120, 121 or 121A

21. Section 127 amended

(1) In section 127(6)(a) delete “association;” and insert:

association or restructuring practitioner for the association;

(2) After section 127(6) insert:

(7) In subsection (6) —

restructuring practitioner has the meaning given in paragraph (a) of the definition of *restructuring practitioner* in the Corporations Act section 9.

22. Section 136A inserted

After section 136 insert:

136A. Commissioner may revoke approval of distribution plan

- (1) The Commissioner may revoke approval of a distribution plan for an incorporated association if the Commissioner is of the opinion that the approval was based on incorrect information.
- (2) The Commissioner may act under subsection (1) on the application of the incorporated association or on the Commissioner’s own initiative.

- (3) An application must —
 - (a) be in writing; and
 - (b) state the reasons for the application.
- (4) If the Commissioner acts under subsection (1), the Commissioner is taken to have refused to approve the distribution plan under section 136.

23. Section 138A inserted

After section 138 insert:

138A. Amendment of approved distribution plan

- (1) The Commissioner may approve an amendment to a distribution plan approved under this Division for an incorporated association if satisfied that —
 - (a) it is not possible for the distribution plan to be complied with; or
 - (b) there are problems with interpreting, implementing or completing the distribution plan.
- (2) The Commissioner may act under subsection (1) on the application of the incorporated association.
- (3) An application must —
 - (a) be in writing; and
 - (b) state the reasons for the application.

24. Section 144 replaced

Delete section 144 and insert:

144. Grounds on which Commissioner may act

Section 145 applies if the Commissioner has reasonable cause to believe that —

- (a) an incorporated association was not at the time of incorporation eligible for incorporation under this Act; or
- (b) an incorporated association has contravened or is contravening section 17; or
- (c) an incorporated association is not in operation; or
- (d) an incorporated association has resolved to wind up but no person is prepared to act as liquidator; or
- (e) an incorporated association has failed to comply with a direction of the Commissioner under section 95; or
- (f) an incorporated association has refused or failed to remedy a contravention of this Act within 60 days after notice of the contravention has been given to the association by the Commissioner; or
- (g) it is in the public interest to cancel the incorporation of an incorporated association.

25. Section 167 amended

Delete section 167(2)(a), (b) and (c) and insert:

- (a) that the document be appropriately amended and provided again for lodgment; or
- (b) that a fresh document be provided in its place for lodgment; or
- (c) if the document has not been duly completed, that —
 - (i) the document be appropriately completed and provided again for lodgment; or
 - (ii) a supplementary document in a form approved by the Commissioner be provided for lodgment.

26. Section 169 amended

In section 169(1) in the Table after item 4 insert:

4A	Refuse under section 20B(1) an application to reserve a name	The incorporated association or applicant for incorporation that made the application
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s. 27

27. Section 182 amended

- (1) In section 182(1):
 - (a) in paragraph (b) delete “dispute,” and insert:

dispute; or
 - (b) after paragraph (b) insert:

(c) a former member expelled from the association involved in the dispute,
- (2) After section 182(1) insert:
 - (1A) An application by a former member must be made within 6 months of the expulsion of the person from the incorporated association.
- (3) In section 182(3) —
 - (a) in paragraph (b) after “members” insert:

or former members
 - (b) in paragraph (c) delete “member or members” and insert:

member, members, former member or former members

28. Part 16A inserted

After section 211 insert:

**Part 16A — Transitional provision for
*Associations and Co-operatives Legislation
Amendment Act 2025***

211A. Application of s. 54 to existing requests

- (1) In this section —
commencement day means the day on which the *Associations and Co-operatives Legislation Amendment Act 2025* section 28 comes into operation;
former section 54(1) means section 54(1) as in force from time to time before commencement day;
new section 54(1) means section 54(1) as in force on commencement day.
- (2) This section applies if —
 - (a) a request was made by a member of an incorporated association under former section 54(1); and
 - (b) on commencement day the association's register of members has not yet been made available to the member for inspection.
- (3) New section 54(1) applies to the request as if —
 - (a) the reference in paragraph (a) to 30 days after the day of request was a reference to 30 days after commencement day; and
 - (b) paragraph (b) was deleted.

s. 29

29. Schedule 1 amended

After Schedule 1 Division 1 item 6 insert:

- 6A. The member or members, by name or position, of the management committee of the incorporated association who are responsible for complying with a provision of this Act or the regulations that requires information to be given to the Commissioner about the association.

30. Schedule 2 amended

In Schedule 2 clause 4(b) delete “duplicate instruments of title and other”.

31. Schedule 3 amended

- (1) Delete the reference after the heading to Schedule 3 and insert:

[s. 120, 121, 121A, 122 and 125]

- (2) In Schedule 3 item 7 delete “203,” and insert:

203 of this Act,

- (3) At the end of Schedule 3 insert:

15. A reference in section 544(1), (1A) and (2)(c) to Part 9.7 is to be read as a reference to section 121(4) to (6) of this Act.

Part 3 — *Co-operatives Act 2009* amended

32. Act amended

This Part amends the *Co-operatives Act 2009*.

33. Section 168 amended

(1) Delete section 168(3) and insert:

- (3) If the instrument of proxy states the way in which a proxy is to vote on a particular resolution and the proxy is the chairperson of the meeting, the proxy must vote on a poll and must vote the way stated.
- (3A) If the instrument of proxy states the way in which a proxy is to vote on a particular resolution and the proxy is not the chairperson of the meeting, the proxy need not vote, but if the proxy does so, the proxy must vote the way stated.

(2) Delete section 168(5).

34. Section 194 amended

In section 194(2) delete “proxy” and insert:

person, whether or not a proxy,

35. Section 194A inserted

After section 194 insert:

194A. Holding meetings remotely in whole or part

- (1) Unless the rules of a co-operative state otherwise —
 - (a) a general meeting of the co-operative may be held in whole or in part using a telephone or other means of instantaneous communication; and
 - (b) a person who is entitled to be present and heard at a general meeting of the co-operative may participate in the meeting in whole or in part using a telephone or other means of instantaneous communication.
- (2) A person who participates in a general meeting in reliance on subsection (1)(a) or (b) is taken to have attended and been present at the meeting and, if the person votes at the meeting, the person is taken to have voted in person.

36. Section 250 amended

Delete section 250(3A)(a) and (b) and insert:

- (a) section 674(2);
- (b) section 675(2);

37. Section 484A inserted

After section 484 insert:

484A. Technology neutral signing

- (1) This section applies to a document, including a deed, required or permitted to be signed by a person under this Act.
- (2) If the method of signing satisfies subsection (3), a person may sign the document —
 - (a) by signing a physical form of the document by hand; or
 - (b) by signing an electronic form of the document using electronic means.
- (3) A method of signing satisfies this subsection if —
 - (a) the method identifies the person and indicates the person's intention in respect of the information recorded in the document; and
 - (b) the method was either —
 - (i) as reliable as appropriate for the purpose for which the information was recorded, in light of all the circumstances, including any relevant agreement; or
 - (ii) proven in fact to have fulfilled the functions described in paragraph (a), by itself or together with further evidence.
- (4) In subsection (3) —

proven includes established in any way (for example, through the operation of a presumption for which a written law provides);

s. 37

relevant agreement means an agreement, arrangement or understanding —

- (a) whether formal or informal or partly formal and partly informal; and
 - (b) whether written or oral or partly written and partly oral; and
 - (c) whether or not having legal or equitable force and whether or not based on legal or equitable rights.
- (5) For the purposes of subsection (3)(a), the person is not required to indicate an intention in relation to —
- (a) any material identifying another person signing the document or indicating another person's intention in respect of the information recorded; or
 - (b) the signature of another person signing the document; or
 - (c) if a common seal is fixed to the document — the seal; or
 - (d) any immaterial information in a form of the document generated for the purposes of signing and which arises in the normal course of communication, storage or display.
- (6) This section does not require —
- (a) a person to sign the same form of the document as another person; or
 - (b) a person to sign the same page of the document as another person; or
 - (c) a person to use the same method to sign the document as another person; or

- (d) all the information recorded in the document to be included in the form of the document signed by a person as referred to in subsection (2)(a) or (b).
- (7) For the purposes of this section, a person who is to sign a document in more than 1 capacity —
 - (a) is treated as a different person in each such capacity they sign the document; and
 - (b) may sign the document in some or all of those capacities by signing the document once, if the document —
 - (i) requires or permits the person to do so; and
 - (ii) states the capacities in which the person is signing the document.
- (8) This section does not limit the ways in which a person may sign a document.
- (9) This section does not limit the *Electronic Transactions Act 2011*.

38. Various references to “chairman” amended

In the provisions listed in the Table delete “chairman” and insert:

chairperson

Table

s. 15(2)(a)	s. 18(1)(d)(i), (ii), (iii) and (iv)
s. 167(4)	s. 179(1)

s. 38

s. 194(4)(b) and (5)	s. 196(2A)(a) and (b)
s. 197C(1)	s. 197D(1) and (3)
s. 201(7)	s. 202(4)
s. 444(3)	s. 466(1)

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