

COMPANIES (CO-OPERATIVE).

No. 59 of 1976.

AN ACT to amend the Companies (Co-operative) Act, 1943-1959, as continued in force in relation to Co-operative Companies or proposed Co-operative Companies by the Companies Act, 1961.

[Assented to 16th September, 1976.]

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:—

1. (1) This Act may be cited as the *Companies (Co-operative) Act Amendment Act, 1976.*

Short title
and
citation.

(2) In this Act the Companies (Co-operative) Act, 1943-1959, as continued in force in relation to Co-operative Companies or proposed Co-operative Companies by the Companies Act, 1961, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Companies (Co-operative) Act, 1943-1976.

Section 46
amended.

2. Section 46 of the principal Act is amended by adding after subsection (3) the following subsection—

(3a) The Registrar shall not accept any prospectus—

- (a) unless the consent in writing thereto of the Minister has been first obtained, if it appears to the Registrar that it is intended that any of the moneys that may be received in pursuance of the prospectus are to be applied for the same purpose as that specified in subsection (2) of section seventy-six of the Building Societies Act, 1976; or
- (b) if he is of opinion that the prospectus contains any statement or matter that is misleading in the form or context in which it is included. .

Section 173
amended.

3. Section 173 of the principal Act is amended—

- (a) by adding after the section number “173.” the subsection designation “(1)”; and
- (b) by adding at the end thereof the following subsection—

(2) No company, society or association shall be registered under this Part unless the consent in writing thereto of the Minister has been first obtained. .

4. The principal Act is amended by repealing section 401 and substituting for that section a section as follows—

Section 401
substituted.

401. (1) The Registrar may if in his opinion it is no longer necessary or desirable to retain them, destroy or give to the Public Library of the State—

Authority to
Registrar to
destroy
documents.

(a) in the case of any company (whether or not that company has been dissolved or has ceased to be registered)—

(i) any annual return or balance sheet that has been lodged or filed for not less than seven years; or

(ii) any other document (other than the memorandum and articles or any other document affecting them) that has been lodged, filed or registered for not less than fifteen years;

(b) in the case of a company that has been dissolved or has ceased to be registered for not less than fifteen years, any document lodged, filed or registered.

(2) Subsection (1) of this section applies to documents lodged, filed or registered under this Act or under the repealed Acts. .
