



# Government Gazette

OF

## WESTERN AUSTRALIA

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[1982

Companies (Administration) Act 1982.

### PROCLAMATION

WESTERN AUSTRALIA By His Excellency Rear-Admiral Sir Richard John Trowbridge, Knight Commander of the Royal Victorian Order, Knight of Grace of the Most Venerable Order of the Hospital of St. John of Jerusalem, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.  
To Wit:  
RICHARD TROWBRIDGE,  
Governor.  
[L.S.]

PURSUANT to section 2 of the Companies (Administration) Act 1982, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix 1 July 1982 as the day on which the Companies (Administration) Act 1982 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 8th day of June, nineteen hundred and eighty-two.

By His Excellency's Command,

IAN MEDCALF,  
Attorney General.

GOD SAVE THE QUEEN ! ! !

Companies (Application of Laws) Act 1981.

### PROCLAMATION

WESTERN AUSTRALIA By His Excellency Rear-Admiral Sir Richard John Trowbridge, Knight Commander of the Royal Victorian Order, Knight of Grace of the Most Venerable Order of the Hospital of St. John of Jerusalem, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.  
To Wit:  
RICHARD TROWBRIDGE,  
Governor.  
[L.S.]

PURSUANT to section 2 of the Companies (Application of Laws) Act 1981, I, the Governor, acting with the advice and consent of the Executive Council, do

hereby fix 1 July 1982 as the day on which the Companies (Application of Laws) Act 1981 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 8th day of June, nineteen hundred and eighty-two.

By His Excellency's Command,

IAN MEDCALF,  
Attorney General.

GOD SAVE THE QUEEN ! ! !

Companies (Consequential Amendments) Act 1982.

### PROCLAMATION

WESTERN AUSTRALIA By His Excellency Rear-Admiral Sir Richard John Trowbridge, Knight Commander of the Royal Victorian Order, Knight of Grace of the Most Venerable Order of the Hospital of St. John of Jerusalem, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.  
To Wit:  
RICHARD TROWBRIDGE,  
Governor.  
[L.S.]

PURSUANT to section 2(6) of the Companies (Consequential Amendments) Act 1982, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix 1 July 1982 as the day on which sections 23 and 24 of the Companies (Consequential Amendments) Act 1982 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 8th day of June, nineteen hundred and eighty-two.

By His Excellency's Command,

IAN MEDCALF,  
Attorney General.

GOD SAVE THE QUEEN ! ! !

## Companies (Application of Laws) Act 1981.

## AUTHORIZATION

WHEREAS it is provided by the *Companies (Application of Laws) Act 1981* that the Minister may from time to time authorize the publication by the Government Printer of certain documents under that Act: Now, therefore, I, Ian George Medcalf, Attorney General, acting under section 11 of the Interpretation Act 1918 and the provisions of the *Companies (Application of Laws) Act 1981* respectively specified in the first column of the Schedule hereto hereby authorize the publication, in accordance with the corrected printer's proof attached hereto, by the Government Printer of the documents the citations of which are specified in the second column of that Schedule and the several provisions of which come into operation in Western Australia on 1 July 1982.

Section.	Schedule.	Citation.
10		<i>Companies (Western Australia) Code.</i>
11		<i>Companies (Western Australia) Regulations.</i>
12		<i>Companies (Fees) (Western Australia) Regulations.</i>

Dated 17 June 1982.

IAN MEDCALF,  
Attorney General.

*Companies (Application of Laws) Act 1981*COMPANIES (APPLICATION OF LAWS—REGULATIONS)  
REGULATIONS 1982

WHEREAS it is provided by section 15 of the *Companies (Application of Laws) Act 1981* that where, under the Agreement made on 22 December 1978 between the Commonwealth and the States, the Ministerial Council approves regulations proposed to be made under the *Companies Act 1981* of the Commonwealth and approves proposed regulations to be made under the *Companies (Application of Laws) Act 1981* in connection with the operation of the firstmentioned regulations, the Governor may make regulations amending Schedule 2 of that Act in accordance with the approval of the Ministerial Council: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Companies (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Companies (Application of Laws—Regulations) Regulations 1982*.
2. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. In these regulations “the Act” means the *Companies (Application of Laws) Act 1981*.
4. Schedule 2 of the Act is amended by inserting after the words “wherever occurring” the passage “except in regulation 17”.
5. Schedule 2 of the Act is amended by adding after clause 12 the following clauses—
  13. For the words “law of a State or Territory” (wherever occurring) there were substituted the words “law in force in a State or Territory”.
  14. For the passage “law, or a previous law, in Australia” (wherever occurring) there were substituted the passage “law, or a previous law, in force in Australia”.
  15. After the passage “*Bankruptcy Act 1966*” (wherever occurring other than in regulation 17) there were inserted the words “of the Commonwealth as amended and in force for the time being”.
  16. For the words “Corporate Affairs Commission for the Territory” (wherever occurring) there were substituted the words “Commissioner for Corporate Affairs for the State”.
  17. In regulation 17 (2)—
    - (a) for the words “a State Act” there were substituted the words “an Act of the Commonwealth or a State Act”; and
    - (b) for the words “that State Act” there were substituted the words “that Act of the Commonwealth or State Act”.

18. In regulation 57, for the words "commencement of the Act" there were substituted the passage "commencement of the *Companies (Application of Laws) Act 1981*".

19. In Companies Form 8 in Schedule 2, for note (1) there were substituted the following note "(1) Insert Commissioner for Corporate Affairs for the State."

20. In Companies Form 28 in Schedule 2, for the words "law of" (wherever occurring) there were substituted the words "law in force in".

21. In Companies Form 31 in Schedule 2, for the words "law of" there were substituted the words "law in force in".

22. In Companies Form 32 in Schedule 2, for the words "law of" (wherever occurring) there were substituted the words "law in force in".

23. In Companies Form 33 in Schedule 2—

- (a) for the words "by the law of" there were substituted the words "by the law in force in";
- (b) for the words "any law in the place of incorporation" there were substituted the words "any law in force in the place of incorporation"; and
- (c) for the words "the law of the place of incorporation" (wherever occurring) there were substituted the words "the law in force in the place of incorporation".

24. In Companies Form 35 in Schedule 2, for note (7) there were substituted the following note "(7) Insert Commissioner for Corporate Affairs for the State."

25. In Companies Form 46 in Schedule 2, for note (4) at the end of the form there were substituted the following note "(4) Insert Commissioner for Corporate Affairs for the State."

26. In Companies Form 63 in Schedule 2, for note (1) there were substituted the following note "(1) Insert Commissioner for Corporate Affairs for the State."

27. In Companies Form 66 in Schedule 2—

- (a) for the words "laws of the following" there were substituted the words "laws in force in the following";
- (b) for the words "law of a participating" there were substituted the words "law in force in a participating"; and
- (c) for note (1) at the end of the form there were substituted the following note "(1) Insert Commissioner for Corporate Affairs for the State."

28. In Companies Form 67 in Schedule 2—

- (a) for the words "laws of the following participating States" there were substituted the words "laws in force in the following participating States";
- (b) for the words "law of a participating" there were substituted the words "law in force in a participating"; and
- (c) for note (1) at the end of the form there were substituted the following note "(1) Insert Commissioner for Corporate Affairs for the State."

29. In Schedule 5, at clause 5, for the passage "law of a declared State or declared Territory, or of a" there were substituted the passage "law in force in a declared State or declared Territory, or in a".

30. In Schedule 7, for the passage "section 81 of the *Companies Ordinance 1973*" (wherever occurring) there were substituted the passage "Part IV of the *Companies Act Amendment Act 1973*".

31. In Schedule 7, at subclause (4) of clause 10, for the words "law of its place" there were substituted the words "law in force in its place".

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By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*Companies (Application of Laws) Act 1981*

## COMPANIES (APPLICATION OF LAWS) REGULATIONS 1982

WHEREAS it is provided by section 15 of the *Companies (Application of Laws) Act 1981* that where, under the Agreement made on 22 December 1978 between the Commonwealth and the States, the Ministerial Council approves proposed regulations to be made under that Act for certain purposes, the Governor may make those regulations: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Companies (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Companies (Application of Laws) Regulations 1982*.
2. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. In these regulations “the Act” means the *Companies (Application of Laws) Act 1981*.
4. Schedule 1 of the Act is amended by inserting after clause 36 the following clause—

36A. For section 215A of the Commonwealth Act there were substituted the following section—

“ 215A. (1) Notwithstanding section 18 of the *Companies (Application of Laws) Act 1981*—

- (a) Division 7 of Part IV of the *Companies Act 1961*; and
- (b) any other provisions of that Act that are necessary for the effectual operation of that Division,

continue in force, as if that section had not been enacted, in relation to—

- (c) any charge created by a corporation before the commencement of the *Companies (Application of Laws) Act 1981*; and
- (d) any charge to which property acquired by a corporation before the commencement of that Act was subject when the property was so acquired,

and the provisions of this Division do not apply in relation to any such charge.

(2) Subsection (1) operates in substitution for section 30 of the *Companies (Application of Laws) Act 1981*. ”

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*Companies (Application of Laws) Act 1981*COMPANIES (APPLICATION OF LAWS—TRANSITIONAL PROVISIONS)  
REGULATIONS 1982.

WHEREAS it is provided by section 45 of the *Companies (Application of Laws) Act 1981* that the Governor may make regulations in accordance with advice that is consistent with resolutions of the Ministerial Council for Companies and Securities established by the Agreement made on 22 December 1978 between the Commonwealth and the States: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Companies (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Companies (Application of Laws—Transitional Provisions) Regulations 1982*.
2. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. A notice lodged under section 41(2) of the *Companies (Application of Laws) Act 1981* shall be in accordance with the form in the Schedule.

## SCHEDULE

Regulation 3  
Section 41(2)COMPANIES (APPLICATION OF LAWS—TRANSITIONAL  
PROVISIONS) FORM

Registered No.

NOTICE LODGED BY FOREIGN COMPANY  
RELATING TO ITS REGISTRATION

..... Limited, a corporation formed outside Australia and the external Territories, being, under section 41(1) of the *Companies (Application of Laws) Act 1981*, deemed to be registered as a foreign company under the *Companies (Western Australia) Code*, gives notice that—

- \* it wishes to continue to be registered as a foreign company under that Code.
- \* it does not wish to continue to be registered as a foreign company under that Code and wishes to be registered as a foreign company under the law of <sup>(1)</sup>.....

.....  
Signature of \*director/\*secretary/  
\*principal executive officer

\* Strike out if inapplicable.

<sup>(1)</sup> Specify a participating State or participating Territory, being a State or Territory under the law of which the corporation was registered as a foreign company immediately before the commencement of the *Companies (Application of Laws) Act 1981*. Under section 41(3) of that Act, a State or Territory cannot be specified if the corporation has specified a different State or Territory in a notice under a provision of the law of a participating State or participating Territory corresponding to section 41(2) of that Act.

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*Companies (Application of Laws) 1981*

COMPANIES (APPLICATION OF LAWS—FEES)  
REGULATIONS 1982

WHEREAS it is provided by section 15 of the *Companies (Application of Laws) Act 1981* that where, under the Agreement made on 22 December 1978 between the Commonwealth and the States, the Ministerial Council approves regulations proposed to be made under the *Companies (Fees) Act 1981* of the Commonwealth and approves proposed regulations to be made under the *Companies (Application of Laws) Act 1981* in connexion with the operation of the regulations proposed to be made under that Commonwealth Act, the Governor may make regulations amending Schedule 3 of the *Companies (Application of Laws) Act 1981* in accordance with the approval of the Ministerial Council: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Companies (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Companies (Application of Laws—Fees) Regulations 1982*.
2. The regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. In these regulations, “the Act” means the *Companies (Application of Laws) Act 1981*.
4. After clause 1 of Schedule 3 of the Act, there shall be inserted the following clause—  
 “ 1A. For the words “the Territory” (wherever occurring) there were substituted the words “the State”. ”

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*National Companies and Securities Commission  
(State Provisions) Act 1980*

NATIONAL COMPANIES AND SECURITIES COMMISSION  
(STATE PROVISIONS) REGULATIONS 1982

WHEREAS it is provided by section 21(5) of the *National Companies and Securities Commission (State Provisions) Act 1980* that the power of the Governor to make regulations under that Act shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council for Companies and Securities established under the Agreement made on 22 December 1978 between the Commonwealth and the States: And whereas the making of the following regulations is in accordance with advice that is consistent with those resolutions: His Excellency the Governor in Executive Council acting under the *National Companies and Securities Commission (State Provisions) Act 1980* has made the regulations following—

1. These regulations may be cited as the *National Companies and Securities Commission (State Provisions) Regulations 1982*.
2. In these regulations the *\*National Companies and Securities Commission (State Provisions) Regulations 1981* are referred to as the principal regulations.
3. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
4. Regulations 5 and 6 of the principal regulations are revoked and the following regulations substituted—

“ 5. For the purposes of sections 6(4), 15(1), 16(1) and 17(1) of the State Act, each of the following Acts is prescribed—

*Companies Act 1961;*  
*Companies (Administration) Act 1982;*  
*Companies (Application of Laws) Act 1981;*  
*Securities Industry (Application of Laws) Act 1981.*

6. For the purposes of section 15(2) (a) of the State Act, each of the following Acts is prescribed—

*Company Take-overs Act 1979;*  
*Companies (Acquisition of Shares) (Application of Laws) Act 1981;*  
*Companies Act 1961;*  
*Companies (Application of Laws) Act 1981;*  
*National Companies and Securities Commission (State Provisions) Act 1980;*  
*Securities Industry Act 1975;*  
*Securities Industry (Release of Sureties) Act 1977;*  
*Securities Industry (Application of Laws) Act 1981.* ”

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*Companies (Acquisition of Shares)  
(Application of Laws) Act 1981*

COMPANIES (ACQUISITION OF SHARES) (APPLICATION  
OF LAWS—REGULATIONS) REGULATIONS 1982

WHEREAS it is provided by section 16 of the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* that where, under the Agreement made on 22 December 1978 between the Commonwealth and the States, the Ministerial Council approves regulations proposed to be made under the *Companies (Acquisition of Shares) Act 1980* of the Commonwealth and approves proposed regulations to be made under the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* in connection with the operation of the regulations proposed to be made under that Commonwealth Act, the Governor may make regulations amending Schedule 2 of the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* in accordance with the approval of the Ministerial Council: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Companies (Acquisition of Shares) (Application of Laws—Regulations) Regulations 1982*.
2. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. After clause 3 of Schedule 2 of the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* there shall be inserted the following clauses:  
“ 4. For the expression “*Companies Act 1981*” (wherever occurring) there were substituted the words “*Companies (Western Australia) Code*”.  
5. For the words “*Companies Regulations*” (wherever occurring) there were substituted the words “*Companies (Western Australia) Regulations*”. ”

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

*Securities Industry (Application of Laws) Act 1981*

SECURITIES INDUSTRY (APPLICATION OF LAWS—REGULATIONS)  
REGULATIONS 1982

WHEREAS it is provided by section 15 of the *Securities Industry (Application of Laws) Act 1981* that where, under the Agreement made on 22 December 1978 between the Commonwealth and the States, the Ministerial Council approves regulations proposed to be made under the *Securities Industry Act 1980* of the Commonwealth and approves proposed regulations to be made under the *Securities Industry (Application of Laws) Act 1981* in connection with the operation of the firstmentioned regulations, the Governor may make regulations amending Schedule 2 of that Act in accordance with the approval of the Ministerial Council: And whereas the making of the following regulations is in accordance with that section: His Excellency the Governor in Executive Council acting under the *Securities Industry (Application of Laws) Act 1981* has made the regulations following—

1. These regulations may be cited as the *Securities Industry (Application of Laws—Regulations) Regulations 1982*.
2. These regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.
3. After clause 6 of Schedule 2 of the *Securities Industry (Application of Laws) Act 1981* there shall be inserted the following clause:  
“ 7. For the passage “*Companies Act 1981*” (wherever occurring) there were substituted the passage “*Companies (Western Australia) Code*”.

By His Excellency's Command,

J. PRITCHARD,  
Acting Clerk of the Council.

The publication of this document was authorized by the Attorney General in accordance with section 12 of the *Companies (Application of Laws) Act 1981* on 17 June 1982.

The several provisions set out in this document come into operation in Western Australia on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.

### COMPANIES (FEES) (WESTERN AUSTRALIA) REGULATIONS

#### Citation

1. (1) These Regulations may be cited as the *Companies (Fees) (Western Australia) Regulations*.

(2) These Regulations shall come into operation on the day on which the *Companies (Application of Laws) Act 1981* comes into operation.

#### Interpretation

2. In the Schedule, a reference to a section, sub-section or paragraph, without an enactment being cited, shall be taken as a reference to that section, sub-section or paragraph of the *Companies (Western Australia) Code*.

#### Prescribed fees

3. The fees payable for the purposes of section 8 of the *Companies (Application of Laws) Act 1981* sub-section 4 (1) of the *Companies (Fees) Act 1981* are the fees specified in the Schedule in relation to the respective matters so specified.

SCHEDULE		Regulation 3
FEES		
<i>Registration of auditors and liquidators</i>		\$
1. On lodging an application in pursuance of paragraph 17 (1) (a) or (b) for registration as an auditor or liquidator .....	60.00	
2. On lodging an application in pursuance of paragraph 17 (1) (c) for registration as a liquidator of a specified corporation .....	30.00	
3. On lodging a statement—		
(a) under sub-section 26 (2) or (3)—		
(i) if statement made in the capacity of auditor or liquidator .....	25.00	
(ii) if statement made in the capacity of auditor and liquidator .....	50.00	
(b) under sub-section 26 (5) .....	25.00	
<i>Names</i>		
4. For a search as to the availability of any names proposed to be adopted or used by a corporation or intended corporation, in respect of each name searched .....	5.00	
5. On lodging an application for the reservation of a name or for the extension of a reservation .....	15.00	
An additional fee for each participating State or participating Territory in which the reservation or extension is sought .....	5.00	
6. For reserving a name in accordance with an application under sub-section 40 (1) or 46 (1) or (2), in respect of each participating State or participating Territory in which the application states it is desired to reserve that name .....	150.00	
7. For reserving a name in accordance with an application under sub-section 43 (1) or 49 (1), in respect of each participating State or participating Territory in which the application states the present name of the company or the present or former name of the foreign company, as the case may be, is registered .....	30.00	
8. For reserving a name in accordance with an application under sub-section 52 (1) or 55 (1), in respect of each participating State or participating Territory in which the application states the present name of the recognized company or the foreign company, as the case may be, is registered .....	30.00	
9. For registering a name in accordance with a notification under section 59, in respect of each participating State or participating Territory in which the registration of that name is desired by that notification in writing .....	150.00	
10. On lodging an application for the consent of the Ministerial Council under sub-section 38 (2) to the use of a name by a corporation or an intended corporation .....	75.00	
11. On lodging an application for the approval of the Commission to the change of name of a company, other than a change of name directed by the Commission under sub-section 65 (3) or a change of name under sub-section 66 (2) .....	50.00	
<i>Incorporation</i>		
12. On the submission of a memorandum and articles for the registration of an intended company having a share capital .....	300.00	
13. On the submission of a memorandum and articles for the registration of an intended company not having a share capital .....	120.00	



## SCHEDULE—continued

	\$
<i>Section 66 licences</i>	
14. On lodging an application for a licence under section 66 .....	50.00
15. On lodging an application for the approval under sub-section 66 (11) of the alteration or proposed alteration of the memorandum or articles of a company .....	15.00
<i>Changes after incorporation</i>	
16. On lodging an application under section 69 for a change of status—	
(a) in respect of an application by a company limited by guarantee to convert to a company limited both by shares and guarantee .....	200.00
(b) in respect of an application other than an application referred to in paragraph (a) .....	15.00
17. On lodging a copy of a special resolution under sub-section 70 (1) or (2) .....	15.00
<i>Transfer of incorporation</i>	
18. On lodging an application by a company under sub-section 83 (1) .....	200.00
19. On lodging an application by a recognized company under sub-section 84 (1) ..	100.00
20. On lodging an application by a foreign company under sub-section 85 (1) .....	200.00
<i>Registration of foreign companies</i>	
21. On the lodging of documents under sub-section 512 (2) for the registration of a foreign company .....	300.00
<i>Fund raising</i>	
22. On the submission of a proposed prospectus, or a proposed statement under section 170 .....	500.00
An additional fee for each participating State or participating Territory specified in accordance with paragraph 98 (1) (o) .....	100.00
23. On lodging an application to the Commission under sub-section 105 (3) .....	25.00
24. On lodging an application for the approval of a trustee for debenture holders under paragraph 152 (1) (h) .....	15.00
25. On submitting to the Commission for examination a proposed deed for the appointment of a company as trustee for or representative of the holders of prescribed interests issued or proposed to be issued by a company, other than a proposed deed referred to in Item 26 .....	500.00
26. On submitting to the Commission for examination a proposed deed to amend a deed approved under section 166 .....	50.00
27. On lodging an application for the approval of a trustee or representative under sub-section 167 (1) .....	15.00
28. On lodging an application for a declaration under sub-section 168 (2), in respect of each matter specified .....	15.00
29. On lodging an application for an exemption under sub-section 176 (1) .....	15.00
30. On lodging an application to the Commission under sub-section 552 (2) .....	25.00
<i>Charges</i>	
31. On lodging a notice under section 201 or 202 .....	35.00
32. On lodging a notice under section 206 .....	20.00
33. On lodging a memorandum under sub-section 207 (2) .....	20.00
<i>Annual returns and accounts</i>	
34. On lodging an application to the Commission under sub-section 268 (4) .....	40.00
35. On lodging an application to the Commission under section 273 .....	50.00
36. On lodging an annual return of a public company, not being a company referred to in Item 37 or 38 .....	300.00
An additional fee for each participating State of participating Territory in which the name of the company is registered .....	100.00
37. On lodging an annual return or accounts of a company holding a licence under section 66 or under a corresponding provision of a previous law of the State .....	15.00
An additional fee for each participating State of participating Territory in which the name of the company is registered .....	10.00
38. On lodging an annual return or accounts of a company limited by guarantee or both by shares and by guarantee, where the memorandum of the company states that the company—	
(a) is formed for a purpose referred to in paragraph 66 (1) (a);	
(b) applies its profits (if any) or other income in promoting its purpose; and	
(c) prohibits the distribution of its income or property among its members .....	15.00
An additional fee for each participating State or participating Territory in which the name of the company is registered .....	10.00
39. On lodging an annual return of a proprietary company that is not an exempt proprietary company .....	120.00
An additional fee for each participating State of participating Territory in which the name of the company is registered .....	100.00

## SCHEDULE—continued

	\$
40. On lodging an annual return of an exempt proprietary company, not being a company referred to in Item 41 .....	80.00
An additional fee for each participating State of participating Territory in which the name of the company is registered .....	40.00
41. On lodging an annual return of an exempt proprietary company, if the Commission is satisfied—	
(a) that the company is the proprietor of land upon which is erected a building divided into individual residential areas and areas for common use;	
(b) that the shareholders in that company are entitled, by virtue of their shareholdings, to the exclusive occupation of one or more of those residential areas and the use of those common areas; and	
(c) that the company operates solely—	
(i) for the purpose of facilitating and enforcing the rights of shareholders in relation to exclusive occupation of those residential areas; and	
(ii) for the maintenance of those common areas .....	20.00
42. On lodging an annual return or a balance-sheet and profit and loss account of a registered foreign company, under section 516 .....	120.00
In respect of foreign companies formed outside Australia and the external Territories, an additional fee for each participating State or participating Territory in which the name of the company is registered .....	100.00
<i>Other applications</i>	
43. On lodging any application for the lodging of which a fee is not provided by any other item .....	15.00
<i>Defunct companies</i>	
44. On lodging an application to the Commission to exercise the powers conferred by section 460 or 462 .....	50.00
45. For an act done by the Commission as representing a defunct company or its liquidator under section 460 .....	50.00
46. For an act done by the Commission under section 462 .....	50.00
<i>Late lodgment</i>	
47. On the late lodgment of a document (in addition to any lodgment fee provided by any other item for the lodging of that document)—	
(a) if lodged within one month after the prescribed time .....	10.00
(b) if lodged more than one month, but within 3 months, after the prescribed time .....	30.00
(c) if lodged more than 3 months after the prescribed time .....	50.00
<i>Searches of documents and registers</i>	
48. For inspection under sub-section 31 (2) of documents that are kept at the office of the Commission (other than an inspection by or on behalf of the Australian Broadcasting Commission, the Australian Bureau of Statistics, the holder of a licence for a commercial broadcasting or television station or the proprietor or publisher of a newspaper generally available to the public otherwise than only on subscription) .....	4.00
49. For any enquiry other than an enquiry in person, involving an inspection to which Item 48 refers .....	8.00
<i>Supply of uncertified copies</i>	
50. For the supply of an uncertified copy or extract of a document, for each 2 pages or less, in addition to the fee payable under Item 48 or 49 .....	1.00
<i>Certification</i>	
51. For a certificate issued by the Commission, other than a certificate referred to in Item 52 or a certificate under sub-section 35 (2) or 514 (6) .....	5.00
52. For the supply of a certified copy of, or the supply of a certified copy of an extract from a document filed or lodged with the Commission—	
for one page .....	5.00
for each additional page or part of a page .....	1.00
<i>Production of documents</i>	
53. For the production by the Commission, pursuant to a subpoena, of a document in its custody .....	15.00
and, in addition, for each 2 pages or less of the document produced .....	1.00
<i>Other acts by the Commission</i>	
54. For any act that the Commission is required or authorized to do upon the request of a person and for which a fee is not prescribed by any other item .....	10.00
55. For the supply of information and a copy or print of a document kept by the Commission in a participating State or participating Territory .....	15.00
and, in addition, for each 2 pages or less of the copy or print provided .....	1.00
56. On lodging with the Commission in accordance with paragraph 129 (10) (e) a copy of the notice and of the statement referred to in that paragraph .....	50.00

57. On the preparation by the Commission of the statement referred to in paragraph 315 (21) (b).....	50.00
58. On submitting to the Commission for examination an explanatory statement sent out under sub-section 316 (1) .....	250.00

# BUSINESS NAMES ACT 1962.

Direction by the Attorney General.

I, IAN GEORGE MEDCALF, Attorney General for the State of Western Australia, being the Minister for the time being administering the Business Names Act 1962, pursuant to the power conferred by section 9 of the said Act, hereby revoke all directions previously given under the said section with effect on and from 1 July 1982 and do hereby direct that the Commissioner for Corporate Affairs shall not, except with the consent of the Minister for the time being administering the said Act, accept for registration any business name that is a name or a name of a kind mentioned hereunder.

1. Names that are likely to be confused with or mistaken for:

- (a) a registered business name;
- (b) a name reserved or registered in relation to a company, recognized company, registered foreign company or recognized foreign company pursuant to the provisions of the Companies (Western Australia) Code, or in relation to an intended company, intended recognized company, intended registered foreign company or intended recognized foreign company pursuant to the provisions of that Code; or
- (c) the name of an incorporated association, building society, co-operative company, co-operative society, co-operative housing society, credit union or friendly society.

2. Names which are misleading in relation to the nature, objects or purposes of the businesses conducted or to be conducted under those names, or in relation to any other matter.

3. Names that are likely to be offensive to members of the public or members of any section of the public.

4. Names containing the following words or phrases or any abbreviation thereof or any words, phrases or abbreviation of like import:

"Building Society", "Chamber of Commerce", "Chamber of Manufacturers", "Chartered", "College", "Consumer", "Co-operative", "Credit Union", "Executor", "Friendly Society", "Guarantee", "Institute", "Made in Australia", "Oxfam", "Savings", "Starr Bowkett", "Stock Exchange", "Trust", "Trustee", "University".

5. Names which, in the context in which they are proposed to be used, are capable of suggesting:

- (a) connexion with a member of the Royal Family when the connexion suggested does not exist; or
- (b) that Royal patronage has been received when this is not the case.

6. Names which, in the context in which they are proposed to be used, are capable of suggesting connexion with the Crown, the Government of the Commonwealth of Australia or of a State or Territory or any other part of the Queen's dominions, possessions or territories.

7. Names which include the words "Commonwealth" or "Federal".

8. Names which, in the context in which they are proposed to be used, are capable of suggesting connexion with the government of a foreign country.

9. Names which, in the context in which they are proposed to be used, are capable of suggesting connexion with a department, authority or instrumentality of the Government of the Commonwealth of Australia or of a State or Territory or with a municipal or other local authority.

10. Names which, in the context in which they are proposed to be used, are capable of suggesting:

- (a) connexion with ex-servicemen's organizations when the connexion suggested does not exist; or
- (b) that the members of an organization are totally or partially incapacitated when this is not the case.

Dated this 21st day of June, 1982.

I. G. MEDCALF,  
Attorney General.

Attention is drawn to the following additional restrictions on the use of names:

## Commonwealth Statutes

- (1) *International Organizations (Privileges and Immunities) Act 1963*: Section 12, provides that, except with the consent in writing of the Minister for the time being administering the Act, a person shall not assume or use in connection with any trade, business, profession, calling or occupation the name or an abbreviation of the name of the United Nations or of any other prescribed international organisation.
- (2) *Banking Act 1959*: Section 66, provides that, except with the consent in writing of the Treasurer, a person or body of persons, not being a body corporate authorised under that Act to carry on banking business in Australia, shall not assume or use, in relation to the business or any part of the business carried on by that person or body, the word 'bank', 'banker' or 'banking' or any word of like import. Section 67 imposes a similar restriction in respect of the words 'savings bank' or any words of like import, on any person or body of persons not included among the savings banks specified in Part II of the First Schedule to that Act.
- (3) Protection of Word "Anzac" Regulations (Statutory Rules 1921 No. 2 and No. 216, Statutory Rules 1959 No. 29, Statutory Rules 1962 No. 79, Statutory Rules 1978 No. 27, Statutory Rules 1979 No. 141 and Statutory Rules 1981 No. 102) provide that no person shall, without the authority of the Minister for the time being administering paragraph 22 (e) of the *War Precautions Act Repeal Act 1920*, assume or use the word "Anzac" or any word resembling the word "Anzac" in connection with any trade, business, calling or profession or in connection with any entertainment or any lottery or art union or as the name or part of the name of any private residence, boat, vehicle or charitable or other institution, or any building in connection therewith.
- (4) Defence (Prohibited Words and Letters) Regulations (Statutory Rules 1957 No. 16 and Statutory Rules 1976 No. 51) prohibit the use in connection with a trade, business, calling or profession or by an organisation or body of persons of the words and letters set out therein (being words and letters indicative of a part of the armed forces of Australia) without the consent in writing of the Minister for the time being administering the *Defence Act 1903*.
- (5) *The Boy Scouts' Association Act 1924*, by Section 2, places a prohibition on any person using, without authority, the name "The Boy Scouts' Association" or the name of any local branch of the Association or any name implying that any other society or body is the Association or a branch of the Association.

- (6) *Australian Bicentennial Authority Act 1980*: Section 22 provides that, except with the consent in writing of the Australian Bicentennial Authority, a person shall not use the name of the Authority, an abbreviation of the name of the Authority or a prescribed expression (as listed in paragraph 22 (6) (d) of the Australian Bicentennial Authority Act) in connexion with a business, trade, profession or occupation.
- (7) *Geneva Conventions Act 1957*: Section 15 prohibits the use of the designations "Red Cross", "Geneva Cross", "Red Crescent" or "Red Lion and Sun", or wording resembling any of those designations, for any purpose whatsoever, without the consent of the Minister for Defence or an authorised person.
- Western Australian Statutes  
Architects Act 1921-1978.  
Building Societies Act 1976.  
Builders Registration Act 1939-1979.  
Chiropodists Act 1957-1978.  
Chiropactors' Act 1964-1978.  
Companies (Co-operative) Act 1943-1975.  
Credit Unions Act 1979.  
Dental Act 1939-1980.  
Legal Practitioners Act 1893-1973.  
Licensed Surveyors Act 1909.  
Medical Act 1894-1979.  
Occupational Therapists Registration Act 1980.  
Optometrists Act 1940-1978.  
Optical Dispensers Act 1966.  
Pharmacy Act 1964-1980.  
Physiotherapists Act 1950-1978.  
Psychologists Registration Act 1976.  
Veterinary Surgeons Act 1960-1977.

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#### **COMPANIES (WESTERN AUSTRALIA) CODE.**

**The above publication will be available on 1 July 1982 from:—**

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9 Salvado Road,  
Wembley.**

**Government Publications Centre,  
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