

# CUSTOMER INFORMATION

# BULLETIN



**DOLA**  
OFFICE OF TITLES

Department of LAND ADMINISTRATION

No. 36, 10th January, 1991

## CORPORATIONS

The laws relating to registration, functions and powers of corporations in all States and Territories are now governed by a National Code embracing:

- The Australian Securities Commission Act 1989 (Commonwealth Act).
- Corporations Act 1989 (Commonwealth Act).
- Corporations (Western Australia) Act 1990.

The Corporations (Western Australia) Act 1990 commenced on the 1st of January, 1990. The purpose of the Act is to apply certain provisions of the above Commonwealth Acts and Regulation as laws of Western Australia.

The Corporations Act 1989 replaces existing State and Territory company registration numbers with a unique nine digit number identifying each Australian Company.

The number does not form part of the name of the company and does not need to be shown in the body of documents lodged in the Office of Titles.

However, section 219 of the Corporations Act requires the number to be set out as part of the common seal of the company. The seal must state the name of the company followed by the expression "Australian Company Number" and its registration number. The expression "Australian Company Number" may be abbreviated, for example: Joe Bloggs Pty. Ltd. ACN 123456789. The words "Common Seal" shall also be included in the seal.

Adding the A.C.N. in hand writing inside the common seal is not acceptable.

### **THERE IS NO PERIOD OF GRACE FOR THESE REQUIREMENTS.**

The legislation makes it an offence for a person to use or authorise use of the common seal in contravention of the above. A person contravening this section is liable to a penalty of \$1,000 or 3 months prison or both.

**Documents executed under company seal prior to January, 1991 not showing ACN will be registered.** The date of registration is irrelevant.

**Documents executed under company seal and dated after January 1, 1991 not showing the ACN will have requisitions issued.** The document can be corrected by:

- Re-attesting by signatories and affixing of the new seal; or
- Providing a statutory declaration by one of the signatories deposing that the seal was affixed on a specified date prior to the 1st of January, and that the date inserted in the document is incorrect or that the document was executed by another party after the company had executed it.

At the moment cheques without the ACN will be accepted in payment of Office of Titles fees.

R.A. McDonald  
Acting Director  
LAND TITLES