

112B. Where marketable securities etc. situated

- (1) These marketable securities and rights in respect of shares (other than a right in respect of shares described in paragraph (b) of the definition in section 4 of “right in respect of shares”) shall be treated for the purposes of this Act as if they are situated in this State:
- (a) a marketable security or right in respect of shares of a WA company; irrespective of where the register on which it is registered by the company is situated and despite section 1070A(4) of the Corporations Act or any other law;
 - (b) a marketable security or a right in respect of shares of a foreign company — if it is registered on a register kept in this State by that company;
 - (c) a marketable security that is a unit of a unit trust scheme — if the scheme’s principal register is kept in this State;
 - (d) a marketable security that is a unit of a unit trust scheme no register of which is kept in Australia —
 - (i) if the scheme has a manager and the manager is a natural person resident in this State or a relevant company; or
 - (ii) if the scheme does not have a manager but has a trustee that is a natural person resident in this State or a relevant company.

[(2) repealed]

- (3) Despite section 1070A(4) of the Corporations Act or any other law, unless otherwise provided in this Act, a marketable security, or a right in respect of shares, of a company taken to be registered under the Corporations Act in another State or Territory, if registered on a register in this State, shall not, for the purposes of this Act, be treated as if it is situated in this State.
- (4) The situation of a marketable security or a right in respect of shares that is not referred to in this section is not affected by this section.
- (4a) Subsections (1)(a) and (3) are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the Corporations Act in relation to section 1070A(4) of that Act.
- (5) In subsection (1)(d) —

“relevant company” means —

- (a) a WA company; or
- (b) a foreign company with a registered office under the Corporations Act that is situated in this State.

[Section 112B inserted by No. 48 of 1996 s. 35; amended by No. 22 of 1998 s. 29; No. 53 of 1999 s. 25 and 31; No. 10 of 2001 s. 181; No. 21 of 2003 s. 29.]