



Western Australia

Corporations (Ancillary Provisions) Act 2001

**Corporations (Ancillary Provisions) Regulations
2001**

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Western Australia

Corporations (Ancillary Provisions) Regulations 2001

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Defined terms

Corporations (Ancillary Provisions) Regulations 2001

1. Citation

These regulations may be cited as the *Corporations (Ancillary Provisions) Regulations 2001*¹.

2. Commencement

These regulations come into operation, or are deemed to have come into operation, at the same time that the *Corporations (Ancillary Provisions) Act 2001* comes into operation¹.

3. Definition

In these regulations —

new reference means a reference to —

- (a) the new corporations legislation;
- (b) the new ASIC legislation; or
- (c) a provision or group of provisions of that legislation.

4. Application of section 11(1) of the *Corporations (Ancillary Provisions) Act 2001*

[(1) deleted]

- (1A) Section 11(1) of the Act does not apply to any regulations, rules or by-laws, other than the *Rules of the Supreme Court 1971*.

- (2) Section 11(1) of the Act does not apply to a reference in a provision of an instrument made under an Act that provides for the commencement of such an instrument.
- (2a) Subregulation (3) does not apply to any regulations, rules or by-laws, other than the *Rules of the Supreme Court 1971*.
- (3) Unless the contrary intention appears or the context otherwise requires, section 11(1) of the Act applies to the following references in instruments made under Acts as if the words “to be a reference” in that subsection were substituted for the words “to include a reference” —
 - (a) a reference in a provision that gives a meaning to a term or phrase by reference to a provision, or group of provisions, of the old Corporations Law;
 - (b) a reference in a provision that operates by reference to a status of a person under the old Corporations Law but only if the context of the reference indicates that a current status is being referred to;
 - (c) a reference in a provision that provides that a person has a certain status as if the old Corporations Law applied to the person, or another person in relation to whom the first person has that status, but only if the context of the reference indicates that a current status is being referred to;
 - (d) a reference in a provision that applies a provision, or a group of provisions, of the old Corporations Law as a law of the State.
- (4) The kinds of references referred to in each of the paragraphs in subregulation (3) are not to be regarded as necessarily mutually exclusive.

[Regulation 4 amended: Gazette 28 Sep 2001 p. 5352 and 5355; 7 Dec 2001 p. 6187; 8 Oct 2002 p. 5096; 1 Aug 2003 p. 3295; 31 Dec 2009 p. 5401-2.]

5. Application of section 11(5) of the *Corporations (Ancillary Provisions) Act 2001*

- (1) Section 11(5) of the Act does not apply to the following —
 - (a) the *Corporations (Ancillary Provisions) Act 2001*;
 - (b) the *Corporations (Consequential Amendments) Act 2001*;
 - (c) the *Corporations (Consequential Amendments) Act (No. 2) 2003*.
- (2) Section 11(5) of the Act does not apply to a new reference in a provision of an Act or an instrument made under an Act if, immediately before the relevant time, the provision did not expressly refer (or was not taken to be or include) a reference to a corresponding provision of the national scheme law of this jurisdiction.

Note for this subregulation:

Immediately before the relevant time (when the *Corporations Act 2001* of the Commonwealth comes into operation), certain references to the *Companies Act 1961* and other corporation laws in force in the State before the co-operative scheme laws did not include references to the national scheme law. Some of these references were replaced in the *Corporations (Consequential Amendments) Act 2001* and the *Corporations (Consequential Amendments) Act (No. 2) 2003* by references to the new corporations legislation and the new ASIC legislation.

- (3) Unless the contrary intention appears or the context of the reference otherwise requires, any new reference in a provision to which subregulation (2) applies is taken to include a reference to a previous State corporations law (or provision of such a law) to which it referred immediately before the relevant time in relation to events, circumstances or things that happened or arose before the relevant time.

[Regulation 5 amended: Gazette 1 Aug 2003 p. 3296.]

Notes

- ¹ This is a compilation of the *Corporations (Ancillary Provisions) Regulations 2001* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Corporations (Ancillary Provisions) Regulations 2001</i>	29 Jun 2001 p. 3258-60	15 Jul 2001 (see r. 2 and <i>Cw</i> with <i>Gazette</i> 13 Jul 2001 No. S285)
<i>Corporations (Ancillary Provisions) Amendment Regulations 2001</i>	28 Sep 2001 p. 5352	28 Sep 2001 (see r. 2 and <i>Gazette</i> 28 Sep 2001 p. 5352)
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 5</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and <i>Cw</i> with <i>Gazette</i> 13 Jul 2001 No. S285)
<i>Corporations (Ancillary Provisions) Amendment Regulations (No. 2) 2001</i>	7 Dec 2001 p. 6186-7	7 Dec 2001
<i>Corporations (Ancillary Provisions) Amendment Regulations 2002</i>	8 Oct 2002 p. 5096	8 Oct 2002
<i>Corporations (Ancillary Provisions) Amendment Regulations 2003</i>	1 Aug 2003 p. 3295-6	1 Aug 2003
Reprint 1: The Corporations (Ancillary Provisions) Regulations 2001 as at 21 Jan 2005 (includes amendments listed above)		
<i>Corporations (Ancillary Provisions) Amendment Regulations 2009</i>	31 Dec 2009 p. 5401-2	1 Jan 2010 (see r. 2 and <i>Gazette</i> 31 Dec 2009 p. 5327)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
new reference	3