

JU302*

Corporations (Ancillary Provisions) Act 2001

**Corporations (Consequential Amendments)
Regulations 2001**

Made by the Governor in Executive Council, under the *Corporations (Ancillary Provisions) Act 2001* and on the recommendation of the Attorney General.

Part 1 — Preliminary**1. Citation**

These regulations may be cited as the *Corporations (Consequential Amendments) Regulations 2001*.

2. Commencement

These regulations are deemed to have come into operation at the time at which the *Corporations Act 2001* of the Commonwealth came into operation.

Part 2 — Associations Incorporation Regulations 1988**3. The regulations amended**

The amendments in this Part are to the *Associations Incorporation Regulations 1988**.

[* Reprinted as at 28 November 1997.]

4. Regulation 3 replaced

Regulation 3 is repealed and the following regulation is inserted instead —

“

3. Interpretation

In these regulations, unless the contrary intention appears —

“**Corporations Act**” means the *Corporations Act 2001* of the Commonwealth.

”.

5. Regulation 8 replaced

Regulation 8 is repealed and the following regulation is inserted instead —

“

8. Applied provisions — winding up by Court

For the purposes of section 32 of the Act, a reference in the text of Part 5.7 of the Corporations Act to a company carrying on its business or having a place of business is to be read as a reference to an incorporated association pursuing its objects or purposes.

”.

Part 3 — *Builders' Registration Regulations*

6. The *Builders' Registration Regulations* amended

Form No. 2B of the First Appendix to the *Builders' Registration Regulations** is amended in subitem 2.5(a) by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

[* Reprinted as at 22 September 2000.

For amendments to 27 August 2001 see Gazette
31 July 2001.]

**Part 4 — *Commercial Tenancy (Retail Shops)
Agreements Regulations 1985***

**7. *Commercial Tenancy (Retail Shops) Agreements
Regulations 1985* amended**

The *Commercial Tenancy (Retail Shops) Agreements Regulations 1985** are amended in the Schedule Form 4 by deleting paragraph (b) of the definition of “retail shop lease” and inserting instead —

“

- (b) the lease is held by a corporation (within the meaning of the *Corporations Act 2001* of the Commonwealth) that would not be eligible to be incorporated as a proprietary company, or that is held by a subsidiary of such a corporation;

”.

[* Reprinted as at 24 November 2000.]

**Part 5 — Corporations (Ancillary Provisions)
Regulations 2001**

**8. The Corporations (Ancillary Provisions) Regulations 2001
amended**

- (1) The amendments in this Part are to the *Corporations (Ancillary Provisions) Regulations 2001**.

[* Published in Gazette on 29 June 2001, p. 3258-60.]

- (2) After regulation 4(1) the following subregulation is inserted —

“

- (1a) Section 11(1) of the Act does not apply to any regulations, rules or by-laws, other than the following —

- (a) regulation 6 of the *Associations Incorporation Regulations 1988*;
- (b) the *Builders' Registration Regulations*;
- (c) the *Business Names Regulations 1962*;
- (d) the *Criminal Procedure Rules 2000*;
- (e) the *Evaporites (Lake Macleod) (Cape Cuvier Berth) By-laws 1991*;
- (f) the *Gas Pipelines Access (Western Australia) Regulations 2000*;
- (g) the *Legal Practice Board Rules 1949*;
- (h) the *Medical Rules 1987*;
- (i) the *Osteopaths Rules 1999*;
- (j) the *Perth Market By-Laws 1990*;
- (k) the *Rules of the Supreme Court 1971*;
- (l) the *Settlement Agents' Code of Conduct 1982*.

”.

- (3) After regulation 4(2) the following subregulation is inserted —

“

- (2a) Subregulation (3) does not apply to any regulations, rules or by-laws, other than those listed in subregulation (1a).

”.

Part 6 — *State Superannuation Regulations 2001*

9. The regulations amended

The amendments in this Part are to the *State Superannuation Regulations 2001**.

[* Published in Gazette 16 February 2001, p. 921-1074.

For amendments to 27 August 2001 see Gazette
29 June 2001.]

10. Schedule 2 amended

- (1) The heading to Schedule 2 Part 4 is amended by deleting “ASC” and inserting instead —

“ ASIC ”.

- (2) Schedule 2 Part 4 clause 13 is amended as follows:

- (a) by deleting the definitions of “ASC” and “ASC worker” and inserting the following definitions instead —

“

“ASIC” means —

- (a) the Australian Securities Commission established by the *Australian Securities and Investments Commission Act 1989* of the Commonwealth;
- (b) the Australian Securities and Investments Commission as the Australian Securities Commission became known under that Act; and
- (c) the Australian Securities and Investments Commission as continued in existence by section 261 of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;

“ASIC worker” means a person who is a member of the staff of ASIC;

”;

- (b) in the definition of “relevant regulations” by deleting “ASC” and inserting instead —

“ ASIC ”.

- (3) Schedule 2 Part 4 clause 14 is amended as follows:

- (a) by deleting “an ASC” in each place that it occurs and inserting instead —

“ an ASIC ”;

- (b) by deleting “the ASC” in each place that it occurs and inserting instead —

“ ASIC ”.

Part 7 — *Workers' Compensation and Rehabilitation Regulations 1982*

11. *Workers' Compensation and Rehabilitation Regulations 1982* amended

After regulation 2A of the *Workers' Compensation and Rehabilitation Regulations 1982** the following regulation is inserted —

“

3. Limiting the definition of company

(1) For the purposes of the definition of “company” in section 5(1) of the Act, the following registered bodies are specified —

- (a) a registered Australian body that was formed or incorporated in the State;
- (b) a registered Australian body that was not formed or incorporated in the State and that does not have its head office or principal place of business in the State.

(2) In this regulation —

“**registered Australian body**” has the meaning given by the *Corporations Act 2001* of the Commonwealth.

”.

[* Reprinted as at 25 February 2000.

For amendments to 27 August 2001 see Gazette
17 November 2000.]

Part 8 — Minor amendments to other regulations

12. Changing “Corporations Law” to “*Corporations Act 2001* of the Commonwealth” in various regulations

Each provision listed in the Table to this regulation is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

Table

<i>Electricity Distribution Regulations 1997</i>	r. 3 (definition of “related body corporate”)
<i>Electricity Transmission Regulations 1996</i>	r. 3 (definition of “related body corporate”)

<i>Grain Pool of W.A. (Elections) Regulations 1976</i>	r. 13(c)(iii) Sch. Form 3
<i>Industrial Relations (Pre-strike Ballot Expenses) Regulations 1997</i>	r. 4(1)(a)
<i>Liquor Licensing Regulations 1989</i>	Sch. 2 item 1(p) and (q)
<i>Local Government (Audit) Regulations 1996</i>	r. 6(1)(b)
<i>Mines Safety and Inspection Regulations 1995</i>	r. 2.41(2)(b)
<i>Mining Regulations 1981</i>	r. 85(1) (definition of "related corporation")
<i>Road Traffic (Licensing) Regulations 1975</i>	r. 21G(1)(a)(ii)
<i>Water Services Coordination (Plumbers Licensing) Regulations 2000</i>	Sch. 2 cl. 3(1)(c)
<i>Western Australian Treasury Corporation (Debt Paper) Regulations 1986</i>	r. 3(2) (both places)

Recommended by the Attorney General,

JIM McGINTY.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.