

Western Australia

**Corporations (Consequential Amendments) Act  
2001**

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As at 28 Jun 2001

No. 10 of 2001

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# Corporations (Consequential Amendments) Act 2001

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Western Australia

## **Corporations (Consequential Amendments) Act 2001**

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**No. 10 of 2001**

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**An Act to amend various Acts as a consequence of the Commonwealth enacting the *Corporations Act 2001*, and for related purposes.**

*[Assented to 28 June 2001]*

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This Act may be cited as the *Corporations (Consequential Amendments) Act 2001*.

### **2. Commencement**

- (1) Subject to this section, this Act comes into operation at a time fixed by proclamation.
- (2) Different times may be fixed under subsection (1) for different provisions.
- (3) A time fixed under subsection (1) may be a time that is earlier than the beginning of the day on which the proclamation is published in the *Gazette*, not being a time earlier than immediately before the coming into operation of the *Corporations Act 2001* of the Commonwealth.
- (4) Section 1 and this section come into operation at the beginning of the day on which this Act receives the Royal Assent.
- (5) If the *Corporations Act 2001* of the Commonwealth comes into operation before the *Building Societies Amendment Act 2001* comes into operation —
  - (a) sections 34 and 35 come into operation immediately after the *Corporations Act 2001* of the Commonwealth comes into operation;
  - (b) section 36 comes into operation immediately before the *Building Societies Amendment Act 2001* comes into operation; and
  - (c) Part 31 comes into operation immediately after the *Building Societies Amendment Act 2001* comes into operation.



- (6) If the *Corporations Act 2001* of the Commonwealth comes into operation at the same time as, or after, the *Building Societies Amendment Act 2001* comes into operation —
- (a) Part 11 does not come into operation; and
  - (b) Part 31 comes into operation immediately after the *Corporations Act 2001* of the Commonwealth comes into operation.
- (7) If Part 5 Division 2 of the *Financial Relations Agreement (Consequential Provisions) Act 1999* comes into operation at the same time as, or after, the *Corporations Act 2001* of the Commonwealth comes into operation, section 181(3) comes into operation immediately after that Division comes into operation, otherwise section 181(3) comes into operation at the same time as the rest of section 181.

**Part 2 — Acts Amendment and Repeal (Financial Sector Reform) Act 1999**

**3. The Act amended**

The amendments in this Part are to the *Acts Amendment and Repeal (Financial Sector Reform) Act 1999*\*.

[\* Act No. 26 of 1999.]

**4. Section 4A inserted**

After section 4 the following section is inserted —

“

**4A. Administrative functions and powers conferred on relevant Commonwealth bodies**

(1) In this section —

“**administrative action**” has the same meaning as it has in the *Corporations (Administrative Actions) Act 2001*;

“**APRA or ASIC action**” means an administrative action taken, or purportedly taken by APRA or ASIC pursuant to a function or power conferred, or purportedly conferred, by this Act;

“**confer**” includes impose.

(2) The *Corporations (Administrative Actions) Act 2001* applies in relation to an APRA or ASIC action as if this Act were a relevant State Act within the meaning of that Act.

(3) This Act does not purport to confer any duty on APRA or ASIC to perform a function, or to exercise a power, conferred, or purportedly conferred, by this Act if the conferral of the duty would be beyond the legislative power of the State.

- (4) Subsection (3) does not limit the operation of section 7 of the *Interpretation Act 1984*.

”.

**5. Section 20 amended**

- (1) Section 20(2) is amended by deleting “Corporations Law which is deemed to apply as if the society had been a company.” and inserting instead —

“

*Corporations Act 2001* of the Commonwealth as applying because of this section.

”.

- (2) After section 20(2) the following subsections are inserted —

“

- (2a) Money received by ASIC on a disposal of, or dealing with, property of a society is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Part 9.7 of the *Corporations Act 2001* of the Commonwealth as if the society had been a company.

- (2b) For the purposes of subsection (2a), Part 3 of the *Corporations (Ancillary Provisions) Act 2001* has effect as if that Part did not contain sections 16(1)(b) and 17.

”.

**Part 3 — Architects Act 1921**

**6. The Act amended**

The amendments in this Part are to the *Architects Act 1921*\*.

[\* Reprinted as at 26 February 1999.]

**7. Section 2 amended**

Section 2(1) is amended by deleting the definitions of “corporation” and “foreign corporation” and inserting in the appropriate alphabetical positions —

“

“**corporation**” means any body corporate, whether formed or incorporated in or outside the State, and includes a company, a foreign company or a registrable Australian body within the meaning of the *Corporations Act 2001* of the Commonwealth;

“**foreign corporation**” means —

- (a) a corporation which is not incorporated, or taken to be registered, in the State; or
- (b) a corporation which is incorporated, or taken to be registered, in the State but which is a subsidiary, within the meaning of the *Corporations Act 2001* of the Commonwealth, of a corporation referred to in paragraph (a);

”.

**8. Section 22 amended**

Section 22(1) is amended by deleting “struck off the register of companies pursuant to section 459 of the Companies (Western Australia) Code, or a corresponding provision of a corresponding law of any other State or Territory of the Commonwealth” and inserting instead —

“

deregistered under the *Corporations Act 2001* of the Commonwealth

”.

**Part 4 — Associations Incorporation Act 1987**

**9. The Act amended**

The amendments in this Part are to the *Associations Incorporation Act 1987*.\*

[\* Reprinted as at 20 August 1999.]

**10. Section 3A inserted**

After section 3 the following section is inserted —

“

**3A. Incorporated associations excluded from Corporations legislation**

- (1) The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies, other than the provisions specified in subsection (2) —
  - (a) an incorporated association;
  - (b) any act or omission of any person, body or other entity in relation to an incorporated association.
- (2) The provisions referred to in subsection (1) are —
  - (a) provisions that relate to any matter that the regulations provide is not to be excluded from the operation of the Corporations legislation;
  - (b) provisions that relate to the role of an incorporated association in the formation of a company;
  - (c) provisions that relate to substantial holdings, by or involving an incorporated association, in a company;

- (d) provisions that confer or impose functions on an incorporated association as a member, or former member, of a corporation;
  - (e) provisions that relate to dealings by an incorporated association in securities of a body corporate, other than securities of the incorporated association itself;
  - (f) provisions that confer or impose functions on an incorporated association in its dealings with a corporation, not being dealings in securities of the incorporated association;
  - (g) provisions that relate to securities of an incorporated association, other than debentures of or deposits with an incorporated association;
  - (h) provisions relating to the futures industry;
  - (i) provisions relating to participants in the securities industry;
  - (j) provisions relating to the conduct of securities business;
  - (k) provisions relating to dealers' accounts and audit;
  - (l) provisions relating to money and scrip of dealers' clients; or
  - (m) provisions relating to registers of interests in securities.
- (3) The provisions specified in subsection (2) only apply to an incorporated association to the extent to which an incorporated association may engage in the activities covered by those provisions.

”.

**s. 11**

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**11. Section 30 amended and saving**

- (1) Section 30(4) is repealed and the following subsection is inserted instead —

“

- (4) The regulations may declare the winding up of an incorporated association under this section to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Parts 5.4 to 5.7 (winding up) of the *Corporations Act 2001* of the Commonwealth, with any modifications that are specified in the declaration.

”

- (2) Regulations (the “**old regulations**”) made under section 30(4) (the “**old provision**”) of the *Associations Incorporation Act 1987* as in force immediately before the commencement of subsection (1) of this section continue in force, despite the repeal of the old provision, until regulations are made under section 30(4) of the *Associations Incorporation Act 1987* as in force immediately after the commencement of subsection (1) of this section, and any winding up commenced under the old regulations is to be dealt with under the provisions applied by those old regulations.

**12. Section 31 amended**

Section 31(3) is repealed and the following subsection is inserted instead —

“

- (3) The winding up of an incorporated association by the Supreme Court (other than a voluntary winding up) is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Part 5.7



(Winding up bodies other than companies) of the  
*Corporations Act 2001* of the Commonwealth.

”.

**13. Section 32 replaced**

Section 32 is repealed and the following section is inserted  
instead —

“

**32. Modifications of applied text of Corporations Act**

The following modifications to the text of Parts 5.4 to  
5.7 of the *Corporations Act 2001* of the  
Commonwealth apply for the purposes of sections 30  
and 31 —

- (a) a reference to a company is to be read as a  
reference to an incorporated association;
- (b) a reference in Part 5.7 to a Part 5.7 body is to  
be read as a reference to an incorporated  
association;
- (c) a reference to the directors of a company is to  
be read as a reference to the members of the  
committee of an incorporated association;
- (d) a reference to the secretary of a company is to  
be read as a reference to the secretary of an  
incorporated association or the person carrying  
out the functions ordinarily carried out by a  
secretary of an association;
- (e) a reference to the principal place of business of  
a company is to be read as a reference to the  
place where the secretary of an incorporated  
association resides;
- (f) a reference to ASIC is to be read as a reference  
to the Commissioner;

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---

(g) a reference to the Court is to be read as a reference to the Supreme Court.

”.

**14. Section 39 amended**

Section 39(4) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

## **Part 5 — Auction Sales Act 1973**

### **15. Auction Sales Act 1973 amended**

The *Auction Sales Act 1973*\* is amended in section 4 by deleting the definition of “corporation” and inserting instead —

“

**“corporation”** means any body corporate, whether formed or incorporated in or outside the State, and includes a company, a foreign company or a registrable Australian body within the meaning of the *Corporations Act 2001* of the Commonwealth;

”.

[\* *Reprinted as at 10 June 1999.*]

**Part 6 — *Bank of Western Australia Act 1995***

**16. The Act amended**

The amendments in this Part are to the *Bank of Western Australia Act 1995*\*.

[\* *Act No. 14 of 1995.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 33.]*

**17. Section 19 amended**

Section 19 is amended as follows:

- (a) in the definition of “Bank” by deleting “incorporated under the Corporations Law” and inserting instead —

“  
registered under the *Corporations Act 2001* of the  
Commonwealth

”;

- (b) in the definition of “subsidiary” by deleting  
“Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**18. Section 23 amended**

- (1) Section 23(1)(a) is amended by deleting “incorporated” and inserting instead —

“ taken to be registered ”.

- (2) Section 23(4) is repealed.

**19. Section 25 replaced**

Section 25 is repealed and the following section is inserted instead —

“

**25. Operation of sections 23 and 24 excluded from the Corporations legislation**

The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies —

- (a) the articles of association of the Bank to the extent that they are governed by sections 23 and 24;
- (b) resolutions of the Bank to the extent that they are governed by section 24.

”.

**20. Section 27 amended**

Section 27(4) is repealed and the following subsection is inserted instead —

“

- (4) The use of names and descriptions, as governed by this section, is declared to be an excluded matter for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies.

”.

**Part 7 — Betting Control Act 1954**

**21. The Act amended**

The amendments in this Part are to the *Betting Control Act 1954*\*.

[\* *Reprinted as at 20 February 1997.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 36.]*

**22. Section 4 amended**

Section 4(1) is amended in paragraph (a) of the definition of “record” by deleting “accounting records (within the meaning of the Corporations Law), document” and inserting instead —

“

document, financial records (within the meaning of the *Corporations Act 2001* of the Commonwealth)

”.

**23. Section 6A amended**

Section 6A(1)(d) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

---

**Part 8 — *Bills of Sale Act 1899***

**24. The Act amended**

The amendments in this Part are to the *Bills of Sale Act 1899*\*.

[\* *Reprinted as at 12 February 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 38-9.]*

**25. Section 3 amended**

After section 3(3) the following subsections are inserted —

“

- (4) This Act does not apply to any bill of sale by a company other than —
- (a) a bill by way of bailment; or
  - (b) a bill of sale given jointly with another person who is not a company, or other persons of whom at least one is not a company.

- (5) In subsection (4) —

“**company**” means a company or a registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, other than a registered body specified, or of a kind specified, in the regulations.

”.

**26. Section 6 amended**

Section 6(1) is amended by inserting after “State in which it is incorporated” —

“ or taken to be registered ”.

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---

**27. Section 51 amended**

Section 51 is amended by deleting “Companies (Western Australia) Code or any corresponding law of another State or Territory of the Commonwealth” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.



**Part 9 — Builders' Registration Act 1939**

**28. The Act amended**

The amendments in this Part are to the *Builders' Registration Act 1939*\*.

[\* *Reprinted as at 19 March 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 44 and, Act No. 43 of 2000.]*

**29. Section 2 amended**

Section 2 is amended by deleting the definition of "Company" and inserting instead —

“

“**Company**” means a company or a registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, other than a registered body specified, or of a kind specified, in the regulations.

”.

**30. Section 23A amended**

Section 23A(2) is amended by deleting "Corporations Law" and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 10 — *Building and Construction Industry Training Fund and Levy Collection Act 1990***

**31. The Act amended**

The amendments in this Part are to the *Building and Construction Industry Training Fund and Levy Collection Act 1990*\*.

[\* Reprinted as at 9 March 2001.]

**32. Section 5 amended**

Section 5(2)(c) is deleted and the following paragraph is inserted instead —

“

(c) is a body corporate that is —

- (i) registered, incorporated or established under a law of the State;
- (ii) taken to be registered in the State; or
- (iii) a related body corporate, for the purposes of the *Corporations Act 2001* of the Commonwealth, of such a body;

”.

**33. Schedule 1 amended**

Schedule 1 clause 4(2)(b) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

## **Part 11 — *Building Societies Act 1976***

### **34. The Act amended**

The amendments in this Part are to the *Building Societies Act 1976*\*.

[\* *Reprinted as approved 14 April 1986.*  
*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 46.*]

### **35. Section 5B inserted**

After section 5A the following section is inserted —

“

#### **5B. Building societies excluded from Corporations legislation**

- (1) The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies, other than the provisions specified in subsection (2) —
  - (a) a building society;
  - (b) any act or omission of any person, body or other entity in relation to a building society.
- (2) The provisions referred to in subsection (1) are —
  - (a) provisions that relate to any matter that the regulations provide is not to be excluded from the operation of the Corporations legislation;
  - (b) provisions that relate to the role of a housing society in the formation of a company;
  - (c) provisions that relate to substantial holdings, by or involving a housing society, in a company;

- (d) provisions that confer or impose functions on a housing society as a member, or former member, of a corporation;
  - (e) provisions that relate to dealings by a housing society in securities of a body corporate, other than securities of the housing society itself;
  - (f) provisions that confer or impose functions on a housing society in its dealings with a corporation, not being dealings in securities of the housing society;
  - (g) provisions that relate to securities of a housing society, other than shares in, debentures of or deposits with a housing society;
  - (h) provisions relating to the futures industry;
  - (i) provisions relating to participants in the securities industry;
  - (j) provisions relating to the conduct of securities business;
  - (k) provisions relating to dealers' accounts and audit;
  - (l) provisions relating to money and scrip of dealers' clients; or
  - (m) provisions relating to registers of interests in securities.
- (3) The provisions specified in subsection (2) only apply to a building society to the extent to which a building society may engage in the activities covered by those provisions.

”.

**36. Section 5B repealed**

Section 5B is repealed.

**Part 12 — Commercial Tenancy (Retail Shops)  
Agreements Act 1985**

**37. The Act amended**

The amendments in this Part are to the *Commercial Tenancy (Retail Shops) Agreements Act 1985*\*.

[\* Reprinted as at 21 July 2000.]

**38. Section 3 amended**

Section 3(1) is amended in the definition of “retail shop lease” by deleting paragraph (b) 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;

”.

**39. Section 13A amended**

Section 13A(4) is amended as follows:

- (a) by deleting paragraph (b) and inserting instead —

“

- (b) one of them is a related body corporate of the other within the meaning of the *Corporations Act 2001* of the Commonwealth;

”;

- (b) in paragraph (c) by deleting “given to that term by the Companies (Western Australia) Code” in both places where it occurs and inserting instead —

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

## **Part 13 — Companies (Co-operative) Act 1943**

### **40. The Act amended**

The amendments in this Part are to the *Companies (Co-operative) Act 1943*\*.

[\* Reprinted as at 14 January 2000.]

### **41. Division 3A inserted**

After section 11 the following Division is inserted —

“

#### **Division 3A — Relationship with the Corporations legislation**

##### **11A. Co-operative companies excluded from Corporations legislation**

- (1) The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies, other than the provisions specified in subsection (2) —
  - (a) a co-operative company;
  - (b) any act or omission of any person, body or other entity in relation to a co-operative company.
- (2) The provisions referred to in subsection (1) are —
  - (a) provisions that relate to any matter that the regulations provide is not to be excluded from the operation of the Corporations legislation;

- (b) provisions that relate to the role of a co-operative company in the formation of a company;
- (c) provisions that relate to substantial holdings, by or involving a co-operative company, in a company;
- (d) provisions that confer or impose functions on a co-operative company as a member, or former member, of a corporation;
- (e) provisions that relate to dealings by a co-operative company in securities of a body corporate, other than securities of the co-operative company itself;
- (f) provisions that confer or impose functions on a co-operative company in its dealings with a corporation, not being dealings in securities of the co-operative company;
- (g) provisions that relate to securities of a co-operative company, other than shares in, debentures of or deposits with a co-operative company;
- (h) provisions relating to the futures industry;
- (i) provisions relating to participants in the securities industry;
- (j) provisions relating to the conduct of securities business;
- (k) provisions relating to dealers' accounts and audit;
- (l) provisions relating to money and scrip of dealers' clients; or
- (m) provisions relating to registers of interests in securities.

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- (3) The provisions specified in subsection (2) only apply to a co-operative company to the extent to which a co-operative company may engage in the activities covered by those provisions.
- (4) In this section —
- “**body corporate**”, “**company**”, “**corporation**” and other expressions used in the *Corporations Act 2001* of the Commonwealth have the meaning given by that Act;
- “**co-operative company**” means a company registered under Part VI of this Act.

”.

**42. Section 176A amended**

Section 176A(1)(a) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.



**Part 14 — Construction Industry Portable Paid Long  
Service Leave Act 1985**

**43. The Act amended**

The amendments in this Part are to the *Construction Industry Portable Paid Long Service Leave Act 1985*\*.

[\* Reprinted as at 5 March 1999.]

**44. Section 3 amended**

Section 3(1) is amended in the definition of “books” by deleting “accounting records (within the meaning of the Companies (Western Australia) Code)” and inserting instead —

“

financial records (within the meaning of the *Corporations Act 2001* of the Commonwealth)

”.

**45. Section 38 amended**

Section 38(7) is repealed and the following subsection is inserted instead —

“

(7) The notice requirements imposed on a liquidator by this section are in addition to the provisions of the *Corporations Act 2001* of the Commonwealth.

”.

**Part 15 — Consumer Credit (Western Australia)  
Act 1996**

**46. Consumer Credit (Western Australia) Act 1996 amended**

The Appendix to the *Consumer Credit (Western Australia) Act 1996\** is amended as follows:

- (a) in clause 7(9) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (b) in clause 30(1) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (c) in clause 102(3) by deleting “(within the meaning of the Corporations Law), if the credit provider or subsidiary takes deposits or is a borrowing corporation (within the meaning of that Law)” and inserting instead —

“

(within the meaning of the Corporations Act), if the credit provider or subsidiary takes deposits or is a borrowing corporation (within the meaning of the Corporations Law as in force immediately before 13 March 2000)

”;

- (d) in Schedule 1 clause 1 by inserting in the appropriate alphabetical position —

“

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

”;

- (e) in Schedule 1 clause 1 in the definition of “insolvent” by deleting “Corporations Law” in both places where it occurs and inserting instead —

“ Corporations Act ”;

- (f) in Schedule 1 clause 1 in the definition of “retained fees and credit charges” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (g) in Schedule 1 clause 2(a) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.

[\* *Act No. 30 of 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 90.]*

**Part 16 — *Co-operative and Provident Societies Act 1903***

**47. The Act amended**

The amendments in this Part are to the *Co-operative and Provident Societies Act 1903*\*.

[\* *Reprinted as approved 30 September 1969.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 92.]*

**48. Section 2A inserted**

After section 2 the following section is inserted —

“

**2A. Registered societies excluded from Corporations legislation**

- (1) The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies, other than the provisions specified in subsection (2) —
  - (a) a registered society;
  - (b) any act or omission of any person, body or other entity in relation to a registered society.
- (2) The provisions referred to in subsection (1) are —
  - (a) provisions that relate to any matter that the regulations provide is not to be excluded from the operation of the Corporations legislation;
  - (b) provisions that relate to the role of a registered society in the formation of a company;
  - (c) provisions that relate to substantial holdings, by or involving a registered society, in a company;

- (d) provisions that confer or impose functions on a registered society as a member, or former member, of a corporation;
  - (e) provisions that relate to dealings by a registered society in securities of a body corporate, other than securities of the registered society itself;
  - (f) provisions that confer or impose functions on a registered society in its dealings with a corporation, not being dealings in securities of the registered society;
  - (g) provisions that relate to securities of a registered society, other than shares in, debentures of or deposits with a registered society;
  - (h) provisions relating to the futures industry;
  - (i) provisions relating to participants in the securities industry;
  - (j) provisions relating to the conduct of securities business;
  - (k) provisions relating to dealers' accounts and audit;
  - (l) provisions relating to money and scrip of dealers' clients; or
  - (m) provisions relating to registers of interests in securities.
- (3) The provisions specified in subsection (2) only apply to a registered society to the extent to which a registered society may engage in the activities covered by those provisions.

”.

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**49. Section 27 amended**

Section 27(e) is amended by deleting “or recognized company within the meaning of the Companies (Western Australia) Code” and inserting instead —

“

within the meaning of the *Corporations Act 2001* of the Commonwealth

”.

**50. Section 43 amended**

- (1) Section 43(1) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“

*Corporations Act 2001* of the Commonwealth that is taken to be registered in Western Australia

”.

- (2) Section 43(4)(c) is amended by inserting after “requirement of” —

“

the *Corporations Act 2001* of the Commonwealth, the Corporations Law,

”.

**51. Section 46 replaced**

Section 46 is repealed and the following section is inserted instead —

“

**46. Dissolution of a registered society**

- (1) A registered society may be dissolved —
- (a) by order of the Court, or pursuant to a special resolution for the winding up of the society; or

- (b) by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution.
- (2) The dissolution of a registered society under subsection (1)(a) is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Parts 5.4 to 5.6 (winding up) of the *Corporations Act 2001* of the Commonwealth.
- (3) The following modifications to the text of Parts 5.4 to 5.6 of the *Corporations Act 2001* of the Commonwealth apply for the purposes of subsection (2) —
  - (a) a reference to a company is to be read as a reference to a registered society;
  - (b) a reference to a special resolution is to be read as a reference to a special resolution under this Act;
  - (c) a reference to ASIC is to be read as a reference to the Registrar;
  - (d) a reference to the Court is to be read as a reference to the Supreme Court.

”.

**Part 17 — Credit Act 1984**

**52. The Act amended**

The amendments in this Part are to the *Credit Act 1984*\*.

[\* Reprinted as at 6 April 2001.]

**53. Section 5 amended**

Section 5(1) is amended as follows:

- (a) in paragraph (a) of the definition of “commission charge” by deleting “would for the purposes of the Companies (Western Australia) Code be a related corporation in relation to the credit provider” and inserting instead —

“

is a related body corporate of the credit provider for the purposes of the *Corporations Act 2001* of the Commonwealth

”;

- (b) in paragraph (a) of the definition of “guarantor” by deleting “would for the purposes of the Companies (Western Australia) Code be a related corporation in relation to the supplier” and inserting instead —

“

is a related body corporate of the supplier for the purposes of the *Corporations Act 2001* of the Commonwealth

”;

- (c) in the definition of “officer” by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.



**54. Section 164 amended**

Section 164(2) is amended as follows:

(a) in paragraph (a) by inserting after “law of the” —  
“ Commonwealth, ”;

(b) in paragraph (b) by deleting “the law of a State or Territory” and inserting instead —

“

a law of the Commonwealth, or a State or Territory,

”.

**Part 18 — *Credit (Administration) Act 1984***

**55. The Act amended**

The amendments in this Part are to the *Credit (Administration) Act 1984*\*.

[\* Reprinted as at 5 May 2000.]

**56. Section 4 amended**

Section 4 is amended in the definition of “officer” by deleting “section 5(1) of the Companies (Western Australia) Code” and inserting instead —

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

**57. Section 58 amended**

Section 58(2) is amended as follows:

(a) in paragraph (a) by inserting after “law of the” —  
“ Commonwealth, ”;

(b) in paragraph (b) by deleting “the law of a State or Territory of the Commonwealth” and inserting instead —

“

a law of the Commonwealth, or a State or Territory of the Commonwealth,

”.

**Part 19 — *Debits Tax Assessment Act 1990***

**58. *Debits Tax Assessment Act 1990* amended**

Section 3(2) of the *Debits Tax Assessment Act 1990*\* is amended as follows:

(a) in paragraph (b) by inserting after “body corporate” —

“

and a time that was before the commencement of the *Corporations Act 2001* of the Commonwealth

”;

(b) after paragraph (b) by deleting “or” and inserting —

“

(ba) in the case of a company that is a body corporate and that was registered under the *Corporations Act 2001* of the Commonwealth at that time —

(i) the company was taken to be incorporated in Western Australia at that time; or

(ii) if the company was taken to be incorporated outside Western Australia at that time, the company carried on business in Western Australia at that time and either —

(A) had its central management and control in Western Australia; or

(B) had its voting power controlled by shareholders who were residents of Western Australia;

(bb) in the case of a company that is a body corporate and that was not registered under the *Corporations Act 2001* of the Commonwealth

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at that time (and that time was after the commencement of that Act) —

- (i) the company was incorporated in Western Australia at that time; or
- (ii) if the company was incorporated outside Western Australia at that time, the company carried on business in Western Australia at that time and either —
  - (A) had its central management and control in Western Australia; or
  - (B) had its voting power controlled by shareholders who were residents of Western Australia;

or

”.

[\* *Act No. 57 of 1990.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 114.]*

**Part 20 — *Door to Door Trading Act 1987***

**59. *Door to Door Trading Act 1987* amended**

Section 19 of the *Door to Door Trading Act 1987*\* is repealed and the following section is inserted instead —

“

**19. Prohibition on securities hawking unaffected by this Act**

This Act does not derogate from section 736 of the *Corporations Act 2001* of the Commonwealth.

”

[\* *Act No. 7 of 1987.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 124.]*

**Part 21 — *Education Service Providers (Full Fee Overseas Students) Registration Act 1991***

**60. The Act amended**

The amendments in this Part are to the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*\*.

[\* *Act No. 58 of 1991.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 127-8.]*

**61. Section 11 amended**

Section 11(a)(i) is deleted and the following subparagraph is inserted instead —

“

- (i) a corporation registered under the *Corporations Act 2001* of the Commonwealth, that the requirements of section 201B(1) of that Act are complied with;

”.

**62. Section 22 amended**

Section 22(3) is amended by deleting “Corporations Law” and inserting instead —

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

## **Part 22 — Electricity Corporation Act 1994**

**63. The Act amended**

The amendments in this Part are to the *Electricity Corporation Act 1994*\*.

[\* Reprinted as at 4 January 2000.

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 134 and Act No. 43 of 2000.]*

**64. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

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

”;

- (b) in paragraph (a) of the definition of “subsidiary” by deleting “Corporations Law” in both places where it occurs and inserting instead —

“ Corporations Act ”.

**65. Section 84 amended**

Section 84(1)(a)(xi) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**66. Section 88 amended**

Section 88(3) and (4) are repealed and the following subsections are inserted instead —

“

- (3) If —

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- (a) a provision of Schedule 3 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act,  
does not accurately reflect the corresponding provision of the Corporations Act;
  - (b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 3 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act;
- or
- (c) the Corporations Act contains a provision relating to a matter provided for by Schedule 3, the substance of which is not set out in Schedule 3,

the Minister may recommend to the Governor, as soon as practicable after the circumstance in paragraph (a), (b) or (c) arises, that regulations be made under subsection (2).

- (4) The regulations are to be in such form that Schedule 3 as amended will, in the opinion of the Minister, be substantially the same as the corresponding provisions of the Corporations Act, but with such modifications as are consistent with the policy of this Act.

”.



**67. Schedule 2 amended**

Schedule 2 clause 6(1) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**68. Schedule 3 amended**

Schedule 3 is amended as follows:

- (a) in clause 1(1) by inserting in the appropriate alphabetical position —

“

**“accounting records”** means financial records within the meaning of the Corporations Act;

”;

- (b) in clause 1(1) in the definition of “Board” by deleting “established under Part 12 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 226 of the *Australian Securities and Investments Commission Act 2001*

”;

- (c) in clause 1(1) in the definition of “Commission” by deleting “established under Part 2 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 8 of the *Australian Securities and Investments Commission Act 2001*

”;

- (d) in clause 1(1) in the definition of “regulations” by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”;

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- (e) in clause 1(2) by deleting “ “accounting records”,” and “ “applicable accounting standards”,”;
- (f) in clauses 1(2), 2, 4(2), 5(1) and (2), 18(1) and 30(2)(a) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.

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**Part 23 — *Environmental Protection Act 1986***

**69. The Act amended**

The amendments in this Part are to the *Environmental Protection Act 1986*\*.

[\* *Reprinted as at 7 July 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 139.]*

**70. Section 7 amended**

Section 7(7)(a) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**71. Section 55 amended**

Section 55(3) is amended as follows:

- (a) in the definition of “corporation” by deleting “section 5 of the Companies (Western Australia) Code” and inserting instead —

“ the *Corporations Act 2001* of the Commonwealth ”;

- (b) in the definition of “subsidiary” by deleting “section 7 of the Companies (Western Australia) Code” and inserting instead —

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

**72. Section 58 amended**

Section 58(4) is amended as follows:

- (a) in the definition of “corporation” by deleting “section 5 of the Companies (Western Australia) Code” and inserting instead —

“ the *Corporations Act 2001* of the Commonwealth ”;

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- (b) in the definition of “subsidiary” by deleting “section 7 of the Companies (Western Australia) Code” and inserting instead —  
“ the *Corporations Act 2001* of the Commonwealth ”.

**Part 24 — *Fair Trading Act 1987***

**73. The Act amended**

The amendments in this Part are to the *Fair Trading Act 1987*\*.

[\* *Act No. 108 of 1987.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 148.]*

**74. Section 4 amended**

Section 4(2) is repealed and the following subsection is inserted instead —

“

- (2) This Act extends to the engaging in conduct outside Western Australia by bodies corporate incorporated, or taken to be registered, in Western Australia or carrying on business within Western Australia, or by persons ordinarily resident within Western Australia.

”.

**75. Section 81 amended**

Section 81(1) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 25 — *Financial Administration and Audit Act 1985***

**76. The Act amended**

The amendments in this Part are to the *Financial Administration and Audit Act 1985*\*.

[\* *Reprinted as at 24 November 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 157.]*

**77. Section 3 amended**

Section 3(1) is amended in the definition of “subsidiary body” by deleting paragraph (a)(i) and “or” after it and inserting instead —

“

- (i) a company within the meaning of the *Corporations Act 2001* of the Commonwealth; or

”.

**78. Section 78A amended**

- (1) Section 78A(2) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

- (2) Section 78A(4) is amended by deleting the definition of “foreign subsidiary” and inserting instead —

“

**“foreign subsidiary”** means a subsidiary body that is —

- (a) a company within the meaning of the *Corporations Act 2001* of the Commonwealth that is not taken to be registered in this State; or

- (b) otherwise formed or incorporated under the law of another State or a Territory or of a place other than a State or Territory;

”.

**79. Section 81 amended**

Section 81(2) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 26 — *Financial Institutions Duty Act 1983***

**80. The Act amended**

The amendments in this Part are to the *Financial Institutions Duty Act 1983*\*.

[\* *Reprinted as at 19 November 1992.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 159-60.]*

**81. Section 3 amended**

Section 3(1) is amended in the definition of “books” by deleting “accounting records (within the meaning of the Companies (Western Australia) Code)” and inserting instead —

“  
financial records (within the meaning of the  
*Corporations Act 2001* of the Commonwealth)  
”.

**82. Section 64 amended**

Section 64(2) is amended by deleting “section 5(1) of the Companies (Western Australia) Code” and inserting instead —

“  
section 9 of the *Corporations Act 2001* of the  
Commonwealth  
”.

**83. Section 73 amended**

Section 73(3) is amended by deleting “sections 528, 529 and 530 of the Companies (Western Australia) Code” and inserting instead —

“  
sections 109X and 601CX of the *Corporations Act 2001* of the Commonwealth  
”.



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**Part 27 — Gaming Commission Act 1987**

**84. The Act amended**

The amendments in this Part are to the *Gaming Commission Act 1987*\*.

[\* *Reprinted as at 30 October 1998.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 175.]*

**85. Section 12 amended**

Section 12(11)(b) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**86. Section 27 amended**

Section 27(2)(a) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**87. Section 37 amended**

Section 37(1) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**88. Section 38 amended**

Section 38 is amended by deleting paragraph (a) and “or” after it and inserting instead —

“

- (a) a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth, or a shareholder in such a corporation, by sending the document to the corporation or that

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shareholder in a manner that is the same as a  
manner authorised by that Act for the service of  
documents; or

”.

**Part 28 — Gas Corporation (Business Disposal)  
Act 1999**

**89. The Act amended**

The amendments in this Part are to the *Gas Corporation (Business Disposal) Act 1999*\*.

[\* Act No. 58 of 1999.]

**90. Section 3 amended**

Section 3 is amended in the definition of “acquire”, “dispose of” and “entitled” by deleting “have in Chapter 6 of the Corporations Law” and inserting instead —

“  
had in Chapter 6 of the Corporations Law as in  
force immediately before 13 March 2000  
”.

**91. Section 10 amended**

- (1) Section 10(1)(a) is amended by deleting “incorporated” and inserting instead —

“ taken to be registered ”.

- (2) Section 10(2) is amended by deleting “under the Corporations Law” and inserting instead —

“ with the Australian Securities and Investments Commission ”.

**92. Section 12A inserted**

After section 12 the following section is inserted —

“

**12A. Exclusion of Corporations legislation**

The following matters are declared to be excluded matters for the purposes of section 5F of the

*Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies —

- (a) the constitution of the corporate vehicle to the extent that it is governed by section 10;
- (b) alterations to the constitution of the corporate vehicle to the extent that they are governed by section 10;
- (c) resolutions of the corporate vehicle to the extent that they are governed by section 10;
- (d) the acquisition or disposal of shares, or an interest in shares, in the corporate vehicle to the extent that the acquisition or disposal is governed by section 11 or 12.

”.

**Part 29 — Grain Marketing Act 1975**

**93. The Act amended**

The amendments in this Part are to the *Grain Marketing Act 1975*.\*.

[\* *Reprinted as at 19 November 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 188.]*

**94. Section 13 amended**

Section 13(6) is amended as follows:

- (a) by deleting “Corporations Law” in the first place that it occurs and inserting instead —  
“ *Corporations Act 2001* of the Commonwealth ”;
- (b) by deleting “the Corporations Law” in the second place that it occurs and inserting instead —  
“ that Act ”.

**95. Section 19 amended**

Section 19(2)(b) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 30 — Health Act 1911**

**96. Health Act 1911 amended**

Section 212B(1)(zd) of the *Health Act 1911*\* is amended by deleting “within” and inserting instead —

“

, or taken to be registered (within the meaning of the *Corporations Act 2001* of the Commonwealth), in

”.

[\* *Reprinted as at 31 March 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 197.]*

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**Part 31 — *Housing Societies Act 1976***

**97. The Act amended**

The amendments in this Part are to the *Housing Societies Act 1976*\*.

[\* *On the commencement of the Building Societies Amendment Act 2001 the Building Societies Act 1976 will be renamed the Housing Societies Act 1976. The Building Societies Act 1976 was reprinted as approved 14 April 1986. For subsequent amendments to the Building Societies Act 1976 see 2000 Index to Legislation of Western Australia, Table 1, p. 46.*]

**98. Section 5 amended**

- (1) Section 5(1) is amended by inserting in the appropriate alphabetical position —

“

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

”.

- (2) Section 5(2) is amended by deleting “section 9 of the Companies (Western Australia) Code as if the reference were in that Code” and inserting instead —

“

Division 2 of Part 1.2 of the Corporations Act as if the reference were in that Act

”.

**99. Section 5C inserted**

After section 5B the following section is inserted —

“

**5C. Housing societies excluded from Corporations legislation**

- (1) The following matters are declared to be excluded matters for the purposes of section 5F of the Corporations Act in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies, other than the provisions specified in subsection (2) —
  - (a) a housing society;
  - (b) any act or omission of any person, body or other entity in relation to a housing society.
- (2) The provisions referred to in subsection (1) are —
  - (a) provisions that relate to any matter that the regulations provide is not to be excluded from the operation of the Corporations legislation;
  - (b) provisions that relate to the role of a housing society in the formation of a company;
  - (c) provisions that relate to substantial holdings, by or involving a housing society, in a company;
  - (d) provisions that confer or impose functions on a housing society as a member, or former member, of a corporation;
  - (e) provisions that relate to dealings by a housing society in securities of a body corporate, other than securities of the housing society itself;
  - (f) provisions that confer or impose functions on a housing society in its dealings with a corporation, not being dealings in securities of the housing society;



- (g) provisions that relate to securities of a housing society, other than shares in, debentures of or deposits with a housing society;
  - (h) provisions relating to the futures industry;
  - (i) provisions relating to participants in the securities industry;
  - (j) provisions relating to the conduct of securities business;
  - (k) provisions relating to dealers' accounts and audit;
  - (l) provisions relating to money and scrip of dealers' clients; or
  - (m) provisions relating to registers of interests in securities.
- (3) The provisions specified in subsection (2) only apply to a housing society to the extent to which a housing society may engage in the activities covered by those provisions.

”.

**100. Section 59 amended**

Section 59(3)(c) is amended by deleting paragraph (c) and “or” after it and inserting instead —

“

- (c) of any offence under —
  - (i) section 108, 229, 555 or 556 of the *Companies (Western Australia) Code*, section 44 of the *Companies (Acquisition of Shares) (Western Australia) Code* or section 129 of the *Securities Industry (Western Australia) Code*;

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- (ii) any provision of an equivalent law of another State or of a Territory of the Commonwealth that corresponds with any of the provisions in subparagraph (i);
  - (iii) any provision of a law of the State, of another State or of a Territory of the Commonwealth that was in effect before the provisions in subparagraph (i) and that corresponds with any of the provisions in subparagraph (i);
  - (iv) any provision of the Corporations Law that corresponds with any of the provisions in subparagraph (i); or
  - (v) any provision of the Corporations Act that corresponds with any of the provisions in subparagraph (i);
- (ca) of any offence under section 333(3) of the *Companies Act 1961* as enacted before 25 November 1969, or under any of the corresponding provisions of the equivalent law of another State or Territory of the Commonwealth; or

”.

**101. Section 61 amended**

Section 61(4) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ Corporations Act ”.

**102. Section 66 amended**

Section 66(4) is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ Corporations Act ”.

**103. Heading to Part VIII amended**

The heading to Part VIII is amended by deleting “Official management” and inserting instead —

“ **External administration** ”.

**104. Section 70 replaced**

Section 70 is repealed and the following section is inserted instead —

“

**70. Receivers etc.**

- (1) A housing society is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Part 5.2 (Receivers, and other controllers, of property of corporations) of the Corporations Act.
- (2) The following modifications to the text of Part 5.2 of the Corporations Act apply for the purposes of subsection (1) —
  - (a) a reference to a company is to be read as a reference to a housing society;
  - (b) a reference to ASIC is to be read as a reference to the Registrar;
  - (c) a reference to the Court is to be read as a reference to the Supreme Court.

”.

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**105. Section 71 amended**

Section 71(2) is repealed and the following subsections are inserted instead —

“

- (2) The winding up of a housing society, either voluntarily or by the court, is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Parts 5.4 to 5.6 (winding up) of the Corporations Act.
- (2a) The following modifications to the text of Parts 5.4 to 5.6 of the Corporations Act apply for the purposes of subsection (2) —
  - (a) a reference to a company is to be read as a reference to a housing society;
  - (b) a reference to ASIC is to be read as a reference to the Registrar;
  - (c) a reference to the Court is to be read as a reference to the Supreme Court;
  - (d) a reference to a liquidator includes a reference to the person appointed to be the liquidator under section 72.

”.

**106. Section 72 amended**

Section 72 is amended by deleting “in the manner provided by the Companies (Western Australia) Code” and inserting instead —

“

as provided for in Part 5.5 of the Corporations Act (applying for the purposes of section 71(2))

”.

## **Part 32 — Human Reproductive Technology Act 1991**

### **107. The Act amended**

The amendments in this Part are to the *Human Reproductive Technology Act 1991*\*.

[\* *Act No. 22 of 1991.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 206-7.]*

### **108. Section 3 amended**

Section 3(1) is amended as follows:

- (a) in the definition of “proprietary company” by deleting “Corporations Law” and inserting instead —  
“ *Corporations Act 2001* of the Commonwealth ”;
- (b) in paragraph (a) of the definition of “record” by deleting “accounting records (within the meaning of the Corporations Law), document” and inserting instead —  
“  
document, financial records (within the meaning of the *Corporations Act 2001* of the Commonwealth)  
”;
- (c) in the definition of “related body corporate” by deleting “Corporations Law” and inserting instead —  
“ *Corporations Act 2001* of the Commonwealth ”.

### **109. Section 53 amended**

Section 53(2) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 33 — Industrial Relations Act 1979**

**110. The Act amended**

The amendments in this Part are to the *Industrial Relations Act 1979*\*.

[\* *Reprinted as at 4 February 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 213.]*

**111. Section 3 amended**

Section 3(2)(c) is deleted and the following paragraph is inserted instead —

“

- (c) being a body corporate, is —
  - (i) registered, incorporated, or established under a law of the State;
  - (ii) taken to be registered in the State; or
  - (iii) a related body corporate of such a body for the purposes of the *Corporations Act 2001* of the Commonwealth;

”.

**112. Section 65 amended**

Section 65(a) is amended by deleting “section 18 of the Companies (Western Australia) Code” and inserting instead —

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

**113. Section 96H amended**

Section 96H(3) is amended by deleting “the Corporations Law” and inserting instead —

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

**Part 34 — *Legal Contribution Trust Act 1967***

**114. *Legal Contribution Trust Act 1967* amended**

Section 53(1) of the *Legal Contribution Trust Act 1967*\* is amended by deleting “section 9 of the *Companies Act 1961*” and inserting instead —

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

[\* *Reprinted as at 5 February 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 244.]*

**Part 35 — *Legal Practitioners Act 1893***

**115. The Act amended**

The amendments in this Part are to the *Legal Practitioners Act 1893*\*.

[\* *Reprinted as at 27 November 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 246.]*

**116. Section 38 amended**

Section 38(1) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**117. Section 40 amended**

Section 40(2) is repealed.

**118. Section 42A amended**

Section 42A(1) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**119. Schedule 2 amended**

Schedule 2 is amended as follows:

- (a) in Part A clause 4(1)(a) by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”;

- (b) in Part C clause 3(1)(b)(i) by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.



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**Part 36 — Local Government Act 1995**

**120. The Act amended**

The amendments in this Part are to the *Local Government Act 1995*\*.

[\* Reprinted as at 18 February 2000.

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 257.]*

**121. Section 2.21 amended**

Section 2.21 is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**122. Section 5.74 amended**

(1) Section 5.74(1) is amended as follows:

(a) in paragraph (b) of the definition of “address” by inserting after “incorporated” —

“ or taken to be registered ”;

(b) in the definition of “corporation” by deleting ““company”, “foreign company” or “recognized company” (as those terms are defined in the Corporations Law)” and inserting instead —

“

“company” or “foreign company” (as those terms are defined in the *Corporations Act 2001* of the Commonwealth)

”.

(2) Section 5.74(2) is amended by inserting after “incorporated” —

“ (or taken to be registered) ”.

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- (3) Section 5.74(3) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**123. Section 5.84 amended**

Section 5.84(2) is repealed and the following subsection is inserted instead —

“

- (2) In this section —

“**interest**” means a relevant interest (as defined in the *Corporations Act 2001* of the Commonwealth) in any securities (as defined in that Act) issued or made available by the corporation.

”.

**124. Section 7.1 amended**

Section 7.1 is amended in the definition of “registered company auditor” by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 37 — *Members of Parliament (Financial Interests)*  
*Act 1992***

**125. The Act amended**

The amendments in this Part are to the *Members of Parliament (Financial Interests) Act 1992*\*.

[\* *Act No. 44 of 1992.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 276.]*

**126. Section 3 amended**

(1) Section 3(1) is amended as follows:

(a) in paragraph (b) of the definition of “address” by inserting after “incorporated” —

“ or taken to be registered ”;

(b) in the definition of “corporation” by deleting ““company”, “foreign company” or “recognized company” (as those terms are defined in the Corporations Law)” and inserting instead —

“

“company” or “foreign company” (as those terms are defined in the *Corporations Act 2001* of the Commonwealth)

”.

(2) Section 3(3) is amended by inserting after “incorporated” —

“ (or taken to be registered) ”.

(3) Section 3(4) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

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**127. Section 11 amended**

Section 11(2) is amended by deleting “(as defined in the Corporations Law) in any securities (as defined in the Corporations Law)” and inserting instead —

“

(as defined in the *Corporations Act 2001* of the Commonwealth) in any securities (as defined in that Act)

”.

**Part 38 — *Mental Health Act 1996***

**128. *Mental Health Act 1996* amended**

Section 193 of the *Mental Health Act 1996*\* is amended as follows:

- (a) in the definition of “relevant interest” by deleting “Division 5 of Part 1.2 of the Corporations Law” and inserting instead —

“

the *Corporations Act 2001* of the Commonwealth

”;

- (b) by deleting the definition of “substantial shareholding” and inserting instead —

“

**“substantial shareholding”** means “substantial holding” within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

”.

[\* *Act No. 68 of 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 276.]*

**Part 39 — Mining Act 1978**

**129. The Act amended**

The amendments in this Part are to the *Mining Act 1978*\*.

[\* Reprinted as at 26 July 1999.

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 295.]*

**130. Section 8 amended**

Section 8(1) is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

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

”;

- (b) in the definition of “listed public company” by deleting  
“Corporations Law” and inserting instead —

“ Corporations Act ”.

**131. Section 56A amended**

Section 56A(7a) is amended by deleting “Corporations Law”  
and inserting instead —

“ Corporations Act ”.

**132. Section 64 amended**

Section 64(1)(a)(ii) is amended by deleting “Corporations Law”  
and inserting instead —

“ Corporations Act ”.

**133. Section 70 amended**

Section 70(7a) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**134. Section 85B amended**

Section 85B(6) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**135. Section 101 amended**

(1) Section 101 is amended by inserting before “An application” the subsection designation “(1)”.

(2) At the end of section 101 the following subsection is inserted —  
“

(2) The following matter is declared to be an excluded matter for the purposes of section 5F of the Corporations Act in relation to section 417B of that Act — an application under section 96 or 98 for the forfeiture of a mining tenement for breach of the prescribed expenditure conditions applicable to the tenement while the holder of the tenement is a company in respect of which a winding order has been made, or a provisional liquidator appointed, under the Corporations Act.

”.

**136. Section 109A amended**

Section 109A(2)(a)(i) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**Part 40 — National Rail Corporation Agreement  
Act 1992**

**137. National Rail Corporation Agreement Act 1992 amended**

Section 15(2)(c) of the *National Rail Corporation Agreement Act 1992*\* is amended by deleting “(for example, the purposes of the Corporations Law)”.

[\* *Act No. 56 of 1992.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 306.]*



**Part 41 — Nurses Act 1992**

**138. The Act amended**

The amendments in this Part are to the *Nurses Act 1992*\*.

[\* *Reprinted as at 18 May 1994.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 310.]*

**139. Section 56 amended**

Section 56 is amended by deleting “(as defined in paragraph (b) of the definition of that term in the Corporations Law)” and inserting instead —

“

(as defined in paragraph (a) of the definition of that term in the *Corporations Act 2001* of the Commonwealth)

”.

**140. Schedule 1 amended**

Schedule 1 clause 2(2)(b) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 42 — *Osteopaths Act 1997***

**141. The Act amended**

The amendments in this Part are to the *Osteopaths Act 1997*\*.

[\* *Act No. 58 of 1997.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 315.]*

**142. Section 3 amended**

Section 3 is amended by inserting in the appropriate alphabetical position —

“

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

”.

**143. Section 38 amended**

Section 38(2) is amended by deleting “Corporations Law” in both places where it occurs and inserting instead —

“ Corporations Act ”.

**144. Section 43 amended**

Section 43 is amended by deleting “(as defined in paragraph (b) of the definition of that term in the Corporations Law)” and inserting instead —

“

(as defined in paragraph (a) of the definition of that term in the Corporations Act)

”.

**145. Section 92 amended**

Section 92(1) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**146. Schedule 1 amended**

Schedule 1 clause 4(3)(b) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**147. Schedule 2 amended**

Schedule 2 is amended as follows:

- (a) in clause 5 by deleting “(as defined in the Corporations Law) in any securities (as defined in the Corporations Law)” and inserting instead —

“

(as defined in the Corporations Act) in any securities (as defined in that Act)

”;

- (b) in clause 8 by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**Part 43 — Pay-roll Tax Assessment Act 1971**

**148. The Act amended**

The amendments in this Part are to the *Pay-roll Tax Assessment Act 1971*\*.

[\* *Reprinted as at 12 November 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 329.]*

**149. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

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

”;

- (b) by deleting the definition of “corporation” and inserting  
instead —

“

“**corporation**” has the meaning given by section 57A  
of the Corporations Act;

”;

- (c) in the definition of “voting share” by deleting  
“Corporations Law” and inserting instead —

“ Corporations Act ”.

**150. Section 16B amended**

Section 16B is amended by deleting “Corporations Law” and  
inserting instead —

“ Corporations Act ”.

**151. Section 16D amended**

Section 16D(4) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**152. Section 16H amended**

Section 16H(3) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**153. Section 25 amended**

Section 25(7) is repealed and the following subsections are inserted instead —

“

(7) The provisions of this section do not limit the liability of a liquidator under section 42 or his liability, as a trustee, under Part IVA.

(7a) The notice requirements imposed on a liquidator by this section are in addition to the provisions of the Corporations Act.

”.

**154. Section 47 amended**

Section 47(3) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**Part 44 — Perth International Centre for Application of Solar Energy Act 1994**

**155. Perth International Centre for Application of Solar Energy Act 1994 amended**

Schedule 1 of the *Perth International Centre for Application of Solar Energy Act 1994*\* is amended as follows:

- (a) in Part A clause 2(b) by deleting “Corporations Law” and inserting instead —  
“ *Corporations Act 2001* of the Commonwealth ”;
- (b) in Part B clause 2(3)(a) by deleting “(not being a substantial shareholding within the meaning of Part 6.7 of the Corporations Law) in a public company as defined by that Law” and inserting instead —  
“  
(not being a substantial holding within the meaning of the *Corporations Act 2001* of the Commonwealth) in a public company as defined by that Act  
”.

[\* *Act No. 36 of 1994.*]

**Part 45 — Port Authorities Act 1999**

**156. The Act amended**

The amendments in this Part are to the *Port Authorities Act 1999*\*.

[\* *Act No. 22 of 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 353 and Act No. 43 of 2000.]*

**157. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

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

”;

- (b) in paragraph (a) of the definition of “subsidiary” by deleting “Corporations Law” in both places where it occurs and inserting instead —

“ Corporations Act ”.

**158. Section 87 amended**

Section 87(1)(a)(xi) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**159. Section 91 amended**

Section 91(3) and (4) are repealed and the following subsections are inserted instead —

“

- (3) If —
- (a) a provision of Schedule 5 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act,does not accurately reflect the corresponding provision of the Corporations Act;
  - (b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 5 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act;or
  - (c) the Corporations Act contains a provision relating to a matter provided for by Schedule 5, the substance of which is not set out in Schedule 5,
- the Minister may recommend to the Governor, as soon as practicable after the circumstance in paragraph (a), (b) or (c) arises, that regulations be made under subsection (2).
- (4) The regulations are to be in such form that Schedule 5 as amended will, in the opinion of the Minister, be substantially the same as the corresponding provisions



of the Corporations Act, but with such modifications as  
are consistent with the policy of this Act.

”.

**160. Schedule 3 amended**

Schedule 3 clause 1(1) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**161. Schedule 5 amended**

Schedule 5 is amended as follows:

- (a) in clause 1(1) by inserting in the appropriate alphabetical position —

“

**“accounting records”** means financial records within the meaning of the Corporations Act;

”;

- (b) in clause 1(1) in the definition of “Board” by deleting “established under Part 12 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 226 of the *Australian Securities and Investments Commission Act 2001*

”;

- (c) in clause 1(1) in the definition of “Commission” by deleting “established under Part 2 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 8 of the *Australian Securities and Investments Commission Act 2001*

”;

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- (d) in clause 1(1) in the definition of “regulations” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (e) in clause 1(2) by deleting “ “accounting records”,” and  
“ “applicable accounting standards”,”;
- (f) in clauses 1(2), 2, 4(2), 5(1) and (2), and 18 by deleting  
“Corporations Law” and inserting instead —  
“ Corporations Act ”.

**Part 46 — Rail Freight System Act 2000**

**162. The Act amended**

The amendments in this Part are to the *Rail Freight System Act 2000*\*.

[\* *Act No. 13 of 2000.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 375.]*

**163. Section 12 amended**

- (1) Section 12(5) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

- (2) Section 12(10) is amended as follows:

- (a) in the definition of “company” by deleting “Corporations Law” and inserting instead —

“

*Corporations Act 2001* of the Commonwealth

”;

- (b) in the definition of “director” by deleting “given by section 60 of the Corporations Law” and inserting instead —

“

given by section 9 of the *Corporations Act 2001* of the Commonwealth

”.

**Part 47 — *Security and Related Activities (Control)*  
*Act 1996***

**164. *Security and Related Activities (Control) Act 1996* amended**

Section 56(d) of the *Security and Related Activities (Control) Act 1996*\* is amended by deleting “substantial shareholding, within the meaning in Part 6.7 of the Corporations Law” and inserting instead —

“

substantial holding within the meaning in the  
*Corporations Act 2001* of the Commonwealth

”.

[\* *Act No. 27 of 1996.*]

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**Part 48 — Stamp Act 1921**

**165. The Act amended**

The amendments in this Part are to the *Stamp Act 1921*\*.

[\* *Reprinted as at 22 October 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 424.]*

**166. Section 4 amended**

Section 4(1) is amended as follows:

- (a) in the definitions of “corporation”, “director”, “foreign company” and “related corporation” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;

- (b) by inserting in the appropriate alphabetical position —

“

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

”;

- (c) by deleting the definition of “WA company” and inserting instead —

“

“**WA company**” means a company within the meaning of the Corporations Act that is taken to be registered in Western Australia.

”.

**167. Section 63 amended**

- (1) Section 63(2) is amended as follows:

- (a) in subparagraph (a)(i) by deleting “(sic)”;

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- (b) in subparagraph (a)(i) by deleting “applies” and inserting instead —  
“ applied ”.
- (2) Section 63(2)(a)(ii) and (4)(a)(i) are amended by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.

**168. Section 73E amended**

Section 73E(1) is amended as follows:

- (a) in the definition of “officer” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (b) in the definition of “stock exchange” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.

**169. Section 74A amended**

Section 74A(3)(e)(iv) is deleted and the following subparagraph is inserted instead —

- “
- (iv) a person who has a substantial holding (as defined in the Corporations Act) in a person referred to in subparagraph (i), (ii) or (iii),
- ”.

**170. Section 75J amended**

Section 75J(1) is amended in the definition of “dormant” by deleting “same definition as in the Corporations Law” and inserting instead —

“ meaning given by section 75JAA ”.

**171. Section 75JAA inserted**

After section 75J the following section is inserted —

“

**75JAA. Meaning of dormant body corporate**

A body corporate is dormant throughout a particular period if, and only if, throughout that period the body —

- (a) did not receive or become entitled to any income or incur or become liable for any expenditure;
- (b) did not purchase, sell or supply any goods or other property, or any services, or enter into any agreement or pass any resolution in relation to the purchase, sale or supply of goods or other property, or services;
- (c) did not issue, sell, purchase or make available any securities, or enter into any agreement or pass any resolution in relation to the issue, sale, purchase or making available of securities;
- (d) did not issue a prospectus or statement, or enter into any agreement or pass any resolution in relation to the issue of a prospectus or statement, in connection with the issue, sale, purchase or making available, or the proposed issue, sale, purchase or making available, of any securities;
- (e) did not take part in any research, development or exploration activities, or enter into any agreement or pass any resolution in relation to taking part in research, development or exploration activities;

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- (f) was not, and did not become, a party to any lease, franchise, joint venture or partnership arrangement, and did not take part in any lease, franchise, joint venture or partnership arrangement, or enter into any agreement or pass any resolution in relation to becoming a party to, or taking part in, any lease, franchise, joint venture or partnership arrangement;
- (g) did not make, receive or guarantee any loan, or enter into any agreement or pass any resolution in relation to making, receiving or guaranteeing a loan;
- (h) was not, and did not become, a party to any underwriting agreement and did not enter into any agreement or pass any resolution in relation to becoming a party to any underwriting agreement;
- (i) did not obtain or receive a grant of any licence or other authority, or make any application or pass any resolution in relation to obtaining a licence or other authority; and
- (j) was not, and did not become, a party to any litigation or negotiations with any other person or body.

”.

**172. Sections 75JE and 75JF amended**

Sections 75JE(1)(e)(i) and (ii) and 75JF(1)(e)(i) and (ii) are amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.



**173. Section 75JG amended**

Section 75JG(1)(b) and (2) are amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**174. Section 76 amended**

(1) Section 76(1) is amended as follows:

(a) in item (b)(iii)(III) of the definition of “acquire” by deleting “or a conversion of shares to which section 112HB applies”;

(b) in the definitions of “acquire” and “rules” by deleting “Corporations Law” in each place where it occurs and inserting instead —

“ Corporations Act ”.

(2) Section 76(4)(c) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**175. Heading to Part IIIA Division 2 amended**

The heading to Part IIIA Division 2 is amended by deleting “incorporated” and inserting instead —

“ **taken to be registered** ”.

**176. Section 76AI amended**

Section 76AI(3)(d) and (4)(a) are amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

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**177. Heading to Part IIIA Division 3 replaced**

The heading to Part IIIA Division 3 is repealed and the following heading is inserted instead —

“

**Division 3 — Corporations incorporated, or taken to be registered, outside the State, and certain other companies not within Division 2**

”.

**178. Section 76AP amended**

- (1) Section 76AP(1)(a)(i) is amended by inserting after “body corporate” in the first place that it occurs —

“

that is taken to be registered outside the State (for the purposes of the Corporations Act) or that is otherwise

”.

- (2) Section 76AP(4) is amended as follows:

- (a) in subparagraph (b)(i) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (b) in subparagraph (c)(i) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.

**179. Section 76AR amended**

Section 76AR(4)(a)(i) and (ii) are amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**180. Section 112AB amended**

Section 112AB(2) is amended in paragraph (b) of the definition of “share buy-back” by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**181. Section 112B amended**

- (1) Section 112B(1)(a) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

- (2) Section 112B(3) is amended as follows:

- (a) by deleting “Corporations Law” in the first place where it occurs and inserting instead —

“ Corporations Act ”;

- (b) by deleting “incorporated under the Corporations Law of another State or Territory” and inserting instead —

“

taken to be registered under the Corporations Act in another State or Territory

”.

- (3) Section 112B(5)(b) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**182. Section 112FR amended**

Section 112FR is amended by deleting “Part 2.5 of the Corporations Law” and inserting instead —

“ Chapter 2C of the Corporations Act ”.

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**183. Section 112H amended**

- (1) Section 112H(1) is amended by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.
- (2) Section 112H(2) is amended by deleting “under section 609 of the Corporations Law the person is entitled to the share” and inserting instead —  
“  
the person has a relevant interest in the share within the meaning of the Corporations Act  
”.

**184. Section 112HA amended**

- (1) Section 112HA(1) and (2)(b) are amended by deleting “, under section 195 of the Corporations Law,”.
- (2) Section 112HA(5) is repealed and the following subsection is inserted instead —  
“  
(5) The statement is to be in a form approved by the Commissioner and is to be lodged within 3 months after the date when the capital reduction or the share cancellation has effect (as the case requires).  
”.

**185. Section 112HB repealed**

Section 112HB is repealed.

**186. Section 112UE amended**

- (1) Section 112UE(1) is amended as follows:
  - (a) by deleting “(sic)”;
  - (b) by deleting “applies” and inserting instead —  
“ applied ”.
- (2) Section 112UE(4)(a) is amended by deleting “(sic)”.

**187. Third Schedule amended**

The Third Schedule item 7(7) is amended by deleting paragraph (a) and “or” after it and inserting instead —

“

- (a) a corporation which is —
  - (i) an Australian ADI (within the meaning of the Corporations Act); or
  - (ii) registered under the *Life Insurance Act 1995* of the Commonwealth;

or

”.

**Part 49 — Strata Titles Act 1985**

**188. The Act amended**

The amendments in this Part are to the *Strata Titles Act 1985*\*.

[\* *Reprinted as at 1 July 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 433.]*

**189. Section 32 amended**

(1) Section 32(3) is amended as follows:

(a) after paragraph (b) by inserting —

“ and ”;

(b) by deleting paragraph (c) and “and” after it.

(2) After section 32(3) the following subsection is inserted —

“

(4) The following matters are declared to be excluded matters for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies —

(a) a strata company;

(b) any act or omission of any person, body or other entity in relation to a strata company.

”.

**Part 50 — Taxation (Reciprocal Powers) Act 1989**

**190. Taxation (Reciprocal Powers) Act 1989 amended**

Section 3(1) of the *Taxation (Reciprocal Powers) Act 1989*\* is amended in the definition of “books” by deleting “accounting records (within the meaning of the Companies (Western Australia) Code)” and inserting instead —

“  
financial records (within the meaning of the  
*Corporations Act 2001* of the Commonwealth)  
”.

[\* *Act No. 18 of 1989.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 445.]*

**Part 51 — *The Partnership Act 1895***

**191.    The Act amended**

The amendments in this Part are to *The Partnership Act 1895*\*.

[\* *Reprinted as at 26 July 1985.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 326.]*

**192.    Section 4 amended**

Section 4(a) is amended by deleting “under “The Companies Act 1893” ” and inserting instead —

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

**193.    Section 11 amended**

Section 11 is amended by deleting all of the section after “persons” and inserting instead —

“

not exceeding 20 (except if regulations under section 115(2) of the *Corporations Act 2001* of the Commonwealth apply to the firm).

”.



## **Part 52 — Totalisator Agency Board Betting Act 1960**

### **194. The Act amended**

The amendments in this Part are to the *Totalisator Agency Board Betting Act 1960*\*.

[\* *Reprinted as at 2 December 1996.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 451.]*

### **195. Section 6 amended**

Section 6(4)(a) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

### **196. Sections 27 and 27A amended**

Sections 27(3) and 27A(4) are amended by deleting the definition of “corporation” and inserting instead —

“

**“corporation”** means any body corporate, whether formed or incorporated within or outside the State, including any “company” or “foreign company” (as those terms are defined in the *Corporations Act 2001* of the Commonwealth) but does not include —

- (a) a body corporate that is a public authority or an instrumentality or agency of the Crown;  
or
- (b) a body corporate formed for a public purpose under a written law of another country.

”.

**Part 53 — Trustee Companies Act 1987**

**197. The Act amended**

The amendments in this Part are to the *Trustee Companies Act 1987*.\*.

[\* *Reprinted as at 1 November 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 464.]*

**198. Section 3 amended**

(1) Section 3(1) is amended as follows:

(a) by inserting in the appropriate alphabetical position —

“

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

”;

(b) in the definitions of “registered company auditor”,  
“related body corporate” and “voting share” by deleting  
“Corporations Law” and inserting instead —

“ Corporations Act ”.

(2) Section 3(3) is amended by deleting “Corporations Law, the  
person would be an associate of the other person for the  
purposes of the Corporations Law” and inserting instead —

“

Corporations Act, the person is an associate of the  
other person for the purposes of that Act

”.

- (3) Section 3(6)(b) is amended by deleting all of the paragraph after “by reason of” and inserting instead —

“

sections 608 and 609 of the Corporations Act,  
the person has a relevant interest in that share  
for the purposes of that Act.

”.

- (4) Section 3(8) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**199. Section 21 amended**

Section 21(1) is amended by deleting “Division 5 of Part 7.12 of the Corporations Law” and inserting instead —

“ Chapter 5C of the Corporations Act ”.

**200. Section 29 amended**

- (1) Section 29(1) is amended by deleting “in the Corporations Law or”.
- (2) After subsection (3) the following subsection is inserted —

“

- (4) The acceptance of deposits of money with, or loans of money to, trustee companies as described in subsection (1) is declared to be an excluded matter for the purposes of section 5F of the Corporations Act in relation to the whole of that Act.

”.

**201. Section 34 amended**

Section 34(1) is amended by deleting “Without prejudice to the obligations imposed with respect to audit by the Corporations Law,” and inserting instead —

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“

In addition to the obligations imposed with respect to  
audit by the Corporations Act,

”.

**202. Section 35 amended**

Section 35(7) is amended by deleting “Corporations Law” and  
inserting instead —

“ Corporations Act ”.

**203. Section 36 amended**

Section 36 is amended as follows:

- (a) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (b) by deleting paragraph (a) and inserting instead —

“

- (a) that is an acquisition of shares to or in relation  
to which section 606 of that Act does not apply  
by reason of item 4, 6, 8, 12, 13, 14, 15, 16, 17  
or 18 of the table in section 611 of that Act;

”.

**Part 54 — *Water Corporation Act 1995***

**204. The Act amended**

The amendments in this Part are to the *Water Corporation Act 1995*\*.

[\* *Act No. 70 of 1995.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 481.]*

**205. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

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

”;

- (b) in paragraph (a) of the definition of “subsidiary” by deleting “Corporations Law” in both places where it occurs and inserting instead —

“ Corporations Act ”.

**206. Section 82 amended**

Section 82(1)(a)(xi) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**207. Section 86 amended**

Section 86(3) and (4) are repealed and the following subsections are inserted instead —

“

- (3) If —
- (a) a provision of Schedule 3 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act,does not accurately reflect the corresponding provision of the Corporations Act;
  - (b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 3 that set out the substance of a provision of —
    - (i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or
    - (ii) the Corporations Act;or
  - (c) the Corporations Act contains a provision relating to a matter provided for by Schedule 3, the substance of which is not set out in Schedule 3,
- the Minister may recommend to the Governor, as soon as practicable after the circumstance in paragraph (a), (b) or (c) arises, that regulations be made under subsection (2).
- (4) The regulations are to be in such form that Schedule 3 as amended will, in the opinion of the Minister, be substantially the same as the corresponding provisions

of the Corporations Act, but with such modifications as  
are consistent with the policy of this Act.

”.

**208. Schedule 2 amended**

Schedule 2 clause 6(1) is amended by deleting “Corporations Law” and inserting instead —

“ Corporations Act ”.

**209. Schedule 3 amended**

Schedule 3 is amended as follows:

- (a) in clause 1(1) by inserting in the appropriate alphabetical position —

“

**“accounting records”** means financial records within the meaning of the Corporations Act;

”;

- (b) in clause 1(1) in the definition of “Board” by deleting “established under Part 12 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 226 of the *Australian Securities and Investments Commission Act 2001*

”;

- (c) in clause 1(1) in the definition of “Commission” by deleting “established under Part 2 of the Australian Securities and Investments Commission Act 1989” and inserting instead —

“

referred to in section 8 of the *Australian Securities and Investments Commission Act 2001*

”;

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- (d) in clause 1(1) in the definition of “regulations” by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”;
- (e) in clause 1(2) by deleting “ “accounting records”,” and  
“ “applicable accounting standards”,”;
- (f) in clauses 1(2), 2, 4(2), 5(1) and (2), 18 and 30(2)(a) by deleting “Corporations Law” and inserting instead —  
“ Corporations Act ”.



## **Part 55 — Western Australian Land Authority Act 1992**

### **210. The Act amended**

The amendments in this Part are to the *Western Australian Land Authority Act 1992*\*.

[\* *Reprinted as at 16 April 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 490.]*

### **211. Section 22 amended**

Section 22(1)(a)(ii) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

### **212. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) in Part A clause 2(b) by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”;

- (b) in Part B clause 2(3)(a) by deleting “(not being a substantial shareholding within the meaning of Division 4 of Part 6.7 of the Corporations Law)” and inserting instead —

“

(not being a substantial holding within the meaning of the *Corporations Act 2001* of the Commonwealth)

”.

**Part 56 — Western Australian Treasury Corporation  
Act 1986**

**213. The Act amended**

The amendments in this Part are to the *Western Australian Treasury Corporation Act 1986*\*.

[\* Reprinted as at 5 January 2001.]

**214. Section 10 amended**

Section 10(2)(fa)(xi) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**215. Schedule 1 amended**

Schedule 1 item 2 is amended by deleting “section 5 of the Companies (Western Australia) Code” and inserting instead —

“

section 9 of the *Corporations Act 2001* of the  
Commonwealth

”.

**216. Schedule 2 amended**

Schedule 2 clause 2(1)(b) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 57 — Workers' Compensation and Rehabilitation  
Act 1981**

**217. The Act amended**

The amendments in this Part are to the *Workers' Compensation and Rehabilitation Act 1981*.\*.

[\* *Reprinted as at 29 January 1999.*

*For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 503.]*

**218. Section 5 amended**

Section 5(1) is amended by deleting the definition of “company” and inserting instead —

“

**“company”** means a company or a registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, other than a registered body specified, or of a kind specified, in the regulations;

”.

**219. Section 175B amended**

Section 175B(2) is amended by deleting “Corporations Law” and inserting instead —

“ *Corporations Act 2001* of the Commonwealth ”.

**Part 58 — Minor changes to other Acts**

**220. Changing “Corporations Law” to “Corporations Act 2001 of the Commonwealth” in various Acts**

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

“ *Corporations Act 2001 of the Commonwealth* ”.

**Table**

|  |  |
|--|--|
| <i>Bank Mergers Act 1997</i>   | s. 3 (definition of “bank”)                            |
| <i>Botanic Gardens and Parks Authority Act 1998</i>                        | Sch. 1 cl. 2(1)(b)                                     |
| <i>Caravan Parks and Camping Grounds Act 1995</i>                          | Sch. 1 cl. 4(1)(b)                                     |
| <i>Casino Control Act 1984</i>   | s. 3(1) (definition of “public company”)               |
| <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>               | s. 12(1a)(e)<br>s. 12A(3)(c)(iii)<br>s. 12B(3)(c)(iii) |
| <i>Country Housing Act 1998</i>  | Sch. 1 cl. 2(2)(c)                                     |
| <i>Curriculum Council Act 1997</i>   | Sch. 1 cl. 2(1)(b)                                     |
| <i>Disability Services Act 1993</i>  | Sch. 3 cl. 1(2)(c)<br>Sch. 5 cl. 1(2)(c)               |
| <i>Electoral Act 1907</i>  | s. 175A(5)(b)  |
| <i>Energy Coordination Act 1994</i>  | s. 11ZE(1)(c)  |
| <i>Exotic Diseases of Animals Act 1993</i>                                 | s. 52<br>s. 58(4)(a)                                   |
| <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>      | s. 96(3)(c)  |
| <i>Fire and Emergency Services Authority of Western Australia Act 1998</i> | Sch. 1 cl. 2(1)(c)                                     |

|  |  |
|--|--|
| <i>Firearms Act 1973</i>                                 | s. 21B(3)<br>Sch. 2 cl. 2(3)(b)  |
| <i>Fish Resources Management Act 1994</i>                | s. 204(3)<br>Sch. 1 cl. 3(2)(b)  |
| <i>Fisheries Adjustment Schemes Act 1987</i>             | s. 18(2)   |
| <i>Forest Products Act 2000</i>                          | Sch. 1 cl. 4(1)(c)<br>Sch. 2 cl. 4(e)  |
| <i>Gas Pipelines Access (Western Australia) Act 1998</i> | s. 54(2)(c)<br>Sch. 1 cl. 13(7)  |
| <i>Home Building Contracts Act 1991</i>                  | s. 21(6)<br>s. 25A (definition of “insolvency”, paragraphs (a) and (b))<br>s. 30(2)  |
| <i>Industry and Technology Development Act 1998</i>      | Sch. 1 cl. 2(1)(b)   |
| <i>Land Administration Act 1997</i>                      | s. 93 (definition of “company”)<br>s. 261(1) (3 places)<br>s. 274(2)(d)(i) and (ii)  |
| <i>Land Tax Assessment Act 1976</i>                      | Sch cl. 9(aa)(i) and cl. 12(a)(ii)(II) and (III)   |
| <i>Liquor Licensing Act 1988</i>                         | s. 3 (definitions of “proprietary company” and “related body corporate”)<br>s. 34(2)(a)(iv)<br>s. 86(5) and (6)<br>s. 164(2) |
| <i>Marketing of Potatoes Act 1946</i>                    | s. 13(c)<br>s. 41A(3)  |
| <i>Pawnbrokers and Second-hand Dealers Act 1994</i>      | s. 19(i)(i) and (ii)   |

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|   |                                       |
|---|---------------------------------------|
| <i>Port Kennedy Development Agreement Act 1992</i>              | Sch. 2 cl. 2(2)(b)                    |
| <i>Rail Safety Act 1998</i>                                     | s. 55(6)                              |
| <i>Real Estate and Business Agents Act 1978</i>                 | s. 72(1) and (2)<br>s. 100A(2)(c)(ii) |
| <i>Regional Development Commissions Act 1993</i>                | Sch. 2 Part 1 cl. 2(2)(b)             |
| <i>Residential Tenancies Act 1987</i>                           | s. 29A(2)(c)(ii)                      |
| <i>Retirement Villages Act 1992</i>                             | s. 30(2)(b)<br>s. 79(2)               |
| <i>Rural Business Development Corporation Act 2000</i>          | Sch. 1 cl. 2(1)(c)                    |
| <i>Settlement Agents Act 1981</i>                               | s. 53(1) and (2)<br>s. 81A(2)(c)(ii)  |
| <i>SGIO Privatisation Act 1992</i>                              | s. 2(1)                               |
| <i>State Superannuation Act 2000</i>                            | Sch. 1 cl. 6(1)(c)                    |
| <i>State Supply Commission Act 1991</i>                         | s. 26D(1) and (3)                     |
| <i>Statutory Corporations (Liability of Directors) Act 1996</i> | s. 5(1)                               |
| <i>Transfer of Land Act 1893</i>                                | s. 240(2)(d)(i) and (ii)              |
| <i>Water and Rivers Commission Act 1995</i>                     | Sch. 1 cl. 2(1)(b)                    |
| <i>Water Services Coordination Act 1995</i>                     | s. 42(1)(b)                           |

**221. Changing “Companies (Western Australia) Code” to “Corporations Act 2001 of the Commonwealth” in various Acts**

Each provision listed in the Table to this section is amended by deleting “Companies (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001 of the Commonwealth* ”.

**Table**

|   |                  |
|---|------------------|
| <i>Declarations and Attestations Act 1913</i> | Sch. item 17     |
| <i>Finance Brokers Control Act 1975</i>       | s. 52(1) and (2) |

|  |   |
|--|---|
| <i>Fire Brigades Superannuation Act 1985</i>           | Sch. 2 cl. 6(1)(d)  |
| <i>Legal Aid Commission Act 1976</i>                   | s. 4(1) definition of<br>“public company”   |
| <i>Minerals and Energy Research Act 1987</i>           | s. 12(5)(a)<br>s. 23(3)(a)  |
| <i>Small Business Development Corporation Act 1983</i> | s. 3(1) definition of<br>“small business”   |
| <i>State Supply Commission Act 1991</i>                | Sch. 1 cl. 4(2)(b)  |
| <i>Travel Agents Act 1985</i>                          | s. 3(1) definitions of<br>“books” and “officer”<br>s. 12(2)(c)<br>s. 43(6)(c)(ii) |

**222. Changing “Securities Industry (Western Australia) Code” to “Corporations Act 2001 of the Commonwealth” in various Acts**

Each provision listed in the Table to this section is amended by deleting “Securities Industry (Western Australia) Code” and inserting instead —

“ *Corporations Act 2001 of the Commonwealth* ”.

**Table**

|   |            |
|---|------------|
| <i>Real Estate and Business Agents Act 1978</i> | s. 4(4)(b) |
| <i>Settlement Agents Act 1981</i>               | s. 4(1)(b) |

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