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CORPORATIONS (COMMONWEALTH POWERS) ACT 2001

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
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I, the Governor, acting under section 2 of the *Corporations (Commonwealth Powers) Act 2001*, and with the advice and consent of the Executive Council, fix the day on which this proclamation is published in the *Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 29th June 2001.

By Command of the Governor,

JIM MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

CORPORATIONS (CONSEQUENTIAL AMENDMENTS) ACT 2001

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
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I, the Governor, acting under section 2 of the *Corporations (Consequential Amendments) Act 2001*, and with the advice and consent of the Executive Council, fix the time at which the *Corporations Act 2001* of the Commonwealth comes into operation as the time at which the *Corporations (Consequential Amendments) Act 2001* (other than Parts 9, 11 and 31 and section 181(3)) comes into operation.

Given under my hand and the Public Seal of the State on 29th June 2001.

By Command of the Governor,

JIM MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

Corporations (Ancillary Provisions) Act 2001

**Corporations (Ancillary Provisions)
Regulations 2001**

Made by the Governor in Executive Council.

1. Citation

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

2. Commencement

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

3. Definition

In these regulations —

“**new reference**” means a reference to —

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

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

- (1) Section 11(1) of the Act does not apply to any Act other than the following —
 - (a) the *Builders' Registration Act 1939*;
 - (b) the *Business Names Act 1962*;
 - (c) the *Chattel Securities Act 1987*;
 - (d) the *Criminal Property Confiscation Act 2000*;
 - (e) the *Employers' Indemnity Supplementation Fund Act 1980*;
 - (f) the *Gold Corporation Act 1987*;
 - (g) the *Housing Act 1980*;
 - (h) the *Limited Partnerships Act 1909*;
 - (i) the *Petroleum Act 1967*;
 - (j) the *Petroleum Pipelines Act 1969*;
 - (k) the *Petroleum (Registration Fees) Act 1967*;
 - (l) the *Petroleum (Submerged Lands) Act 1982*;

- (m) the *Petroleum (Submerged Lands) Registration Fees Act 1982*;
 - (n) the *Pharmacy Act 1964*;
 - (o) the *Sale of Land Act 1970*;
 - (p) the *Suitors' Fund Act 1964*;
 - (q) the *Unclaimed Money Act 1990*.
- (2) Section 11(1) of the Act does not apply to a reference in a provision of an instrument made under an Act that provides for the commencement of such an instrument.
- (3) Unless the contrary intention appears or the context otherwise requires, section 11(1) of the Act applies to the following references in instruments made under Acts as if the words “to be a reference” in that subsection were substituted for the words “to include a reference” —
- (a) a reference in a provision that gives a meaning to a term or phrase by reference to a provision, or group of provisions, of the old Corporations Law;
 - (b) a reference in a provision that operates by reference to a status of a person under the old Corporations Law but only if the context of the reference indicates that a current status is being referred to;
 - (c) a reference in a provision that provides that a person has a certain status as if the old Corporations Law applied to the person, or another person in relation to whom the first person has that status, but only if the context of the reference indicates that a current status is being referred to;
 - (d) a reference in a provision that applies a provision, or a group of provisions, of the old Corporations Law as a law of the State.
- (4) The kinds of references referred to in each of the paragraphs in subregulation (3) are not to be regarded as necessarily mutually exclusive.

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

- (1) Section 11(5) of the Act does not apply to the following —
- (a) the *Corporations (Ancillary Provisions) Act 2001*;
 - (b) the *Corporations (Consequential Amendments) Act 2001*.
- (2) Section 11(5) of the Act does not apply to a new reference in a provision of an Act or an instrument made under an Act if, immediately before the relevant time, the provision did not expressly refer (or was not taken to be or include) a reference to a corresponding provision of the national scheme law of this jurisdiction.

Note: Immediately before the relevant time (when the *Corporations Act 2001* of the Commonwealth comes into operation), certain references to the *Companies Act 1961* and other corporation laws in force in the State before the co-operative scheme laws did not include references to the national scheme law. Some of these references were replaced in the *Corporations (Consequential Amendments) Act 2001* by references to the new corporations legislation and the new ASIC legislation.

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

By Command of the Governor,

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



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