

Corporations (Consequential Amendments) Act 2001 No 34

[2001-34]



New South Wales

Status Information

Currency of version

Repealed version for 27 November 2003 to 5 January 2012 (accessed 21 December 2024 at 6:43)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2011 No 62](#) with effect from 6.1.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Corporations (Consequential Amendments) Act 2001 No 34



New South Wales

An Act to update certain references in Acts and Regulations to previous corporations legislation of this State consequent on the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation; to enact provisions to avoid inconsistency between State laws and the Commonwealth Acts; to enact certain transitional provisions; and for other purposes.

1 Name of Act

This Act is the *Corporations (Consequential Amendments) Act 2001*.

2 Commencement

- (1) Subject to subsections (2)–(4), this Act commences on the commencement of the *Corporations Act 2001* of the Commonwealth.
- (2) The following provisions of this Act commence immediately before the commencement of the *Corporations Act 2001* of the Commonwealth:
 - (a) the amendment made to the *Gas Industry Restructuring Act 1986* by Schedule 2.23 [6],
 - (b) the amendment made to the *Legal Profession Act 1987* by Schedule 2.30 [3],
 - (c) the amendments made to the *National Trust of Australia (New South Wales) Act 1990* by Schedule 2.39,
 - (d) the amendments made to the *Sydney Turf Club Act 1943* by Schedule 2.50,
 - (e) the amendment made to the *Totalizator Act 1997* by Schedule 4.66 [5],
 - (f) the amendment made to the *Totalizator Agency Board Privatisation Act 1997* by Schedule 4.67 [1].
- (3) If the *Home Building Legislation Amendment Act 2001* is enacted after the commencement of the *Corporations Act 2001* of the Commonwealth, the amendments made to the former Act by Schedule 4.22 commence on the day on which the former

Act is enacted.

- (4) If the *Sydney Olympic Park Authority Act 2001* is enacted after the commencement of the *Corporations Act 2001* of the Commonwealth, the amendment made to the former Act by Schedule 4.62 commences on the day on which the former Act is enacted.

3 (Repealed)

4 Corporations (Ancillary Provisions) Regulation 2001

- (1) Schedule 7 is taken to be and has effect as a regulation made under the *Corporations (Ancillary Provisions) Act 2001*.
- (2) Without limiting subsection (1), the regulation set out in Schedule 7 may be amended or repealed under the *Corporations (Ancillary Provisions) Act 2001*.
- (3) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the regulation set out in Schedule 7.

5 Explanatory notes

The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.

Schedules 1-6 (Repealed)

Schedule 7 Corporations (Ancillary Provisions) Regulation 2001

(Section 4)

1 Name of Regulation

This Regulation is the *Corporations (Ancillary Provisions) Regulation 2001*.

2 Commencement

This Regulation commences on the commencement of the *Corporations Act 2001* of the Commonwealth.

3 Definitions

- (1) In this Regulation:

the Act means the *Corporations (Ancillary Provisions) Act 2001*.

- (2) Notes included in this Regulation do not form part of this Regulation.

4 Provisions in State laws that are not to include reference to corresponding new corporations legislation

- (1) In this clause:

new reference means a reference to:

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

old reference means a reference to a national scheme law of this jurisdiction.

(2) Section 11 (1) and (5) of the Act does not apply in relation to any old reference in, or taken immediately before the relevant time to be in, the following Acts and instruments (or provisions of Acts and instruments):

- (a) the *Associations Incorporation Act 1984*,
- (b) the *Business Names Act 1962*,
- (c) the *Conveyancing Act 1919*,
- (d) the *Co-operative Housing and Starr-Bowkett Societies Act 1998* and the regulations made under that Act,
- (e) the *Co-operatives Act 1992* and the regulations made under that Act,
- (f) the *Duties Act 1997*,
- (g) the *Gas Industry Restructuring Act 1986*,
- (h) the *Grain Marketing Act 1991*,
- (i) the *Legal Profession Act 1987* and the regulations made under that Act,
- (j) the *National Rail Corporation (Agreement) Act 1991*,
- (k) the *National Trust of Australia (New South Wales) Act 1990*,
- (l) the *Revenue Laws (Reciprocal Powers) Act 1987*,
- (m) the *Stamp Duties Act 1920*,
- (n) the *Supreme Court Act 1970*,
- (o) the *Sydney Turf Club Act 1943*,
- (p) the *Totalizator Act 1997*, the *Totalizator Agency Board Privatisation Act 1997*, and the regulations made under those Acts,
- (q) the *Westpac Banking Corporation Act 1995* and the *Westpac Banking Corporation Regulation 1996*.

- (3) Section 11 (5) of the Act does not apply to a new reference in a provision of an Act, instrument or law 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, 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.

- (4) Unless the contrary intention appears or the context of the reference requires otherwise, any new reference in a provision to which subclause (3) 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.