



IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

6 APR 2016

No. S248 of 2015

BETWEEN: **BELL GROUP N.V. (IN LIQUIDATION)** ARBN 073 576 502  
First Plaintiff

**MR GARRY TREVOR AS LIQUIDATOR OF BELL GROUP N.V.  
(IN LIQUIDATION) ARBN 073 576 502**  
Second Plaintiff

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**THE STATE OF WESTERN AUSTRALIA**  
Defendant

IN THE HIGH COURT OF AUSTRALIA  
PERTH REGISTRY

No. P4 of 2016

BETWEEN: **MARANOA TRANSPORT PTY LTD (IN LIQ) ACN 009 668 393**  
First Plaintiff

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**ANTONY LESLIE JOHN WOODINGS**  
Second Plaintiff

**ANTONY LESLIE JOHN WOODINGS IN HIS CAPACITY AS TRUSTEE  
UNDER A DEED OF SETTLEMENT DATED 17 SEPTEMBER 2013 IN  
RESPECT OF THE INTERESTS OF BELL GROUP (UK) HOLDINGS LTD  
(IN LIQ) AND MARANOA TRANSPORT PTY LTD (IN LIQ) ACN 009 668 393**  
Third Plaintiff

**STATE OF WESTERN AUSTRALIA**  
First Defendant

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**THE BELL GROUP LTD (IN LIQ) ACN 008 666 993  
AND THE OTHER COMPANIES NAMED IN  
SCHEDULE A TO THE WRIT OF SUMMONS**  
Second Defendant

IN THE HIGH COURT OF AUSTRALIA  
PERTH REGISTRY

No. P63 of 2015

BETWEEN: **W.A. GLENDINNING & ASSOCIATES PTY LTD ACN 008 762 721**  
Plaintiff

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**THE STATE OF WESTERN AUSTRALIA**  
Defendant

**ANNOTATED SUPPLEMENTARY WRITTEN SUBMISSIONS OF THE  
DEFENDANT IN RESPECT OF BELL AMENDMENT ACT**

Date of Document: 6 April 2016

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## **PART I: SUITABILITY FOR PUBLICATION**

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1. These submissions are in a form suitable for publication on the internet.

## **PART II: SUPPLEMENTARY SUBMISSIONS**

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1. The *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016* ("*Bell Amendment Act*") received Royal Assent on 5 April 2016. It effected a series of amendments to the *Bell Act*, most with deemed retrospective effect from 27 November 2015<sup>1</sup>. That is the transfer day for the purposes of the *Bell Act*.
2. The amendments give rise to three principal consequences for these proceedings. First, certain contentions of the parties in relation to the operation of the *Bell Act*, as initially enacted, fall away. These contentions primarily concern alleged inconsistency between the *Bell Act* and Corporations legislation and the operation of ss.5F and 5G of the *Corporations Act 2001*. These arguments that fall away leave open grounds that the plaintiffs' contend result in invalidity; that is, the amendments are not a complete answer to the plaintiffs' actions. Second, certain additional bases for validity of the *Bell Act* arise by reason of the broader operation of s. 5G of the *Corporations Act 2001*, arising from the amendment to s.52.

### **First matter - contentions that fall away**

3. If the defendant's contentions in relation to the effect of the *Bell Amendment Act* are accepted, the following contentions do not require resolution by the Court:
  - (a) in relation to the operation of s.25(1) of the *Bell Act*: BGNV's Submissions at [22]–[34], [60], [87] and [122]; State's Submissions in BGNV at [29] lines 12–15, [63]<sup>2</sup>, [80]–[81], [83]–[86], [106]–[121] and [195] lines 20–21;
  - (b) in relation to the certain issues relating to Maranoa: Maranoa's Submissions at [98]–[103] and [131]–[135]; State's Submissions in Maranoa at [115]–[121] and [135]–[148]; Maranoa's Submissions in Reply at [29]–[40]; and
  - (c) in relation to whether, irrespective of the operation of ss.5F and 5G of the *Corporations Act*, certain provisions of the *Bell Act* which are challenged are inconsistent with the *Corporations Act* as alleged: BGNV's Submissions at [69]<sup>3</sup>, [76], [79]–[81]; Maranoa's Submissions, Annexure A at 34, 35, 36, 39 and 40<sup>4</sup>; WAG's Submissions at [22]<sup>5</sup>; State's Submissions in BGNV at [183]–[189];

<sup>1</sup> Section 2(b) of the *Bell Amendment Act* provides that sections 4 to 10 of that Act are deemed to have come into operation on 27 November 2015. The balance of that Act (except for ss.1 and 2, which came into effect on assent day i.e. 5 April 2016) came into operation the day after assent day i.e. 6 April 2016: s.2(c).

<sup>2</sup> The reference to s.25(5) in this paragraph should be a reference to s.25(1).

<sup>3</sup> See also the Amended Statement of Claim in S248 of 2015 at [60] (SCB at 39), [71] (SCB at 46).

<sup>4</sup> See also the Statement of Claim in P4 of 2016 at [60] (SCB at 33), [62] (SCB at 34–35) (insofar as it relies on s.74), [71] (SCB at 39).

<sup>5</sup> See also the Amended Statement of Claim in P63 of 2015 at [72.3] (SCB at 39–40).

State's Submissions in Maranoa at [149]–[158] and State's Submissions in WAG at [135]–[138].

4. Re-expressed by reference to each proceeding, the following contentions do not require resolution:

(a) BGNV's submissions at [22]–[34] and [60] (in relation to s.25(1) of the *Bell Act*) and [69]<sup>6</sup>, [76], [79]–[81] and the State's Submissions in BGNV at [29] lines 12–15, [63], [80]–[81], [83]–[86], [106]–[121] and [195] lines 20–21 (in relation to s.25(1)) and [183]–[189];

10 (b) Maranoa's Submissions at [98]–[103] and [131]–[135] and Annexure A at 34, 35, 36, 39 and 40<sup>7</sup> and the State's Submissions in Maranoa at [115]–[121] and [135]–[158]; Maranoa's Submissions in Reply at [29]–[40]; and

(c) WAG's Submissions at [22]<sup>8</sup> and the State's Submissions in WAG at [135]–[138].

5. The above contentions fall away for the following reasons.

20 6. *First*, the BGNV plaintiffs alone contend that s.25(1) of the *Bell Act* does not confer on BGNV and the Commonwealth (amongst other creditors) a right to lodge a proof with the Authority in respect of liabilities owing to them by certain WA Bell Companies whose windings up commenced before 23 June 1993<sup>9</sup>. This is said to be because the liabilities of those WA Bell Companies were admissible to proof under s.1401 or s.1408 of the *Corporations Act 2001*, not "under the Corporations Act Part 5.6" within the meaning of s.25(1). These contentions do not need not be determined. The amendment to s.25(1) to delete the reference to "under Part 5.6 of the Corporations Act" removes any doubt that such creditors have a right to lodge a proof with the Authority. BGNV's related contention; that even if the *Bell Act* is a law of "winding up" for the purposes of s.5G(8) of the *Corporations Act 2001*, it does not displace s.1408 or other provisions of the *Corporations Act 2001* that are not in Chapter 5 of the *Corporations Act 2001*<sup>10</sup> does not fall away.

30 7. *Second*, the Maranoa plaintiffs contend that the invocation of ss.5F and 5G is limited to WA Bell Companies and does not extend to Maranoa. It is said to follow that s.22 of the *Bell Act* is invalid insofar as it affects the interest of Maranoa in property held on trust by Mr Woodings for it (and other Bell Judgment Creditors)<sup>11</sup>. A related contention concerns whether, if Maranoa's contention is correct, s.22 can be read down to avoid invalidity<sup>12</sup>. Those contentions, which are specific to Maranoa, are affected by the *Bell Amendment Act* and need not be addressed for

<sup>6</sup> See also the Amended Statement of Claim in S248 of 2015 at [60] (SCB at 39), [71] (SCB at 46).

<sup>7</sup> See also the Statement of Claim in P4 of 2016 at [60] (SCB at 33), [62] (SCB at 34–35), [71] (SCB at 39).

<sup>8</sup> See also the Amended Statement of Claim in P63 of 2015 at [72.3] (SCB at 39–40).

<sup>9</sup> BGNV's Submissions at [22]–[34], [60]. Defendant's Submissions (BGNV proceedings) at [29.12–29.15], [63], [80]–[81], [83]–[86], [106]–[121], [195.20–195.21].

<sup>10</sup> BGNV's Submissions at [89], [111], [125]; Defendant's Submissions (BGNV proceedings) at [82], [122]–[135].

<sup>11</sup> Maranoa's Submissions at [98]–[103]; Defendant's Submissions (Maranoa proceedings) at [115]–[121].

<sup>12</sup> Defendant's Submissions (Maranoa proceedings) at [135]–[148]; Maranoa's Submissions at [131]–[135].

four reasons. *First*, with effect from 27 November 2015, Maranoa is also declared to be an excluded matter for the purpose of s.5F in relation to the whole of the *Corporations Act 2001*<sup>13</sup>. *Second*, the invocation of s.5F also extends to each other matter (i.e. each act, omission, body, person or thing) the subject of the *Bell Act*. The exclusion of those other matters operates in relation to the whole of the *Corporations Act*<sup>14</sup> to the extent that the *Bell Act* applies or purports to apply to the matter. *Third*, from 27 November 2015 a reference in the *Bell Act* to a WA Bell Company includes a reference to Maranoa<sup>15</sup>. Maranoa is therefore from that date required to be wound up under the *Bell Act* as amended. *Fourth*, the invocation of s.5G under s.52 of the *Bell Act* has also been amended with effect from that date. Section 52(1) of the *Bell Act*, as enacted, which provided for s.52 to have effect "if, and to the extent that, an excluded Corporations legislation provision has any application, as a law of the Commonwealth, in relation to a WA Bell Company." has been deleted with effect from 27 November 2015. By reason of these amendments Maranoa's contentions as to the inapplicability of ss.5F and 5G to Maranoa due to the scope of their original invocation by the *Bell Act* no longer arise.

8. *Third*, the plaintiffs variously challenge the validity of the following provisions of the *Bell Act* that were not declared to be Corporations displacement provisions by the *Bell Act* when enacted, but which are now declared to be Corporations displacement provisions with effect from 27 November 2015 by the amendment to s.52(2): ss. 9, 10, 18, 54, 56(1), (2) and (4), 58, 68(2)(b)(ii), 72, 73 and 74<sup>16</sup>. The defendant contends that s.5F(2) operates in respect of the whole of the *Bell Act* to avoid all inconsistency between the whole of the *Bell Act* and the Corporations legislation. If the invocation of s.5F(2) fails, the defendant contends that, in any event, those challenged provisions are not inconsistent with the Corporations legislation as alleged. Those contentions need not be resolved unless the Court were to conclude, contrary to the submissions below, that these provisions are not, after the amendment to s.52, displacement provisions in terms of s.5G.

### 30 **Second matter - additional contentions - section 5G**

9. By reason of the amendment to s.52 and s.2(b) of the *Bell Amendment Act*, with effect from 27 November 2015, all of the provisions of the *Bell Act*, except for Part 6, are Corporations displacement provisions for the purpose of s.5G of the *Corporations Act 2001*.
10. For reasons previously advanced<sup>17</sup>, if any alleged inconsistency between a displacement provision and the Corporations legislation is not avoided through the

<sup>13</sup> Subject to certain immaterial exceptions provided for in *Bell Act* s.51(2) and (3). See *Bell Act* s.51(1) as amended by s.9(1) of the *Bell Amendment Act*.

<sup>14</sup> Subject to certain limited exceptions provided for in ss.51(2) and (3) which can be put to one side.

<sup>15</sup> Except in s.51(1). See *Bell Act*, s.3(1), definition of Maranoa Transport, and s.3(5), as inserted by s.4 of the *Bell Amendment Act*.

<sup>16</sup> BGNV's submissions at [69], BGNV's Special Case at [60] (SCB at 39), BGNV's ASOC at [71] (SCB at 46); Maranoa's Submissions, Annexure A at 34, 35, 36, 39 and 40, Maranoa's Amended Special Case at [60] (SCB at 33), Maranoa's SOC at [62] (SCB at 34-35) and [71] (SCB at 30); WAG's ASOC at [72.3] (SCB at 39-40), WAG's submissions at [22].

<sup>17</sup> Defendant's Submissions (BGNV proceedings) at [156]-[159]; Defendant's Submissions (Maranoa proceedings) at [97]-[99]; Defendant's Submissions (WAG proceedings) at [103]-[106].

operation of s.5F(2) or an earlier subsection of s.5G, following the amendment it is avoided through the operation of s.5G(11).

11. Further, the defendant's contentions in relation to the operation of s.5G(8)<sup>18</sup> equally apply to all of the additional provisions of the Act which are now Corporations displacement provisions, as those provisions effect the winding up or other external administration of a WA Bell Company (including Maranoa).
12. In addition to the displacement provisions identified in the defendant's primary submissions<sup>19</sup>, s.5G(4) also facilitates the valid operation of numerous other provisions which by reason of the *Bell Amendment Act* are now also displacement provisions. A summary of the displacement provisions to which s.5G(4) applies, that are contended by the plaintiffs to be inconsistent with the Corporations legislation, and the nature of the acts that are specifically authorised or required by those provisions, is set out in Attachment A scheduled to these submissions.
13. One further consequence arises, from the insertion of ss. 21A and 30(1A) into the *Bell Act*. Section 21A provides for the continued existence of WA Bell Companies under the Act as bodies corporate. That provision is not inconsistent with the *Corporations Act* by reason of s.5F(2) and 5G(11) of the *Corporations Act*. If, however 21A is not effective, s.30(1A) provides that s.30(2), which provides that on dissolution by the Governor a WA Bell Company ceases to exist, does not have effect in relation to the company. BGNV's and WAG's contention that s.30(2) is inconsistent with s.601AD(1) of the *Corporations Act*<sup>20</sup> falls away if, contrary to the State's contention, s.21A is inconsistent with the *Corporations Act*. In those circumstances BGNV's contention that s.30 gives rise to an inconsistency by extinguishing liabilities to the Commonwealth, would also fall away<sup>21</sup>.

#### Effective operation of amendments

14. By reason of s.2(b), ss.4 to 10 of the *Bell Amendment Act* are deemed to have come into operation on 27 November 2015<sup>22</sup>. That is the transfer day for the purposes of the *Bell Act*.
15. Section 5F(2) applies if a provision of a law of a State declares a matter to be an excluded matter. As the declaration took effect from 27 November 2015, s.5F(2) applies to that excluded matter from that date. Section 5G(3) applies to the interaction between a provision of a law of a State and a provision of the Corporations legislation if the State provision meets the conditions set out in the table to s.5G(3). As the *Bell Act* as amended met those conditions from 27

<sup>18</sup> Defendant's Submissions (BGNV proceedings) at [160]-[178]; Defendant's Submissions (Maranoa proceedings) at [100]-[110]; Defendant's Submissions (WAG proceedings) at [107]-[125].

<sup>19</sup> Defendant's Submissions (BGNV proceedings) at [179]-[181]; Defendant's Submissions (Maranoa proceedings) at [111]-[112] and Attachment A; Defendant's Submissions (WAG proceedings) at [126]-[129] and Attachment A.

<sup>20</sup> BGNV's Submissions at [82] and [125]. WAG's Submissions at [28].

<sup>21</sup> BGNV's submissions at [62]. Defendant's Submissions (BGNV Proceedings) at [68].

<sup>22</sup> Section 2(b) of the *Bell Amendment Act* provides that sections 4 to 10 of that Act are deemed to have come into operation on 27 November 2015. The balance of that Act (except for ss.1 and 2, which came into effect on assent day i.e. 5 April 2016) came into operation the day after assent day i.e. 6 April 2016: s.2(c).

November 2015<sup>23</sup>, s.5G operates in respect of those declarations from that date. Any alleged inconsistency between the *Bell Act* and the *Corporations Act* is therefore overcome by those provisions from that day.

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<sup>23</sup> The provisions of the Bell Act met the conditions of item 3, alternatively item 3 and 5 of the table.

## ATTACHMENT A

**Bell Act displacement provisions that specifically authorise or require acts to be performed within scope of section 5G(4)**

*(Additional relevant displacement provisions as a result of the Bell Amendment Act are underlined)*

| Bell Act           | Acts specifically authorised or required  |
|--------------------|---|
| 7                  | <u>Specifically authorises the establishment of the Authority as a body corporate with the legal capacity of an individual within and outside the Stat and authorises and requires that it be governed by the Administrator.</u>  |
| 8                  | <u>Specifically authorises the appointment of an Administrator (particularly 8(4)).</u>   |
| 9                  | <u>Specifically authorises the Authority to exercise its functions, in Western Australia or elsewhere.</u>  |
| 10                 | <u>Specifically authorises the Authority to do all things necessary to perform its functions, and both within and outside Western Australia, to do the acts specified in s.10(2)(a) to (g) including exercising any power that a liquidator of a company can exercise under the Corporations Act section 477.</u> |
| 11                 | <u>Specifically authorises the Authority to use staff and facilities of the Public Service and to make agreements for such use.</u>   |
| 12                 | <u>Specifically authorises the Authority to delegate powers in writing, and authorises the donor of the power to exercise that power.</u>   |
| 13                 | <u>Specifically authorises the authority to execute documents.</u>  |
| 14                 | <u>Specifically requires compliance with Part 5 of the <i>Financial Management Act 2006</i> (WA).</u>   |
| 15                 | <u>Specifically authorises the Minister to require a report from the Administrator be submitted to either the Minister or the Auditor General. Specifically requires the Administrator to submit the report in the specified time.</u>  |
| 16                 | <u>Specifically authorises the establishment of the WA Bell Companies Administrator Authority Fund, authorises and requires that it be administered by the Authority and authorises and requires that certain things must be credited to and certain things are to be paid out of the Fund.</u>                   |
| 17                 | <u>Specifically authorises the Authority to invest money standing to the credit of the Fund pursuant to section 37 of the <i>FMA 2006</i>.</u>  |
| 18                 | <u>Specifically authorises and requires that certain administration expenses, as determined by the Authority, be paid out of the Fund.</u>  |
| 19                 | <u>Specifically requires the Administrator to provide details of any losses to the Minister as soon as practicable after becoming aware of them (19(2))</u>   |
| 20 and 21          | <u>Specifically authorises persons to make certain assumptions when dealing with the Authority.</u>   |
| 21A                | <u>Specifically authorises continuation of the existence and legal personality of WA Bell Companies under the Bell Act.</u>   |
| 22(1), (2) and (3) | Confers on the Authority the powers of an owner over property vested in it under s.22 and thereby, in effect, specifically authorises the Authority to act in exercise of the powers ((1)-(3), (9)-(11)).   |

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|                              | Specifically authorise and require that certain actions in relation to the issue of certain certificates in respect of vested property ((12)-(15)).  |
| 23                           | Specifically authorises the Authority to issue notices which may require recipients to do specified things including providing access to records in relation to property to which the Act applies, account for their dealings with the property and do all things necessary to deliver to the Authority the property specified in the notice. This provision also, in effect, specifically requires that a person receiving the notice comply with it. |
| 24                           | Specifically authorises and requires the Minister and the Authority to take all practicable steps for the purpose of securing the effect sought to be achieved by s.22 if a transfer and vesting of property under s.22 is not, to any extent, fully effective.  |
| 25                           | Specifically authorise a person to prove various liabilities under Part 4 Division 2(1) to (4).<br>Specifically requires that no action, claim or proceeding arising out of a liability that may be proved in accordance with Part 4 Division 2 may be made or maintained against the specified persons.   |
| 26                           | Specifically requires that each of the specified agreements is taken and always has been taken to be void (1).<br>Specifically authorises a person to prove a claim the person had to be repaid under an agreement voided under that section in accordance with Part 4 Division 2 (3).   |
| 27 & 28                      | Section 28, read with s.27, specifically authorises the Authority to control the company's property and affairs and to exercise various powers and functions.  |
| 29                           | In effect, specifically authorises the Authority to give written approval to a person performing or exercising a function or power as an officer of the company.   |
| 30                           | Specifically authorises the Governor to by proclamation dissolve a WA Bell Company and requires them to be treated as such ((1)-(2)).<br>Specifically authorises the Authority to be substituted in place of a WA Bell Company in pending proceedings or under an agreement ((3)-(5)).   |
| 31                           | Specifically authorises the Authority to give a copy of a certificate issued by it under s.22(2) to a relevant official and requires the relevant official to then take certain actions.   |
| 33                           | Specifically requires the liquidator of a WA Bell Company to do certain acts, including to give to, or as directed by, the Authority various books of the company and the liquidator that are relevant to the affairs of the company as at immediately before the transfer day (7).  |
| 34                           | Specifically requires and permits the Authority to do certain things in relation to calling for proofs of liabilities.   |
| 36                           | Specifically requires and/or authorises the Authority to take certain steps in relation to the preparation of a draft report/s and specifically authorises a recipient of a report to make a written submission.   |
| 37                           | Specifically requires the Authority to determine the property and liabilities of each WA Bell Company and, in doing so, to have regard to certain matters and, in effect, specifically authorises the Authority to exercise an absolute discretion.  |
| 38                           | Specifically requires and/or authorises the Authority to report to the Minister on the property and liabilities of each WA Bell Company ((1)-(5)).   |
| 39(1), (2), (4), (5) and (6) | Specifically requires and/or authorises the Authority to make recommendations to the Minister with respect to the amount (if any) to be paid to a person, or the property (if any) to be transferred to or vested in a person (instead of or in addition to the payment of money), in respect of the aggregate of  |

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|                      | all liabilities of all WA Bell Companies to that person as a creditor; and, in effect, authorises the Authority to exercise an absolute discretion including as to whether all, some or none of the money is paid ((1), (2), (4)-(7), (9)).   |
| 40                   | Specifically authorises the Authority to recommend to the Minister an amount to be paid to, or property to be transferred or vested in the creditor of any kind of a WA Bell Company who had provided funding for, or an indemnity against costs or liability in relation to, the Bell litigation, and, authorises and requires certain acts to be done by the Authority in relation thereto, and, in effect, specifically authorises the Authority to exercise an absolute discretion.   |
| 41                   | Specifically authorises the Minister to submit to the Governor an interim report of the Authority and the Governor to determine an amount to be paid to, or property to be transferred to or vested in, a person.   |
| 42                   | Specifically requires the Minister to submit to the Governor the report of the Authority and the Governor to determine an amount to be paid to, or property to be transferred to or vested in, a person.  |
| 43                   | Specifically requires the Minister to give a determination of the Governor to the Authority.<br>Specifically authorises and requires that every liability of a WA Bell Company to a person not receiving a distribution is discharged and extinguished (8).   |
| 44                   | Specifically requires the Authority to notify specified persons of the Governor's determination, pay out of the Fund the amounts specified and transfer or vest property; in effect specifically authorises and requires the Authority not to take such an action unless the person first gives the Authority an executed deed in an approved form and that provides for a release or discharge of any person from any liability the Minister considers appropriate.<br>Specifically authorises and requires that every liability of a WA Bell Company to a specified person is discharged and extinguished ((4)-(5), (6)-(7)). |
| 45                   | Specifically authorises and requires the discharge of the liquidator of WA Bell Companies on their dissolution.   |
| 46                   | Specifically authorises and requires the closure of the Fund and that any money standing to the credit of the Fund when it is closed has to be credited to the Consolidated Account.  |
| 48                   | Specifically authorises and requires the vesting of certain property in the State absolutely and free from encumbrance after closure of the fund.   |
| <u>54</u>            | <u>In effect, specifically requires that a person not enter into or carry out a scheme for the purpose of directly or indirectly defeating, avoiding, preventing or impeding the operation of the Bell Act or the achievement of its objects.</u>   |
| 55                   | In effect, specifically requires certain persons not take any step for achieving the reinstatement of the registration of a deregistered company listed in Schedule 1 without the written approval of the Authority; and specifically authorises the imposition of a penalty if such a person takes such a step.  |
| <u>56(1) and (2)</u> | <u>In effect, specifically requires that a person not conceal property that is, or is to be, transferred to, and vested in the Authority by s.22 or do any other act or omission in relation to such property for a specified purpose.</u>  |
| 56(3)                | In effect, specifically requires that a person must take any steps that are within the person's power to take and that are necessary to ensure that the transfer to, and vesting in, the Authority by s.22 of property located outside the State is made effective; and specifically authorises the imposition of a penalty if the person refuses or fails to take any such steps.  |
| <u>57</u>            | <u>In effect, specifically requires that persons refrain from obstructing the Authority.</u>  |

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| <u>58</u> | <u>In effect, specifically requires persons to comply with a requirement made by the Act, or made by the Authority, the Administrator or specified person under the Act.</u>   |
| <u>59</u> | <u>In effect specifically requires that a person give truthful information to the Authority.</u>   |
| <u>60</u> | <u>In effect, requires that persons only use confidential information obtained under the Act for the purposes of the Act.</u>  |
| <u>61</u> | <u>In effect, specifically requires officers of bodies corporate to take all reasonable steps to prevent the commission of offences by that body corporate.</u>  |
| <u>65</u> | <u>Specifically authorises the commencement of prosecutions prior to the expiry of the Act.</u>  |
| <u>66</u> | <u>Specifically authorises the Authority to apply to the Court for an injunction restraining the commission of an offence or requiring the performance of an act if the omission would constitute an offence</u>   |
| <u>73</u> | <u>In effect, specifically requires that a person cannot begin or continue proceedings in a court with respect to property that was, immediately before the transfer day, property of a WA Bell Company, except in accordance with the leave of the Court.</u>   |
| <u>74</u> | <u>In effect requires that certain decisions made, or other things done, by the Governor, the Minister, the Authority or the Administrator under or for the purposes of the Act be treated as final and conclusive and not be challenged, appealed against or sought to be reviewed, quashed or called into question in any court.</u> |
| <u>75</u> | <u>Specifically authorises and requires the Authority to undertake inquiries with as little formality as possible, without being bound by the rules of evidence, and to receive written or oral submissions it considers appropriate.</u>  |
| <u>76</u> | <u>Specifically requires judicial notice be taken of the fact the Administrator holds that office.</u>   |
| <u>78</u> | <u>Specifically authorises the Authority to obtain the opinion of the State Solicitor on a question of law as to the powers and functions of the Authority.</u>  |
| <u>80</u> | <u>Specifically requires the provision of a translation of a document given pursuant to a requirement by the Authority other than in English.</u>  |
| <u>81</u> | <u>Specifically authorising the service of documents electronically or in accordance with ss.75 and 76 of the <i>Interpretation Act 1984 (WA)</i>.</u>   |
| <u>82</u> | <u>Specifically authorising the Administrator to approve forms for use under the Act.</u>  |
| <u>83</u> | <u>Specifically authorising the Governor to make regulations prescribing certain matters.</u>  |