



Western Australia

**Bell Group Companies (Finalisation of  
Matters and Distribution of Proceeds)  
Amendment Act 2016**

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As at 05 Apr 2016

No. 6 of 2016

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



# **Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016**

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## **Defined terms**





Western Australia

**Bell Group Companies (Finalisation of Matters  
and Distribution of Proceeds) Amendment  
Act 2016**

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**No. 6 of 2016**

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***An Act to amend the *Bell Group Companies (Finalisation of Matters  
and Distribution of Proceeds) Act 2015.****

*[Assented to 5 April 2016]*

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — come into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) sections 4 to 10 are deemed to have come into operation on 27 November 2015;
- (c) the rest of the Act — comes into operation on the day after assent day.

**3. Act amended**

This Act amends the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015*.

**4. Section 3 amended**

- (1) In section 3(1) insert in alphabetical order:

***Maranoa Transport*** means Maranoa Transport Pty Ltd  
ACN 009 668 393 (In Liquidation);

- (2) After section 3(4) insert:

- (5) Except in section 51(1), a reference in this Act to a WA Bell Company includes a reference to Maranoa Transport.

**5. Part 3 Division 1A inserted**

At the beginning of Part 3 insert:

**Division 1A — WA Bell Companies  
continuing existence**

**21A. WA Bell Companies continuing existence**

- (1) If, immediately before the transfer day, a WA Bell Company was registered under the Corporations Act then, on and from the transfer day, the existence and legal personality of the company continues under this Act, and it continues as a body corporate.
- (2) If the registration of a WA Bell Company is reinstated on or after the transfer day then, on and from immediately after the reinstatement, the existence and legal personality of the company continues under this Act, and it continues as a body corporate.
- (3) Subsections (1) and (2) do not have the effect of creating new legal entities.
- (4) For the purposes of subsection (1), a person who held a share in the company immediately before the transfer day continues to hold that share.
- (5) For the purposes of subsection (2), a person who held a share in the company immediately before its deregistration as a company continues to hold that share.
- (6) The effect of this section is subject to the rest of this Act and the regulations.

**s. 6**

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**6. Section 25 amended**

In section 25(1) delete “company under the Corporations Act Part 5.6,” and insert:

company,

**7. Section 30 amended**

After section 30(1) insert:

- (1A) If section 21A does not have the effect of continuing the existence of a WA Bell Company under this Act, subsection (2) does not have effect in relation to the company.

**8. Section 50 amended**

- (1) In section 50 insert in alphabetical order:

*matter* has the meaning given in the Corporations Act section 5F(6).

- (2) In section 50 in the definition of *excluded Corporations legislation provision* delete “section 51.” and insert:

section 51;



**9. Section 51 amended**

- (1) In section 51(1) delete “Company is declared to be an excluded matter” and insert:

Company and Maranoa Transport are declared to be excluded matters

- (2) After section 51(1) insert:

- (1A) Each other matter the subject of this Act is declared to be an excluded matter for the purposes of the Corporations Act section 5F, in relation to the whole of the Corporations legislation other than —
- (a) to the extent to which this Act does not apply or purport to apply to the matter; and
  - (b) to the extent specified in subsections (2) and (3).

**10. Section 52 amended**

- (1) Delete section 52(1).
- (2) In section 52(2) delete “Parts 3, 4 and 5 and sections 55 and 56(3)” and insert:

this Act other than this Part

**11. Section 53 amended**

After section 53(3) insert:

**s. 12**

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- (4) Regulations made for the purposes of this section may be expressed to take effect from a time that is earlier than the beginning of the day on which the regulations are published in the *Gazette*, but not earlier than immediately before the transfer day.

**12. Section 53A inserted**

At the end of Part 6 insert:

**53A. Validity of certain provisions**

If on the day on which the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016* section 12 comes into operation section 22 is not valid because of section 109 of the Constitution of the Commonwealth but afterwards becomes valid, this Act has effect as if the references to the transfer day prescribed for the purposes of this section were references to the day on which it becomes valid.

**13. Section 83 amended**

- (1) In section 83(2):
- (a) in paragraph (f) delete “\$2 500.” and insert:  
  
\$2 500;
  - (b) after paragraph (f) insert:  
  
(g) matters of a transitional, application or savings nature, including matters relating to the coming

into operation of a provision of the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016*;

- (h) matters relating to a provision of this Act that is partly or wholly invalid because of section 109 of the Constitution of the Commonwealth ceasing to be invalid, partly or wholly, including matters of a transitional, application or savings nature.

(2) After section 83(2) insert:

- (3) Regulations made for the purposes of subsection (3)(g) or (h) may be expressed to take effect from a time that is earlier than the beginning of the day on which the regulations are published in the *Gazette*, but not earlier than immediately before the transfer day.

**14. Section 85 inserted**

After section 84 insert:

**85. The *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016***

- (1) In this section —

*Amendment Act* means the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Act 2016*;

*commencement day* means the day on which the Amendment Act section 14 comes into operation.

**s. 14**

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- (2) Even if an amendment effected by section 4, 5, 6, 7, 8, 9 or 10 of the Amendment Act is not effective from the transfer day, it is intended to be effective from commencement day.
- (3) Section 3(5) does not have effect so as to make a person criminally liable for a thing done or omitted to be done before the day on which section 3 of the Amendment Act comes into operation.
- (4) The rights, obligations and liabilities of all persons are to be taken to be, and to have always been, the same as if the Amendment Act had received the Royal Assent on 26 November 2015 and sections 4 to 10 of that Act had come into operation on 27 November 2015.
- (5) Anything done, or purportedly done, on or after the transfer day and before commencement day is as valid and effective, and is to be taken to have always been as valid and effective, as it would have been if the Amendment Act had received the Royal Assent on 26 November 2015 and sections 4 to 10 of that Act had come into operation on 27 November 2015.
- (6) To the extent to which a provision of this Act that does not have effect in relation to a matter to which it would otherwise have effect (including at a time before commencement day) begins to have effect in relation to the matter on a day that is on or after commencement day, this Act has effect in relation to the matter on and after that day and, to the extent to which subsections (4) and (5) do not have effect in relation to the matter —
  - (a) anything done or effected or purported to have been done or effected in relation to that matter before that day is, to the extent possible, to be treated as having been done or effected on that day; and

- (b) to the extent to which paragraph (a) does not have effect in relation to a thing done or purported to have been done in relation to that matter before that day, it may be done on or after that day; and
  - (c) to the extent to which paragraph (a) does not have effect in relation to a thing effected or purported to be effected in relation to that matter before that day, it is effected on that day.
- (7) In subsections (5) and (6), a reference to the doing of anything includes a reference to an omission to do anything.
- (8) Subsection (6) does not limit section 83(2)(g) or (h).

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Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
assent day.....	2