

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 183

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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WEDNESDAY, 25 NOVEMBER 2015

### 1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Petitions

Bauxite Mining – Mr C.J. Tallentire presented a petition from 4300 persons asking the Legislative Assembly to oppose exploration tenements being converted into mining licences/leases in Morangup where around 900 residents in close proximity could be affected by bauxite mining and many more in Wooroloo, Wundowie, the Perth Hills and the Avon Valley (P. 329).

Freight Network – Mr T.K. Waldron presented a petition from 446 persons asking the Legislative Assembly to develop and implement a long term plan to ensure the State owned rail and road infrastructure provides access to an efficient and cost effective freight network to meet the future needs of a progressive and expanding agricultural industry for at least the next 25 to 50 years (P. 330).

Freight Network – Dr G.G. Jacobs presented a petition from 56 persons asking that the Legislative Assembly develop and implement a long term plan to ensure the State owned rail and road infrastructure provides access to an efficient and cost effective freight network to meet the future needs of a progressive and expanding agricultural industry for at least the next 25 to 50 years (P. 331).

Drug and Alcohol Support Services – Dr G.G. Jacobs presented a petition from 500 persons asking the Legislative Assembly to direct resources to create a detox unit at Esperance Hospital, an on-call acute mental health service at Esperance Hospital and to increase drug and alcohol counselling services in the community (P. 332).

Bathers' Beach Fremantle – Ms S. McGurk presented a petition from 3782 persons asking the Legislative Assembly to call on the State Government to support the construction of an ocean pool at Bathers' Beach, and to ensure that it provides the material and financial resources required to realise this project (P. 333).

### 3. Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Clerk –

Art Gallery of Western Australia – Annual Report 2014–2015 (3664).

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the decision to create an East Metropolitan Health Service and the appointment of interim chairs of Western Australian Health Service Boards.

The Minister for Training and Workforce Development on the success enjoyed by Western Australian finalists at the 2015 Australian Training Awards.

The Minister for Energy on the approval of a power supply agreement between Horizon Power and CSIRO for the Murchison Radio-astronomy Observatory to build a two megawatt solar-diesel hybrid power station which will commence in January 2016.

The Parliamentary Secretary to the Minister for Child Protection on White Ribbon Day and the Sixteen Days of Activism to Stop Violence Against Women.

### 5. Land Administration (South West Native Title Settlement) Bill 2015

The Premier, pursuant to notice, moved,

That a bill for “An Act to –

- provide for the conveyance of freehold title, the creation of reserves and the making of management orders in respect of reserves, and the grant of leasehold interests, for the benefit of the Noongar people; and
- provide for licences to enable the Noongar people to access, and carry out activities for Aboriginal Customary Purposes, on certain unallocated Crown land and unmanaged reserves,

and for related purposes.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier moved, That the bill be now read a second time.

Mr B.S. Wyatt moved, That the debate be adjourned.

Question put and passed.

### 6. Pilbara Port Assets (Disposal) Bill 2015

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to provide for the disposal of the whole or part of any business carried on by, or all or any of the assets or liabilities owned or managed by, the Pilbara Ports Authority, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Ms S. McGurk moved, That the debate be adjourned.

Question put and passed.

### 7. Biodiversity Conservation Bill 2015

The Minister for Environment, pursuant to notice, moved,

That a bill for “An Act to provide for –

- the conservation and protection of biodiversity and biodiversity components in Western Australia; and
- the ecologically sustainable use of biodiversity components in Western Australia; and
- the repeal of the *Wildlife Conservation Act 1950* and the *Sandalwood Act 1929*; and
- consequential amendments to other Acts,

and for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Environment presented an explanatory memorandum and bill read a first time.

The Minister for Environment moved, That the bill be now read a second time.

Mr C.J. Tallentire moved, That the debate be adjourned.

Question put and passed.

### **8. Suspension of Standing Orders – Integrity (Lobbyists) Bill 2014**

The Leader of the House, pursuant to notice, moved,

That so much of Standing Orders be suspended as is necessary to enable further debate on the second reading of the *Integrity (Lobbyists) Bill 2014* to take place before the Premier continues with his second reading reply.

Debate ensued.

Question put and passed.

### **9. Integrity (Lobbyists) Bill 2014**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

The Leader of the House moved, That consideration in detail be postponed until a later stage of the sitting.

Question put and passed.

### **10. Questions**

Questions without Notice were taken.

Questions on Notice Nos 4728 to 4801 were asked.

Questions on Notice Nos 4634, 4635, 4638, 4643, 4650, 4680 and 4684 were answered.

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Paper tabled by the Premier –

Question on Notice No. 4638 – Number and Cumulative Total Amounts of Lotterywest Grants Made to Specific Local Government Authorities Since 1991 (3665).

Papers tabled by the Minister for Transport –

Question on Notice No. 4634 – Costs of Advertising for and Stakeholder and Public Consulting on the Perth Freight Link Project (3666).

Question on Notice No. 4643 – Number of Transperth Transit Officers at Each Train Station From 28 September 2015 to 4 October 2015 (3667).

### **11. Procedure and Privileges Committee**

The Speaker presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Protecting the Parliament – Exclusive Cognisance and Sanctions for Breach of Privilege and Contempt of Parliament, Report 9 (3668).

Mr F.A. Alban, Mrs M.H. Roberts and Ms W.M. Duncan spoke on the report.

## **12. Local Government Legislation Amendment Bill 2014**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 8 agreed to.

Clause 9.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

## **13. Variation to the Order of Business**

Ordered, That Private Members' Business Notice of Motion No. 6 be next considered.

## **14. "Buy Local" Policies**

Mr F.M. Logan, pursuant to notice, moved,

That this House condemns the Barnett Government over its failure to abide and enforce its own "Buy Local" policies on providing preferential treatment to regional and indigenous companies tendering for housing maintenance and building contracts in the Kimberley.

Debate ensued.

Debate interrupted by the Chair (Minister for Regional Development speaking) and adjourned until a later stage of the sitting.

## **15. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015**

The Order of the Day for the consideration in detail of Legislative Council Message No. 112 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015*

### **No. 1**

Clause 2, page 2, line 8 — To delete "Assent;" and insert —

Assent (*assent day*);

### **No. 2**

Clause 2, page 2, lines 12 and 13 — To delete "a day fixed by proclamation, and different days may be fixed for different provisions." and insert —

the day after assent day.

**No. 3**

Clause 3, page 5, after line 11 — To insert —

***director***, of a company, means a person who is a director of the company under paragraph (a) of the definition of ***director*** in the Corporations Act section 9;

**No. 4**

Clause 3, page 6, lines 9 to 11 — To delete the lines and insert —

***liquidator*** means a liquidator of a WA Bell Company and includes a provisional liquidator of a WA Bell Company immediately before —

- (a) for a WA Bell Company that was registered immediately before the transfer day — the transfer day; and
- (b) for a reinstated WA Bell Company — the day on which the company was deregistered;

**No. 5**

Clause 3, page 7, after line 12 — To insert —

***reinstated WA Bell Company*** means a WA Bell Company that was not registered immediately before the transfer day but which had its registration reinstated on or after the transfer day;

**No. 6**

Clause 3, page 8, line 15 — To delete “12 noon on”.

**No. 7**

Clause 3, page 9, line 3 — To delete “12 noon on the transfer day.” and insert —

the dissolution of that company under section 27.

**No. 8**

Clause 3, page 9, line 7 — To delete “by” and insert —

under

**No. 9**

Clause 3, page 9, after line 7 — To insert —

- (4) A reference in this Act to —
  - (a) the deregistration of a company is a reference to the deregistration of the company under the Corporations Act or the Corporations Law (as in force before 15 July 2001); and
  - (b) the reinstatement of the registration of a company is a reference to the reinstatement of the registration of the company under the Corporations Act.

**No. 10**

Clause 4, page 9, lines 10 and 11 — To delete “mechanism to resolve, without litigation, disputes which have arisen in relation to” and insert —

mechanism, that avoids litigation, for

**No. 11**

Clause 4, page 10, lines 4 to 6 — To delete “intentions of the liquidator and the creditors who funded the Bell litigation as set out in agreements” and insert —

commercial substance of the agreements between the liquidator and the creditors who funded the Bell litigation, as

**No. 12**

Clause 9, page 12, after line 10 — To insert —

- (aa) to administer each WA Bell Company until it is dissolved; and

**No. 13**

Clause 10, page 12, after line 28 — To insert —

- (da) seek the reinstatement of the registration of a WA Bell Company;
- (db) indemnify a liquidator of a WA Bell Company against costs or liability in relation to the performance of a function as liquidator of the company, on the terms and conditions determined by the Authority;

**No. 14**

Clause 10, page 13, line 4 — To delete “section 7(3) or”.

**No. 15**

Clause 18, page 16, after line 15 — To insert —

- (aa) expenses of, and incidental to, the administration of a WA Bell Company by the Authority;
- (ab) any amount payable under an indemnity under section 10(2)(db);

**No. 16**

Clause 18, page 16, line 22 — To delete “all other payments.” and insert —

the payment of amounts specified in the determination of the Governor under section 37(2).

**No. 17**

Clause 22, page 19, lines 12 to 14 — To delete the lines and insert —

- (c) all property held (in any capacity) by a person who is a liquidator of a WA Bell Company on trust for any person, other than property held in a capacity that does not relate to the liquidation of a WA Bell Company.

**No. 18**

Clause 22, page 19, after line 14 — To insert —

- (1A) Property received by a WA Bell Company or another person, on or after the transfer day, that would have been transferred to, and vested in, the Authority by subsection (1) were it vested or held by the company or person as described in subsection (1) before the transfer day, is transferred to, and vested in, the Authority by force of this section, at the time at which it is received.
- (1B) In relation to a reinstated WA Bell Company, property revested in the company as a consequence of its reinstatement is taken to have been received by the company for the purposes of subsection (1A).
- (1C) Subsection (1) or (1A), whichever is relevant, does not apply to a share in a company that was a subsidiary of TBGL —
  - (a) immediately before the transfer day; or
  - (b) if the company was deregistered before the transfer day — immediately before the time at which the company was deregistered.
- (1D) A share to which subsection (1) or (1A) would have applied but for subsection (1C), is transferred to, and vested in, the Authority by force of this section immediately before the earlier of —
  - (a) the day specified by the Authority, by instrument published in the Gazette, for the purposes of this paragraph; and
  - (b) the day on which the WA Bell Company is dissolved under section 27.
- (1E) To the extent to which a right to make a taxation objection, or a right or capacity to seek the review of, or to appeal against, a decision of the Commissioner in relation to a taxation objection, is property of a WA Bell Company, subsection (1) or (1A), whichever is relevant, does not apply to the right or capacity.
- (1F) Words and expressions used in subsection (1E) and also in the *Taxation Administration Act 1953* (Commonwealth) Part IVC have the same meanings in that subsection as they have in that Part.

**No. 19**

Clause 22, page 19, line 28 — To delete “transfer day.” and insert —

day specified in the certificate.

**No. 20**

Clause 23, page 20, lines 14 to 16 — To delete “held, property that, before the transfer day, was property of a kind referred to in section 22(1).” and insert —

held —

- (a) property that, before the transfer day, was property of a kind referred to in section 22(1); or
- (b) in relation to a reinstated WA Bell Company — property that, before the day on which the company was deregistered, was property of a kind referred to in section 22(1); or
- (c) property to which section 22(1A) applies.

**No. 21**

Clause 25, page 21, line 10 — To insert after “incurred by” —

a WA Bell Company or

**No. 22**

Clause 25, page 21, line 17 — To insert after “of” —

a WA Bell Company or

**No. 23**

New Division 3A, page 22, after line 29 — To insert —

**Division 3A — Administration of WA Bell Companies**

**26A. Authority to administer WA Bell Companies**

- (1) The Authority is, by force of this section, the administrator of each WA Bell Company.
- (2) Subsection (1) has effect —
  - (a) for a WA Bell Company that was registered immediately before the transfer day — from the beginning of the transfer day; and
  - (b) for a reinstated WA Bell Company — from the time at which the company’s registration is reinstated.
- (3) The Authority’s administration of a WA Bell Company ceases on the earlier of —
  - (a) the dissolution of the company; and
  - (b) the day specified in a notice given by the Authority to the liquidator (or other officer if there is no liquidator) of the company that the Authority will cease to be the administrator of the company on that day.



**26B. Role of Authority as administrator of WA Bell Companies**

- (1) While a WA Bell Company is under the administration of the Authority, the Authority —
  - (a) has control of the company's property and affairs; and
  - (b) may manage that property and those affairs; and
  - (c) may dispose of any of that property; and
  - (d) may perform any function, and exercise any power, that the company or any of its officers could perform or exercise if the company were not under the administration of the Authority.
- (2) Nothing in subsection (1) limits the generality of anything else in it.
- (3) Nothing in this section limits any other power of the Authority under this Act or any other written law.

**26C. Powers of other officers**

- (1) While a company is under the administration of the Authority, a person (other than the Authority) cannot perform or exercise, and must not purport to perform or exercise, a function or power as an officer of the company.
- (2) Subsection (1) does not apply to the extent that the performance or exercise is with the Authority's written approval or is in the exercise of a power or duty under this Act.
- (3) Subsection (1) does not remove a director or the liquidator of a WA Bell Company from his or her office.

**No. 24**

Clause 27, page 23, lines 3 and 4 — To delete the lines and insert —

- (1) The Governor may, by proclamation, dissolve a WA Bell Company.

**No. 25**

Clause 27, page 23, line 5 — To delete "a WA" and insert —

the WA

**No. 26**

New Division 1A, page 25, after line 2 — To insert —

**Division 1A — Application of this Part****28A. Application of this Part in relation to certain interests**

- (1) In relation to a liability referred to in section 25(3), this Part has effect as if —

- (a) the liability were, immediately before the transfer day, a liability of the WA Bell Company referred to in section 25(2) in relation to the liability; and
  - (b) the person who, immediately before the transfer day, had the benefit of the liability were, immediately before the transfer day, a creditor of the WA Bell Company.
- (2) If property vested in a WA Bell Company or held by a liquidator of a WA Bell Company, to which section 22(1)(a) or (b) applied at the beginning of the transfer day, was freed from an encumbrance, trust, equity or interest (the *interest*) by section 22 and the WA Bell Company was not the beneficiary of the interest, this Part has effect as if —
  - (a) the interest were, immediately before the transfer day, a liability of the WA Bell Company; and
  - (b) the person who, immediately before the transfer day, had the benefit of the interest were, immediately before the transfer day, a creditor of the WA Bell Company.
- (3) If property to which section 22(1) applied at the beginning of the transfer day was freed from an encumbrance, trust, equity or interest (the *interest*) by section 22 and subsection (2) does not apply in relation to the property, this Part has effect as if —
  - (a) the interest were, immediately before the transfer day, a liability of each WA Bell Company; and
  - (b) the person who, immediately before the transfer day, had the benefit of the interest were, immediately before the transfer day, a creditor of each WA Bell Company.
- (4) In relation to a claim referred to in section 26(3), this Part has effect as if —
  - (a) the claim were, immediately before the transfer day, a liability of the WA Bell Company referred to in section 26(2) in relation to the claim; and
  - (b) the person who, immediately before the transfer day, had the benefit of the claim were, immediately before the transfer day, a creditor of the WA Bell Company.
- (5) If the Authority determines, under section 33, that an interest to which subsection (3) applies is a liability of each WA Bell Company, each company is jointly and severally liable.

#### **No. 27**

Clause 29, page 26, lines 14 to 16 — To delete “liquidator, in the capacity of liquidator of the company, on trust for any person other than the company;” and insert —

liquidator referred to in section 22(1)(c);

#### **No. 28**

Clause 29, page 26, after line 24 — To insert —

- (12) This section has effect in relation to a reinstated WA Bell Company as if references in it to the transfer day were references to the day on which the registration of the company was reinstated.

**No. 29**

Clause 30, page 27, after line 7 — To insert —

- (2A) The Authority may also publish the notice referred to in subsection (2) by any other means that the Authority thinks necessary to bring it to the attention of the persons referred to in that subsection.

**No. 30**

Clause 32, page 28, lines 3 and 4 — To delete the lines and insert —

- (2A) The Authority may prepare more than one draft report.
- (3) The Authority must provide each draft report to each person who gave particulars of a liability under section 30.
- (3A) The first draft report under subsection (2) must be prepared, and provided in accordance with subsection (3), within the period of 150 days beginning on the transfer day.

**No. 31**

Clause 34, page 28, line 28 — To delete “A report under this section” and insert —

The report under subsection (1)

**No. 32**

Clause 34, page 28, after line 29 — To insert —

- (2A) Before making a final determination under section 33, the Authority may make one or more interim reports to the Minister based on its preliminary determination of the property and liabilities of each WA Bell Company under section 33.
- (2B) The Authority must make a report under subsection (2A) if directed to do so by the Minister.
- (2C) A report under subsection (2A) may contain a description of any contingencies and uncertainties and any interim recommendations of the Authority under section 35 or 36.

**No. 33**

Clause 35, page 30, after line 12 — To insert —

- (2A) A recommendation in an interim report under section 34(2A) is an interim recommendation.
- (2B) A recommendation in the report under section 34(1) is a final recommendation and must take into account any amount or property that the Governor under section 36A(2) has determined is to be paid to, or transferred to or vested in, a person.

**No. 34**

Clause 36, page 31, line 8 — To delete “litigation” and insert —

litigation, whether directly or indirectly

**No. 35**

Clause 36, page 32, after line 9 — To insert —

- (3A) A recommendation in an interim report under section 34(2A) is an interim recommendation.
- (3B) A recommendation in the report under section 34(1) is a final recommendation and must take into account any amount or property that the Governor, under section 36A(2), has determined is to be paid to, or transferred to or vested in, a person.

**No. 36**

Clause 36, page 32, line 24 — To delete “mentioned in section 25 or 26”.

**No. 37**

Heading to Division 3, page 33, line 4 — To delete “**Determination by**” and insert —

**Determinations of****No. 38**

Clause 37, page 33, line 5 to page 34, line 7 — To delete the clause.

**No. 39**

New Clause 36A, page 33, line 5 — To insert —

**36A. Governor may determine amounts and property: interim determinations**

- (1) The Minister may submit to the Governor an interim report of the Authority under section 34(2A).
- (2) The Governor may, by instrument in writing, determine an amount to be paid to, or property to be transferred to or vested in, a person.

**No. 40**

New Cause 37, page 33, line 5 — To insert —

**37. Governor may determine amounts and property: final determination**

- (1) The Minister must submit to the Governor the report of the Authority under section 34(1).

- (2) The Governor may, by instrument in writing, determine an amount to be paid to, or property to be transferred to or vested in, a person.
- (3) The amount or amounts to be paid to, and the property to be transferred to or vested in, a person under this Division —
  - (a) is in respect of the aggregate of all liabilities of all WA Bell Companies to that person as a creditor; and
  - (b) may be by way of compensation for providing funding or an indemnity.

**No. 41**

New Clause 37A, page 33, line 5 — To insert —

**37A. Determinations: general provisions**

- (1) Nothing in this Act requires the Governor to determine that any amount is to be paid to, or any property is to be transferred to or vested in, any person on any account whatsoever.
- (2) Nothing in this Act requires that the aggregate value of all money determined by the Governor to be paid, and all property determined by the Governor to be transferred or vested, under this Division must be equal to the value of the money or property held by the Authority or the total liabilities of all WA Bell Companies as determined under section 33.
- (3) The Minister must give a determination of the Governor to the Authority.
- (4) A determination need not contain reasons.
- (5) A determination is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.
- (6) Nothing in this Division creates any right in, or for the benefit of, a creditor of a WA Bell Company or any other person.
- (7) The Governor has absolute privilege in making a determination and in relation to any fact or matter stated in it.
- (8) On the making of the determination under section 37(2), every liability of every WA Bell Company to a person to whom nothing is to be paid and to whom no property is to be transferred and in whom no property is to be vested under a determination under this Division is, by force of this Act, discharged and extinguished.

**No. 42**

Clause 38, page 34, line 11 — To delete “the determination of the Governor under section 37,” and insert —

a determination of the Governor under Division 3,

**No. 43**

Clause 38, page 34, after line 12 — To insert —

- (aa) notify each person specified in the determination to or in whom the Governor has determined an amount is to be paid or property is to be transferred or vested; and

**No. 44**

Clause 38, page 34, line 26 to page 35, line 12 — To delete the lines and insert —

- (4) Subsection (5) applies to a person covered by the determination of the Governor under section 37(2).
- (5) At the end of the period of 3 months beginning on the day on which notice of the determination of the Governor under section 37(2) is given to the person —
  - (a) every liability of every WA Bell Company to the person is, by force of this Act, discharged and extinguished; and
  - (b) if the person has not given a duly executed deed in accordance with subsection (3) in relation to a determination of the Governor under Division 3 — the determination ceases to have effect in relation to the person.
- (6) Subsection (7) applies to a person covered by a determination of the Governor under section 36A(2) but not covered by the determination of the Governor under section 37(2).
- (7) At the end of the period of 3 months beginning on the day on which the Governor makes the determination under section 37(2) —
  - (a) every liability of every WA Bell Company to the person is, by force of this Act, discharged and extinguished; and
  - (b) if the person has not given a duly executed deed in accordance with subsection (3) in relation to a determination of the Governor under section 36A(2) — the determination ceases to have effect in relation to the person.
- (8) A reference to a person covered by a determination of the Governor is a reference to a person to or in whom the Governor has determined an amount is to be paid or property is to be transferred or vested.

**No. 45**

Clause 40, page 36, lines 6 and 7 — To delete “under section 38”.

**No. 46**

Clause 40, page 36, line 8 — To delete the line and insert —

- (b) the end of the period of 6 months beginning on the day on which the Governor makes the determination under section 37(2).

**No. 47**

Clause 43, page 37, lines 18 to 24 — To delete the clause.

**No. 48**

New Clause 43, page 37, line 18 — To insert —

**43. Reports on Authority's functions**

- (1) The Administrator must —
  - (a) within 3 months after each anniversary of the commencement of Part 2 — prepare a report on how the Administrator carried out the Authority's functions as outlined in section 9 in the year prior to the anniversary; and
  - (b) within 3 months after each anniversary of the commencement of Part 2 — prepare a report on how the Administrator carried out the Authority's functions as outlined in section 9 in the year prior to the anniversary; and
- (2) The final report under subsection (1)(b) must —
  - (a) set out each recommendation of the Authority under sections 35 and 36; and
  - (b) set out each determination of the Governor under Part 4 Division 3; and
  - (c) state whether a determination of the Governor under Part 4 Division 3 of an amount to be paid to, or property to be transferred to or vested in, a person differed from a recommendation in a report of the Authority under section 34 in relation to the person.
- (3) A report under subsection (1) need not contain reasons in relation to the matters referred to in subsection (2).
- (4) The Minister is to cause to be laid before each House of Parliament —
  - (a) a report under subsection (1)(a) within 6 sitting days after the preparation of the report; and
  - (b) the final report under subsection (1)(b) within 6 sitting days after the day on which the Authority is abolished.

**No. 49**

Clause 45, page 38, line 27 — To delete “by” and insert —

under

**No. 50**

Clause 45, page 38, line 29 — To delete “by” and insert —

under

**No. 51**

Clause 45, page 38, after line 31 — To insert —

- (c) the registration of a WA Bell Company to be reinstated, and (without limiting that) the functions in the Corporations Act section 601AH to be performed and the matters provided for in that section to occur.

**No. 52**

Clause 48, page 42, lines 4 and 5 — To delete “to proceedings in a court to challenge the constitutional validity of this Act.” and insert —

to —

- (a) proceedings in a court to challenge the constitutional validity of this Act; or
- (b) proceedings in a court contemplated by this Act.

Examples for this subsection:

For the purposes of subsection (6)(b), proceedings referred to in sections 67 and 68 are examples of proceedings contemplated by this Act.

**No. 53**

Clause 49, page 42, lines 6 to 11 — To delete the clause.

**No. 54**

New Clause 49, page 42, line 6 — To insert —

**49. Certain deregistered companies not to be reinstated by certain persons**

- (1) A person (other than the Authority) must not take any step for achieving the reinstatement of the registration of a deregistered company listed in Schedule 1.

Penalty: a fine of \$10 000.

- (2) Before the day on which section 7 comes into operation, subsection (1) does not apply to a WA Bell Company, a liquidator of a WA Bell Company or a former liquidator of a deregistered company.
- (3) On and after the day on which section 7 comes into operation, subsection (1) does not apply to a person if the person has the written approval of the Authority to take the step referred to in subsection (1).

**No. 55**

Clause 67, page 54, after line 31 — To insert —

- (2) To the extent to which a right to make a taxation objection, or a right or capacity to seek the review of, or to appeal against, a decision of the Commissioner in relation to a taxation objection, is property of the company, subsection (1) does not apply to the right or capacity.
- (3) Words and expressions used in subsection (2) and also in the *Taxation Administration Act 1953* (Commonwealth) Part IVC have the same meanings in that subsection as they have in that Part.

**No. 56**

Clause 68, page 55, line 10 — To delete “certiorari” and insert —



certiorari, or a remedy having the same effect as a remedy that could be provided by means of such a writ,

**No. 57**

Clause 78, page 58, lines 2 and 3 — To delete the lines and insert —

This Act expires at the end of the 6 years beginning on the day on which the Governor makes the determination under section 37(2).

**No. 58**

Schedule 1, page 59, after line 5 — To insert —

3A. Belcap Nominees Pty Ltd. ACN 009 265 178 (Deregistered)

**No. 59**

Schedule 1, page 59, after line 12 — To insert —

10A. B. P. T. Pty Ltd ACN 009 190 292 (Deregistered)

**No. 60**

Schedule 1, page 59, after line 26 — To insert —

24A. TBGL Securities Pty Ltd ACN 008 713 513 (Deregistered)

*CONSIDERATION IN DETAIL*

The Treasurer moved, That amendment Nos 1 to 47 be agreed to.

Questions put and passed.

The Treasurer moved, That amendment No. 48 be agreed to, subject to the following amendment —

New Clause 43(1) is amended by deleting paragraph (b) and inserting:

“

- (b) prior to the abolition of the Authority — prepare a final report on how the Administrator carried out the Authority's functions as outlined in section 9.

”.

On the question, That the words to be deleted, be deleted,

Question put and passed.

On the question, That the words to be inserted be inserted,

Question put and passed.

Amendment No. 48, as amended, agreed to.

The Treasurer moved, That amendment Nos 49 to 60 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**16. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 9.31 p.m. until Thursday, 26 November 2015 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Ms M. Davies, Mr D.J. Kelly, Mr J.H. Norberger and Ms R. Saffioti.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
Speaker of the Legislative Assembly