

South Australia

Bank Merger (BankSA and Advance Bank) Regulations 1996

under the *Bank Merger (BankSA and Advance Bank) Act 1996*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application of Schedule 2 of the *State Bank (Corporatisation) Act 1994* to transferred employees

Schedule—Amendments of scheduled provisions

- 1 Amendment of clause 1—Definitions
- 2 Amendment of clause 7—Superannuation Act and State Scheme contributors
- 3 Amendment of clause 10—Retrenchment benefits for State Scheme contributors
- 4 Amendment of clause 13—Extra lump sum payable on retrenchment of State Scheme contributors before 30 June 1997

Legislative history

1—Short title

These regulations may be cited as the *Bank Merger (BankSA and Advance Bank) Regulations 1996*.

2—Commencement

These regulations will come into operation on 1 December 1996.

3—Interpretation

In these regulations—

Act means the *Bank Merger (BankSA and Advance Bank) Act 1996*;

scheduled provisions means the provisions in Schedule 2 of the *State Bank (Corporatisation) Act 1994*.

4—Application of Schedule 2 of the *State Bank (Corporatisation) Act 1994* to transferred employees

Pursuant to section 16(3) of the Act, the scheduled provisions are to be read subject to the amendments set out in the Schedule.

Schedule—Amendments of scheduled provisions

1—Amendment of clause 1—Definitions

Clause 1 of the scheduled provisions is amended—

- (a) by inserting before the definition of *age of retirement* the following definitions:

ABAL means Advance Bank Australia Limited;

ABAL group means ABAL and its subsidiaries;

ABAL subsidiary means a body corporate that is a subsidiary of ABAL for the purposes of section 46 of the *Corporations Law*;;

- (b) by striking out the definition of *interim period* and substituting the following definition:

interim period means—

- (a) in relation to an employee of SBSA or BSAL—the period beginning on the appointed day (within the meaning of the *State Bank (Corporatisation) Act 1994*) and ending on 30 June 1999;
- (b) in relation to a transferred employee—the period beginning on the day on which the employee is transferred to a position in the employment of ABAL or an ABAL subsidiary and ending on 30 June 1999;;
- (c) by inserting in the definition of *transferred* ", in clauses 4, 5 and 6," after "means";
- (d) by inserting after the definition of *transferred* the following definition:
- transferred employee* means an employee of ABAL or an ABAL subsidiary who was—
- (a) as an employee of SBSA or a SBSA subsidiary, transferred to a position in the employment of BSAL under Part 5 of the *State Bank (Corporatisation) Act 1994* or a corresponding law; and
- (b) as an employee of BSAL, subsequently transferred to a position in the employment of the ABAL group under Part 4 of the *Bank Merger (BankSA and Advance Bank) Act 1996* or the law of another State or Territory.

2—Amendment of clause 7—Superannuation Act and State Scheme contributors

Clause 7 of the scheduled provisions is amended—

- (a) by inserting in subclause (1) "or a transferred employee" after "An employee of BSAL";
- (b) by inserting after subclause (2) the following subclause:

- (2a) The Treasurer must, by order in writing, specify arrangements under which transferred employees may continue as State Scheme contributors during the interim period and the Treasurer may, at any time, with the agreement of ABAL, vary the order by further order in writing.;
- (c) by striking out from subclause (3) "subclause (2)" and substituting "this clause";
- (d) by inserting in subclause (3) ", ABAL or an ABAL subsidiary (as the case may require)" after "BSAL";
- (e) by striking out from subclause (4) "or BSAL (including an order under subclause (2))" and substituting ", BSAL or ABAL or an ABAL subsidiary (including an order under subclause (2) or (2a))";
- (f) by striking out from subclause (4)(c) "or BSAL" and substituting ", BSAL or the ABAL group";
- (g) by inserting in subclause (5) ", or a transferred employee," after "BSAL";
- (h) by inserting in subclause (6)(b)(ii) "or a transferred employee" after "BSAL", first occurring;
- (i) by inserting in subclause (8)(b)(ii) "or a transferred employee" after "BSAL", first occurring;
- (j) by inserting in subclause (9)(c)(ii) "or a transferred employee" after "BSAL", first occurring.

3—Amendment of clause 10—Retrenchment benefits for State Scheme contributors

Clause 10 of the scheduled provisions is amended—

- (a) by inserting in subclause (1) ", or a transferred employee" after "BSAL";
- (b) by inserting after subparagraph (B) of subclause (7)(e)(ii) the following subparagraph:
 - (C) in the case of a transferred employee—from the member of the ABAL group into whose employment the employee was transferred; or;
- (c) by inserting after subparagraph (B) of subclause (7)(f)(iii) the following subparagraph:
 - (C) in the case of a transferred employee—from the member of the ABAL group into whose employment the employee was transferred.;
- (d) by inserting after subparagraph (B) of subclause (9)(e)(ii) the following subparagraph:
 - (C) in the case of a transferred employee—from the member of the ABAL group into whose employment the employee was transferred.;
- (e) by inserting after paragraph (e) of subclause (11) the following paragraph:

- (f) in the case of a transferred employee—from the member of the ABAL group into whose employment the employee was transferred.

4—Amendment of clause 13—Extra lump sum payable on retrenchment of State Scheme contributors before 30 June 1997

Clause 13 of the scheduled provisions is amended—

- (a) by inserting in subclause (1) ", or a transferred employee" after "BSAL";
- (b) by inserting after paragraph (b) of subclause (2) the following paragraph:
 - (c) in the case of a transferred employee—from the member of the ABAL group into whose employment the employee was transferred,.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Expiry of regulations

The *Bank Merger (BankSA and Advance Bank) Regulations 1996* expired on 1.9.2011: see *Subordinate Legislation Act 1978*.

Principal regulations

Year	No	Reference	Commencement
1996	245	<i>Gazette 28.11.1996 p1769</i>	1.12.1996: r 2