

South Australia

Public Corporations (Austriacs) (Dissolution and Revocation) (No 2) Regulations 2003

under the *Public Corporations Act 1993*

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Preamble

- 1 The *Public Corporations (Austriacs) (Dissolution and Revocation) Regulations 2003* were published in the Gazette on 25 September 2003.
 - 2 The regulations were expressed to come into operation on the day on which they were made.
 - 3 However, the certificate under section 10AA(2) of the *Subordinate Legislation Act 1978* for the commencement of the regulations on that day was signed by the Minister for Transport instead of by the Treasurer.
 - 4 Accordingly, the requirements of section 10AA(2) of the *Subordinate Legislation Act 1978* have not been met and the regulations will come into operation 4 months after the day on which they were made.
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- 5 Consistent with the Government's intention to dissolve Austrics 4 months before the regulations would otherwise come into operation, it has been decided to revoke the regulations before they come into operation and to make a new set of regulations that will come into operation in accordance with a certificate of the Treasurer under section 10AA(2) of the *Subordinate Legislation Act 1978*.
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Corporations (Austrics) (Dissolution and Revocation) (No 2) Regulations 2003*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations—

Act means the *Public Corporations Act 1993*.

4—Revocation of *Public Corporations (Austrics) (Dissolution and Revocation) Regulations 2003*

The *Public Corporations (Austrics) (Dissolution and Revocation) Regulations 2003* (Gazette 25 September 2003 pp 3650 and 3651) are revoked.

Part 2—Dissolution of Austrics

5—Dissolution of Austrics

Pursuant to section 25(1) of the Act, Austrics, established by regulation under the Act as a subsidiary of TransAdelaide, is dissolved.

6—Disposition of assets and liabilities of Austrics

- (1) The assets and liabilities of Austrics immediately before its dissolution are transferred to and vested in or attached to TransAdelaide.
- (2) The following provisions apply in connection with the operation of subregulation (1):
 - (a) nothing in that subregulation—
 - (i) constitutes a breach of, or default under, an Act or other law; or
 - (ii) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (iii) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
 - (iv) constitutes a civil or criminal wrong; or

- (v) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
- (vi) releases a surety or other obligee wholly or in part from an obligation;
- (b) that subregulation will have effect despite the terms of any contract, agreement, understanding or undertaking and without the need for any other act or consent.

7—Transfer of employment

- (1) The employment of any person who is an employee of Austriacs immediately before its dissolution is transferred from Austriacs to TransAdelaide.
- (2) The following provisions apply in connection with the operation of subregulation (1):
 - (a) each employee under that subregulation will be taken to have continuity of employment without termination of the employee's service;
 - (b) each employee who, immediately before the commencement of this regulation, was employed on a temporary or casual basis, or for a fixed term, will be taken to be employed by TransAdelaide on the same basis and, if applicable, for the balance of the term of the contract in existence immediately before that commencement;
 - (c) the cessation of employment with Austriacs and the transfer of employment to TransAdelaide under this regulation does not constitute any redundancy or retrenchment.

Part 3—Revocation of *Public Corporations (State Transport Authority) Regulations 1993*

8—Revocation of regulations

The *Public Corporations (State Transport Authority) Regulations 1993* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 December 2003

No 255 of 2003

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