



Queensland

# Advance Bank Integration Act 1997

Reprinted as in force on 15 May 1998

Reprint No. 1\*

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED  
LAST REPRINT BEFORE REPEAL  
See 2011 Act No. 8 s 121

\* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. At the same time, footnotes that merely cite a cross-reference to this legislation, or other legislation, were omitted (see the *Acts Interpretation Act 1954*, section 14(7)).

## Information about this reprint

This Act is reprinted as at 15 May 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**



## Queensland

# Advance Bank Integration Act 1997

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# Advance Bank Integration Act 1997

[as amended by all amendments that commenced on or before 15 May 1998]

## An Act to facilitate the integration of Advance Bank Australia Limited with St George Bank Limited

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Advance Bank Integration Act 1997*.

#### 2 Commencement

- (1) This Act, other than sections 3 and 10, commences on the succession day.
- (2) However, if at the time this Act would otherwise commence under subsection (1) the gazette notice mentioned in section 10(4) has not been published in the gazette, this Act, other than sections 3 and 10, commences on the day the notice is published in the gazette.
- (3) Sections 3 and 10 commence on the date of assent of this Act.
- (4) The *Acts Interpretation Act 1954*, section 15DA, does not apply to this Act.

#### 3 Definitions

In this Act—

**ABAL** means Advance Bank Australia Limited (A.C.N. 002 953 335).

**asset** includes—

- (a) a right, interest or claim of any kind, including rights, interests or claims in or in relation to property (whether arising under an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing); and
- (b) an asset within the meaning of the *Income Tax Assessment Act 1936* (Cwlth), part IIIA.

**business**, of ABAL, includes the assets and liabilities of ABAL.

**chief executive officer**, of SGB, means the officer having the day to day management of the affairs of SGB and includes an officer acting as chief executive officer.

**instrument** includes an oral agreement.

**liability** includes a duty or obligation of any kind (whether arising under an instrument or otherwise, and whether actual, contingent or prospective).

**NSW regulation** means the *Bank Mergers (Advance Bank) Regulation 1998* (NSW) made under the *Bank Mergers Act 1996* (NSW).

**SGB** means St George Bank Limited (A.C.N. 055 513 070).

**stamp duty** means a fee, duty, charge or liability under the *Stamp Act 1894*.

**succession day** means the day the NSW regulation commences.

**translated asset** means an asset that has become, under the NSW regulation, an asset of SGB.

**translated instrument**, in relation to ABAL, means an instrument (including a legislative instrument other than this Act or the NSW regulation) subsisting immediately before the succession day—

- (a) to which ABAL is a party; or
- (b) that was given to, by or in favour of, ABAL; or

- (c) that refers to ABAL; or
- (d) under which money is, or may become, payable, or other property is, or may become, liable to be transferred, to or by ABAL.

*translated liability* means a liability that has become, under the NSW regulation, a liability of SGB.

#### **4 Act binds the State**

This Act binds the State and, as far as the legislative authority of the Parliament permits, the Commonwealth and the other States.

## **Part 2 Reorganisation**

#### **5 Consequence of succession day**

- (1) Under the NSW regulation, on the succession day—
  - (a) SGB becomes the successor in law of ABAL and is for all purposes a continuation of and the same legal entity as ABAL; and
  - (b) ABAL is dissolved; and
  - (c) all assets of ABAL, wherever located, vest in, or are otherwise available for the use of, SGB without the need for a conveyance, transfer, assignment or assurance and without the need for notice or further act; and
  - (d) all liabilities of ABAL, wherever located, become liabilities of SGB without the need for notice or further act.
- (2) On and after the succession day—
  - (a) each translated instrument, in relation to ABAL, continues to have effect, according to its tenor as if a

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reference in the instrument to ABAL were a reference to SGB; and

- (b) a place that, immediately before the succession day, was a place of business for ABAL is taken to be a place of business for SGB.
- (3) If, immediately before the succession day, proceedings (including arbitration proceedings) to which ABAL was a party had started or were continuing in a court or tribunal, SGB is, on the succession day, substituted for ABAL as a party to the proceedings and has the same rights in the proceedings as ABAL had.
- (4) If, before the succession day, documentary or other evidence would have been admissible for or against the interests of ABAL, the evidence is admissible, on or at any time after the succession day, for or against the interests of SGB.

## **6 Relationship between ABAL's customers and SGB**

Under the NSW regulation, the relationship between ABAL and each customer of ABAL is taken to be, on and after the succession day, between SGB and the customer, and gives rise to the same rights and the same duties (including rights of set off) as would have existed if the relationship, immediately before that day, had been between SGB and the customer.

## **7 Authorities etc. by ABAL's customers**

Under the NSW regulation, each authority, instruction, mandate or order given to ABAL by a customer of ABAL and subsisting on, or given after, the succession day is, until cancelled, taken to have been given to SGB.

## **8 Securities held by ABAL**

- (1) Under the NSW regulation, each security held by ABAL immediately before the succession day as security for the payment of debts or liabilities (whether present or future, certain or contingent) of a person is transferred to SGB.

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- (2) The security is to be held by, and be available to, SGB as security for the payment of the debts and liabilities to SGB.
  - (3) However, the security is not security for any debt or liability of the person to SGB existing immediately before the succession day.
  - (4) If the security extends to future advances to, or to future liabilities of, the person, the security is held by, and is available to, SGB as security for future advances to the person by, and future liabilities of the person to, SGB.
  - (5) If there is an agreement between SGB and the person in relation to a matter mentioned in subsection (3) or (4), subsection (3) or (4) applies subject to the agreement.

## **9 Name in which SGB carries on business**

- (1) SGB may carry on business in the State under any of the following names—
  - (a) Advance Bank Australia;
  - (b) Bank of South Australia;
  - (c) BankSA;
  - (d) another name registered by SGB under the *Business Names Act 1962*.
- (2) ‘Advance Bank Australia’, ‘Bank of South Australia’ and ‘BankSA’ must, on application by SGB, be registered as business names of SGB under the *Business Names Act 1962*.
- (3) For a period of 6 months beginning on the succession day, SGB may also carry on business in the State under either of the following names as if the names were registered as business names of SGB under the *Business Names Act 1962*—
  - (a) ‘Advance Bank Australia Limited’;
  - (b) ‘BankSA a Division of Advance Bank Australia Limited’.



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- (d) a specified liability of ABAL has become a translated liability.
  - (2) The chief executive officer of SGB may certify that specified assets or liabilities are, or are not, assets or liabilities that vested in ABAL under the *Bank Merger (BankSA and Advance Bank) Act 1996*.
  - (3) For all purposes and in all courts, tribunals and proceedings, a certificate under subsection (1) or (2) is evidence of the matters certified.
  - (4) An apparently genuine document purporting to be a certificate under subsection (1) or (2) is, unless the contrary is established, taken to be the certificate.
  - (5) Nothing done under this Act or under the NSW regulation affects the character that records made by ABAL or a bank from which ABAL acquired the records may have as banking records for the purposes of the law of evidence.

## **12 Registration of title etc.**

- (1) The registrar of titles or other person required or authorised by law to register or record transactions affecting assets or liabilities—
  - (a) may (without formal application) register or record in the appropriate way the vesting of a translated asset or translated liability; and
  - (b) must, on written application by SGB, register or record in the appropriate way the vesting of a translated asset or translated liability.
- (2) A transaction related to a translated asset or translated liability entered into by SGB in its own name, ABAL's name or the name of a predecessor in title to ABAL, if effected by an instrument otherwise in registrable form, must be registered even though SGB has not been registered as proprietor of the asset.
- (3) The registrar of titles or other person is not required to act under subsection (1)(b) or (2) unless the appropriate fee or

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charge relating to the act has been paid to the registrar or person.

### **13 Act to have effect despite other laws**

- (1) This Act has effect despite anything in any contract, deed, undertaking, agreement or other instrument.
- (2) Nothing done under this Act or under the NSW regulation—
  - (a) places SGB, ABAL or another person in breach of contract or confidence or otherwise makes any of them guilty of a civil wrong; or
  - (b) places SGB, ABAL or another person in breach of—
    - (i) a law of the State; or
    - (ii) a contractual provision prohibiting, restricting or regulating the assignment or transfer of an asset or liability or the disclosure of information; or
  - (c) fulfils a condition that allows a person to terminate or otherwise exercise a right or power under an agreement or liability; or
  - (d) releases a surety, wholly or partly, from all or any of the surety's obligations.
- (3) Without limiting subsection (1), if, apart from this section or the NSW regulation, the advice or consent of a person would be necessary to carry out an action authorised under this Act, the advice is taken to have been obtained or the consent is taken to have been given, as the case requires.

### **14 Application of Acts Interpretation Act 1954, s 20A**

This Act is an Act to which the *Acts Interpretation Act 1954*, section 20A applies.

### **15 Expiry of Act**

This Act expires 20 years after it commences.

# Endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 15 May 1998. Future amendments of the Advance Bank Integration Act 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1998 Act No. 21	31 March 1998	15 May 1998

## 5 List of legislation

### **Advance Bank Integration Act 1997 No. 75**

date of assent 1 December 1997

ss 1–3, 10 commenced on date of assent (see s 2)

remaining provisions commenced 13 March 1998 (see s 2 and notice pubd gaz 13 March 1998 p 1108)

Notes—(1) AIA s 15DA does not apply to this Act (see s 2(4))

(2) AIA s 20A applies to this Act (see s 14)

(3) This Act exp 13 March 2018 (see s 15)

amending legislation—

### **Government Owned Corporations and Other Legislation Amendment Act 1998 No.**

**21 ss 1–2(1)–(2) pt 5 sch 2**

date of assent 1 May 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 31 March 1998 (see s 2(2))

## 6 List of annotations

### **Definitions**

s 3 def “NSW regulation” amd 1998 No. 21 s 40 sch 2