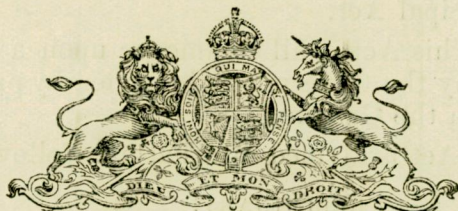


New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. 34, 1931.

An Act to provide for the retirement of the three Commissioners of the Government Savings Bank of New South Wales; to make further provision for the management of the Bank; to amend the Government Savings Bank Act, 1906, and certain other Acts; and for purposes connected therewith. [Assented to, 28th August, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Government Savings Bank (Further Amendment) Act, 1931."

Short title
and com-
mencement.

Government Savings Bank (Further Amendment).

(2) This Act shall be read and construed with the Government Savings Bank Act, 1906, as amended by subsequent Acts.

(3) The Government Savings Bank Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Division into
Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—COMMISSIONERS OF THE GOVERNMENT
SAVINGS BANK OF NEW SOUTH WALES.

PART III.—MANAGEMENT.

PART II.

COMMISSIONERS OF THE GOVERNMENT SAVINGS BANK
OF NEW SOUTH WALES.

Amendment of
Act No. 48, 1906,
Part II.

3. (1) The Principal Act is amended—

Sec. 6.
(Commis-
sioners.)

- (a) (i) by omitting from section six the word
“Three” and by inserting in lieu thereof
the word “Five”;
(ii) by omitting from the same section the
words “One of such commissioners shall
be so appointed president”;

Sec. 7.

- (b) by omitting section seven and by inserting in
lieu thereof the following section:—

Appointment
and term of
office of
commis-
sioners.

7. (1) Each commissioner shall be appointed
by the Governor.

(2) Of the five commissioners first
appointed in pursuance of this section—

One shall retire at the expiration of a term
of seven years.

Two

Government Savings Bank (Further Amendment).

Two shall retire at the expiration of a term of five years.

Two shall retire at the expiration of a term of three years.

(3) Upon the expiration of the term of office of a commissioner the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for a term of seven years.

The retiring commissioner shall, if not otherwise disqualified under this Act, be eligible for such appointment.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

(4) A commissioner may resign his office by writing under his hand addressed to the Governor.

(5) In the event of the office of any commissioner becoming vacant otherwise than by the expiration of his term of office the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for the remainder of the term of office of his predecessor.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

(6) Every appointment under this section shall be made by the Governor by commission in His Majesty's name.

(7) No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken, or commenced there was a vacancy in the office of any commissioner.

(c)

Government Savings Bank (Further Amendment).

Sec. 8.

(Disqualifi-
cation of
commis-
sioners.)

(c) by omitting paragraph (a) of section eight and by inserting in lieu thereof the following paragraph :—

(a) absents himself from the meetings of the commissioners during any period of six consecutive weeks without the leave of the commissioners ;

Sec. 9.

(Appoint-
ment of
deputies.)

(d) by omitting from section nine the words “ If under this section one of the other commissioners is appointed deputy of the president, the Governor may appoint a deputy of such commissioner ” ;

Sec. 10.

(Removal
from office.)

(e) by inserting at the end of section ten the following paragraph :—

The power conferred by paragraph (a) of this section shall be exercised only upon the recommendation of the commissioners under their common seal.

Secs. 11, 12.

(f) by omitting sections eleven and twelve and by inserting in lieu thereof the following sections :—

President
and vice-
president.

11. (1) The commissioners shall from time to time as occasion may require elect by a majority of votes one of their number to be president and another to be vice-president.

(2) The president and vice-president shall hold office for such periods respectively as the commissioners may from time to time appoint.

(3) Whenever a vacancy occurs in the office of president or vice-president by death, resignation, or otherwise, the commissioners shall in like manner elect one of their number to fill the office.

(4) A retiring president or vice-president who is still a commissioner shall be eligible for re-election as often as the commissioners may think fit.

(5) In the case of the illness, suspension, or absence of the president, the vice-president shall

Government Savings Bank (Further Amendment).

shall act in his stead during such illness, suspension, or absence, and while so acting shall have the powers and duties of the president.

(6) In the case of the illness, suspension, or absence of the vice-president the commissioners may elect by a majority of votes one of their number to act in his place during such illness, suspension, or absence, and while so acting the commissioner so elected shall have the powers and duties of the vice-president.

12. (1) At any meeting of the commissioners Meetings. three commissioners shall form a quorum.

(2) At every meeting of the commissioners the president, or in his absence the vice-president, shall be chairman.

(3) If at any meeting the votes are equal, the chairman shall, in addition to his deliberative vote, have a second or casting vote.

12A. (1) Each commissioner shall be entitled Fees of commissioners. to receive as remuneration for his services the following fees:—

(a) In the case of the president—six guineas for each meeting attended by him.

The maximum amount payable to the president shall be seven hundred and fifty pounds per annum.

(b) In the case of any commissioner other than the president—four guineas for each meeting attended by him.

The maximum amount payable to a commissioner under this paragraph shall be five hundred pounds per annum.

(2) Such fees shall be paid out of the funds of the bank.

(g) by inserting in section thirty-two after the Sec. 32. word “officers” where firstly occurring the (Appoint-
ment of
officers.) words “(including a general manager)”;

(h)

Government Savings Bank (Further Amendment).

Sec. 83.
(Regulations.

(h) by omitting from paragraph (b) of section eighty-three the words "and the quorum necessary for the transaction of business."

(2) The first five commissioners to be appointed in pursuance of Part II of the Principal Act as amended by subsection one of this section shall be the following persons, that is to say:—

Sir William Vicars, Knight Bachelor;

Sir Joseph Clifton Love, Knight Bachelor;

Sir John Henry Butters, Knight Bachelor, Companion of the Most Distinguished Order of Saint Michael and Saint George;

William Henry O'Malley Wood, Esquire; and

Mark Baker Young, Esquire.

The said William Henry O'Malley Wood, Esquire, shall be entitled to receive fees under this Act as well as the pension payable to him in pursuance of the Government Savings Bank (Housing) Amendment Act, 1928.

(3) The first meeting of the commissioners so appointed shall be held on the date of the commencement of this Act, and at that meeting or an adjournment thereof the order of retirement of the commissioners shall be determined.

(4) As soon as is reasonably practicable after the commencement of this Act the commissioners so appointed shall proceed to elect by a majority of votes one of their number to be president, and another to be vice-president.

Retirement
of existing
commis-
sioners.

4. (1) The persons holding office as commissioners immediately before the commencement of this Act, that is to say, Herbert Duncan Hall, Esquire, Robert Williams May, Esquire, and Alfred William Turner, Esquire, shall upon such commencement cease to hold such office.

(2) (a) The said Herbert Duncan Hall shall, subject to this subsection, be entitled, upon the commencement of this Act, to be paid out of the funds of the bank the retiring allowance, annual pension, and cash allowance in lieu of leave of absence to which he would have been entitled if on the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted. (b)

Government Savings Bank (Further Amendment).

(b) If within one month after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the retiring allowance, annual pension, or cash allowance referred to in paragraph (a) of this subsection until he ceases to hold such office.

(c) If at any time after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the annual pension referred to in paragraph (a) of this subsection in respect of the period during which he holds such office.

(3) (a) Each of the following persons, that is to say:—

The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, shall, subject to this subsection, be entitled upon the commencement of this Act to be paid out of the funds of the bank—

(i) the annual pension to which he would have been entitled if upon the date of such commencement he had served as a commissioner for five years and had on such date retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted;

(ii) any cash allowance in lieu of leave of absence to which he would have been entitled if upon the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted.

(b) If within one month after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such person shall not be entitled to be paid the annual pension or cash allowance referred to in that paragraph until he ceases to hold such office.

(c) If at any time after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such

Government Savings Bank (Further Amendment).

such person shall not be entitled to be paid the annual pension referred to in subparagraph (i) of paragraph (a) of this subsection in respect of the period during which he holds such office.

(4) The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, being respectively contributors to the State Superannuation Fund, in consideration of the annual pension provided for each of them in subsection three of this section, shall not be eligible for a pension from the said fund, and the contributions already made by each of them respectively to such fund shall be refunded to him on the date of the commencement of this Act.

In the event of either of such persons being appointed as an officer of the bank at any time after the commencement of this Act the person so appointed shall not in his capacity as such officer be liable to contribute to the State Superannuation Fund nor shall he be eligible to receive any pension from the said fund in respect of his service as such officer.

5. Nothing in this Act shall prejudice or affect the continuity of the body corporate constituted under the name of the "Commissioners of the Government Savings Bank of New South Wales" under the provisions of the Principal Act.

Continuity
of body
corporate.

PART III.

MANAGEMENT.

Further
amendment of
Act No. 48, 1906,
New ss. 23A,
23B, 23C, 23D;

6. (1) The Principal Act is amended by inserting next after section twenty-three the following new sections:—

Special
provisions as
to the
Savings
Bank
Department.

23A. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, the Savings Bank Department shall be administered in two divisions, to be known as the Savings Bank Department (Old Business Division) and

Government Savings Bank (Further Amendment).

and the Savings Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say :—

- (a) All assets and liabilities of the Savings Bank Department as at the date of the said commencement shall be administered in and belong to the Savings Bank Department (Old Business Division), and all deposits received after the said commencement and the investments thereof shall be administered in and belong to the Savings Bank Department (New Business Division).
- (b) No moneys, investment, or assets belonging to the Savings Bank Department (New Business Division) shall be liable to any claim against or relating to the Savings Bank Department (Old Business Division) or any other department of the bank.
- (c) Separate accounts shall be kept and separate balance sheets compiled in respect of each division.
- (d) The commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

(2) With regard to the Savings Bank (Old Business Division) the following special provisions shall apply :—

- (a) All deposits in the Savings Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, together with the interest credited on the first day of July, one thousand nine hundred and thirty-one, shall be deemed capitalised and repayable only at the option of the commissioners in some manner authorised by this section.

Such deposits shall out of the earnings of the Savings Bank Department (Old Business Division) carry interest at a rate to be fixed by the commissioners.

(b)

Government Savings Bank (Further Amendment).

- (b) The income from investments and the proceeds of the realisation of such assets as the commissioners think fit shall be applied towards the payment of all liabilities of the Savings Bank Department (Old Business Division) and the interest upon deposits and in repayment of such deposits.
- (c) No fresh deposits shall be received in the Savings Bank Department (Old Business Division).
- (d) The commissioners shall apply moneys of the Savings Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Savings Bank Department (Old Business Division).

In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new deposit account in the Savings Bank Department (New Business Division) in the name of the person who by the books of the Savings Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to his account in the Savings Bank Department (New Business Division) if he is already a depositor therein.

- (e) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the transfer of Advances for Homes debentures or inscribed stock or Rural Bank debentures or inscribed stock held by the Savings Bank Department (Old Business Division), or by the issue of Savings Bank Department (Old Business Division) inscribed stock or debentures.

The

Government Savings Bank (Further Amendment).

The transfer or issue shall be taken as the repayment of an amount equivalent to the par value of the stock transferred or issued or of the debentures.

Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

- (f) It shall be competent for a person entitled to a deposit in the Savings Bank Department (Old Business Division) to assign the whole or any part of his deposit in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations.

An assignee of a deposit shall for the purposes of the assignment and in respect of such deposit be eligible to have a deposit with the Bank notwithstanding any other provision of this Act.

- (g) A set-off of a debt to the Savings Bank Department (Old Business Division) shall be allowed against a deposit in that division or in any department or division of a department in the bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.
- (h) The provisions of section forty-seven shall not be construed to require the commissioners to keep any money upon fixed deposit or upon deposit at call in the Treasury or to invest the funds of the Savings Bank Department (Old Business Division) otherwise than with a trading bank.
- (i) No loans shall be made from the Savings Bank Department (Old Business Division) save loans to trading banks or to the Savings Bank Department (New Business Division),

but

Government Savings Bank (Further Amendment).

but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in connection with the realization of any security or to the transferee of the subject-matter of a security or part thereof, where the aggregate amount of the debt to the Savings Bank Department (Old Business Division) is not increased or a loan for the maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security, or to prevent the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the commissioners.

(3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of seven millions one hundred and twelve thousand five hundred and sixty-five pounds now held by him on deposit from the commissioners or upon so much thereof as is for the time being unpaid interest at the rate of four per centum per annum payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The

Government Savings Bank (Further Amendment).

The Treasurer may repay the whole or any portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Savings Bank Department (Old Business Division).

23B. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, the Rural Bank Department shall be administered in two divisions to be known as the Rural Bank Department (Old Business Division) and the Rural Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say :—

Special provision as to the Rural Bank Department.

- (a) All assets and liabilities of the Rural Bank Department as at the date of the said commencement shall be administered in and belong to the Rural Bank Department (Old Business Division), and all deposits received after the said commencement and the investments thereof and all new business shall be administered in and belong to the Rural Bank Department (New Business Division);
- (b) no moneys, investment, or assets belonging to the Rural Bank Department (New Business Division) shall be liable to any claim against or relating to the Rural Bank Department (Old Business Division) or any other department of the bank;
- (c) separate accounts shall be kept and separate balance sheets compiled in respect of each division;
- (d) the commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

(2) With regard to the Rural Bank Department (Old Business Division) the following special provisions shall apply :—

- (a) All deposits in the Rural Bank Department at the commencement of the Government Savings

Government Savings Bank (Further Amendment).

Savings Bank (Further Amendment) Act, 1931, whether fixed for a term or on current account, shall be repayable only at the option of the commissioners in some manner authorised by this section, and until repaid shall bear interest at a rate fixed by the commissioners. Fixed deposits overdue or otherwise shall be capitalised with interest due or accrued as at the first day of July, one thousand nine hundred and thirty-one, and thereafter bear interest. Deposits on current account shall bear interest as from the first day of July, one thousand nine hundred and thirty-one.

Interest payable under this paragraph shall be paid out of the earnings of the Rural Bank Department (Old Business Division).

- (b) The income from investments of and the proceeds of the realization of such assets of the Rural Bank Department (Old Business Division) as the commissioners think fit shall be applied towards the payment of all liabilities of the Rural Bank Department (Old Business Division) and in repayment of the interest upon deposits and of such deposits.
- (c) The commissioners may apply the proceeds of the realization of the investments of any reserve fund belonging to the division towards the same objects.
- (d) No fresh fixed deposits shall be received or current accounts opened in the Rural Bank Department (Old Business Division).
- (e) The commissioners may apply moneys of the Rural Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Rural Bank Department (Old Business Division).

In such application the commissioners shall pay the amount to be applied in respect

Government Savings Bank (Further Amendment).

respect of each deposit to a new account in the Rural Bank Department (New Business Division) in the name of the person who by the books of the Rural Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to the credit of his account in the Rural Bank Department (New Business Division) if he already has an account therein.

- (f) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the issue of Rural Bank inscribed stock or debentures.

The issue shall be taken as the repayment of an amount equivalent to the par value of the stock or debentures.

Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

- (g) It shall be competent for a person entitled to a deposit in the Rural Bank Department (Old Business Division) to assign the whole or any part of his deposit in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations.

- (h) A set-off of a debt to the Rural Bank Department (Old Business Division) shall be allowed against a deposit in that division or in any department or division of a department in the Bank if the commissioners by resolution agree to such set-off in a particular case, or in a class of cases, in which the particular case in question is included.

(i)

Government Savings Bank (Further Amendment).

- (i) The provisions of section 48B shall not be construed to require the commissioners to keep any money of the Rural Bank Department (Old Business Division) upon fixed deposit or upon deposit at call.
- (j) No loans shall be made from the Rural Bank Department (Old Business Division), save loans to trading banks or to the Rural Bank Department (New Business Division), but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in connection with the realisation of any security or to the transferee of the subject-matter of a security or part thereof where the aggregate amount of the debt to the Rural Bank Department (Old Business Division) is not increased or a loan for the maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security or to prevent the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the Commissioners.

- (k) In the application of moneys in or towards the repayment of deposits, the commissioners may, if they think fit, after payment of amounts which by law have preference, give preference in repayments to persons entitled to interest upon Rural Bank stock or debentures, persons having money to their credit at current account, or various classes of fixed deposits fixed by the commissioners, having regard to the due dates of the deposits. Within any such class all depositors shall receive similar treatment.

Government Savings Bank (Further Amendment).

(3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of five hundred thousand pounds now held by him in deposit from the commissioners, or upon so much thereof as is for the time being unpaid, interest at the rate of four per centum per annum, payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The Treasurer may repay the whole or any portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Rural Bank Department (Old Business Division).

23c. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, any new business of the Rural Bank Department (New Business Division) or the Advances for Homes Department by way of loans or advances to customers or applicants shall be undertaken only if and to the extent of any funds which may be advanced by the Treasurer out of funds provided by Parliament.

Special provisions as to Rural Bank (New Business Division) and Advances for Homes Department.

(2) This section shall not affect the right of the commissioners to receive deposits and carry on the business of the Rural Bank Department (New Business Division) nor preclude the commissioners from making from the Rural Bank Department (New Business Division) advances to customers of

Government Savings Bank (Further Amendment).

the Rural Bank Department (Old Business Division) or to transferees of such customers, either by way of new or additional or further advance, or from the Advances for Homes Department to persons by way of further advance where the commissioners deem such course desirable.

Set-off.

23D. A set-off of a debt to the Advances for Homes Department shall be allowed against a deposit in any department or division of a department in the Bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.

Further amendment of Act No 43, 1906.

Sec. 26.
(Reserve Fund, Rural Bank.)

(2) The Principal Act is further amended—

- (a) by omitting from section twenty-six the words “and shall invest such fund in fixed deposits with trading banks or the Treasury, or in any of the investments provided for in section forty-seven, paragraph (b) (iii) and (v) ”;
- (b) (i) by omitting from paragraph (a) of section forty-seven the word “twenty” and by inserting in lieu thereof the word “twenty-five”;
- (ii) by omitting from the same paragraph the words “in the Treasury and”;
- (iii) by omitting from the same paragraph the words “or Rural Bank Department”;
- (iv) by omitting from paragraph (b) of the same section the words “or of New South Wales or of any other State in the Commonwealth”;
- (v) by omitting subparagraph (vi);
- (c) by omitting from paragraph (i) of section 48A the words “in the Treasury or.”

Sec 47.
(Investments)
(Savings Bank.)

Sec. 48A.
(Rural Bank.)

Amendment of Act No. 13, 1913, s. 15.
(Reserve Fund.)

(3) The Government Savings Bank Amendment Act, 1913, as amended by subsequent Acts, is amended by omitting from section fifteen the words “and shall invest such fund in deposits with trading banks or the Rural Bank Department or the Treasury, or in any of the investments provided for in section forty-seven, paragraph (b) (iii) and (v) of the Principal Act, or in debentures issued by the Rural Bank Department.”

(4)

Government Savings Bank (Further Amendment).

(4) The transfer of accounts or of any part thereof belonging to depositors in the Savings Bank Department (Old Business Division) may be made to any other account in the same division of the Savings Bank Department.

7. The Principal Act is further amended by inserting next after section forty-six the following new sections :—

Further amendment of Act No. 48, 1906. New ss. 46A-46L.

46A. (1) The commissioners may from time to time issue out of the Savings Bank Department (Old Business Division) debentures or inscribed stock.

Issue of debentures.

(2) The due payment of such debentures or inscribed stock and the interest thereon shall be a charge on all moneys and securities held by the commissioners on behalf of the said division, and is hereby guaranteed by the Government.

Charge of liability ; guarantee by Government.

Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund.

Provided that such charge shall not prejudice or affect the powers of the commissioners to reconvey, release, or discharge any of such securities, or the properties comprised therein, or to sell or convey such properties, or to foreclose such securities or properties, or to deal with the same under this Act, or to hypothecate any securities belonging to the division for the purposes of securing any moneys borrowed in pursuance of section forty-five.

46B. The total amount of such debentures and inscribed stock so issued and uncanceled shall not at any time exceed, except with the consent of the Governor, ten million pounds.

Amount of issue.

46C. Such debentures may be issued in different series. Each series shall be numbered consecutively, beginning with the number one and proceeding arithmetically by units.

Series.

46D.

Government Savings Bank (Further Amendment).

Signature.

46D. Each debenture shall be signed by the commissioners or by any one of the commissioners in pursuance of the powers conferred by this Act, and shall be countersigned by an officer authorised by the commissioners.

Amount of debentures.

46E. Debentures shall be issued and stock inscribed in sums of ten pounds or multiples thereof and shall have such currency and bear such interest as the commissioners may fix before the issue or inscription thereof.

Issue and redemption of debentures.

46F. Debentures or inscribed stock shall be issued at a minimum price to be fixed by the commissioners, and redeemed out of moneys in the Savings Bank Department (Old Business Division) at their face values.

(a) The Treasurer is empowered to purchase such debentures or inscribed stock.

(b) At the request of the bearer of a debenture or the holder of inscribed stock the commissioners may, in lieu thereof, issue to him inscribed stock or debentures as the case may be of the same currency and bearing the same interest.

Debentures transferable by delivery.

46G. Every such debenture shall be transferable by delivery without assignment or endorsement, and shall entitle the bearer of the same to be paid according to the tenor thereof.

Purchase of debentures.

46H. (1) Debentures and inscribed stock may be purchased by the commissioners out of moneys in the Savings Bank Department (Old Business Division) at or below their face value.

Cancellation.

(2) All debentures and inscribed stock redeemed or purchased by the commissioners under this Act shall be cancelled.

Defaced debenture may be exchanged.

46I. If any debenture is defaced by accident the commissioners may cancel the same and cause a new debenture to be made in lieu thereof, and such cancelled debenture shall be filed

Government Savings Bank (Further Amendment).

filed in the bank. Such new debenture shall be to the like purport, and be in all respects subject to the same rules, methods, and continuance, and bear the same number, date, principal sum, and rate of interest as such cancelled debenture.

46J. Upon proof being made on oath before a judge of the Supreme Court by any credible person that any debenture issued under this Act and held by him, the number and sum whereof is specified by him in his evidence, has been lost or accidentally burnt or otherwise destroyed before the same has been paid off, and upon such judge certifying that he is satisfied with such proof, the commissioners may cause a new debenture to be made bearing the same number, date, principal sum, and rate of interest as the debenture so lost or destroyed, and to be delivered to such person upon his giving sufficient security to the commissioners to indemnify them against any double payment if the missing document should thereafter be presented for payment.

Provisions
for debentures
lost, &c.

46K. All debentures and inscribed stock issued under this Act shall have the status of "Government Securities" within the meaning of the Trustee Act, 1925, and of any Act in force for the time being relating to friendly societies; and all corporations, companies, or co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of the Government Savings Bank (Further Amendment) Act, 1931, not expressly forbidden to invest their funds in the purchase of Government stock or securities by their charter, Act of incorporation, deed of settlement, or of partnership, trust deed, settlement, testamentary, or other instrument whatsoever respectively, are hereby authorised and empowered to invest such funds in the purchase

Power to
trustees to
invest.

Government Savings Bank (Further Amendment).

purchase of and to hold such debentures and inscribed stock as aforesaid without incurring or committing any breach of trust or of any condition, restriction, or provision contained in any such Act, charter, or other instrument whatsoever as aforesaid.

Application
of proceeds.

43L. The proceeds of the sale of debentures and inscribed stock shall be carried to the Savings Bank Department (Old Business Division) and applied exclusively for the purposes of such division.

Further
amendment
of Act No. 48,
1906, s. 39.
(Interest on
deposits.)

8. (1) The Principal Act is further amended by inserting at the end of subsection two of section thirty-nine the following words:—

In the calculation a deposit made on the first business day of a month shall be regarded as having been made on the last day of the preceding month, and an amount withdrawn on the last business day of a month shall be regarded as withdrawn on the first day of the succeeding month.

(2) Subsection one of this section shall be deemed to have commenced on the twenty-third day of July, one thousand nine hundred and thirty.

(3) Any deposit made during the first seven days of any of the months of September, October, or November of the year one thousand nine hundred and thirty-one, shall, for the purposes of the calculation of interest, be deemed to have been made on the last day of the month preceding the deposit.

(4) The Principal Act is further amended—

Sec. 69.
(Forfeited
Crown land
securities.)

(a) by inserting at the end of section sixty-nine the following new subsection:—

(8) The commissioners may, whilst the land remains vested in them, lease or otherwise manage any such forfeited holding, and any sum received by way of rental or otherwise shall be applied in reduction of the amount due to the bank in respect of such holding.

(b)

Government Savings Bank (Further Amendment).

- (b) by inserting next after section 75D the New s. 75E.
following new section:—

75E. In all cases where the commissioners Registration of transfers, &c
exercise their power of sale as mortgagees
under or by virtue of any mortgage or other
security, of any land held under the provisions
of the Crown Lands Acts, the transfer by way
of sale under the said Acts and made in
exercise of such power as aforesaid shall be
registered by the Minister for Lands (or the
Water Conservation and Irrigation Commis-
sion if the land is within an irrigation area),
notwithstanding the non-payment at the time
of registration of any amounts owing for
arrears of Crown dues:

Provided that the purchaser acquiring the
holding in pursuance of any such transfer
shall undertake to pay the amount of arrears
so outstanding at the times and in the manner
to be agreed upon by the Minister (or the
Water Conservation and Irrigation Commission
if the land is within an irrigation area) and
the commissioners.

9. The Government Savings Bank (Amendment) Amendment of Act No. 14, 1931.
Act, 1931, is amended—

- (a) by inserting at the end of section two the Sec. 2, new subsec. (6).
following new subsection:—

(6) Neither this section nor any arrange-
ment made thereunder shall be construed to
give the Commonwealth Bank of Australia
any rights against or in respect of any asset of
the Savings Bank Department (New Business
Division) or the Rural Bank Department (New
Business Division) or any moneys deposited
therein.

- (b) (i) by omitting from subsection one of section Sec. 7.
seven the words “until the thirty-first day of
December, one thousand nine hundred and
thirty-one, or until an earlier date” and by
inserting in lieu thereof the words “until a
date”;

(ii)

Government Savings Bank (Further Amendment).

- (ii) by omitting from the same subsection the words "said thirty-first day of December or the earlier";
- (iii) by omitting from subsection two of the same section the words "thirty-first day of December, one thousand nine hundred and thirty-one or the earlier";
- (iv) by inserting at the end of the same section the following new subsection:—

(5) This section shall not extend to any action or suit brought in respect of any deposit in the Savings Bank Department (New Business Division) or the Rural Bank Department (New Business Division) or in respect of any claim arising out of business transacted in either of such divisions, or in respect of any interest on inscribed stock or debentures issued after the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

New s. 7A.

- (c) by inserting after section seven the following new section:—

Guarantee by
Crown.

7A. (1) No moratorium proclaimed under this Act and nothing contained in the Government Savings Bank (Further Amendment) Act, 1931, shall take away the right of any depositor or customer in any department of the Bank to receive payment of all or any part of his deposit or interest thereon at any time after the thirty-first day of December, one thousand nine hundred and thirty-three, or the right of any person to receive payment after that date of all or any part of the moneys or interest secured by any stock or debentures issued by the Bank.

(2) Nothing contained in this Act or in the Government Savings Bank (Further Amendment) Act, 1931, shall suspend for any time after the thirty-first day of December, one thousand nine hundred and thirty-three, any liability of the Crown arising from any guarantee referred to in the Government Savings Bank Act, 1906, as amended by subsequent Acts.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 August, 1931.*

New South Wales.



ANNO VICESIMO SECUNDO

GEORGIUS V REGIS.

Act No. 34, 1931.

An Act to provide for the retirement of the three Commissioners of the Government Savings Bank of New South Wales; to make further provision for the management of the Bank; to amend the Government Savings Bank Act, 1906, and certain other Acts; and for purposes connected therewith. [Assented to, 28th August, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Government Savings Bank (Further Amendment) Act, 1931."

Short title
and com-
mencement.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

H. J. CONNELL,
Chairman of Committees of the Legislative Assembly.

Act No. 34, 1931.

Government Savings Bank (Further Amendment).

(2) This Act shall be read and construed with the Government Savings Bank Act, 1906, as amended by subsequent Acts.

(3) The Government Savings Bank Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Division into
Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—COMMISSIONERS OF THE GOVERNMENT
SAVINGS BANK OF NEW SOUTH WALES.

PART III.—MANAGEMENT.

PART II.

COMMISSIONERS OF THE GOVERNMENT SAVINGS BANK
OF NEW SOUTH WALES.

Amendment of
Act No. 48, 1906,
Part II.

3. (1) The Principal Act is amended—

Sec. 6.
(Commis-
sioners.)

(a) (i) by omitting from section six the word
“Three” and by inserting in lieu thereof
the word “Five”;

(ii) by omitting from the same section the
words “One of such commissioners shall
be so appointed president”;

Sec. 7.

(b) by omitting section seven and by inserting in
lieu thereof the following section:—

Appointment
and term of
office of
commis-
sioners.

7. (1) Each commissioner shall be appointed
by the Governor.

(2) Of the five commissioners first
appointed in pursuance of this section—

One shall retire at the expiration of a term
of seven years.

Two

Government Savings Bank (Further Amendment).

Two shall retire at the expiration of a term of five years.

Two shall retire at the expiration of a term of three years.

(3) Upon the expiration of the term of office of a commissioner the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for a term of seven years.

The retiring commissioner shall, if not otherwise disqualified under this Act, be eligible for such appointment.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

(4) A commissioner may resign his office by writing under his hand addressed to the Governor.

(5) In the event of the office of any commissioner becoming vacant otherwise than by the expiration of his term of office the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for the remainder of the term of office of his predecessor.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

(6) Every appointment under this section shall be made by the Governor by commission in His Majesty's name.

(7) No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken, or commenced there was a vacancy in the office of any commissioner.

(c)

Government Savings Bank (Further Amendment).

Sec. 8.
(Disqualifi-
cation of
commis-
sioners.)

(c) by omitting paragraph (a) of section eight and by inserting in lieu thereof the following paragraph :—

(a) absents himself from the meetings of the commissioners during any period of six consecutive weeks without the leave of the commissioners ;

Sec. 9.
(Appoint-
ment of
deputies.)

(d) by omitting from section nine the words “ If under this section one of the other commissioners is appointed deputy of the president, the Governor may appoint a deputy of such commissioner ” ;

Sec. 10.
(Removal
from office.)

(e) by inserting at the end of section ten the following paragraph :—

The power conferred by paragraph (a) of this section shall be exercised only upon the recommendation of the commissioners under their common seal.

Secs. 11, 12.

(f) by omitting sections eleven and twelve and by inserting in lieu thereof the following sections :—

President
and vice-
president.

11. (1) The commissioners shall from time to time as occasion may require elect by a majority of votes one of their number to be president and another to be vice-president.

(2) The president and vice-president shall hold office for such periods respectively as the commissioners may from time to time appoint.

(3) Whenever a vacancy occurs in the office of president or vice-president by death, resignation, or otherwise, the commissioners shall in like manner elect one of their number to fill the office.

(4) A retiring president or vice-president who is still a commissioner shall be eligible for re-election as often as the commissioners may think fit.

(5) In the case of the illness, suspension, or absence of the president, the vice-president shall

Government Savings Bank (Further Amendment).

shall act in his stead during such illness, suspension, or absence, and while so acting shall have the powers and duties of the president.

(6) In the case of the illness, suspension, or absence of the vice-president the commissioners may elect by a majority of votes one of their number to act in his place during such illness, suspension, or absence, and while so acting the commissioner so elected shall have the powers and duties of the vice-president.

12. (1) At any meeting of the commissioners Meetings.
three commissioners shall form a quorum.

(2) At every meeting of the commissioners the president, or in his absence the vice-president, shall be chairman.

(3) If at any meeting the votes are equal, the chairman shall, in addition to his deliberative vote, have a second or casting vote.

12A. (1) Each commissioner shall be entitled Fees of commissioners.
to receive as remuneration for his services the following fees:—

(a) In the case of the president—six guineas for each meeting attended by him.

The maximum amount payable to the president shall be seven hundred and fifty pounds per annum.

(b) In the case of any commissioner other than the president—four guineas for each meeting attended by him.

The maximum amount payable to a commissioner under this paragraph shall be five hundred pounds per annum.

(2) Such fees shall be paid out of the funds of the bank.

(g) by inserting in section thirty-two after the Sec. 32.
word “officers” where firstly occurring the (Appoint-
ment of
officers.)
words “(including a general manager)”;

(h)

Government Savings Bank (Further Amendment).

Sec. 83.
(Regula
tions.

(h) by omitting from paragraph (b) of section eighty-three the words "and the quorum necessary for the transaction of business."

(2) The first five commissioners to be appointed in pursuance of Part II of the Principal Act as amended by subsection one of this section shall be the following persons, that is to say:—

Sir William Vicars, Knight Bachelor;
Sir Joseph Clifton Love, Knight Bachelor;
Sir John Henry Butters, Knight Bachelor, Companion of the Most Distinguished Order of Saint Michael and Saint George;
William Henry O'Malley Wood, Esquire; and
Mark Baker Young, Esquire.

The said William Henry O'Malley Wood, Esquire, shall be entitled to receive fees under this Act as well as the pension payable to him in pursuance of the Government Savings Bank (Housing) Amendment Act, 1928.

(3) The first meeting of the commissioners so appointed shall be held on the date of the commencement of this Act, and at that meeting or an adjournment thereof the order of retirement of the commissioners shall be determined.

(4) As soon as is reasonably practicable after the commencement of this Act the commissioners so appointed shall proceed to elect by a majority of votes one of their number to be president, and another to be vice-president.

Retirement
of existing
commis-
sioners.

4. (1) The persons holding office as commissioners immediately before the commencement of this Act, that is to say, Herbert Duncan Hall, Esquire, Robert Williams May, Esquire, and Alfred William Turner, Esquire, shall upon such commencement cease to hold such office.

(2) (a) The said Herbert Duncan Hall shall, subject to this subsection, be entitled, upon the commencement of this Act, to be paid out of the funds of the bank the retiring allowance, annual pension, and cash allowance in lieu of leave of absence to which he would have been entitled if on the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted. (b)

Government Savings Bank (Further Amendment).

(b) If within one month after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the retiring allowance, annual pension, or cash allowance referred to in paragraph (a) of this subsection until he ceases to hold such office.

(c) If at any time after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the annual pension referred to in paragraph (a) of this subsection in respect of the period during which he holds such office.

(3) (a) Each of the following persons, that is to say:—

The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, shall, subject to this subsection, be entitled upon the commencement of this Act to be paid out of the funds of the bank—

(i) the annual pension to which he would have been entitled if upon the date of such commencement he had served as a commissioner for five years and had on such date retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted;

(ii) any cash allowance in lieu of leave of absence to which he would have been entitled if upon the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted.

(b) If within one month after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such person shall not be entitled to be paid the annual pension or cash allowance referred to in that paragraph until he ceases to hold such office.

(c) If at any time after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such

Government Savings Bank (Further Amendment).

such person shall not be entitled to be paid the annual pension referred to in subparagraph (i) of paragraph (a) of this subsection in respect of the period during which he holds such office.

(4) The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, being respectively contributors to the State Superannuation Fund, in consideration of the annual pension provided for each of them in subsection three of this section, shall not be eligible for a pension from the said fund, and the contributions already made by each of them respectively to such fund shall be refunded to him on the date of the commencement of this Act.

In the event of either of such persons being appointed as an officer of the bank at any time after the commencement of this Act the person so appointed shall not in his capacity as such officer be liable to contribute to the State Superannuation Fund nor shall he be eligible to receive any pension from the said fund in respect of his service as such officer.

Continuity
of body
corporate.

5. Nothing in this Act shall prejudice or affect the continuity of the body corporate constituted under the name of the "Commissioners of the Government Savings Bank of New South Wales" under the provisions of the Principal Act.

PART III.

MANAGEMENT.

Further
amendment of
Act No. 43, 190
New ss. 23A,
23B, 23C, 23D.

Special
provisions as
to the
Savings
Bank
Department.

6. (1) The Principal Act is amended by inserting next after section twenty-three the following new sections:—

23A. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, the Savings Bank Department shall be administered in two divisions, to be known as the Savings Bank Department (Old Business Division) and

Government Savings Bank (Further Amendment).

and the Savings Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say :—

- (a) All assets and liabilities of the Savings Bank Department as at the date of the said commencement shall be administered in and belong to the Savings Bank Department (Old Business Division), and all deposits received after the said commencement and the investments thereof shall be administered in and belong to the Savings Bank Department (New Business Division).
- (b) No moneys, investment, or assets belonging to the Savings Bank Department (New Business Division) shall be liable to any claim against or relating to the Savings Bank Department (Old Business Division) or any other department of the bank.
- (c) Separate accounts shall be kept and separate balance sheets compiled in respect of each division.
- (d) The commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

(2) With regard to the Savings Bank (Old Business Division) the following special provisions shall apply :—

- (a) All deposits in the Savings Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, together with the interest credited on the first day of July, one thousand nine hundred and thirty-one, shall be deemed capitalised and repayable only at the option of the commissioners in some manner authorised by this section.

Such deposits shall out of the earnings of the Savings Bank Department (Old Business Division) carry interest at a rate to be fixed by the commissioners.

(b)

Government Savings Bank (Further Amendment).

- (b) The income from investments and the proceeds of the realisation of such assets as the commissioners think fit shall be applied towards the payment of all liabilities of the Savings Bank Department (Old Business Division) and the interest upon deposits and in repayment of such deposits.
- (c) No fresh deposits shall be received in the Savings Bank Department (Old Business Division).
- (d) The commissioners shall apply moneys of the Savings Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Savings Bank Department (Old Business Division).

In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new deposit account in the Savings Bank Department (New Business Division) in the name of the person who by the books of the Savings Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to his account in the Savings Bank Department (New Business Division) if he is already a depositor therein.

- (e) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the transfer of Advances for Homes debentures or inscribed stock or Rural Bank debentures or inscribed stock held by the Savings Bank Department (Old Business Division), or by the issue of Savings Bank Department (Old Business Division) inscribed stock or debentures.

The

Government Savings Bank (Further Amendment).

The transfer or issue shall be taken as the repayment of an amount equivalent to the par value of the stock transferred or issued or of the debentures.

Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

- (f) It shall be competent for a person entitled to a deposit in the Savings Bank Department (Old Business Division) to assign the whole or any part of his deposit in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations.

An assignee of a deposit shall for the purposes of the assignment and in respect of such deposit be eligible to have a deposit with the Bank notwithstanding any other provision of this Act.

- (g) A set-off of a debt to the Savings Bank Department (Old Business Division) shall be allowed against a deposit in that division or in any department or division of a department in the bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.
- (h) The provisions of section forty-seven shall not be construed to require the commissioners to keep any money upon fixed deposit or upon deposit at call in the Treasury or to invest the funds of the Savings Bank Department (Old Business Division) otherwise than with a trading bank.
- (i) No loans shall be made from the Savings Bank Department (Old Business Division) save loans to trading banks or to the Savings Bank Department (New Business Division),
but

Government Savings Bank (Further Amendment).

but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in connection with the realization of any security or to the transferee of the subject-matter of a security or part thereof, where the aggregate amount of the debt to the Savings Bank Department (Old Business Division) is not increased or a loan for the maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security, or to prevent the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the commissioners.

(3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of seven millions one hundred and twelve thousand five hundred and sixty-five pounds now held by him on deposit from the commissioners or upon so much thereof as is for the time being unpaid interest at the rate of four per centum per annum payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The

Government Savings Bank (Further Amendment).

The Treasurer may repay the whole or any portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Savings Bank Department (Old Business Division).

23B. (1) After the commencement of the Govern- Special provision as to the Rural Bank Department.ment Savings Bank (Further Amendment) Act, 1931, the Rural Bank Department shall be administered in two divisions to be known as the Rural Bank Department (Old Business Division) and the Rural Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say:—

- (a) All assets and liabilities of the Rural Bank Department as at the date of the said commencement shall be administered in and belong to the Rural Bank Department (Old Business Division), and all deposits received after the said commencement and the investments thereof and all new business shall be administered in and belong to the Rural Bank Department (New Business Division);
- (b) no moneys, investment, or assets belonging to the Rural Bank Department (New Business Division) shall be liable to any claim against or relating to the Rural Bank Department (Old Business Division) or any other department of the bank;
- (c) separate accounts shall be kept and separate balance sheets compiled in respect of each division;
- (d) the commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

(2) With regard to the Rural Bank Department (Old Business Division) the following special provisions shall apply:—

- (a) All deposits in the Rural Bank Department at the commencement of the Government Savings

Government Savings Bank (Further Amendment).

Savings Bank (Further Amendment) Act, 1931, whether fixed for a term or on current account, shall be repayable only at the option of the commissioners in some manner authorised by this section, and until repaid shall bear interest at a rate fixed by the commissioners. Fixed deposits overdue or otherwise shall be capitalised with interest due or accrued as at the first day of July, one thousand nine hundred and thirty-one, and thereafter bear interest. Deposits on current account shall bear interest as from the first day of July, one thousand nine hundred and thirty-one.

Interest payable under this paragraph shall be paid out of the earnings of the Rural Bank Department (Old Business Division).

- (b) The income from investments of and the proceeds of the realization of such assets of the Rural Bank Department (Old Business Division) as the commissioners think fit shall be applied towards the payment of all liabilities of the Rural Bank Department (Old Business Division) and in repayment of the interest upon deposits and of such deposits.
- (c) The commissioners may apply the proceeds of the realization of the investments of any reserve fund belonging to the division towards the same objects.
- (d) No fresh fixed deposits shall be received or current accounts opened in the Rural Bank Department (Old Business Division).
- (e) The commissioners may apply moneys of the Rural Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Rural Bank Department (Old Business Division).

In such application the commissioners shall pay the amount to be applied in
respect

Government Savings Bank (Further Amendment).

respect of each deposit to a new account in the Rural Bank Department (New Business Division) in the name of the person who by the books of the Rural Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to the credit of his account in the Rural Bank Department (New Business Division) if he already has an account therein.

- (f) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the issue of Rural Bank inscribed stock or debentures.

The issue shall be taken as the repayment of an amount equivalent to the par value of the stock or debentures.

Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

- (g) It shall be competent for a person entitled to a deposit in the Rural Bank Department (Old Business Division) to assign the whole or any part of his deposit in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations.
- (h) A set-off of a debt to the Rural Bank Department (Old Business Division) shall be allowed against a deposit in that division or in any department or division of a department in the Bank if the commissioners by resolution agree to such set-off in a particular case, or in a class of cases, in which the particular case in question is included.

(i)

Government Savings Bank (Further Amendment).

- (i) The provisions of section 48B shall not be construed to require the commissioners to keep any money of the Rural Bank Department (Old Business Division) upon fixed deposit or upon deposit at call.
- (j) No loans shall be made from the Rural Bank Department (Old Business Division), save loans to trading banks or to the Rural Bank Department (New Business Division), but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in connection with the realisation of any security or to the transferee of the subject-matter of a security or part thereof where the aggregate amount of the debt to the Rural Bank Department (Old Business Division) is not increased or a loan for the maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security or to prevent the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the Commissioners.

- (k) In the application of moneys in or towards the repayment of deposits, the commissioners may, if they think fit, after payment of amounts which by law have preference, give preference in repayments to persons entitled to interest upon Rural Bank stock or debentures, persons having money to their credit at current account, or various classes of fixed deposits fixed by the commissioners, having regard to the due dates of the deposits. Within any such class all depositors shall receive similar treatment.

Government Savings Bank (Further Amendment).

(3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of five hundred thousand pounds now held by him in deposit from the commissioners, or upon so much thereof as is for the time being unpaid, interest at the rate of four per centum per annum, payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The Treasurer may repay the whole or any portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Rural Bank Department (Old Business Division).

23c. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, any new business of the Rural Bank Department (New Business Division) or the Advances for Homes Department by way of loans or advances to customers or applicants shall be undertaken only if and to the extent of any funds which may be advanced by the Treasurer out of funds provided by Parliament.

Special provisions as to Rural Bank (New Business Division) and Advances for Homes Department.

(2) This section shall not affect the right of the commissioners to receive deposits and carry on the business of the Rural Bank Department (New Business Division) nor preclude the commissioners from making from the Rural Bank Department (New Business Division) advances to customers of the

Government Savings Bank (Further Amendment).

the Rural Bank Department (Old Business Division) or to transferees of such customers, either by way of new or additional or further advance, or from the Advances for Homes Department to persons by way of further advance where the commissioners deem such course desirable.

Set-off.

23D. A set-off of a debt to the Advances for Homes Department shall be allowed against a deposit in any department or division of a department in the Bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.

Further amendment of Act No. 43, 1906.

Sec. 26.
(Reserve Fund, Rural Bank.)

(2) The Principal Act is further amended—

(a) by omitting from section twenty-six the words “and shall invest such fund in fixed deposits with trading banks or the Treasury, or in any of the investments provided for in section forty-seven, paragraph (b) (iii) and (v) ”;

(b) (i) by omitting from paragraph (a) of section forty-seven the word “twenty” and by inserting in lieu thereof the word “twenty-five”;

(ii) by omitting from the same paragraph the words “in the Treasury and”;

(iii) by omitting from the same paragraph the words “or Rural Bank Department”;

(iv) by omitting from paragraph (b) of the same section the words “or of New South Wales or of any other State in the Commonwealth”;

(v) by omitting subparagraph (vi);

(c) by omitting from paragraph (i) of section 48A the words “in the Treasury or.”

Sec. 48A.
(Rural Bank.)

Amendment of Act No. 13, 1913, s. 15.

(Reserve Fund.)

(3) The Government Savings Bank Amendment Act, 1913, as amended by subsequent Acts, is amended by omitting from section fifteen the words “and shall invest such fund in deposits with trading banks or the Rural Bank Department or the Treasury, or in any of the investments provided for in section forty-seven, paragraph (b) (iii) and (v) of the Principal Act, or in debentures issued by the Rural Bank Department.”

(4)

Government Savings Bank (Further Amendment).

(4) The transfer of accounts or of any part thereof belonging to depositors in the Savings Bank Department (Old Business Division) may be made to any other account in the same division of the Savings Bank Department.

7. The Principal Act is further amended by inserting next after section forty-six the following new sections :—

46A. (1) The commissioners may from time to time issue out of the Savings Bank Department (Old Business Division) debentures or inscribed stock.

(2) The due payment of such debentures or inscribed stock and the interest thereon shall be a charge on all moneys and securities held by the commissioners on behalf of the said division, and is hereby guaranteed by the Government.

Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund.

Provided that such charge shall not prejudice or affect the powers of the commissioners to reconvey, release, or discharge any of such securities, or the properties comprised therein, or to sell or convey such properties, or to foreclose such securities or properties, or to deal with the same under this Act, or to hypothecate any securities belonging to the division for the purposes of securing any moneys borrowed in pursuance of section forty-five.

46B. The total amount of such debentures and inscribed stock so issued and uncanceled shall not at any time exceed, except with the consent of the Governor, ten million pounds.

46C. Such debentures may be issued in different series. Each series shall be numbered consecutively, beginning with the number one and proceeding arithmetically by units.

46D.

Further amendment of Act No. 43, 1906. New ss. 46A-46L.

Issue of debentures.

Charge of liability ; guarantee by Government.

Amount of issue.

Series.

Government Savings Bank (Further Amendment).

Signature.	46D. Each debenture shall be signed by the commissioners or by any one of the commissioners in pursuance of the powers conferred by this Act, and shall be countersigned by an officer authorised by the commissioners.
Amount of debentures.	46E. Debentures shall be issued and stock inscribed in sums of ten pounds or multiples thereof and shall have such currency and bear such interest as the commissioners may fix before the issue or inscription thereof.
Issue and redemption of debentures.	46F. Debentures or inscribed stock shall be issued at a minimum price to be fixed by the commissioners, and redeemed out of moneys in the Savings Bank Department (Old Business Division) at their face values. (a) The Treasurer is empowered to purchase such debentures or inscribed stock. (b) At the request of the bearer of a debenture or the holder of inscribed stock the commissioners may, in lieu thereof, issue to him inscribed stock or debentures as the case may be of the same currency and bearing the same interest.
Debentures transferable by delivery.	46G. Every such debenture shall be transferable by delivery without assignment or endorsement, and shall entitle the bearer of the same to be paid according to the tenor thereof.
Purchase of debentures.	46H. (1) Debentures and inscribed stock may be purchased by the commissioners out of moneys in the Savings Bank Department (Old Business Division) at or below their face value.
Cancellation.	(2) All debentures and inscribed stock redeemed or purchased by the commissioners under this Act shall be cancelled.
Defaced debenture may be exchanged.	46I. If any debenture is defaced by accident the commissioners may cancel the same and cause a new debenture to be made in lieu thereof, and such cancelled debenture shall be filed

Government Savings Bank (Further Amendment).

filed in the bank. Such new debenture shall be to the like purport, and be in all respects subject to the same rules, methods, and continuance, and bear the same number, date, principal sum, and rate of interest as such cancelled debenture.

46J. Upon proof being made on oath before a judge of the Supreme Court by any credible person that any debenture issued under this Act and held by him, the number and sum whereof is specified by him in his evidence, has been lost or accidentally burnt or otherwise destroyed before the same has been paid off, and upon such judge certifying that he is satisfied with such proof, the commissioners may cause a new debenture to be made bearing the same number, date, principal sum, and rate of interest as the debenture so lost or destroyed, and to be delivered to such person upon his giving sufficient security to the commissioners to indemnify them against any double payment if the missing document should thereafter be presented for payment.

Provisions
for debentures
lost, &c.

46K. All debentures and inscribed stock issued under this Act shall have the status of "Government Securities" within the meaning of the Trustee Act, 1925, and of any Act in force for the time being relating to friendly societies; and all corporations, companies, or co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of the Government Savings Bank (Further Amendment) Act, 1931, not expressly forbidden to invest their funds in the purchase of Government stock or securities by their charter, Act of incorporation, deed of settlement, or of partnership, trust deed, settlement, testamentary, or other instrument whatsoever respectively, are hereby authorised and empowered to invest such funds in the purchase

Power to
trustees to
invest.

Government Savings Bank (Further Amendment).

purchase of and to hold such debentures and inscribed stock as aforesaid without incurring or committing any breach of trust or of any condition, restriction, or provision contained in any such Act, charter, or other instrument whatsoever as aforesaid.

Application
of proceeds.

46L. The proceeds of the sale of debentures and inscribed stock shall be carried to the Savings Bank Department (Old Business Division) and applied exclusively for the purposes of such division.

Further
amendment
of Act No. 48,
1906, s. 39.
(Interest on
deposits.)

8. (1) The Principal Act is further amended by inserting at the end of subsection two of section thirty-nine the following words:—

In the calculation a deposit made on the first business day of a month shall be regarded as having been made on the last day of the preceding month, and an amount withdrawn on the last business day of a month shall be regarded as withdrawn on the first day of the succeeding month.

(2) Subsection one of this section shall be deemed to have commenced on the twenty-third day of July, one thousand nine hundred and thirty.

(3) Any deposit made during the first seven days of any of the months of September, October, or November of the year one thousand nine hundred and thirty-one, shall, for the purposes of the calculation of interest, be deemed to have been made on the last day of the month preceding the deposit.

(4) The Principal Act is further amended—

(a) by inserting at the end of section sixty-nine the following new subsection:—

(8) The commissioners may, whilst the land remains vested in them, lease or otherwise manage any such forfeited holding, and any sum received by way of rental or otherwise shall be applied in reduction of the amount due to the bank in respect of such holding.

(b)

Sec. 69.
(Forfeited
Crown land
securities.)

Government Savings Bank (Further Amendment).

- (b) by inserting next after section 75D the New s. 75E.
following new section:—

75E. In all cases where the commissioners Registration of transfers, &c
exercise their power of sale as mortgagees
under or by virtue of any mortgage or other
security, of any land held under the provisions
of the Crown Lands Acts, the transfer by way
of sale under the said Acts and made in
exercise of such power as aforesaid shall be
registered by the Minister for Lands (or the
Water Conservation and Irrigation Commis-
sion if the land is within an irrigation area),
notwithstanding the non-payment at the time
of registration of any amounts owing for
arrears of Crown dues:

Provided that the purchaser acquiring the
holding in pursuance of any such transfer
shall undertake to pay the amount of arrears
so outstanding at the times and in the manner
to be agreed upon by the Minister (or the
Water Conservation and Irrigation Commission
if the land is within an irrigation area) and
the commissioners.

9. The Government Savings Bank (Amendment) Amendment of Act No. 14, 1931.
Act, 1931, is amended—

- (a) by inserting at the end of section two the Sec. 2, new subsec. (6).
following new subsection:—

(6) Neither this section nor any arrange-
ment made thereunder shall be construed to
give the Commonwealth Bank of Australia
any rights against or in respect of any asset of
the Savings Bank Department (New Business
Division) or the Rural Bank Department (New
Business Division) or any moneys deposited
therein.

- (b) (i) by omitting from subsection one of section Sec. 7.
seven the words “until the thirty-first day of
December, one thousand nine hundred and
thirty-one, or until an earlier date” and by
inserting in lieu thereof the words “until a
date”;

(ii)

Government Savings Bank (Further Amendment).

- (ii) by omitting from the same subsection the words "said thirty-first day of December or the earlier";
- (iii) by omitting from subsection two of the same section the words "thirty-first day of December, one thousand nine hundred and thirty-one or the earlier";
- (iv) by inserting at the end of the same section the following new subsection:—

(5) This section shall not extend to any action or suit brought in respect of any deposit in the Savings Bank Department (New Business Division) or the Rural Bank Department (New Business Division) or in respect of any claim arising out of business transacted in either of such divisions, or in respect of any interest on inscribed stock or debentures issued after the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

New s. 7A.

- (c) by inserting after section seven the following new section:—

Guarantee by Crown.

7A. (1) No moratorium proclaimed under this Act and nothing contained in the Government Savings Bank (Further Amendment) Act, 1931, shall take away the right of any depositor or customer in any department of the Bank to receive payment of all or any part of his deposit or interest thereon at any time after the thirty-first day of December, one thousand nine hundred and thirty-three, or the right of any person to receive payment after that date of all or any part of the moneys or interest secured by any stock or debentures issued by the Bank.

(2) Nothing contained in this Act or in the Government Savings Bank (Further Amendment) Act, 1931, shall suspend for any time after the thirty-first day of December, one thousand nine hundred and thirty-three, any liability of the Crown arising from any guarantee referred to in the Government Savings Bank Act, 1906, as amended by subsequent Acts.

In the name and on behalf of His Majesty I assent to this Act.

PHILIP GAME,

Government House,

Governor.

Sydney, 28th August, 1931.

GOVERNMENT SAVINGS BANK (FURTHER AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 26th August, 1931

Page 10, clause 6, line 11. *Omit* "may" *insert* "shall"

Page 11, clause 6. *Omit* lines 14, 15, and 16, *insert* "in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations."

Page 11, clause 6. *Omit* lines 20 to 24 inclusive.

Page 11, clause 6. *Omit* lines 30 to 39 inclusive.

Page 16, clause 6, line 1. *Omit* "not"

Page 16, clause 6. *Omit* lines 5 and 6 *insert* "in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations."

Page 16, clause 6. *Omit* lines 11 to 25 inclusive.

Pages 19 and 20. *At end* of clause 6 *add* new subclauses (4) and (5).

Page 23, clause 7, line 10. *Omit* "in pursuance of this Act" *insert* "exclusively for the purposes of such division."

Page 25. *At end* of clause 9 *add* new paragraph (c).

THE
[Faint, illegible text follows, appearing to be a list or index of names and titles, possibly related to a historical or literary work.]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly
Legislative Assembly Chamber,
Sydney, 25 August, 1931.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 26th August, 1931.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1931.

An Act to provide for the retirement of the three Commissioners of the Government Savings Bank of New South Wales; to make further provision for the management of the Bank; to amend the Government Savings Bank Act, 1906, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Government Savings Bank (Further Amendment) Act, 1931."

Short title
and com-
mencement.

56039 198—A

(2)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Government Savings Bank (Further Amendment).

(2) This Act shall be read and construed with the Government Savings Bank Act, 1906, as amended by subsequent Acts.

(3) The Government Savings Bank Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

10 **2.** This Act is divided into Parts as follows:—

Division into
Parts.

PART I.—PRELIMINARY.

PART II.—COMMISSIONERS OF THE GOVERNMENT
SAVINGS BANK OF NEW SOUTH WALES.

PART III.—MANAGEMENT.

15

PART II.

COMMISSIONERS OF THE GOVERNMENT SAVINGS BANK
OF NEW SOUTH WALES.

3. (1) The Principal Act is amended—

Amendment of
Act No. 48, 1906,
Part II.

20 (a) (i) by omitting from section six the word
“Three” and by inserting in lieu thereof
the word “Five”;

Sec. 6.
(Commis-
sioners.)

(ii) by omitting from the same section the
words “One of such commissioners shall
be so appointed president”;

25 (b) by omitting section seven and by inserting in
lieu thereof the following section:—

7. (1) Each commissioner shall be appointed
by the Governor.

Appointment
and term of
office of
commis-
sioners.

30 (2) Of the five commissioners first
appointed in pursuance of this section—

One shall retire at the expiration of a term
of seven years.

Two

Government Savings Bank (Further Amendment).

Two shall retire at the expiration of a term of five years.

Two shall retire at the expiration of a term of three years.

5 (3) Upon the expiration of the term of office of a commissioner the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for a term of seven years.

10 The retiring commissioner shall, if not otherwise disqualified under this Act, be eligible for such appointment.

15 An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

(4) A commissioner may resign his office by writing under his hand addressed to the Governor.

20 (5) In the event of the office of any commissioner becoming vacant otherwise than by the expiration of his term of office the Governor shall appoint a person to fill the vacancy so arising.

25 Such person shall be appointed for the remainder of the term of office of his predecessor.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

30 (6) Every appointment under this section shall be made by the Governor by commission in His Majesty's name.

35 (7) No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken, or commenced there was a vacancy in the office of any commissioner.

(c)

Government Savings Bank (Further Amendment).

- (c) by omitting paragraph (a) of section eight and by inserting in lieu thereof the following paragraph :— Sec. 8.
(Disqualifi-
cation of
commis-
sioners.)
- 5 (a) absents himself from the meetings of the commissioners during any period of six consecutive weeks without the leave of the commissioners ;
- (d) by omitting from section nine the words “ If Sec. 9.
(Appoint-
ment of
deputies.)
- 10 under this section one of the other commis- sioners is appointed deputy of the president, the Governor may appoint a deputy of such commissioner” ;
- (e) by inserting at the end of section ten the following paragraph :— Sec. 10.
(Removal
from office.)
- 15 The power conferred by paragraph (a) of this section shall be exercised only upon the recommendation of the commissioners under their common seal.
- (f) by omitting sections eleven and twelve and by Secs. 11, 12.
- 20 inserting in lieu thereof the following sec- tions :—
11. (1) The commissioners shall from time to time as occasion may require elect by a majority of votes one of their number to be president and another to be vice-president. President
and vice-
president.
- 25 (2) The president and vice-president shall hold office for such periods respectively as the commissioners may from time to time appoint.
- (3) Whenever a vacancy occurs in the 30
- office of president or vice-president by death, resignation, or otherwise, the commissioners shall in like manner elect one of their number to fill the office.
- (4) A retiring president or vice-presi- 35
- dent who is still a commissioner shall be eligible for re-election as often as the commis- sioners may think fit.
- (5) In the case of the illness, suspension, 40
- or absence of the president, the vice-president shall

Government Savings Bank (Further Amendment).

shall act in his stead during such illness, suspension, or absence, and while so acting shall have the powers and duties of the president.

5

(6) In the case of the illness, suspension, or absence of the vice-president the commissioners may elect by a majority of votes one of their number to act in his place during such illness, suspension, or absence, and while so acting the commissioner so elected shall have the powers and duties of the vice-president.

10

12. (1) At any meeting of the commissioners Meetings. three commissioners shall form a quorum.

15

(2) At every meeting of the commissioners the president, or in his absence the vice-president, shall be chairman.

(3) If at any meeting the votes are equal, the chairman shall, in addition to his deliberative vote, have a second or casting vote.

20

12A. (1) Each commissioner shall be entitled Fees of commissioners. to receive as remuneration for his services the following fees:—

(a) In the case of the president—six guineas for each meeting attended by him.

25

The maximum amount payable to the president shall be seven hundred and fifty pounds per annum.

(b) In the case of any commissioner other than the president—four guineas for each meeting attended by him.

30

The maximum amount payable to a commissioner under this paragraph shall be five hundred pounds per annum.

35

(2) Such fees shall be paid out of the funds of the bank.

(g) by inserting in section thirty-two after the Sec. 32. word “officers” where firstly occurring the (Appoint-ment of officers.) words “(including a general manager)”;

(h)

Government Savings Bank (Further Amendment).

(h) by omitting from paragraph (b) of section Sec. 83.
 eighty-three the words "and the quorum (Regula-
 necessary for the transaction of business." tions.)

(2) The first five commissioners to be appointed
 5 in pursuance of Part II of the Principal Act as amended
 by subsection one of this section shall be the following
 persons, that is to say:—

Sir William Vicars, Knight Bachelor;
 Sir Joseph Clifton Love, Knight Bachelor;
 10 Sir John Henry Butters, Knight Bachelor, Com-
 panion of the Most Distinguished Order of
 Saint Michael and Saint George;
 William Henry O'Malley Wood, Esquire; and
 Mark Baker Young, Esquire.

15 The said William Henry O'Malley Wood, Esquire, shall
 be entitled to receive fees under this Act as well as the
 pension payable to him in pursuance of the Government
 Savings Bank (Housing) Amendment Act, 1928.

(3) The first meeting of the commissioners so
 20 appointed shall be held on the date of the commence-
 ment of this Act, and at that meeting or an adjourn-
 ment thereof the order of retirement of the commis-
 sioners shall be determined.

(4) As soon as is reasonably practicable after the
 25 commencement of this Act the commissioners so
 appointed shall proceed to elect by a majority of votes
 one of their number to be president, and another to be
 vice-president.

4. (1) The persons holding office as commissioners Retirement
 30 immediately before the commencement of this Act, that of existing
 is to say, Herbert Duncan Hall, Esquire, Robert commis-
 Williams May, Esquire, and Alfred William Turner, sioners.
 Esquire, shall upon such commencement cease to hold
 such office.

35 (2) (a) The said Herbert Duncan Hall shall,
 subject to this subsection, be entitled, upon the com-
 mencement of this Act, to be paid out of the funds of
 the bank the retiring allowance, annual pension, and
 cash allowance in lieu of leave of absence to which he
 40 would have been entitled if on the date of such com-
 mencement he had retired by reason of permanent
 disability before attaining the age of sixty-five years
 and this Act had not been enacted. (b)

Government Savings Bank (Further Amendment).

(b) If within one month after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the retiring allowance, annual pension, or cash allowance referred to in paragraph (a) of this subsection until he ceases to hold such office.

(c) If at any time after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the annual pension referred to in paragraph (a) of this subsection in respect of the period during which he holds such office.

(3) (a) Each of the following persons, that is to say:—

The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, shall, subject to this subsection, be entitled upon the commencement of this Act to be paid out of the funds of the bank—

(i) the annual pension to which he would have been entitled if upon the date of such commencement he had served as a commissioner for five years and had on such date retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted;

(ii) any cash allowance in lieu of leave of absence to which he would have been entitled if upon the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted.

(b) If within one month after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such person shall not be entitled to be paid the annual pension or cash allowance referred to in that paragraph until he ceases to hold such office.

(c) If at any time after the commencement of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such

Government Savings Bank (Further Amendment).

such person shall not be entitled to be paid the annual pension referred to in subparagraph (i) of paragraph (a) of this subsection in respect of the period during which he holds such office.

5 (4) The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, being respectively contributors to the State Superannuation Fund, in consideration of the annual pension provided for each of them in subsection three of this section,
10 shall not be eligible for a pension from the said fund, and the contributions already made by each of them respectively to such fund shall be refunded to him on the date of the commencement of this Act.

In the event of either of such persons being appointed
15 as an officer of the bank at any time after the commencement of this Act the person so appointed shall not in his capacity as such officer be liable to contribute to the State Superannuation Fund nor shall he be eligible to receive any pension from the said fund in respect of his
20 service as such officer.

5. Nothing in this Act shall prejudice or affect the continuity of the body corporate constituted under the name of the "Commissioners of the Government Savings Bank of New South Wales" under the provisions of the Principal Act.

Continuity
of body
corporate.

PART III.

MANAGEMENT.

6. (1) The Principal Act is amended by inserting next after section twenty-three the following new
20 sections:—

Further
amendment of
Act No. 48, 1906.
New ss. 23A,
23B, 23C, 23D.

23A. (1) After the commencement of the Govern-
ment Savings Bank (Further Amendment) Act,
1931, the Savings Bank Department shall be
administered in two divisions, to be known as the
35 Savings Bank Department (Old Business Division)
and

Special
provisions as
to the
Savings
Bank
Department.

Government Savings Bank (Further Amendment).

and the Savings Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say:—

5 (a) All assets and liabilities of the Savings Bank Department as at the date of the said commencement shall be administered in and belong to the Savings Bank Department (Old Business Division), and all
10 deposits received after the said commencement and the investments thereof shall be administered in and belong to the Savings Bank Department (New Business Division).

15 (b) No moneys, investment, or assets belonging to the Savings Bank Department (New Business Division) shall be liable to any claim against or relating to the Savings Bank Department (Old Business Division) or any other department of the bank.

20 (c) Separate accounts shall be kept and separate balance sheets compiled in respect of each division.

(d) The commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

25 (2) With regard to the Savings Bank (Old Business Division) the following special provisions shall apply:—

30 (a) All deposits in the Savings Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, together with the interest credited on the first day of July, one thousand nine hundred and thirty-one, shall be deemed capitalised and repayable only at the option
35 of the commissioners in some manner authorised by this section.

40 Such deposits shall out of the earnings of the Savings Bank Department (Old Business Division) carry interest at a rate to be fixed by the commissioners.

(b)

Government Savings Bank (Further Amendment).

- 5 (b) The income from investments and the proceeds of the realisation of such assets as the commissioners think fit shall be applied towards the payment of all liabilities of the Savings Bank Department (Old Business Division) and the interest upon deposits and in repayment of such deposits.
- 10 (c) No fresh deposits shall be received in the Savings Bank Department (Old Business Division).
- 15 (d) The commissioners ~~may~~ **shall** apply moneys of the Savings Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Savings Bank Department (Old Business Division).
- 20 In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new deposit account in the Savings Bank Department (New Business Division) in the name of the person who by the books of the Savings Bank Department (Old Business Division) is the person entitled
- 25 to the deposit in respect of which the payment is made, or to his account in the Savings Bank Department (New Business Division) if he is already a depositor therein.
- 30 (e) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the transfer of Advances for Homes debentures or inscribed stock or Rural Bank debentures or inscribed stock
- 35 held by the Savings Bank Department (Old Business Division), or by the issue of Savings Bank Department (Old Business Division) inscribed stock or debentures.

The

Government Savings Bank (Further Amendment).

The transfer or issue shall be taken as the repayment of an amount equivalent to the par value of the stock transferred or issued or of the debentures.

5 Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

10 (f) It shall ~~not~~ be competent for a person entitled to a deposit in the Savings Bank Department (Old Business Division) to assign the whole or any part of his deposit ~~save in accordance with the regulations, which may require the approval of the~~
15 ~~commissioners.~~ **in such form as may be prescribed by the regulations. Notice of the assignment shall be given to the commissioners in accordance with the regulations.**

20 The foregoing provisions of this paragraph shall not apply to or in respect of assignments made before the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

25 An assignee of a deposit shall for the purposes of the assignment and in respect of such deposit be eligible to have a deposit with the Bank notwithstanding any other provision of this Act.

30 The regulations may prescribe all matters necessary or convenient to be prescribed for giving effect to this paragraph, including the forms and methods of assignment of deposits, and the manner in which effect is
35 to be given to assignments of deposits, whether such assignments are made before or after the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

40 (g) A set-off of a debt to the Savings Bank Department (Old Business Division) shall be allowed against a deposit in that division

or

Government Savings Bank (Further Amendment).

5 or in any department or division of a department in the bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.

10 (h) The provisions of section forty-seven shall not be construed to require the commissioners to keep any money upon fixed deposit or upon deposit at call in the Treasury or to invest the funds of the Savings Bank Department (Old Business Division) otherwise than with a trading bank.

15 (i) No loans shall be made from the Savings Bank Department (Old Business Division) save loans to trading banks or to the Savings Bank Department (New Business Division), but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in
20 connection with the realization of any security or to the transferee of the subject-matter of a security or part thereof, where the aggregate amount of the debt to the Savings Bank Department (Old Business Division) is not increased or a loan for the
25 maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security, or to prevent
30 the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

35 No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the commissioners.

40 (3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of seven millions one hundred

Government Savings Bank (Further Amendment).

5 hundred and twelve thousand five hundred and
sixty-five pounds now held by him on deposit from
the commissioners or upon so much thereof as is
for the time being unpaid interest at the rate of
four per centum per annum payable half-yearly
on the first day of January and the first day of July
in each year. Such rate is fixed having regard to
and in anticipation of probable legislative action
10 for the reduction of interest generally, and is not
to be affected by any such general provision unless
specific provision is made in that behalf.

15 The principal amount of the deposit shall be
repaid by the Treasurer to the commissioners by
forty equal half-yearly payments, the first of which
is to be made on the first day of July, one thousand
nine hundred and thirty-four.

The Treasurer may repay the whole or any
portion of the principal amount at any time upon
payment of interest to the date of repayment.

20 The interest and any amount of principal repaid
shall be carried by the commissioners to the credit
of the Savings Bank Department (Old Business
Division).

25 23B. (1) After the commencement of the Govern-
ment Savings Bank (Further Amendment) Act, 1931,
the Rural Bank Department shall be administered
in two divisions to be known as the Rural Bank
Department (Old Business Division) and the Rural
Bank Department (New Business Division), and in
accordance with and subject to the provisions
30 following, that is to say:—

(a) All assets and liabilities of the Rural Bank
Department as at the date of the said com-
35 mencement shall be administered in and
belong to the Rural Bank Department (Old
Business Division), and all deposits received
after the said commencement and the in-
vestments thereof and all new business shall
be administered in and belong to the Rural
Bank Department (New Business Division);

(b)

Special
provision
as to the
Rural Bank
Department.

Government Savings Bank (Further Amendment).

5 (b) no moneys, investment, or assets belonging to the Rural Bank Department (New Business Division) shall be liable to any claim against or relating to the Rural Bank Department (Old Business Division) or any other department of the bank;

(c) separate accounts shall be kept and separate balance sheets compiled in respect of each division;

10 (d) the commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

15 (2) With regard to the Rural Bank Department (Old Business Division) the following special provisions shall apply :—

20 (a) All deposits in the Rural Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, whether fixed for a term or on current account, shall be repayable only at the option of the commissioners in some manner authorised by this section, and until repaid shall bear interest at a rate fixed by the commissioners. Fixed deposits overdue or otherwise shall be capitalised with interest due or accrued as at the first day of July, one thousand nine hundred and thirty-one, and thereafter bear interest. Deposits on current account shall bear interest as from the first day of July, one thousand nine hundred and thirty-one.

35 Interest payable under this paragraph shall be paid out of the earnings of the Rural Bank Department (Old Business Division).

40 (b) The income from investments of and the proceeds of the realization of such assets of the Rural Bank Department (Old Business Division) as the commissioners think fit shall be applied towards the payment of all liabilities of

Government Savings Bank (Further Amendment).

of the Rural Bank Department (Old Business Division) and in repayment of the interest upon deposits and of such deposits.

5 (c) The commissioners may apply the proceeds of the realization of the investments of any reserve fund belonging to the division towards the same objects.

10 (d) No fresh fixed deposits shall be received or current accounts opened in the Rural Bank Department (Old Business Division).

15 (e) The commissioners may apply moneys of the Rural Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Rural Bank Department (Old Business Division).

20 In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new account in the Rural Bank Department (New Business Division) in the name of the person who by the books of the Rural Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to the credit of his account in the Rural Bank Department (New Business Division) if he already has an account therein.

25 (f) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the issue of Rural Bank inscribed stock or debentures.

30 The issue shall be taken as the repayment of an amount equivalent to the par value of the stock or debentures.

35 Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

40 (g)

Government Savings Bank (Further Amendment).

5 (g) It shall ~~not~~ be competent for a person
entitled to a deposit in the Rural Bank
Department (Old Business Division) to
assign the whole or any part of his deposit
~~save in accordance with the regulation, which~~
~~may require the approval of the commissioners.~~
10 **in such form as may be prescribed by the**
regulations. Notice of the assignment shall
be given to the commissioners in accordance
with the regulations.

The foregoing provisions of this para-
graph shall not apply to or in respect of
assignments made before the commencement
of the Government Savings Bank (Further
15 Amendment) Act, 1931.

The regulations may prescribe all matters
necessary or convenient to be prescribed for
giving effect to this paragraph, including
the forms and methods of assignment of
20 deposits, and the manner in which effect is to
be given to assignments of deposits, whether
such assignments are made before or after
the commencement of the Government
Savings Bank (Further Amendment) Act,
25 1931.

(h) A set-off of a debt to the Rural Bank
Department (Old Business Division) shall
be allowed against a deposit in that division
or in any department or division of a depart-
30 ment in the Bank if the commissioners
by resolution agree to such set-off in a
particular case, or in a class of cases, in
which the particular case in question is
included.

35 (i) The provisions of section 48B shall not be
construed to require the commissioners to
keep any money of the Rural Bank Depart-
ment (Old Business Division) upon fixed
deposit or upon deposit at call.

40 (j) No loans shall be made from the Rural
Bank Department (Old Business Division),
save loans to trading banks or to the Rural
Bank Department (New Business Division),
but

Government Savings Bank (Further Amendment).

5 but this paragraph shall not operate to
prevent the renewal or extension of any
mortgage or other security or any loan in
connection with the realisation of any
security or to the transferee of the subject-
matter of a security or part thereof where
the aggregate amount of the debt to the
Rural Bank Department (Old Business
Division) is not increased or a loan for the
10 maintenance of or for such expenditure as is
in the opinion of the commissioners reason-
ably incurred in the preservation of the
subject-matter of the security or to prevent
the conversion of any State or Common-
wealth stock if the commissioners consider
15 such course desirable.

No purchaser, nor the Registrar-General,
Crown Solicitor, or other person registering
or certifying title shall be concerned to
20 inquire whether any loan made is within
the authority of the Commissioners.

(k) In the application of moneys in or towards
the repayment of deposits, the commis-
sioners may, if they think fit, after payment
25 of amounts which by law have preference,
give preference in repayments to persons
entitled to interest upon Rural Bank stock
or debentures, persons having money to
their credit at current account, or various
30 classes of fixed deposits fixed by the com-
missioners, having regard to the due dates
of the deposits. Within any such class
all depositors shall receive similar treatment.

(3) As from the first day of July, one
35 thousand nine hundred and thirty-one, the
Treasurer shall, out of funds to be provided by
Parliament, pay upon the sum of five hundred
thousand pounds now held by him in deposit from
the commissioners, or upon so much thereof as is for
40 the time being unpaid, interest at the rate of four

Government Savings Bank (Further Amendment).

per centum per annum, payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The Treasurer may repay the whole or any portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Rural Bank Department (Old Business Division).

23c. (1) After the commencement of the Government Savings Bank (Further Amendment) Act, 1931, any new business of the Rural Bank Department (New Business Division) or the Advances for Homes Department by way of loans or advances to customers or applicants shall be undertaken only if and to the extent of any funds which may be advanced by the Treasurer out of funds provided by Parliament.

(2) This section shall not affect the right of the commissioners to receive deposits and carry on the business of the Rural Bank Department (New Business Division) nor preclude the commissioners from making from the Rural Bank Department (New Business Division) advances to customers of the Rural Bank Department (Old Business Division) or to transferees of such customers, either by way of new or additional or further advance, or from the Advances for Homes Department to persons by way of further advance where the commissioners deem such course desirable.

23d.

Government Savings Bank (Further Amendment).

23D. A set-off of a debt to the Advances for Set-off.
Homes Department shall be allowed against a
deposit in any department or division of a depart-
ment in the Bank if the commissioners by resolution
agree to such set-off in a particular case or in a
class of cases in which the particular case in
question is included.

(2) The Principal Act is further amended—

- (a) by omitting from section twenty-six the words
“and shall invest such fund in fixed deposits
with trading banks or the Treasury, or in any
of the investments provided for in section
forty-seven, paragraph (b) (iii) and (v) ”;
(b) (i) by omitting from paragraph (a) of section
forty-seven the word “twenty” and by
inserting in lieu thereof the word “twenty-
five”;
(ii) by omitting from the same paragraph the
words “in the Treasury and”;
(iii) by omitting from the same paragraph the
words “or Rural Bank Department”;
(iv) by omitting from paragraph (b) of the
same section the words “or of New South
Wales or of any other State in the Com-
monwealth”;
(v) by omitting subparagraph (vi);
(c) by omitting from paragraph (i) of section 48A
the words “in the Treasury or.”

Further amend-
ment of Act No.
48, 1906.

Sec. 26.

(Reserve
Fund, Rural
Bank.)

Sec. 47.

(Invest-
ments.)
(Savings
Bank.)

Sec. 48A.

(Rural
Bank.)

(3) The Government Savings Bank Amendment
Act, 1913, as amended by subsequent Acts, is amended
by omitting from section fifteen the words “and shall
invest such fund in deposits with trading banks or the
Rural Bank Department or the Treasury, or in any of
the investments provided for in section forty-seven,
paragraph (b) (iii) and (v) of the Principal Act, or in
debentures issued by the Rural Bank Department.”

Amendment
of Act No. 13,
1913, s. 15.

(Reserve
Fund.)

(4) The transfer of accounts or of any part thereof
belonging to depositors in the Savings Bank Depart-
ment (Old Business Division) may be made to any
other account in the same division of the Savings Bank
Department.

The

Government Savings Bank (Further Amendment).

(5) The executors or administrators of a depositor in the Savings Bank (Old Business Division) shall be entitled to transfer to the Treasurer the moneys to the credit of such depositor in such division, or so much thereof as shall be required, for the purpose of satisfying so far as the same shall extend, State probate duties payable in respect of such depositor's estate.

7. The Principal Act is further amended by inserting next after section forty-six the following new sections :—

Further amendment of Act No. 43, 1906.
New ss. 46A-46L.

46A. (1) The commissioners may from time to time issue out of the Savings Bank Department (Old Business Division) debentures or inscribed stock.

Issue of debentures.

(2) The due payment of such debentures or inscribed stock and the interest thereon shall be a charge on all moneys and securities held by the commissioners on behalf of the said division, and is hereby guaranteed by the Government.

Charge of liability ; guarantee by Government.

Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund.

Provided that such charge shall not prejudice or affect the powers of the commissioners to reconvey, release, or discharge any of such securities, or the properties comprised therein, or to sell or convey such properties, or to foreclose such securities or properties, or to deal with the same under this Act, or to hypothecate any securities belonging to the division for the purposes of securing any moneys borrowed in pursuance of section forty-five.

46B. The total amount of such debentures and inscribed stock so issued and uncanceled shall not at any time exceed, except with the consent of the Governor, ten million pounds.

Amount of issue.

46C. Such debentures may be issued in different series. Each series shall be numbered consecutively, beginning with the number one and proceeding arithmetically by units.

Series.

46D.

Government Savings Bank (Further Amendment).

46D. Each debenture shall be signed by the Signature.
commissioners or by any one of the commis-
sioners in pursuance of the powers conferred
by this Act, and shall be countersigned by an
officer authorised by the commissioners.

46E. Debentures shall be issued and stock Amount of
debentures.
inscribed in sums of ten pounds or multiples
thereof and shall have such currency and bear
such interest as the commissioners may fix
before the issue or inscription thereof.

46F. Debentures or inscribed stock shall be Issue and re-
demption of
debentures.
issued at a minimum price to be fixed by the
commissioners, and redeemed out of moneys
in the Savings Bank Department (Old Business
Division) at their face values.

(a) The Treasurer is empowered to purchase
such debentures or inscribed stock.

(b) At the request of the bearer of a de-
benture or the holder of inscribed stock
the commissioners may, in lieu thereof,
issue to him inscribed stock or debentures
as the case may be of the same
currency and bearing the same interest.

46G. Every such debenture shall be trans- Debentures
transferable
by delivery.
ferable by delivery without assignment or
endorsement, and shall entitle the bearer of
the same to be paid according to the tenor
thereof.

46H. (1) Debentures and inscribed stock Purchase of
debentures.
may be purchased by the commissioners out
of moneys in the Savings Bank Department
(Old Business Division) at or below their face
value.

(2) All debentures and inscribed stock Cancellation.
redeemed or purchased by the commissioners
under this Act shall be cancelled.

46I. If any debenture is defaced by accident Defaced
debenture
may be
exchanged.
the commissioners may cancel the same and
cause a new debenture to be made in lieu
thereof, and such cancelled debenture shall be
filed

Government Savings Bank (Further Amendment).

5 filed in the bank. Such new debenture shall be to the like purport, and be in all respects subject to the same rules, methods, and continuance, and bear the same number, date, principal sum, and rate of interest as such cancelled debenture.

10 46J. Upon proof being made on oath before a judge of the Supreme Court by any credible person that any debenture issued under this Act and held by him, the number and sum whereof is specified by him in his evidence, has been lost or accidentally burnt or otherwise destroyed before the same has been paid off, and upon such judge certifying that he is
15 satisfied with such proof, the commissioners may cause a new debenture to be made bearing the same number, date, principal sum, and rate of interest as the debenture so lost or destroyed, and to be delivered to such person
20 upon his giving sufficient security to the commissioners to indemnify them against any double payment if the missing document should thereafter be presented for payment.

25 46K. All debentures and inscribed stock issued under this Act shall have the status of "Government Securities" within the meaning of the Trustee Act, 1925, and of any Act in force for the time being relating to friendly societies; and all corporations, companies,
30 or co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of the Government Savings Bank (Further Amendment) Act, 1931, not
35 expressly forbidden to invest their funds in the purchase of Government stock or securities by their charter, Act of incorporation, deed of settlement, or of partnership, trust deed, settlement, testamentary, or other instrument
40 whatsoever respectively, are hereby authorised and empowered to invest such funds in the purchase

Government Savings Bank (Further Amendment).

5 purchase of and to hold such debentures and
inscribed stock as aforesaid without incurr-
ing or committing any breach of trust or of any
condition, restriction, or provision contained
in any such Act, charter, or other instrument
whatsoever as aforesaid.

10 46L. The proceeds of the sale of debentures and inscribed stock shall be carried to the
Savings Bank Department (Old Business
Division) and applied ~~in pursuance of this Act~~ ^{Application of proceeds.}
exclusively for the purposes of such division.

8. (1) The Principal Act is further amended by ^{Further amendment of Act No. 48, 1906, s. 39.}
inserting at the end of subsection two of section thirty-
nine the following words:—

15 In the calculation a deposit made on the first ^(Interest on deposits.)
business day of a month shall be regarded as having
been made on the last day of the preceding month,
and an amount withdrawn on the last business day
of a month shall be regarded as withdrawn on the
20 first day of the succeeding month.

(2) Subsection one of this section shall be deemed
to have commenced on the twenty-third day of July,
one thousand nine hundred and thirty.

25 (3) Any deposit made during the first seven days
of any of the months of September, October, or
November of the year one thousand nine hundred and
thirty-one, shall, for the purposes of the calculation of
interest, be deemed to have been made on the last
day of the month preceding the deposit.

30 (4) The Principal Act is further amended—

(a) by inserting at the end of section sixty-nine ^{Sec. 69.}
the following new subsection:— ^(Forfeited Crown land securities.)

35 (8) The commissioners may, whilst the
land remains vested in them, lease or
otherwise manage any such forfeited
holding, and any sum received by way
of rental or otherwise shall be applied
in reduction of the amount due to the
bank in respect of such holding.

(b)

Government Savings Bank (Further Amendment).

- (b) by inserting next after section 75D the following new section :—

5 75E. In all cases where the commissioners exercise their power of sale as mortgagees under or by virtue of any mortgage or other security, of any land held under the provisions of the Crown Lands Acts, the transfer by way of sale under the said Acts and made in exercise of such power as aforesaid shall be registered by the Minister for Lands (or the Water Conservation and Irrigation Commission if the land is within an irrigation area), notwithstanding the non-payment at the time of registration of any amounts owing for arrears of Crown dues :

10 Provided that the purchaser acquiring the holding in pursuance of any such transfer shall undertake to pay the amount of arrears so outstanding at the times and in the manner to be agreed upon by the Minister (or the Water Conservation and Irrigation Commission if the land is within an irrigation area) and the commissioners.

25 9. The Government Savings Bank (Amendment) Act, 1931, is amended—

- (a) by inserting at the end of section two the following new subsection :—

30 (6) Neither this section nor any arrangement made thereunder shall be construed to give the Commonwealth Bank of Australia any rights against or in respect of any asset of the Savings Bank Department (New Business Division) or the Rural Bank Department (New Business Division) or any moneys deposited therein.

- 35 (b) (i) by omitting from subsection one of section seven the words "until the thirty-first day of December, one thousand nine hundred and thirty-one, or until an earlier date" and by inserting in lieu thereof the words "until a date";

(ii)

Government Savings Bank (Further Amendment).

(ii) by omitting from the same subsection the words "said thirty-first day of December or the earlier";

(iii) by omitting from subsection two of the same section the words "thirty-first day of December, one thousand nine hundred and thirty-one or the earlier";

(iv) by inserting at the end of the same section the following new subsection:—

(5) This section shall not extend to any action or suit brought in respect of any deposit in the Savings Bank Department (New Business Division) or the Rural Bank Department (New Business Division) or in respect of any claim arising out of business transacted in either of such divisions, or in respect of any interest on inscribed stock or debentures issued after the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

(c) by inserting after section seven the following new section:—

7A. (1) No moratorium proclaimed under this Act and nothing contained in the Government Savings Bank (Further Amendment) Act, 1931, shall take away the right of any depositor or customer in any department of the Bank to receive payment of all or any part of his deposit or interest thereon at any time after the thirty-first day of December, one thousand nine hundred and thirty-three, or the right of any person to receive payment after that date of all or any part of the moneys or interest secured by any stock or debentures issued by the Bank.

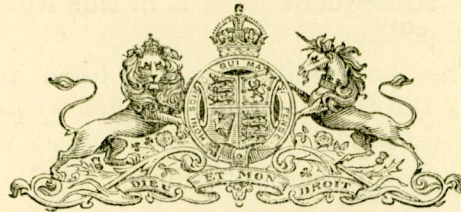
(2) Nothing contained in this Act or in the Government Savings Bank (Further Amendment) Act, 1931, shall suspend for any time after the thirty-first day of December, one thousand nine hundred and thirty-three, any liability of the Crown arising from any guarantee referred to in section forty-four of the Government Savings Bank Act, 1906.

15000000

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 25 August, 1931.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1931.

An Act to provide for the retirement of the three Commissioners of the Government Savings Bank of New South Wales; to make further provision for the management of the Bank; to amend the Government Savings Bank Act, 1906, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Government Savings Bank (Further Amendment) Act, 1931." Short title and com-
mencement.

Government Savings Bank (Further Amendment).

(2) This Act shall be read and construed with the Government Savings Bank Act, 1906, as amended by subsequent Acts.

(3) The Government Savings Bank Act, 1906, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

10 2. This Act is divided into Parts as follows:—

Division into Parts.

PART I.—PRELIMINARY.

PART II.—COMMISSIONERS OF THE GOVERNMENT SAVINGS BANK OF NEW SOUTH WALES.

PART III.—MANAGEMENT.

15 PART II.

COMMISSIONERS OF THE GOVERNMENT SAVINGS BANK OF NEW SOUTH WALES.

3. (1) The Principal Act is amended—

Amendment of Act No. 48, 1906, Part II.

20 (a) (i) by omitting from section six the word "Three" and by inserting in lieu thereof the word "Five";

Sec. 6. (Commissioners.)

(ii) by omitting from the same section the words "One of such commissioners shall be so appointed president";

25 (b) by omitting section seven and by inserting in lieu thereof the following section:—

7. (1) Each commissioner shall be appointed by the Governor.

Appointment and term of office of commissioners.

30 (2) Of the five commissioners first appointed in pursuance of this section—

One shall retire at the expiration of a term of seven years.

Government Savings Bank (Further Amendment).

Two shall retire at the expiration of a term of five years.

Two shall retire at the expiration of a term of three years.

5

(3) Upon the expiration of the term of office of a commissioner the Governor shall appoint a person to fill the vacancy so arising.

Such person shall be appointed for a term of seven years.

10

The retiring commissioner shall, if not otherwise disqualified under this Act, be eligible for such appointment.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

15

(4) A commissioner may resign his office by writing under his hand addressed to the Governor.

20

(5) In the event of the office of any commissioner becoming vacant otherwise than by the expiration of his term of office the Governor shall appoint a person to fill the vacancy so arising.

25

Such person shall be appointed for the remainder of the term of office of his predecessor.

An appointment under this subsection shall be made only on the nomination of the commissioners under their common seal.

30

(6) Every appointment under this section shall be made by the Governor by commission in His Majesty's name.

35

(7) No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken, or commenced there was a vacancy in the office of any commissioner.

(c)

Government Savings Bank (Further Amendment).

- (c) by omitting paragraph (a) of section eight and by inserting in lieu thereof the following paragraph :— Sec. 8.
(Disqualifi-
cation of
commis-
sioners.)
- 5 (a) absents himself from the meetings of the commissioners during any period of six consecutive weeks without the leave of the commissioners ;
- (d) by omitting from section nine the words “ If Sec. 9.
(Appoint-
ment of
deputies.)
- 10 under this section one of the other commissioners is appointed deputy of the president, the Governor may appoint a deputy of such commissioner” ;
- (e) by inserting at the end of section ten the following paragraph :— Sec. 10.
(Removal
from office.)
- 15 The power conferred by paragraph (a) of this section shall be exercised only upon the recommendation of the commissioners under their common seal.
- (f) by omitting sections eleven and twelve and by Secs. 11, 12.
- 20 inserting in lieu thereof the following sections :—
11. (1) The commissioners shall from time to time as occasion may require elect by a majority of votes one of their number to be president and another to be vice-president. President
and vice-
president.
- 25 (2) The president and vice-president shall hold office for such periods respectively as the commissioners may from time to time appoint.
- 30 (3) Whenever a vacancy occurs in the office of president or vice-president by death, resignation, or otherwise, the commissioners shall in like manner elect one of their number to fill the office.
- 35 (4) A retiring president or vice-president who is still a commissioner shall be eligible for re-election as often as the commissioners may think fit.
- 40 (5) In the case of the illness, suspension, or absence of the president, the vice-president shall

Government Savings Bank (Further Amendment).

shall act in his stead during such illness, suspension, or absence, and while so acting shall have the powers and duties of the president.

5

(6) In the case of the illness, suspension, or absence of the vice-president the commissioners may elect by a majority of votes one of their number to act in his place during such illness, suspension, or absence, and while so acting the commissioner so elected shall have the powers and duties of the vice-president.

10

12. (1) At any meeting of the commissioners Meetings. three commissioners shall form a quorum.

15

(2) At every meeting of the commissioners the president, or in his absence the vice-president, shall be chairman.

(3) If at any meeting the votes are equal, the chairman shall, in addition to his deliberative vote, have a second or casting vote.

20

12A. (1) Each commissioner shall be entitled Fees of commissioners. to receive as remuneration for his services the following fees:—

25

(a) In the case of the president—six guineas for each meeting attended by him.

The maximum amount payable to the president shall be seven hundred and fifty pounds per annum.

(b) In the case of any commissioner other than the president—four guineas for each meeting attended by him.

The maximum amount payable to a commissioner under this paragraph shall be five hundred pounds per annum.

35

(2) Such fees shall be paid out of the funds of the bank.

(g) by inserting in section thirty-two after the Sec. 32. word “officers” where firstly occurring the (Appoint-ment of officers.) words “(including a general manager)”; (h)

Government Savings Bank (Further Amendment).

(h) by omitting from paragraph (b) of section eighty-three the words "and the quorum necessary for the transaction of business." Sec. 83. (Regulations.)

(2) The first five commissioners to be appointed in pursuance of Part II of the Principal Act as amended by subsection one of this section shall be the following persons, that is to say:—

Sir William Vicars, Knight Bachelor, Sir Joseph Clifton Love, Knight Bachelor, Sir John Henry Butters, Knight Bachelor, Commander of Saint Michael and Saint George, William Henry O'Malley Wood, Esquire, and Mark Baker Young, Esquire.

The said William Henry O'Malley Wood, Esquire, shall be entitled to receive fees under this Act as well as the pension payable to him in pursuance of the Government Savings Bank (Housing) Amendment Act, 1928.

(3) The first meeting of the commissioners so appointed shall be held on the date of the commencement of this Act, and at that meeting or an adjournment thereof the order of retirement of the commissioners shall be determined.

(4) As soon as is reasonably practicable after the commencement of this Act the commissioners so appointed shall proceed to elect by a majority of votes one of their number to be president, and another to be vice-president.

4. (1) The persons holding office as commissioners immediately before the commencement of this Act, that is to say, Herbert Duncan Hall, Esquire, Robert Williams May, Esquire, and Alfred William Turner, Esquire, shall upon such commencement cease to hold such office. Retirement of existing commissioners.

(2) (a) The said Herbert Duncan Hall shall, subject to this subsection, be entitled, upon the commencement of this Act, to be paid out of the funds of the bank the retiring allowance, annual pension, and cash allowance in lieu of leave of absence to which he would have been entitled if on the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted. (b)

Government Savings Bank (Further Amendment).

(b) If within one month after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the retiring allowance, annual pension, or cash allowance referred to in paragraph (a) of this subsection until he ceases to hold such office.

(c) If at any time after the commencement of this Act the said Herbert Duncan Hall becomes an officer of the bank, he shall not be entitled to be paid the annual pension referred to in paragraph (a) of this subsection in respect of the period during which he holds such office.

(3) (a) Each of the following persons, that is to say:—

15 The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, shall, subject to this subsection, be entitled upon the commencement of this Act to be paid out of the funds of the bank—

20 (i) the annual pension to which he would have been entitled if upon the date of such commencement he had served as a commissioner for five years and had on such date retired by reason of permanent disability before
25 attaining the age of sixty-five years and this Act had not been enacted;

(ii) any cash allowance in lieu of leave of absence to which he would have been entitled if upon the date of such commencement he had retired by reason of permanent disability before attaining the age of sixty-five years and this Act had not been enacted.

(b) If within one month after the commencement of this Act either of the persons mentioned in
35 paragraph (a) of this subsection becomes an officer of the bank, such person shall not be entitled to be paid the annual pension or cash allowance referred to in that paragraph until he ceases to hold such office.

(c) If at any time after the commencement
40 of this Act either of the persons mentioned in paragraph (a) of this subsection becomes an officer of the bank, such

Government Savings Bank (Further Amendment).

such person shall not be entitled to be paid the annual pension referred to in subparagraph (i) of paragraph (a) of this subsection in respect of the period during which he holds such office.

5 (4) The said Robert Williams May, Esquire, and the said Alfred William Turner, Esquire, being respectively contributors to the State Superannuation Fund, in consideration of the annual pension provided for each of them in subsection three of this section,
10 shall not be eligible for a pension from the said fund, and the contributions already made by each of them respectively to such fund shall be refunded to him on the date of the commencement of this Act.

In the event of either of such persons being appointed
15 as an officer of the bank at any time after the commencement of this Act the person so appointed shall not in his capacity as such officer be liable to contribute to the State Superannuation Fund nor shall he be eligible to receive any pension from the said fund in respect of his
20 service as such officer.

5. Nothing in this Act shall prejudice or affect the continuity of the body corporate constituted under the name of the "Commissioners of the Government Savings Bank of New South Wales" under the provisions of the Principal Act.

Continuity
of body
corporate.

PART III.

MANAGEMENT.

6. (1) The Principal Act is amended by inserting next after section twenty-three the following new
30 sections:—

Further
amendment of
Act No. 48, 1906
New ss. 23A,
23B, 23C, 23D.

23A. (1) After the commencement of the Govern-
ment Savings Bank (Further Amendment) Act,
1931, the Savings Bank Department shall be
administered in two divisions, to be known as the
35 Savings Bank Department (Old Business Division)
and

Special
provisions as
to the
Savings
Bank
Department.

Government Savings Bank (Further Amendment).

and the Savings Bank Department (New Business Division), and in accordance with and subject to the provisions following, that is to say:—

- 5 (a) All assets and liabilities of the Savings Bank Department as at the date of the said commencement shall be administered in and belong to the Savings Bank Department (Old Business Division), and all
10 deposits received after the said commencement and the investments thereof shall be administered in and belong to the Savings Bank Department (New Business Division).
- 15 (b) No moneys, investment, or assets belonging to the Savings Bank Department (New Business Division) shall be liable to any claim against or relating to the Savings Bank Department (Old Business Division) or any other department of the bank.
- 20 (c) Separate accounts shall be kept and separate balance sheets compiled in respect of each division.
- (d) The commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.
- 25 (2) With regard to the Savings Bank (Old Business Division) the following special provisions shall apply:—
- 30 (a) All deposits in the Savings Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, together with the interest credited on the first day of July, one thousand nine hundred and thirty-one, shall be deemed capitalised and repayable only at the option
35 of the commissioners in some manner authorised by this section.
- Such deposits shall out of the earnings of the Savings Bank Department (Old Business Division) carry interest at a rate to be fixed
40 by the commissioners.

(b)

Government Savings Bank (Further Amendment).

5 (b) The income from investments and the proceeds of the realisation of such assets as the commissioners think fit shall be applied towards the payment of all liabilities of the Savings Bank Department (Old Business Division) and the interest upon deposits and in repayment of such deposits.

10 (c) No fresh deposits shall be received in the Savings Bank Department (Old Business Division).

15 (d) The commissioners may apply moneys of the Savings Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Savings Bank Department (Old Business Division).

20 In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new deposit account in the Savings Bank Department (New Business Division) in the name of the person who by the books of the Savings Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to his account in the Savings Bank Department (New Business Division) if he is already a depositor therein.

25
30 (e) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the transfer of Advances for Homes debentures or inscribed stock or Rural Bank debentures or inscribed stock held by the Savings Bank Department (Old Business Division), or by the issue of Savings Bank Department (Old Business Division) inscribed stock or debentures.

The

Government Savings Bank (Further Amendment).

The transfer or issue shall be taken as the repayment of an amount equivalent to the par value of the stock transferred or issued or of the debentures.

5 Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

10 (f) It shall not be competent for a person entitled to a deposit in the Savings Bank Department (Old Business Division) to assign the whole or any part of his deposit save in accordance with the regulations, which may require the approval of the
15 commissioners.

 The foregoing provisions of this paragraph shall not apply to or in respect of assignments made before the commencement of the Government Savings Bank (Further
20 Amendment) Act, 1931.

 An assignee of a deposit shall for the purposes of the assignment and in respect of such deposit be eligible to have a deposit with the Bank notwithstanding any other
25 provision of this Act.

 The regulations may prescribe all matters necessary or convenient to be prescribed for giving effect to this paragraph, including the forms and methods of assignment of deposits, and the manner in which effect is to be given to assignments of deposits, whether such assignments are made before
30 or after the commencement of the Government Savings Bank (Further Amendment)
35 Act, 1931.

(g) A set-off of a debt to the Savings Bank Department (Old Business Division) shall be allowed against a deposit in that division

or

Government Savings Bank (Further Amendment).

or in any department or division of a department in the bank if the commissioners by resolution agree to such set-off in a particular case or in a class of cases in which the particular case in question is included.

(h) The provisions of section forty-seven shall not be construed to require the commissioners to keep any money upon fixed deposit or upon deposit at call in the Treasury or to invest the funds of the Savings Bank Department (Old Business Division) otherwise than with a trading bank.

(i) No loans shall be made from the Savings Bank Department (Old Business Division) save loans to trading banks or to the Savings Bank Department (New Business Division), but this paragraph shall not operate to prevent the renewal or extension of any mortgage or other security or any loan in connection with the realization of any security or to the transferee of the subject-matter of a security or part thereof, where the aggregate amount of the debt to the Savings Bank Department (Old Business Division) is not increased or a loan for the maintenance of or for such expenditure as is in the opinion of the commissioners reasonably incurred in the preservation of the subject-matter of the security, or to prevent the conversion of any State or Commonwealth stock if the commissioners consider such course desirable.

No purchaser, nor the Registrar-General, Crown Solicitor, or other person registering or certifying title shall be concerned to inquire whether any loan made is within the authority of the commissioners.

(3) As from the first day of July, one thousand nine hundred and thirty-one, the Treasurer shall, out of funds to be provided by Parliament, pay upon the sum of seven millions one hundred

Government Savings Bank (Further Amendment.

5 hundred and twelve thousand five hundred and
 sixty-five pounds now held by him on deposit from
 the commissioners or upon so much thereof as is
 for the time being unpaid interest at the rate of
 four per centum per annum payable half-yearly
 on the first day of January and the first day of July
 in each year. Such rate is fixed having regard to
 and in anticipation of probable legislative action
 for the reduction of interest generally, and is not
 10 to be affected by any such general provision unless
 specific provision is made in that behalf.

The principal amount of the deposit shall be
 repaid by the Treasurer to the commissioners by
 forty equal half-yearly payments, the first of which
 15 is to be made on the first day of July, one thousand
 nine hundred and thirty-four.

The Treasurer may repay the whole or any
 portion of the principal amount at any time upon
 payment of interest to the date of repayment.

20 The interest and any amount of principal repaid
 shall be carried by the commissioners to the credit
 of the Savings Bank Department (Old Business
 Division).

25 23B. (1) After the commencement of the Govern-
 ment Savings Bank (Further Amendment) Act,
 1931, the Rural Bank Department shall be
 administered in two divisions to be known as the
 Rural Bank Department (Old Business Division)
 and the Rural Bank Department (New Business
 30 Division), and in accordance with and subject to
 the provisions following, that is to say:—

(a) All assets and liabilities of the Rural Bank
 Department as at the date of the said com-
 35 mencement shall be administered in and
 belong to the Rural Bank Department (Old
 Business Division), and all deposits received
 after the said commencement and the in-
 vestments thereof and all new business shall
 be administered in and belong to the Rural
 40 Bank Department (New Business Division);

(b)

Special
 provision
 as to the
 Rural Bank
 Department.

Government Savings Bank (Further Amendment).

- 5 (b) no moneys, investment, or assets belonging to the Rural Bank Department (New Business Division) shall be liable to any claim against or relating to the Rural Bank Department (Old Business Division) or any other department of the bank ;
- (c) separate accounts shall be kept and separate balance sheets compiled in respect of each division ;
- 10 (d) the commissioners shall apportion between the two divisions the costs of administration of both divisions in an equitable manner.

(2) With regard to the Rural Bank Department (Old Business Division) the following special provisions shall apply :—

15

- (a) All deposits in the Rural Bank Department at the commencement of the Government Savings Bank (Further Amendment) Act, 1931, whether fixed for a term or on current account, shall be repayable only at the option of the commissioners in some manner authorised by this section, and until repaid shall bear interest at a rate fixed by the commissioners. Fixed deposits overdue or otherwise shall be capitalised with interest due or accrued as at the first day of July, one thousand nine hundred and thirty-one, and thereafter bear interest. Deposits on current account shall bear interest as from the first day of July, one thousand nine hundred and thirty-one.
- 20
- 25
- 30

Interest payable under this paragraph shall be paid out of the earnings of the Rural Bank Department (Old Business Division).

35

- (b) The income from investments of and the proceeds of the realization of such assets of the Rural Bank Department (Old Business Division) as the commissioners think fit shall be applied towards the payment of all liabilities of
- 40

Government Savings Bank (Further Amendment).

of the Rural Bank Department (Old Business Division) and in repayment of the interest upon deposits and of such deposits.

5 (c) The commissioners may apply the proceeds of the realization of the investments of any reserve fund belonging to the division towards the same objects.

10 (d) No fresh fixed deposits shall be received or current accounts opened in the Rural Bank Department (Old Business Division).

15 (e) The commissioners may apply moneys of the Rural Bank Department (Old Business Division) in their hands which they consider available for the repayment of deposits equitably among the depositors in the Rural Bank Department (Old Business Division).

20 In such application the commissioners shall pay the amount to be applied in respect of each deposit to a new account in the Rural Bank Department (New Business Division) in the name of the person who by the books of the Rural Bank Department (Old Business Division) is the person entitled to the deposit in respect of which the payment is made, or to the credit of his account in the Rural Bank Department (New Business Division) if he already has an account therein.

25 (f) The commissioners may in their discretion and with the consent of a depositor repay the whole or such proportion of a deposit as they think fit by the issue of Rural Bank inscribed stock or debentures.

30 The issue shall be taken as the repayment of an amount equivalent to the par value of the stock or debentures.

35 Repayment in this manner shall be made only if the whole of the depositors are given in the manner prescribed by the regulations an opportunity to avail themselves of this manner of repayment.

40

(g)

Government Savings Bank (Further Amendment).

- 5 (g) It shall not be competent for a person entitled to a deposit in the Rural Bank Department (Old Business Division) to assign the whole or any part of his deposit save in accordance with the regulations, which may require the approval of the commissioners.

10 The foregoing provisions of this paragraph shall not apply to or in respect of assignments made before the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

15 The regulations may prescribe all matters necessary or convenient to be prescribed for giving effect to this paragraph, including the forms and methods of assignment of deposits, and the manner in which effect is to be given to assignments of deposits, whether such assignments are made before or after
20 the commencement of the Government Savings Bank (Further Amendment) Act, 1931.

- 25 (h) A set-off of a debt to the Rural Bank Department (Old Business Division) shall be allowed against a deposit in that division or in any department or division of a department in the Bank if the commissioners by resolution agree to such set-off in a particular case, or in a class of cases, in
30 which the particular case in question is included.

- 35 (i) The provisions of section 48B shall not be construed to require the commissioners to keep any money of the Rural Bank Department (Old Business Division) upon fixed deposit or upon deposit at call.

- 40 (j) No loans shall be made from the Rural Bank Department (Old Business Division), save loans to trading banks or to the Rural Bank Department (New Business Division),
but

Government Savings Bank (Further Amendment).

5 but this paragraph shall not operate to
prevent the renewal or extension of any
mortgage or other security or any loan in
connection with the realisation of any
security or to the transferee of the subject-
matter of a security or part thereof where
the aggregate amount of the debt to the
Rural Bank Department (Old Business
Division) is not increased or a loan for the
10 maintenance of or for such expenditure as is
in the opinion of the commissioners reason-
ably incurred in the preservation of the
subject-matter of the security or to prevent
the conversion of any State or Common-
wealth stock if the commissioners consider
15 such course desirable.

No purchaser, nor the Registrar-General,
Crown Solicitor, or other person registering
or certifying title shall be concerned to
20 inquire whether any loan made is within
the authority of the Commissioners.

(k) In the application of moneys in or towards
the repayment of deposits, the commis-
sioners may, if they think fit, after payment
25 of amounts which by law have preference,
give preference in repayments to persons
entitled to interest upon Rural Bank stock
or debentures, persons having money to
their credit at current account, or various
30 classes of fixed deposits fixed by the com-
missioners, having regard to the due dates
of the deposits. Within any such class
all depositors shall receive similar treatment.

(3) As from the first day of July, one
25 thousand nine hundred and thirty-one, the
Treasurer shall, out of funds to be provided by
Parliament, pay upon the sum of five hundred
thousand pounds now held by him in deposit from
the commissioners, or upon so much thereof as is for
40 the time being unpaid, interest at the rate of four
per
198—B

Government Savings Bank (Further Amendment).

per centum per annum, payable half-yearly on the first day of January and the first day of July in each year. Such rate is fixed having regard to and in anticipation of probable legislative action for the
 5 reduction of interest generally, and is not to be affected by any such general provision unless specific provision is made in that behalf.

The principal amount of the deposit shall be repaid by the Treasurer to the commissioners by
 10 forty equal half-yearly payments, the first of which is to be made on the first day of July, one thousand nine hundred and thirty-four.

The Treasurer may repay the whole or any
 15 portion of the principal amount at any time upon payment of interest to the date of repayment.

The interest and any amount of principal repaid shall be carried by the commissioners to the credit of the Rural Bank Department (Old Business
 20 Division).

23c. (1) After the commencement of the Govern- Special
 ment Savings Bank (Further Amendment) Act, provisions as
 1931, any new business of the Rural Bank Depart- to Rural
 ment (New Business Division) or the Advances for Bank (New
 25 Homes Department by way of loans or advances to Business
 customers or applicants shall be undertaken only if Division) and
 and to the extent of any funds which may be Advances for
 advanced by the Treasurer out of funds provided Homes
 by Parliament. Department.

30 (2) This section shall not affect the right of the commissioners to receive deposits and carry on the business of the Rural Bank Department (New Business Division) nor preclude the commissioners from making from the Rural Bank Department
 35 (New Business Division) advances to customers of the Rural Bank Department (Old Business Division) or to transferees of such customers, either by way of new or additional or further advance, or from the Advances for Homes Department to
 40 persons by way of further advance where the commissioners deem such course desirable.

23d.

Government Savings Bank (Further Amendment).

23n. A set-off of a debt to the Advances for Set-off.
Homes Department shall be allowed against a
deposit in any department or division of a depart-
ment in the Bank if the commissioners by resolution
5 agree to such set-off in a particular case or in a
class of cases in which the particular case in
question is included.

(2) The Principal Act is further amended—

Further amend-
ment of Act No.
48, 1906.

10 (a) by omitting from section twenty-six the words Sec. 26.
“and shall invest such fund in fixed deposits (Reserve
Fund, Rural
Bank.)
with trading banks or the Treasury, or in any
of the investments provided for in section
forty-seven, paragraph (b) (iii) and (v) ”;

15 (b) (i) by omitting from paragraph (a) of section Sec 47.
forty-seven the word “twenty” and by (Invest-
ments.)
inserting in lieu thereof the word “twenty-
five ”; (Savings
Bank.)

(ii) by omitting from the same paragraph the
words “in the Treasury and ”;

20 (iii) by omitting from the same paragraph the
words “or Rural Bank Department ”;

(iv) by omitting from paragraph (b) of the
same section the words “or of New South
Wales or of any other State in the Com-
monwealth ”;

25 (v) by omitting subparagraph (vi) ;

(c) by omitting from paragraph (i) of section 48A Sec. 48A.
the words “in the Treasury or.” (Rural
Bank.)

(3) The Government Savings Bank Amendment Amendment
of Act No. 13,
1913, s. 15.
30 Act, 1913, as amended by subsequent Acts, is amended
by omitting from section fifteen the words “and shall
invest such fund in deposits with trading banks or the
Rural Bank Department or the Treasury, or in any of
the investments provided for in section forty-seven,
35 paragraph (b) (iii) and (v) of the Principal Act, or in
debentures issued by the Rural Bank Department.” (Reserve
Fund.)

Government Savings Bank (Further Amendment).

7. The Principal Act is further amended by inserting next after section forty-six the following new sections:—

Further
amendmen of
Act No. 48, 1906.
New ss. 46A-
46L.

5 46A. (1) The commissioners may from time to time issue out of the Savings Bank Department (Old Business Division) debentures or inscribed stock.

Issue of
debentures.

10 (2) The due payment of such debentures or inscribed stock and the interest thereon shall be a charge on all moneys and securities held by the commissioners on behalf of the said division, and is hereby guaranteed by the Government.

Charge of
liability ;
guarantee by
Government.

15 Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund.

20 Provided that such charge shall not prejudice or affect the powers of the commissioners to reconvey, release, or discharge any of such securities, or the properties comprised therein, or to sell or convey such properties, or to foreclose such securities or properties, or to deal with the same under this Act, or to hypothecate any securities belonging to the division for the purposes of securing any moneys borrowed in pursuance of section forty-five.

30 46B. The total amount of such debentures and inscribed stock so issued and uncanceled shall not at any time exceed, except with the consent of the Governor, ten million pounds.

Amount o
issue.

35 46C. Such debentures may be issued in different series. Each series shall be numbered consecutively, beginning with the number one and proceeding arithmetically by units.

Series.

40 46D. Each debenture shall be signed by the commissioners or by any one of the commissioners in pursuance of the powers conferred by this Act, and shall be countersigned by an officer authorised by the commissioners.

Signature.

46E.

Government Savings Bank (Further Amendment).

5 46E. Debentures shall be issued and stock Amount of debentures.
inscribed in sums of ten pounds or multiples
thereof and shall have such currency and bear
such interest as the commissioners may fix
before the issue or inscription thereof.

10 46F. Debentures or inscribed stock shall be Issue and re-
demption of
debentures.
issued at a minimum price to be fixed by the
commissioners, and redeemed out of moneys
in the Savings Bank Department (Old Business
Division) at their face values.

(a) The Treasurer is empowered to purchase
such debentures or inscribed stock.

15 (b) At the request of the bearer of a de-
benture or the holder of inscribed stock
the commissioners may, in lieu thereof,
issue to him inscribed stock or debentures
as the case may be of the same
currency and bearing the same interest.

20 46G. Every such debenture shall be trans- Debentures
transferable
by delivery.
ferable by delivery without assignment or
endorsement, and shall entitle the bearer of
the same to be paid according to the tenor
thereof.

25 46H. (1) Debentures and inscribed stock Purchase of
debentures.
may be purchased by the commissioners out
of moneys in the Savings Bank Department
(Old Business Division) at or below their face
value.

30 (2) All debentures and inscribed stock Cancellation.
redeemed or purchased by the commissioners
under this Act shall be cancelled.

35 46I. If any debenture is defaced by accident Defaced
debenture
may be
exchanged.
the commissioners may cancel the same and
cause a new debenture to be made in lieu
thereof, and such cancelled debenture shall be
filed in the bank. Such new debenture shall
be to the like purport, and be in all respects
subject to the same rules, methods, and con-
tinuance, and bear the same number, date,
40 principal sum, and rate of interest as such
cancelled debenture.

46J.

Government Savings Bank (Further Amendment).

5 46J. Upon proof being made on oath before
a judge of the Supreme Court by any credible
person that any debenture issued under this
Act and held by him, the number and sum
whereof is specified by him in his evidence,
has been lost or accidentally burnt or other-
wise destroyed before the same has been paid
off, and upon such judge certifying that he is
10 satisfied with such proof, the commissioners
may cause a new debenture to be made
bearing the same number, date, principal sum,
and rate of interest as the debenture so lost or
destroyed, and to be delivered to such person
upon his giving sufficient security to the
15 commissioners to indemnify them against any
double payment if the missing document
should thereafter be presented for payment.

20 46K. All debentures and inscribed stock
issued under this Act shall have the status of
“Government Securities” within the meaning
of the Trustee Act, 1925, and of any Act in
force for the time being relating to friendly
societies; and all corporations, companies,
or co-partnerships, and all trustees, execu-
25 tors, and administrators, whether incorporated,
established, or appointed before or after
the commencement of the Government Savings
Bank (Further Amendment) Act, 1931, not
expressly forbidden to invest their funds in the
30 purchase of Government stock or securities by
their charter, Act of incorporation, deed of
settlement, or of partnership, trust deed,
settlement, testamentary, or other instrument
whatsoever respectively, are hereby authorised
35 and empowered to invest such funds in the
purchase of and to hold such debentures and
inscribed stock as aforesaid without incurring
or committing any breach of trust or of any
condition, restriction, or provision contained
40 in any such Act, charter, or other instrument
whatsoever as aforesaid.

46L.

Government Savings Bank (Further Amendment).

46L. The proceeds of the sale of debentures and inscribed stock shall be carried to the Savings Bank Department (Old Business Division) and applied in pursuance of this Act.

Application
of proceeds.

- 5 **8.** (1) The Principal Act is further amended by inserting at the end of subsection two of section thirty-nine the following words:—

Further
amendment
of Act No. 48,
1906, s. 39.

10 In the calculation a deposit made on the first business day of a month shall be regarded as having been made on the last day of the preceding month, and an amount withdrawn on the last business day of a month shall be regarded as withdrawn on the first day of the succeeding month.

(Interest on
deposits.)

15 (2) Subsection one of this section shall be deemed to have commenced on the twenty-third day of July, one thousand nine hundred and thirty.

20 (3) Any deposit made during the first seven days of any of the months of September, October, or November of the year one thousand nine hundred and thirty-one, shall, for the purposes of the calculation of interest, be deemed to have been made on the last day of the month preceding the deposit.

(4) The Principal Act is further amended—

25 (a) by inserting at the end of section sixty-nine the following new subsection:—

Sec. 69.

(Forfeited
Crown land
securities.)

30 (8) The commissioners may, whilst the land remains vested in them, lease or otherwise manage any such forfeited holding, and any sum received by way of rental or otherwise shall be applied in reduction of the amount due to the bank in respect of such holding.

(b) by inserting next after section 75D the following new section:—

New s. 75E.

35 **75E.** In all cases where the commissioners exercise their power of sale as mortgagees under or by virtue of any mortgage or other security, of any land held under the provisions of the Crown Lands Acts, the transfer by way of

Registration
of transfers
&c.

Government Savings Bank (Further Amendment).

of sale under the said Acts and made in exercise of such power as aforesaid shall be registered by the Minister for Lands (or the Water Conservation and Irrigation Commission if the land is within an irrigation area), notwithstanding the non-payment at the time of registration of any amounts owing for arrears of Crown dues :

Provided that the purchaser acquiring the holding in pursuance of any such transfer shall undertake to pay the amount of arrears so outstanding at the times and in the manner to be agreed upon by the Minister (or the Water Conservation and Irrigation Commission if the land is within an irrigation area) and the commissioners.

9. The Government Savings Bank (Amendment) Act, 1931, is amended—

Amendment
of Act No.
14, 1931.

(a) by inserting at the end of section two the following new subsection :—

Sec. 2, new
subsec. (6).

(6) Neither this section nor any arrangement made thereunder shall be construed to give the Commonwealth Bank of Australia any rights against or in respect of any asset of the Savings Bank Department (New Business Division) or the Rural Bank Department (New Business Division) or any moneys deposited therein.

(b) (i) by omitting from subsection one of section seven the words "until the thirty-first day of December, one thousand nine hundred and thirty-one, or until an earlier date" and by inserting in lieu thereof the words "until a date";

Sec. 7.

(ii) by omitting from the same subsection the words "said thirty-first day of December or the earlier";

(iii) by omitting from subsection two of the same section the words "thirty-first day of December, one thousand nine hundred and thirty-one or the earlier";

(iv)

Government Savings Bank (Further Amendment).

(iv) by inserting at the end of the same section the following new subsection :—

5 (5) This section shall not extend to any
action or suit brought in respect of any
deposit in the Savings Bank Department
(New Business Division) or the Rural
Bank Department (New Business Division)
10 or in respect of any claim arising out of
business transacted in either of such
divisions, or in respect of any interest on
inscribed stock or debentures issued after
the commencement of the Government
Savings Bank (Further Amendment) Act,
1931.

Sydney: Alfred James Kent, I.S.O., Government Printer—1931.

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198—C

