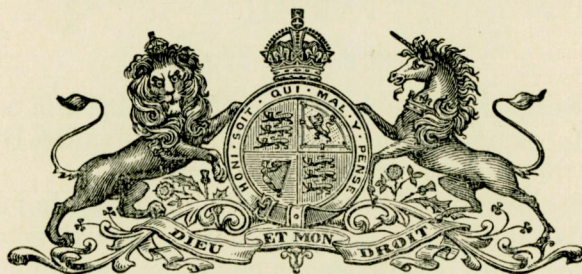


# New South Wales.



ANNO QUARTO

## GEORGII V REGIS.

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### Act No. 13, 1913.

An Act to amend the Government Savings Bank Act, 1906; to amend certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 15th October, 1913.]

**B**E 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.** This Act may be cited as the "Government Savings Bank Short title. Amendment Act, 1913," and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act.

Part II shall come into force and take effect on a date to be proclaimed and published in the Gazette.

**2.**



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*Government Savings Bank Amendment.*

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Division of Act.

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

PART I.—PRELIMINARY—ss. 1-2.

PART II.—ADVANCES FOR HOMES—ss. 3-17.

PART III.—GENERAL PROVISIONS—ss. 18-20.

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PART II.

## ADVANCES FOR HOMES.

Advances for  
purposes of homes.**3.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

- (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;
- (b) to purchase a house and land enclosed or occupied therewith as a home for himself and family; or
- (c) to discharge any mortgage, charge, or encumbrance already existing on such holding.

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

Advances by  
instalments.**4.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or  
other



*Government Savings Bank Amendment.*

other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**5.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**6.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

- (a) for brick, concrete, or stone buildings, thirty years:
- (b) for wooden buildings, twenty years:

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**7.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**8.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**9.** (1) If at any time in the opinion of the commissioners any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same. Where money advanced not applied to proper purpose.

(2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations. Default by borrower.

**10.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part. Officer or servant of bank may obtain advance.

**11.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, Costs and fees.



*Government Savings Bank Amendment.*

registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct.

Provision for  
repayment of loans

**12.** In connection with the repayment of loans the following provisions shall apply:—

- (a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.
- (b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.
- (c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.

Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.

Application of  
sections of Principal  
Act.

**13.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply to loans made under this Part.

Accounts in respect  
of advances to be  
kept separate.

**14.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore provided, be drawn from the Advance Department:

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by adjustments made quarterly by the commissioners.

Special reserve fund.

**15.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part.



*Government Savings Bank Amendment.*

Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund, upon such deficiency being certified to by the commissioners.

**16.** The commissioners may, subject to the provisions of the Regulations. Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—

- (a) relating to applications for and the granting of loans under this Part;
- (b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of this Part.

**17.** The commissioners shall not, in any financial year of the bank, make advances under this Part exceeding in the whole three hundred thousand pounds without the consent of the Governor. Limitation of total advances in any one year.

PART III.

GENERAL PROVISIONS.

**18.** The Principal Act is amended as indicated in the Schedule to this Act. Amendments of Principal Act.

**19.** The commissioners shall hold all real and personal property whatsoever vested in them under the Principal or this Act for and on behalf of the Government of New South Wales, and all moneys so vested in or held by them, whether the same be accrued due or not, are hereby declared to be public moneys belonging to His Majesty, and the property of the Crown, and, in addition to all other remedies, shall be recoverable accordingly as from debtors to the Crown. Commissioners to hold property on behalf of Crown.

**20.** Upon repayment of any moneys loaned from the Advance Department the commissioners are empowered to invest the same until required for redemption of debentures sold under the Principal Act in deposits at Treasury or in trading banks or in any of the class of investment provided for in paragraphs (b) (III) (IV) and (V) of section forty-seven of the Principal Act as amended by this Act. Investments moneys.

SCHEDULE.



## Act No. 13, 1913.

*Government Savings Bank Amendment.*

## SCHEDULE.

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee simple in the commissioners any Crown lands to be used for the purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant,” wherever occurring in this section, insert the word “or”

Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of fourteen years, and his order shall then be a sufficient discharge to the commissioners notwithstanding such person’s infancy:

“Provided that if the commissioners are satisfied at any time before the depositor reaches the age of fourteen years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



*Government Savings Bank Amendment.*

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows :—

“38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph :—“(c) any municipality or shire”

Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month.”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

“(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

“(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment or consolidation thereof.”

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied that such variations are not prejudicial to the security.”

Section



*Government Savings Bank Amendment.*

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance, a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

“75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendment or consolidation thereof.”

“75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

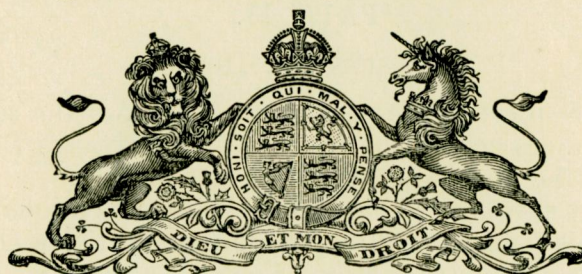
Section 83.—Add new paragraphs—

“(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of illegitimate deceased depositors to persons who but for such illegitimacy would be entitled thereto.”



# New South Wales.



ANNO QUARTO

## GEORGII V REGIS.

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### Act No. 13, 1913.

An Act to amend the Government Savings Bank Act, 1906; to amend certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 15th October, 1913.]

**B**E 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.** This Act may be cited as the "Government Savings Bank Amendment Act, 1913," and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act. Short title.

Part II shall come into force and take effect on a date to be proclaimed and published in the Gazette.

**2.**



*Government Savings Bank Amendment.*

Division of Act.

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

PART I.—PRELIMINARY—ss. 1-2.

PART II.—ADVANCES FOR HOMES—ss. 3-17.

PART III.—GENERAL PROVISIONS—ss. 18-20.

## PART II.

## ADVANCES FOR HOMES.

Advances for  
purposes of homes.**3.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

- (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;
- (b) to purchase a house and land enclosed or occupied therewith as a home for himself and family; or
- (c) to discharge any mortgage, charge, or encumbrance already existing on such holding.

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

Advances by  
instalments.**4.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or other



*Government Savings Bank Amendment.*

other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**5.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**6.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

(a) for brick, concrete, or stone buildings, thirty years :

(b) for wooden buildings, twenty years :

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**7.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**8.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**9.** (1) If at any time in the opinion of the commissioners any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same. Where money advanced not applied to proper purpose.

(2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations. Default by borrower.

**10.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part. Officer or servant of bank may obtain advance.

**11.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, Costs and fees.



*Government Savings Bank Amendment.*

registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct.

Provision for  
repayment of loans

**12.** In connection with the repayment of loans the following provisions shall apply :—

- (a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.
- (b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.
- (c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.

Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.

Application of  
sections of Principal  
Act.

**13.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply to loans made under this Part.

Accounts in respect  
of advances to be  
kept separate.

**14.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore provided, be drawn from the Advance Department :

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by adjustments made quarterly by the commissioners.

Special reserve fund.

**15.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part.



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*Government Savings Bank Amendment.*

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Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund, upon such deficiency being certified to by the commissioners.

**16.** The commissioners may, subject to the provisions of the Regulations. Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—

- (a) relating to applications for and the granting of loans under this Part;
- (b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of this Part.

**17.** The commissioners shall not, in any financial year of the bank, make advances under this Part exceeding in the whole three hundred thousand pounds without the consent of the Governor. Limitation of total advances in any one year.

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PART III.

GENERAL PROVISIONS.

**18.** The Principal Act is amended as indicated in the Schedule to this Act. Amendments of Principal Act.

**19.** The commissioners shall hold all real and personal property whatsoever vested in them under the Principal or this Act for and on behalf of the Government of New South Wales, and all moneys so vested in or held by them, whether the same be accrued due or not, are hereby declared to be public moneys belonging to His Majesty, and the property of the Crown, and, in addition to all other remedies, shall be recoverable accordingly as from debtors to the Crown. Commissioners to hold property on behalf of Crown.

**20.** Upon repayment of any moneys loaned from the Advance Department the commissioners are empowered to invest the same until required for redemption of debentures sold under the Principal Act in deposits at Treasury or in trading banks or in any of the class of investment provided for in paragraphs (b) (III) (IV) and (v) of section forty-seven of the Principal Act as amended by this Act. Investments moneys.

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SCHEDULE.



## Act No. 13, 1913.

*Government Savings Bank Amendment.*

## SCHEDULE.

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee simple in the commissioners any Crown lands to be used for the purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant,” wherever occurring in this section, insert the word “or”

Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of fourteen years, and his order shall then be a sufficient discharge to the commissioners notwithstanding such person’s infancy:

“Provided that if the commissioners are satisfied at any time before the depositor reaches the age of fourteen years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



*Government Savings Bank Amendment.*

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows :—

“38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph :—“(c) any municipality or shire”

Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month.”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

“(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

“(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment or consolidation thereof.”

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied that such variations are not prejudicial to the security.”

Section



*Government Savings Bank Amendment.*

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance, a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

“75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendment or consolidation thereof.”

“75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

Section 83.—Add new paragraphs—

“(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of illegitimate deceased depositors to persons who but for such illegitimacy would be entitled thereto.”

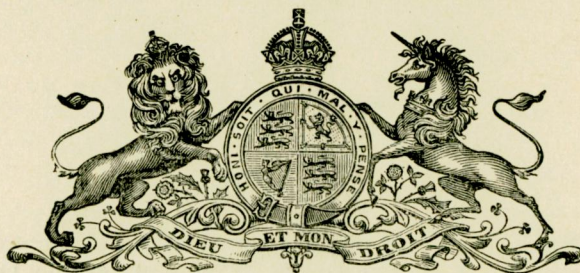


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 8 October, 1913.*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUARTO

GEORGII V REGIS.

\*\*\*\*\*

### Act No. 13, 1913.

An Act to amend the Government Savings Bank Act, 1906; to amend certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 15th October, 1913.]

**B**E 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.** This Act may be cited as the "Government Savings Bank Short title. Amendment Act, 1913," and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act.

Part II shall come into force and take effect on a date to be proclaimed and published in the Gazette.

**2.**

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

*R. D. MEAGHER,  
Chairman of Committees of the Legislative Assembly.*



*Government Savings Bank Amendment.*

Division of Act.

**2.** This Act is divided into Parts, as follows :—PART I.—PRELIMINARY—*ss.* 1-2.PART II.—ADVANCES FOR HOMES—*ss.* 3-17.PART III.—GENERAL PROVISIONS—*ss.* 18-20.

## PART II.

## ADVANCES FOR HOMES.

Advances for  
purposes of homes.

**3.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

- (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;
- (b) to purchase a house and land enclosed or occupied therewith as a home for himself and family; or
- (c) to discharge any mortgage, charge, or encumbrance already existing on such holding.

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

Advances by  
instalments

**4.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or other



*Government Savings Bank Amendment.*

other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**5.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**6.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

(a) for brick, concrete, or stone buildings, thirty years :

(b) for wooden buildings, twenty years :

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**7.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**8.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**9.** (1) If at any time in the opinion of the commissioners any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same. Where money advanced not applied to proper purpose.

(2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations. Default by borrower.

**10.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part. Officer or servant of bank may obtain advance.

**11.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, Costs and fees.



*Government Savings Bank Amendment.*

registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct.

Provision for  
repayment of loans

**12.** In connection with the repayment of loans the following provisions shall apply:—

- (a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.
- (b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.
- (c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.

Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.

Application of  
sections of Principal  
Act.

**13.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply to loans made under this Part.

Accounts in respect  
of advances to be  
kept separate.

**14.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore provided, be drawn from the Advance Department:

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by adjustments made quarterly by the commissioners.

Special reserve fund.

**15.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part.



*Government Savings Bank Amendment.*

Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund, upon such deficiency being certified to by the commissioners.

**16.** The commissioners may, subject to the provisions of the Regulations. Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—

- (a) relating to applications for and the granting of loans under this Part;
- (b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of this Part.

**17.** The commissioners shall not, in any financial year of the bank, make advances under this Part exceeding in the whole three hundred thousand pounds without the consent of the Governor. Limitation of total advances in any one year.

## PART III.

## GENERAL PROVISIONS.

**18.** The Principal Act is amended as indicated in the Schedule to this Act. Amendments of Principal Act.

**19.** The commissioners shall hold all real and personal property whatsoever vested in them under the Principal or this Act for and on behalf of the Government of New South Wales, and all moneys so vested in or held by them, whether the same be accrued due or not, are hereby declared to be public moneys belonging to His Majesty, and the property of the Crown, and, in addition to all other remedies, shall be recoverable accordingly as from debtors to the Crown. Commissioners to hold property on behalf of Crown.

**20.** Upon repayment of any moneys loaned from the Advance Department the commissioners are empowered to invest the same until required for redemption of debentures sold under the Principal Act in deposits at Treasury or in trading banks or in any of the class of investment provided for in paragraphs (b) (III) (IV) and (v) of section forty-seven of the Principal Act as amended by this Act. Investments moneys.

## SCHEDULE.



*Government Savings Bank Amendment.*

## SCHEDULE.

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee simple in the commissioners any Crown lands to be used for the purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant,” wherever occurring in this section, insert the word “or”

Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of fourteen years, and his order shall then be a sufficient discharge to the commissioners notwithstanding such person’s infancy:

“Provided that if the commissioners are satisfied at any time before the depositor reaches the age of fourteen years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



*Government Savings Bank Amendment.*

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows :—

“38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph :—“(c) any municipality or shire”

Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

“(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

“(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment or consolidation thereof.”

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied that such variations are not prejudicial to the security.”

Section



*Government Savings Bank Amendment.*

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance, a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

“75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendment or consolidation thereof.”

“75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

Section 83.—Add new paragraphs—

“(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of illegitimate deceased depositors to persons who but for such illegitimacy would be entitled thereto.”

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

State Government House,  
Sydney, 15th October, 1913.

G. STRICKLAND,  
Governor.



## SAVINGS BANKS AMALGAMATION BILL.

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*SCHEDULE showing the Legislative Assembly's Disagreement and Amendments upon the Legislative Council's Amendments, referred to in Message of 30th September, 1913.*

RICH'D. A. ARNOLD,  
Clerk of the Legislative Assembly.

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Page 2, clause 1, lines 1 and 2. *Reinsert* "Parts II and III shall come into force  
"and take effect on dates to be respectively proclaimed and published in  
"the Gazette," but *omit* "Parts" and *insert* "Part" and *omit* "and III"

Page 2, clause 2, lines 3, 4, 6, and 7. *Reinsert*—

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

PART I.—PRELIMINARY—ss. 1-2.

PART III.—ADVANCES FOR HOMES—ss. 16-30.

PART IV.—GENERAL PROVISIONS—ss. 31-33.

but *omit* "III" and *insert* "II"; *omit* "IV" *insert* "III"

Page 5. *Reinsert* headlines "PART III, ADVANCES FOR HOMES" and clauses  
16 to 30 (page 8) inclusive, but *omit* "III" (page 5) *insert* "II"

Page 9. *Reinsert* headlines "PART IV, GENERAL PROVISIONS," but *omit* "IV"  
and *insert* "III"

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## SAVINGS BANKS AMALGAMATION BILL.

### *SCHEDULE of the Amendments referred to in Message of 30th September, 1913.*

- Page 1, Title. *Omit* "to dissolve the Savings Bank of New South Wales and to vest the property, rights, and liabilities of the said bank in the Government Savings Bank ; to repeal the Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902 "
- Page 1, clause 1, line 7. *Before* "Savings" *insert* "**Government** "
- Page 1, clause 1, lines 7 and 8. *Omit* "Banks Amalgamation" *insert* "**Bank Amendment** "
- Page 2, clause 1. *Omit* lines 1 and 2.
- Pages 2 to 8. *Omit* clauses 2 to 30 inclusive.
- Page 9, line 1. *Omit* "Part IV "
- Page 9, line 2. *Omit* "General Provisions "
- Page 10, Schedule, line 42. *Omit* "twelve" *insert* "**fourteen** "
- Page 10, Schedule, line 45. *Omit* "twelve" *insert* "**fourteen** "
- Page 11, Schedule. *Omit* lines 8 to 14 inclusive.
- Page 11, Schedule, line 56. *After* "amendment" second occurring *insert* "**or consolidation** "
- Page 12, Schedule, line 43. *After* "amendment" *insert* "**or consolidation** "
- Page 12, Schedule. *Omit* line 53.







*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.*

*Legislative Assembly Chamber,  
Sydney, 18 September, 1913.* }

RICHD. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

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

*Legislative Council Chamber,  
Sydney, 30th September 1913.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO QUARTO

## GEORGII V REGIS.

\*\*\*\*\*

### Act No. , 1913.

An Act ~~to dissolve the Savings Bank of New South Wales and to vest the property, rights, and liabilities of the said bank in the Government Savings Bank ; to repeal the Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902 ; to amend the Government Savings Bank Act, 1906 ; to amend certain other Acts ; and for purposes consequent thereon or incidental thereto.~~

**B**E 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 :—

5

#### PART I.

##### PRELIMINARY.

**1.** This Act may be cited as the "**Government Savings Banks** Short title. ~~Amalgamation Bank Amendment Act, 1913,~~" and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act.

68615

119—A

Parts

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



**Government Savings Banks Amalgamation Bank Amendment.**

Parts II and III shall come into force and take effect on dates to be respectively proclaimed and published in the Gazette.

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

Division of Act.

PART I.—PRELIMINARY—ss. 1–2.

5 PART II.—AMALGAMATION OF SAVINGS BANKS—ss. 3–15.

PART III.—ADVANCES FOR HOMES—ss. 16–30.

PART IV.—GENERAL PROVISIONS—ss. 31–33.

**PART II.****AMALGAMATION OF SAVINGS BANKS.**

10 *Dissolution of Savings Bank of New South Wales.*

**3.** The body corporate of the Savings Bank of New South Wales is dissolved.  
The Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902, are  
15 repealed.

Dissolution of Savings Bank of New South Wales] Repeal.

*Vesting of property in commissioners.*

**4.** (1) All property real and personal, and all moneys, and securities for money, and all obligatory instruments, evidences, and muniments, and all powers, rights, claims, and privileges at law or in  
20 equity acquired, had, or possessed by, or enjoyed, or vested in the Savings Bank of New South Wales, or the trustees or district trustees, or the president or vice-president or other officer of such bank on behalf of or for the use or benefit of such bank, or for any purpose, or upon any trust connected with such bank shall, by virtue of this Act,  
25 pass to and become vested in the commissioners, and be deemed and taken to be the property of the commissioners as if the right or title thereto had originally been vested in or entered into with or by the commissioners.

Vesting of property of Savings Bank of New South Wales in Commissioners for Government Savings Bank.

(2) Out of the accumulated profits of the Savings Bank of  
30 New South Wales the commissioners shall pay to the managing trustee of that bank such sum as the Governor may approve as compensation for the abolition of his office.

Compensation to managing trustee.

(3) All permanent staff officers in the service of the Savings Bank of New South Wales shall, on the passing of this Act, be regarded  
35 as having been appointed by the commissioners in terms of the Principal Act, and any leave rights accruing to such officers shall be preserved to them by the commissioners.

Taking over of officers of Savings Bank of New South Wales.

Should



**Government Savings Banks Amalgamation Bank Amendment.**

Should the services of any officers of the bank be dispensed with by the commissioners within twelve months from the passing of the Act for any reason other than misconduct, the commissioners shall pay to such officers such amount by way of compensation as the 5 commissioners may in their discretion determine.

**5.** All persons indebted at the commencement of this Act in any sum of money to the Savings Bank of New South Wales, or the trustees or districts trustees, or the president, vice-president, or other officer on behalf of such bank, shall pay such sum to the commissioners, and the same shall be recoverable by the commissioners as a debt due to them. Where person indebted to Savings Bank of New South Wales.

**6.** All moneys lawfully due and owing at the commencement of this Act to any person by the Savings Bank of New South Wales, or the trustees, or district trustees, or the president, vice-president, or other officer, on behalf or on account of the said bank, shall be paid by and be recoverable from the commissioners. Where money owing by the said bank.

**7.** Any right of action, accrued to or against, and any contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation lawfully made or entered into by or with the Savings Bank of New South Wales, or the trustees, district trustees, president, vice-president, or other officers thereof, on behalf of the said bank may be enforced, by or against the commissioners in their name, as if the right of action had originally accrued to or against, or the contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation had been 25 made or entered into by or with the commissioners. Enforcement of rights of action by and against such bank.

**8.** All properties and moneys vested in or payable to and all moneys payable by the commissioners under the four last preceding sections shall, subject to this Act, be carried to and payable out of the Savings Bank Department : Moneys to be carried to Savings Bank Department.

**30** Provided that at the reserve fund of the Savings Bank of New South Wales shall be carried to the reserve fund constituted by section twenty-five of the Principal Act, as amended by this Act. Reserve fund.

*Guarantee fund.*

**9.** Out of the reserve fund constituted under section twenty-five of the Principal Act as amended by this Act, the commissioners may from time to time set aside such sums as may be necessary to supplement the guarantee fund established by the Savings Bank of New South Wales. The guarantee fund so established may be added to by the addition of interest and premiums on fidelity guarantees ; provided 40 that such guarantee premiums may be paid by the officers or charged to the bank in whole or in part at the option of the commissioners. Guarantee fund.

**10.** All losses caused by fraud or carelessness whether occurring before or after the commencement of this Act or whether in connection with the bank or the Savings Bank of New South Wales may be charged Losses by fraud, &c.



## Government Savings Banks Amalgamation Bank Amendment.

charged to the said guarantee fund: Provided that nothing herein shall prevent the commissioners from recovering compensation or damages from the officer or other person guilty of such fraud or carelessness.

5 *Depositors in the Savings Bank of New South Wales.*

**11.** Notwithstanding the terms of section thirty-eight of the Principal Act as amended by this Act, if at the commencement of this Act any depositor has an account in the Savings Bank of New South Wales as well as an account under the Principal Act, each such account shall, subject to this Act, be kept by the commissioners, and may, except as hereinafter provided, be operated on as a separate account. Accounts in both banks.

**12.** (1) Any person who at the commencement of this Act has a deposit account in the Savings Bank of New South Wales may, subject to this Act, continue such account for any period not exceeding ten years from such commencement: Provided that it be kept at the office at which it was kept at such commencement, or at a branch or agency of the bank substituted by the commissioners for such office. Continuation of deposits in Savings Bank of New South Wales.

20 At the expiration of such period such account shall be subject in all respects to the provisions governing accounts opened under the Principal Act as amended by this Act and the regulations thereunder.

(2) Where such person has no account under the Principal Act he shall, while his account in the Savings Bank of New South Wales is continued, be entitled to receive from time to time interest at the rate hereinafter mentioned on any amount up to two hundred pounds to the credit of such account. Where depositor has no other account in the bank.

(3) Where at such commencement such person has, in addition to his account in the Savings Bank of New South Wales, an account under the Principal Act, he shall in respect of such first-mentioned account, and while such account is continued, be entitled to receive interest at the rate hereinafter mentioned on the sum to the credit of that account but not exceeding the sum at credit at such commencement, and shall not be entitled to interest on any amount in that account above that sum. Where depositor has another account in bank.

(4) The interest payable under the two last preceding subsections shall be one-half of one per centum above the rate paid to depositors under the Principal Act, but not exceeding three and one-half per centum per annum: Interest.

40 Provided that should the commissioners during the said period of ten years fix the rate of interest payable to depositors under the Principal Act at three and one-half per centum or more, the rate shall, while such rate of interest is payable, be uniform on all deposits, other than on accounts specified in paragraphs (a), (b), and (c) of subsection 45 one of section thirty-nine of Principal Act as amended by this Act.



**Government Savings Banks Amalgamation Bank Amendment.**

**13.** Any holder of a pass-book of the Savings Bank of New South Wales desiring, during the period of ten years aforesaid, to operate at an agency of the Government Savings Bank, or to avail himself of any other advantage possessed by the depositors of the Government Savings Bank of New South Wales, but not possessed by the depositors of the Savings Bank of New South Wales as at first day of March, one thousand nine hundred and twelve, may do so, but such operation shall, unless the commissioners otherwise determine, be taken as a direction to the commissioners to transfer his account to the Government Savings Bank pass-book; and the transfer will be made accordingly, and the former pass-book shall be deemed to be cancelled.

Depositor availing himself of the advantages conferred by the Bank.

**14.** Any depositor in the Savings Bank of New South Wales who, while holding a pass-book of that Bank, opens an account at any branch of the Government Savings Bank, shall forfeit his right to a continuance of his Savings Bank of New South Wales book, and the accounts may thereupon be consolidated by the commissioners, and any excess interest credited to either of the accounts may be forthwith debited to the depositor's account, and the former pass-book shall be deemed to be cancelled.

Depositor opening an account in the Bank.

**15.** All pass-books issued by the Savings Bank of New South Wales and the accounts therein shall during the currency of the account therein (but not after the expiration of the period of ten years specified in section twelve) be held subject to the provisions of the Acts hereby repealed and the rules and regulations thereunder in force at the time of the commencement of this Act, except that any dispute between a depositor and the commissioners shall be determined in the manner prescribed by section seventy-six of the Principal Act, and except where otherwise expressly in this Act provided.

Pass-books to be held subject to repealed Acts.

30

**PART III.****ADVANCES FOR HOMES.**

**16.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

35 (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;

(b) to purchase a house and land enclosed or occupied therewith as a home for himself and family; or

40 (c) to discharge any mortgage, charge, or encumbrance already existing on such holding.

Advances for purposes of homes.

(2)



**Government Savings Banks Amalgamation Bank Amendment.**

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

**17.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage. Advances by instalments.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**18.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home, unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**19.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

(a) for brick, concrete, or stone buildings, thirty years:

(b) for wooden buildings, twenty years:

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**20.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**21.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**22.**



**Government Savings Banks Amalgamation Bank Amendment.**

- 22.** (1) If at any time in the opinion of the commissioners, <sup>Where money advanced not applied to proper purpose.</sup> any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same.
- (2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations. <sup>Default by borrower.</sup>
- 23.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part. <sup>Officer or servant of bank may obtain advance</sup>
- 24.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct. <sup>Costs and fees.</sup>
- 25.** In connection with the repayment of loans the following provisions shall apply :— <sup>Provision for repayment of loans</sup>
- (a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.
- (b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.
- (c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.
- Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.



**Government Savings Banks Amalgamation Bank Amendment.**

**26.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply  
5 to loans made under this Part.

**27.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore  
10 provided, be drawn from the Advance Department:

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by adjustments made  
15 quarterly by the commissioners.

**28.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund,  
20 upon such deficiency being certified to by the commissioners.

**29.** The commissioners may, subject to the provisions of the Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—  
25

(a) relating to applications for and the granting of loans under this Part;

(b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of  
30 this Part.

**30.** The commissioners shall not, in any financial year of the bank, make advances under this Part, exceeding in the whole, three hundred thousand pounds, without the consent of the Governor.

Application of sections of Principal Act.

Accounts in respect of advances to be kept separate.

Special reserve fund.

Regulations.

Limitation of total advances in any one year.



**Government Savings Banks Amalgamation Bank Amendment.**

**PART IV.**

**General Provisions.**

31. **2.** The Principal Act is amended as indicated in the Schedule Amendments of  
Principal Act.  
to this Act.

5 32. **3.** The commissioners shall hold all real and personal property Commissioners to  
hold property on  
behalf of Crown.  
whatsoever vested in them under the Principal or this Act for and on  
behalf of the Government of New South Wales, and all moneys so  
vested in or held by them, whether the same be accrued due  
or not, are hereby declared to be public moneys belonging to His  
10 Majesty, and the property of the Crown, and, in addition to all other  
remedies, shall be recoverable accordingly as from debtors to the  
Crown.

33. **4.** Upon repayment of any moneys loaned from the Advance Investments  
moneys.  
Department the commissioners are empowered to invest the same until  
15 required for redemption of debentures sold under the Principal Act in  
deposits at Treasury or in trading banks or in any of the class of  
investment provided for in paragraphs (b) (III) (IV) and (V) of section  
forty-seven of the Principal Act as amended by this Act.



**Government Savings Banks Amalgamation Bank Amendment.**

## SCHEDULE.

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

5 Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being 10 unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

15 Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee-simple in the commissioners any Crown lands to be used for the 20 purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

25 Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the 30 said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

35 Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant” wherever occurring in this section, insert the word “or”

40 Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of ~~twelve~~ fourteen years, and his order shall then be a sufficient discharge to the commissioners, notwithstanding such person’s infancy :

“Provided that if the commissioners are satisfied at any time before the depositor 45 reaches the age of ~~twelve~~ fourteen years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When 50 accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



**Government Savings Banks Amalgamation Bank Amendment.**

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows :—

5 “38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

10 “38B. A depositor of the age of twelve years or upwards may nominate any person to receive any sum not exceeding two hundred pounds due to such depositor at his decease subject to such terms and conditions as may be prescribed by the commissioners.

“The receipt of any such person so nominated as aforesaid shall be a good and sufficient discharge to the commissioners for the sum paid to such person as being the subject of such nomination.”

15 Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph :—“(c) any municipality or shire”

20 Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

25 Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month.”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

30 Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

35 Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

40 Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

45 Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

50 “(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

55 “(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment or consolidation thereof.”

Section



**Government Savings Banks Amalgamation Bank Amendment.**

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied that such variations are not prejudicial to the security.”

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance, a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

“75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendment or consolidation thereof.”

“75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

Section 83.—Add new paragraphs—

“(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of illegitimate deceased depositors to persons who but for such illegitimacy would be entitled thereto.”

~~“(k) for carrying into effect the power to nominate conferred on depositors.”~~



*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.*

*Legislative Assembly Chamber,  
Sydney, 18 September, 1913.*

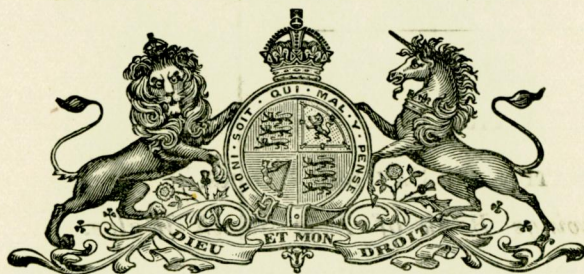
*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

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

*Legislative Council Chamber,  
Sydney, 1913.*

*Clerk of the Parliaments.*

## New South Wales.



ANNO QUARTO

## GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1913.

An Act to ~~dissolve the Savings Bank of New South Wales and~~ to vest the property, rights, and liabilities of the said bank in the Government Savings Bank; to repeal the Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902; to amend the Government Savings Bank Act, 1906; to amend certain other Acts; and for purposes consequent thereon or incidental thereto.

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:—

5

### PART I.

#### PRELIMINARY.

1. This Act may be cited as the "**Government Savings Banks** Short title. ~~Amalgamation Bank Amendment Act, 1913,~~" and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act.

68615

119—A

Parts

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



**Government Savings Banks Amalgamation Bank Amendment.**

Parts II and III shall come into force and take effect on dates to be respectively proclaimed and published in the Gazette.

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

Division of Act.

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 5 PART II.—AMALGAMATION OF SAVINGS BANKS—ss. 3-15.  
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 PART IV.—GENERAL PROVISIONS—ss. 31-33.

PART II.

AMALGAMATION OF SAVINGS BANKS.

10 *Dissolution of Savings Bank of New South Wales.*

**3.** The body corporate of the Savings Bank of New South Wales is dissolved.

Dissolution of Savings Bank of New South Wales] Repeal.

The Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902, are  
 15 repealed.

*Vesting of property in commissioners.*

**4.** (1) All property real and personal, and all moneys, and securities for money, and all obligatory instruments, evidences, and muniments, and all powers, rights, claims, and privileges at law or in  
 20 equity acquired, had, or possessed by, or enjoyed, or vested in the Savings Bank of New South Wales, or the trustees or district trustees, or the president or vice-president or other officer of such bank on behalf of or for the use or benefit of such bank, or for any purpose, or upon any trust connected with such bank shall, by virtue of this Act,  
 25 pass to and become vested in the commissioners, and be deemed and taken to be the property of the commissioners as if the right or title thereto had originally been vested in or entered into with or by the commissioners.

Vesting of property of Savings Bank of New South Wales in Commissioners for Government Savings Bank.

(2) Out of the accumulated profits of the Savings Bank of  
 30 New South Wales the commissioners shall pay to the managing trustee of that bank such sum as the Governor may approve as compensation for the abolition of his office.

Compensation to managing trustee.

(3) All permanent staff officers in the service of the Savings  
 35 Bank of New South Wales shall, on the passing of this Act, be regarded as having been appointed by the commissioners in terms of the Principal Act, and any leave rights accruing to such officers shall be preserved to them by the commissioners.

Taking over of officers of Savings Bank of New South Wales.

Should



**Government Savings Banks Amalgamation Bank Amendment.**

Should the services of any officers of the bank be dispensed with by the commissioners within twelve months from the passing of the Act for any reason other than misconduct, the commissioners shall pay to such officers such amount by way of compensation as the 5 commissioners may in their discretion determine. Compensation on dispensing with services of officers.

5. All persons indebted at the commencement of this Act in any sum of money to the Savings Bank of New South Wales, or the trustees or districts, trustees, or the president, vice-president, or other officer on behalf of such bank, shall pay such sum to the commis- 10 sioners, and the same shall be recoverable by the commissioners as a debt due to them. Where person indebted to Savings Bank of New South Wales.

6. All moneys lawfully due and owing at the commencement of this Act to any person by the Savings Bank of New South Wales, or the trustees, or district trustees, or the president, vice-president, or 15 other officer, on behalf or on account of the said bank, shall be paid by and be recoverable from the commissioners. Where money owing by the said bank.

7. Any right of action, accrued to or against, and any contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation lawfully made or entered into by or with the Savings Bank of New 20 South Wales, or the trustees, district trustees, president, vice-president, or other officers thereof, on behalf of the said bank may be enforced, by or against the commissioners in their name, as if the right of action had originally accrued to or against, or the contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation had been 25 made or entered into by or with the commissioners. Enforcement of rights of action by and against such bank.

8. All properties and moneys vested in or payable to and all moneys payable by the commissioners under the four last preceding sections shall, subject to this Act, be carried to and payable out of 30 the Savings Bank Department : Moneys to be carried to Savings Bank Department.

Provided that at the reserve fund of the Savings Bank of New South Wales shall be carried to the reserve fund constituted by section twenty-five of the Principal Act, as amended by this Act. Reserve fund.

*Guarantee fund.*

9. Out of the reserve fund constituted under section twenty- 35 five of the Principal Act as amended by this Act, the commissioners may from time to time set aside such sums as may be necessary to supplement the guarantee fund established by the Savings Bank of New South Wales. The guarantee fund so established may be added to by the addition of interest and premiums on fidelity guarantees ; provided 40 that such guarantee premiums may be paid by the officers or charged to the bank in whole or in part at the option of the commissioners. Guarantee fund.

10. All losses caused by fraud or carelessness, whether occurring before or after the commencement of this Act or whether in connection with the bank or the Savings Bank of New South Wales may be charged Losses by fraud, &c.



Government Savings Banks Amalgamation Bank Amendment.

charged to the said guarantee fund: Provided that nothing herein shall prevent the commissioners from recovering compensation or damages from the officer or other person guilty of such fraud or carelessness.

5 *Depositors in the Savings Bank of New South Wales.*

**11.** Notwithstanding the terms of section thirty-eight of the Principal Act as amended by this Act, if at the commencement of this Act any depositor has an account in the Savings Bank of New South Wales as well as an account under the Principal Act, each such account shall, subject to this Act, be kept by the commissioners, and may, except as hereinafter provided, be operated on as a separate account. Accounts in both banks.

**12.** (1) Any person who at the commencement of this Act has a deposit account in the Savings Bank of New South Wales may, subject to this Act, continue such account for any period not exceeding ten years from such commencement: Provided that it be kept at the office at which it was kept at such commencement, or at a branch or agency of the bank substituted by the commissioners for such office. Continuation of deposits in Savings Bank of New South Wales.

20 At the expiration of such period such account shall be subject in all respects to the provisions governing accounts opened under the Principal Act as amended by this Act and the regulations thereunder.

(2) Where such person has no account under the Principal Act he shall, while his account in the Savings Bank of New South Wales is continued, be entitled to receive from time to time interest at the rate hereinafter mentioned on any amount up to two hundred pounds to the credit of such account. Where depositor has no other account in the bank.

(3) Where at such commencement such person has, in addition to his account in the Savings Bank of New South Wales, an account under the Principal Act, he shall in respect of such first-mentioned account, and while such account is continued, be entitled to receive interest at the rate hereinafter mentioned on the sum to the credit of that account but not exceeding the sum at credit at such commencement, and shall not be entitled to interest on any amount in that account above that sum. Where depositor has another account in bank.

(4) The interest payable under the two last preceding subsections shall be one-half of one per centum above the rate paid to depositors under the Principal Act, but not exceeding three and one-half per centum per annum: Interest.

40 Provided that should the commissioners during the said period of ten years fix the rate of interest payable to depositors under the Principal Act at three and one-half per centum or more, the rate shall, while such rate of interest is payable, be uniform on all deposits, other than on accounts specified in paragraphs (a), (b), and (c) of subsection one of section thirty-nine of Principal Act as amended by this Act.



**Government Savings Banks Amalgamation Bank Amendment.**

**13.** Any holder of a pass-book of the Savings Bank of New South Wales desiring, during the period of ten years aforesaid, to operate at an agency of the Government Savings Bank, or to avail himself of any other advantage possessed by the depositors of the Government Savings Bank of New South Wales, but not possessed by the depositors of the Savings Bank of New South Wales as at first day of March, one thousand nine hundred and twelve, may do so, but such operation shall, unless the commissioners otherwise determine, be taken as a direction to the commissioners to transfer his account to the Government Savings Bank pass-book; and the transfer will be made accordingly, and the former pass-book shall be deemed to be cancelled.

Depositor availing himself of the advantages conferred by the Bank.

**14.** Any depositor in the Savings Bank of New South Wales who, while holding a pass-book of that Bank, opens an account at any branch of the Government Savings Bank, shall forfeit his right to a continuance of his Savings Bank of New South Wales book, and the accounts may thereupon be consolidated by the commissioners, and any excess interest credited to either of the accounts may be forthwith debited to the depositor's account, and the former pass-book shall be deemed to be cancelled.

Depositor opening an account in the Bank.

**15.** All pass-books issued by the Savings Bank of New South Wales and the accounts therein shall during the currency of the account therein (but not after the expiration of the period of ten years specified in section twelve) be held subject to the provisions of the Acts hereby repealed and the rules and regulations thereunder in force at the time of the commencement of this Act, except that any dispute between a depositor and the commissioners shall be determined in the manner prescribed by section seventy-six of the Principal Act, and except where otherwise expressly in this Act provided.

Pass-books to be held subject to repealed Acts.

30

**PART III.****ADVANCES FOR HOMES.**

**16.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

Advances for purposes of homes.

- 35 (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;
- (b) to purchase a house and land enclosed or occupied therewith as a home for himself and family; or
- 40 (c) to discharge any mortgage, charge, or encumbrance already existing on such holding.

(2)



**Government Savings Banks Amalgamation Bank Amendment.**

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

**17.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage. Advances by instalments.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**18.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home, unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**19.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

(a) for brick, concrete, or stone buildings, thirty years:

(b) for wooden buildings, twenty years:

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**20.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**21.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**22.**



**Government Savings Banks Amalgamation Bank Amendment.**

**22.** (1) If at any time in the opinion of the commissioners, any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same.

Where money advanced not applied to proper purpose.

(2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations.

Default by borrower.

**23.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part.

Officer or servant of bank may obtain advance.

**24.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct.

Costs and fees.

**25.** In connection with the repayment of loans the following provisions shall apply:—

Provision for repayment of loans.

(a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.

(b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.

(c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.

Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.

**26.**



**Government Savings Banks Amalgamation Bank Amendment.**

**26.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply to loans made under this Part.

Application of sections of Principal Act.

**27.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore provided, be drawn from the Advance Department:

Accounts in respect of advances to be kept separate.

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by adjustments made quarterly by the commissioners.

**28.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund, upon such deficiency being certified to by the commissioners.

Special reserve fund.

**29.** The commissioners may, subject to the provisions of the Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—

Regulations.

(a) relating to applications for and the granting of loans under this Part;

(b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of this Part.

**30.** The commissioners shall not, in any financial year of the bank, make advances under this Part, exceeding in the whole, three hundred thousand pounds, without the consent of the Governor.

Limitation of total advances in any one year.



**Government Savings Banks Amalgamation Bank Amendment.**

**PART IV.**

**General Provisions.**

**31. 2.** The Principal Act is amended as indicated in the Schedule Amendments of  
Principal Act.  
to this Act.

5 **32. 3.** The commissioners shall hold all real and personal property Commissioners to  
hold property on  
behalf of Crown.  
whatsoever vested in them under the Principal or this Act for and on  
behalf of the Government of New South Wales, and all moneys so  
vested in or held by them, whether the same be accrued due  
or not, are hereby declared to be public moneys belonging to His  
10 Majesty, and the property of the Crown, and, in addition to all other  
remedies, shall be recoverable accordingly as from debtors to the  
Crown.

**33. 4.** Upon repayment of any moneys loaned from the Advance Investments  
moneys.  
Department the commissioners are empowered to invest the same until  
15 required for redemption of debentures sold under the Principal Act in  
deposits at Treasury or in trading banks or in any of the class of  
investment provided for in paragraphs (b) (III) (IV) and (V) of section  
forty-seven of the Principal Act as amended by this Act.



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**Government Savings Banks Amalgamation Bank Amendment.**

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**SCHEDULE.**

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

5 Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being 10 unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

15 Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee-simple in the commissioners any Crown lands to be used for the 20 purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

25 Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the 30 said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

35 Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant” wherever occurring in this section, insert the word “or”

40 Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of ~~twelve~~ fourteen years, and his order shall then be a sufficient discharge to the commissioners, notwithstanding such person’s infancy :

“Provided that if the commissioners are satisfied at any time before the depositor 45 reaches the age of ~~twelve~~ fourteen years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When 50 accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



**Government Savings Banks Amalgamation Bank Amendment.**

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows :—

5 “38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

10 “38B. A depositor of the age of twelve years or upwards may nominate any person to receive any sum not exceeding two hundred pounds due to such depositor at his decease subject to such terms and conditions as may be prescribed by the commissioners.

“The receipt of any such person so nominated as aforesaid shall be a good and sufficient discharge to the commissioners for the sum paid to such person as being the subject of such nomination.”

15 Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph :—“(c) any municipality or shire”

20 Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

25 Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month.”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

30 Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

35 Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

40 Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

45 Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

50 “(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

55 “(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment or consolidation thereof.”

Section



**Government Savings Banks Amalgamation Bank Amendment.**

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied  
5 that such variations are not prejudicial to the security.”

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance,  
10 a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to  
15 the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The  
20 commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have  
25 not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of  
30 the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring  
35 the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

40 “75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendment **or consolidation** thereof.”

45 “75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

Section 83.—Add new paragraphs—

50 “(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of illegitimate deceased depositors to persons who but for such illegitimacy would be entitled thereto.”

“(k) for carrying into effect the power to nominate conferred on depositors.”

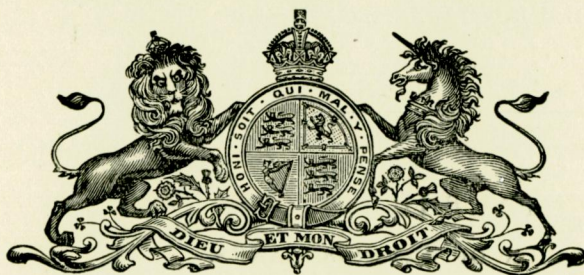


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 18 September, 1913.*

RICH'D. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUARTO

GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1913.

An Act to dissolve the Savings Bank of New South Wales and to vest the property, rights, and liabilities of the said bank in the Government Savings Bank; to repeal the Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902; to amend the Government Savings Bank Act, 1906; to amend certain other Acts; and for purposes consequent thereon or incidental thereto.

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:—

5

### PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Savings Banks Amalgamation Act, 1913," and shall be construed with the Government Savings Bank Act, 1906, hereinafter referred to as the Principal Act.

6615

119—A

Parts



*Savings Banks Amalgamation.*

Parts II and III shall come into force and take effect on dates to be respectively proclaimed and published in the Gazette.

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

Division of Act.

PART I.—PRELIMINARY—ss. 1-2.

5 PART II.—AMALGAMATION OF SAVINGS BANKS—ss. 3-15.

PART III.—ADVANCES FOR HOMES—ss. 16-30.

PART IV.—GENERAL PROVISIONS—ss. 31-33.

PART II.

AMALGAMATION OF SAVINGS BANKS.

10 *Dissolution of Savings Bank of New South Wales.*

**3.** The body corporate of the Savings Bank of New South Wales is dissolved.

Dissolution of Savings Bank of New South Wales in Repeal.

The Savings Bank of New South Wales Act, 1902, and the Savings Bank of New South Wales (Amendment) Act, 1902, are  
15 repealed.

*Vesting of property in commissioners.*

**4.** (1) All property real and personal, and all moneys, and securities for money, and all obligatory instruments, evidences, and muniments, and all powers, rights, claims, and privileges at law or in equity acquired, had, or possessed by, or enjoyed, or vested in the Savings Bank of New South Wales, or the trustees or district trustees, or the president or vice-president or other officer of such bank on behalf of or for the use or benefit of such bank, or for any purpose, or upon any trust connected with such bank shall, by virtue of this Act,  
20 pass to and become vested in the commissioners, and be deemed and taken to be the property of the commissioners as if the right or title thereto had originally been vested in or entered into with or by the commissioners.

Vesting of property of Savings Bank of New South Wales in Commissioners for Government Savings Bank.

(2) Out of the accumulated profits of the Savings Bank of New South Wales the commissioners shall pay to the managing trustee of that bank such sum as the Governor may approve as compensation for the abolition of his office.  
30

Compensation to managing trustee.

(3) All permanent staff officers in the service of the Savings Bank of New South Wales shall, on the passing of this Act, be regarded as having been appointed by the commissioners in terms of the Principal Act, and any leave rights accruing to such officers shall be preserved to them by the commissioners.  
35

Taking over of officers of Savings Bank of New South Wales.

Should



*Savings Banks Amalgamation.*

Should the services of any officers of the bank be dispensed with by the commissioners within twelve months from the passing of the Act for any reason other than misconduct, the commissioners shall pay to such officers such amount by way of compensation as the  
5 commissioners may in their discretion determine.

Compensation on dispensing with services of officers.

5. All persons indebted at the commencement of this Act in any sum of money to the Savings Bank of New South Wales, or the trustees or district trustees, or the president, vice-president, or other officer on behalf of such bank, shall pay such sum to the commis-  
10 sioners, and the same shall be recoverable by the commissioners as a debt due to them.

Where person indebted to Savings Bank of New South Wales.

6. All moneys lawfully due and owing at the commencement of this Act to any person by the Savings Bank of New South Wales, or the trustees, or district trustees, or the president, vice-president, or  
15 other officer, on behalf or on account of the said bank, shall be paid by and be recoverable from the commissioners.

Where money owing by the said bank.

7. Any right of action, accrued to or against, and any contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation lawfully made or entered into by or with the Savings Bank of New  
20 South Wales, or the trustees, district trustees, president, vice-president, or other officers thereof, on behalf of the said bank may be enforced, by or against the commissioners in their name, as if the right of action had originally accrued to or against, or the contract, agreement, lease, mortgage, bond, guarantee, covenant, or obligation had been  
25 made or entered into by or with the commissioners.

Enforcement of rights of action by and against such bank.

8. All properties and moneys vested in or payable to and all moneys payable by the commissioners under the four last preceding sections shall, subject to this Act, be carried to and payable out of the Savings Bank Department :

Moneys to be carried to Savings Bank Department.

30 Provided that the reserve fund of the Savings Bank of New South Wales shall be carried to the reserve fund constituted by section twenty-five of the Principal Act, as amended by this Act.

Reserve fund.

*Guarantee fund.*

9. Out of the reserve fund constituted under section twenty-  
35 five of the Principal Act as amended by this Act, the commissioners may from time to time set aside such sums as may be necessary to supplement the guarantee fund established by the Savings Bank of New South Wales. The guarantee fund so established may be added to by the addition of interest and premiums on fidelity guarantees ; provided  
40 that such guarantee premiums may be paid by the officers or charged to the bank in whole or in part at the option of the commissioners.

Guarantee fund.

10. All losses caused by fraud or carelessness whether occurring before or after the commencement of this Act or whether in connection with the bank or the Savings Bank of New South Wales may be charged

Losses by fraud, &c.



*Savings Banks Amalgamation.*

charged to the said guarantee fund: Provided that nothing herein shall prevent the commissioners from recovering compensation or damages from the officer or other person guilty of such fraud or carelessness.

5 *Depositors in the Savings Bank of New South Wales.*

11. Notwithstanding the terms of section thirty-eight of the Principal Act as amended by this Act, if at the commencement of this Act, any depositor has an account in the Savings Bank of New South Wales as well as an account under the Principal Act, each such account shall, subject to this Act, be kept by the commissioners, and may, except as hereinafter provided, be operated on as a separate account. Accounts in both banks.

12. (1) Any person who at the commencement of this Act has a deposit account in the Savings Bank of New South Wales may, subject to this Act, continue such account for any period not exceeding ten years from such commencement: Provided that it be kept at the office at which it was kept at such commencement, or at a branch or agency of the bank substituted by the commissioners for such office. Continuation of deposits in Savings Bank of New South Wales.

20 At the expiration of such period such account shall be subject in all respects to the provisions governing accounts opened under the Principal Act as amended by this Act and the regulations thereunder.

(2) Where such person has no account under the Principal Act he shall, while his account in the Savings Bank of New South Wales is continued, be entitled to receive from time to time interest at the rate hereinafter mentioned on any amount up to two hundred pounds to the credit of such account. Where depositor has no other account in the bank.

(3) Where at such commencement such person has, in addition to his account in the Savings Bank of New South Wales, an account under the Principal Act, he shall in respect of such first-mentioned account, and while such account is continued, be entitled to receive interest at the rate hereinafter mentioned on the sum to the credit of that account but not exceeding the sum at credit at such commencement, and shall not be entitled to interest on any amount in that account above that sum. Where depositor has another account in bank.

(4) The interest payable under the two last preceding subsections shall be one-half of one per centum above the rate paid to depositors under the Principal Act, but not exceeding three and one-half per centum per annum: Interest.

40 Provided that should the commissioners during the said period of ten years fix the rate of interest payable to depositors under the Principal Act at three and one-half per centum or more, the rate shall, while such rate of interest is payable, be uniform on all deposits, other than on accounts specified in paragraphs (a), (b), and (c) of subsection 45 one of section thirty-nine of Principal Act as amended by this Act.



*Savings Banks Amalgamation.*

**13.** Any holder of a pass-book of the Savings Bank of New South Wales desiring, during the period of ten years aforesaid, to operate at an agency of the Government Savings Bank, or to avail himself of any other advantage possessed by the depositors of the Government Savings Bank of New South Wales, but not possessed by the depositors of the Savings Bank of New South Wales as at first day of March, one thousand nine hundred and twelve, may do so, but such operation shall, unless the commissioners otherwise determine, be taken as a direction to the commissioners to transfer his account to the Government Savings Bank pass-book; and the transfer will be made accordingly, and the former pass-book shall be deemed to be cancelled.

Depositor availing himself of the advantages conferred by the Bank.

**14.** Any depositor in the Savings Bank of New South Wales who, while holding a pass-book of that Bank, opens an account at any branch of the Government Savings Bank, shall forfeit his right to a continuance of his Savings Bank of New South Wales book, and the accounts may thereupon be consolidated by the commissioners, and any excess interest credited to either of the accounts may be forthwith debited to the depositor's account, and the former pass-book shall be deemed to be cancelled.

Depositor opening an account in the Bank.

**15.** All pass-books issued by the Savings Bank of New South Wales and the accounts therein shall during the currency of the account therein (but not after the expiration of the period of ten years specified in section twelve) be held subject to the provisions of the Acts hereby repealed and the rules and regulations thereunder in force at the time of the commencement of this Act, except that any dispute between a depositor and the commissioners shall be determined in the manner prescribed by section seventy-six of the Principal Act, and except where otherwise expressly in this Act provided.

Pass-books to be held subject to repealed Acts.

30

## PART III.

## ADVANCES FOR HOMES.

**16.** (1) Subject to the provisions of this Act the commissioners may make advances out of the funds of the Advance Department to any person for the purpose of enabling him—

35 (a) to erect a dwelling house on his holding as a home for himself and his family, or after erection or partial erection of such dwelling house to enlarge or complete the same;

(b) to purchase a house and land enclosed or occupied therewith as a home for himself and family: or

40 (c) to discharge any mortgage, charge, or encumbrance already existing on such holding. (2)

Advances for purposes of homes.



*Savings Banks Amalgamation.*

(2) No advance shall be made to any person who at the time of making application is the owner of a dwelling house within the State other than that upon which the advance is required.

(3) The total sum advanced to any person, whether by instalments or otherwise, shall not exceed seven hundred and fifty pounds, and shall not exceed three-fourths of the fair estimated value of the borrower's interest in the holding and permanent improvements thereon as certified to by the bank's valuer.

(4) All advances shall be secured by mortgage which shall, inter alia, contain covenants for keeping the security in repair, and insured in the name of the commissioners.

**17.** (1) Advances may be made by instalments, but in such cases the payments shall be subject to such conditions as may be prescribed by regulation as well as those set out in the mortgage. Advances by instalments.

(2) Where an advance is made by instalments for erecting a dwelling-house, and the borrower, in the opinion of the commissioners, has failed or neglected to complete the building in accordance with the terms agreed upon, the commissioners may forthwith take possession of the land and buildings included in the security and complete the building and such other buildings as they consider necessary in order to improve the security. All costs and expenses thereby occasioned to the commissioners shall be deemed to be included in any mortgage or other security given by the borrower and shall be added to the debt, and may be recovered from the borrower, with interest at a rate of one per centum per annum higher than the rate named in the mortgage or other security.

**18.** (1) Every application for an advance under this Part shall be in the prescribed form. Applicants must also supply any further information the commissioners may require to enable them to deal with their applications. Applications for advances.

(2) No such advance shall be made to erect any building or to purchase a home, unless the commissioners are satisfied of the stability, durability, and sanitation of the house, and that it is situated in a locality where it would be readily saleable.

**19.** The maximum periods for repayment of such advances shall be— Periods for repayment of advances.

(a) for brick, concrete, or stone buildings, thirty years :

(b) for wooden buildings, twenty years :

Provided that if the buildings are not new, the commissioners may require the amount of the advances to be reduced within four years to fifty per centum of the value of the property.

Tables shall be prepared by the commissioners showing the monthly and quarterly instalments required to repay an advance.

**20.** The rate of interest on loans under this Part shall be fixed by the commissioners. Rate of interest.

**21.** Before making an advance the commissioners may require a building to be put in a proper state of repair. Buildings to be in state of repair.

**22.**



*Savings Banks Amalgamation.*

- 22.** (1) If at any time in the opinion of the commissioners, any money advanced under this Part has not been applied to the purpose for which it was advanced, or has not been carefully and economically expended, the commissioners may refuse to pay any further instalments of the proposed advance, and may at once call in the whole amount already advanced, together with costs and expenses incurred in connection therewith, whereupon the borrower shall forthwith repay the same. Where money advanced not applied to proper purpose.
- (2) Upon default being made by the borrower under this Part, either in the use of funds advanced by instalments, or under the mortgage, the commissioners shall have all the powers conferred upon them under Parts VI and VII of the Principal Act, as amended by this Act, in addition to those provided by the mortgage deed and the regulations. Default by borrower.
- 23.** Notwithstanding anything to the contrary in section thirty-five of the Principal Act, any officer or servant of the bank may be permitted to obtain an advance under the provisions of this Part. Officer or servant of bank may obtain advance.
- 24.** The commissioners may require all costs and expenses incurred for inspections, valuations, preparation of securities, searches, registration, and other fees to be paid by the borrower before the advance is made, or may debit the same to the borrower's account with the bank, to be paid in such instalments as the commissioners may direct. Costs and fees.
- 25.** In connection with the repayment of loans the following provisions shall apply :— Provision for repayment of loans
- (a) A loan may be repaid either by monthly or quarterly payments, including principal moneys and interest, in accordance with the table for repayments that may be agreed upon, but the instalments may, with the consent of the commissioners, be varied from monthly to quarterly, or vice versa.
- (b) The repayment instalments shall, if at any time the commissioners so direct, be paid at the branch of the bank to which the security is nearest or most conveniently situated.
- (c) The commencement of the period fixed for repayment of the loan under this Part shall be deemed to be the commencement of the month or quarter, according as the loan is repayable by monthly or quarterly payments, next ensuing after the date on which the loan, or in the case of an instalment loan, the date on which the last instalment of such loan has been paid.
- Interest on the moneys advanced shall also be paid by the borrower for the time intervening between the date or dates of advancing such moneys up to the date of commencement of the period fixed for repayment of the loan.



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*Savings Banks Amalgamation.*

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**26.** The provisions of sections sixty-six, and of paragraphs (a), (b), (g), (h), and (i) of section sixty-eight, and sections seventy, seventy-one, seventy-three, seventy-five, and seventy-seven to eighty-five inclusive of the Principal Act as amended by this Act shall apply to loans made under this Part.

Application of sections of Principal Act.

**27.** All transactions and accounts relating to advances under this Part shall be kept separate and distinct from those relating to the Savings Bank, Closer Settlement Promotion, and Advance Departments, except that the funds for advances shall, as hereinbefore provided, be drawn from the Advance Department :

Accounts in respect of advances to be kept separate.

Provided that the same officers may be employed in administering matters under this Part, and under the Savings Bank, Closer Settlement Promotion, and Advance Departments, but the costs of administration shall be equitably apportioned by quarterly adjustments made by the commissioners.

**28.** There shall be a special reserve fund of the bank to which shall be carried any profit or loss arising from transactions under this Part. Any deficiencies in such fund at the end of any financial year of the bank shall be made good from the Consolidated Revenue Fund, upon such deficiency being certified to by the commissioners.

Special reserve fund.

**29.** The commissioners may, subject to the provisions of the Principal Act relating to regulations made thereunder, make regulations for carrying out the provisions of this Part, and particularly—

Regulations.

(a) relating to applications for and the granting of loans under this Part ;

(b) providing for payment of fees on such applications and loans, and of architects' and valuers' fees and any other fees in relation to the carrying out of the provisions of this Part.

**30.** The commissioners shall not, in any financial year of the bank, make advances under this Part, exceeding in the whole, three hundred thousand pounds, without the consent of the Governor.

Limitation of total advances in any one year.



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*Savings Banks Amalgamation.*

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PART IV.

GENERAL PROVISIONS.

**31.** The Principal Act is amended as indicated in the Schedule Amendments of  
Principal Act.  
to this Act.

5 **32.** The commissioners shall hold all real and personal property Commissioners to  
hold property on  
behalf of Crown.  
whatsoever vested in them under the Principal or this Act for and on  
behalf of the Government of New South Wales, and all moneys so  
vested in or held by them, whether the same be accrued due  
or not, are hereby declared to be public moneys belonging to His  
10 Majesty, and the property of the Crown, and, in addition to all other  
remedies, shall be recoverable accordingly as from debtors to the  
Crown.

**33.** Upon repayment of any moneys loaned from the Advance Investments  
moneys.  
Department the commissioners are empowered to invest the same until  
15 required for redemption of debentures sold under the Principal Act in  
deposits at Treasury or in trading banks or in any of the class of  
investment provided for in paragraphs (b) (III) (IV) and (V) of section  
forty-seven of the Principal Act as amended by this Act.



*Savings Banks Amalgamation.*

## SCHEDULE.

*Amendments of Principal Act.*

Section 6.—After “common seal” insert “with power to sue and be sued in their corporate name.”

5 Section 11.—Omit the word “twelve” and substitute the word “fifteen,” and omit the word “nine” and substitute the word “twelve.”

Section 19 and paragraph (c).—Omit “after deducting any moneys overdue at date of forfeiture for rent or instalments.”

Section 19.—Add new paragraph “(f) In the event of the commissioners being 10 unable to sell for cash a security offered for sale under the last paragraph, they may enter into possession thereof and either lease it or sell it on terms for such amount as they may consider proper, or otherwise dispose of it.”

Section 21.—After the word “mortgage” wherever occurring in the section insert the words “lease, deed”

15 Section 24.—Omit paragraph (a) and substitute the following:—“(a) Purchase lands and erect buildings thereon to be used wholly or partly in the business of the bank, or take a lease of lands for the like purpose and erect buildings thereon.”

Section 24.—Add new section:—24A The Governor may at any time by proclamation vest in fee-simple in the commissioners any Crown lands to be used for the 20 purposes of the business of the bank.

Section 25.—Omit the first paragraph down to the words “without delay,” and substitute “The commissioners shall out of the net profits of the Savings Bank Department set apart from year to year such sum as they think proper towards a reserve fund for equalising the rates of interest payable on deposits and for meeting losses.”

25 Section 26.—Add 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).”

Section 27.—After “bank” insert the words “in New South Wales or within the Federal Territory, formerly part of the State, and may maintain existing agencies in the 30 said territory.”

Section 28.—Omit words “branches and” and at end of section add “and may enter into arrangements with any savings bank within the British Empire for transfer of accounts, receipt of deposits, payments to depositors, or any other banking business that may be mutually advantageous to this and such other bank.”

35 Section 29.—Omit the word “annually” and at end of section add “Provided that after the thirty-first day of December, one thousand nine hundred and thirteen, the terminal date of the financial year shall be the thirtieth June.”

Section 35.—Omit the words “or agent” wherever occurring in this section, and before the word “servant” wherever occurring in this section, insert the word “or”

40 Section 37, subsection (2).—Omit “of the age of twelve years or upwards” and at end of section add “Money to credit shall not be paid till the minor reaches the age of twelve years, and his order shall then be a sufficient discharge to the commissioners, notwithstanding such person’s infancy :

“Provided that if the commissioners are satisfied at any time before the depositor 45 reaches the age of twelve years that the repayment of the money to the parent or guardian of such minor is necessary in order to provide for the support or advancement of the depositor, the amount may be so repaid, and the parent or guardian can give a sufficient discharge to the bank.”

Section 37.—Insert after subsection (2) a new subsection as follows:—“(2A) When 50 accounts are opened by or on behalf of minors, the age then entered in the books of the bank shall for the purpose of this Act be conclusive evidence of the age of such minor.”

Section



*Savings Banks Amalgamation.*

Section 38.—Omit paragraph (c) and at the end of the section insert new sections as follows:—

5 “38A. Accounts may be opened by or on behalf of friendly, charitable, or other societies or institutions (including a trades union or an industrial union of employers), not carried on for purposes of trade or profit, municipalities and shires, provided that in connection with municipality or shire accounts the limit of deposit shall be one thousand pounds.”

10 “38B. A depositor of the age of twelve years or upwards may nominate any person to receive any sum not exceeding two hundred pounds due to such depositor at his decease subject to such terms and conditions as may be prescribed by the commissioners.

“The receipt of any such person so nominated as aforesaid shall be a good and sufficient discharge to the commissioners for the sum paid to such person as being the subject of such nomination.”

15 Section 39, subsection (1).—After “fix” where secondly occurring insert “a maximum sum upon which interest may be paid and”

Section 39, subsection (1).—After paragraph (b) insert new paragraph:—“(c) any municipality or shire”

20 Section 39 (1).—After “aforesaid societies” omit “and”; and after the word “institutions” where next occurring insert “municipalities or shires”

Section 39, subsection (1).—Omit “five hundred pounds” and insert “the maximum amount of interest-bearing balance fixed by regulation under this section”

25 Section 39, subsection (2).—Omit all words after “made” and insert “Where the balance to credit varies during the month, interest will be paid on the minimum balance at credit for the whole calendar month.”

Section 39, subsection (3).—After “December” insert “one thousand nine hundred and thirteen”; and after “and” where first occurring insert “thereafter on”

30 Section 40.—Omit the words “a receipt or” wherever they occur in the section and insert the word “an”: omit the words “receipt or”: and omit the words “to be received”

Section 41, subsection (1).—After “on demand” insert “where the sum does not exceed fifty pounds, but above that sum the commissioners may by regulation prescribe the conditions and period of notice that may be required for such payments.”

35 Section 41 (2).—After the word “societies” insert the words “trades unions or industrial unions of employers.”

Section 47.—Omit the words “All moneys received by” and insert the words “The funds of”

Section 47.—Omit the words “after the constitution of the bank”

40 Section 47, paragraph (a).—Insert the word “trading” before the word “banks” and omit the words “of issue”; also omit the words “at short notice” and insert “for periods not exceeding two years”

Section 47, paragraph (b) (ii).—Insert at end of paragraph “including conditional purchases with or without conditional leases.”

45 Section 48 (1).—After the word “prior” whenever occurring insert the word “encumbrance,” and after the words “used to” insert the words “discharge or”

Section 48 (2), paragraph (b), is repealed.

Section 62.—Insert at end of paragraph (b)—

“(vii) additional conditional purchase leases;

“(viii) special conditional purchase leases;

50 “(ix) Crown leases;

“(x) homestead farm leases;

“(xi) irrigation farm leases;

“as defined by the Crown Lands Acts,

55 “(xii) holdings that have been converted into any of the foregoing tenures under the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, or any amendment thereof.”

Section



*Savings Banks Amalgamation.*

Section 62, paragraph (c).—Omit the words “short notice” and insert “for periods not exceeding two years.”

Section 63, subsection (2).—Add at end of subsection “Provided that the commissioners may permit variations of the said purposes for which loans are granted, if satisfied that such variations are not prejudicial to the security.”

Section 63, subsection (3).—Omit the words “whether so declared by proclamation of the Governor or not so declared” and insert the words “as proclaimed by the Governor.”

Section 66, subsection (1).—Add at end of subsection “Provided that where a loan is repaid in full within a period of one year from the date of making the advance, a penalty of six months’ interest shall be paid in addition to the interest due to such instalment date.”

Section 66, subsection (2).—Add at end of subsection new paragraph “Should a borrower who has made repayments under this section subsequently fall into arrear with his instalments, the commissioners may apply the whole or part of the moneys lying to the credit of his repayment account to meet his overdue instalments.”

Section 68 (b).—After the word “prior” where occurring insert the word “encumbrance” and after the words “used to” insert the words “release, discharge, or.”

Section 68 (d) (ii).—After the word “five” insert the words “and a half.”

Section 68.—After paragraph (d) insert the following new paragraph:—“(d) (i) The commencement of the term or period for repayment specified in paragraphs (c) and (d) shall be the commencement of the half-year next ensuing after the date from which interest under the mortgage starts.”

Section 68 (f).—After the words “settlement purchase” omit “or” and insert the words “in connection with which the conditions of residence and improvements have not been completed”; after the words “conditional purchase lease” insert “additional conditional purchase lease, special conditional purchase lease, Crown lease, homestead farm lease, or irrigation farm lease, as defined by the Crown Lands Acts”; omit the words “one-half” and insert “three-fourths,” and at the end of the paragraph add the words “and provided that the advance shall not exceed two-thirds of the sale value of the security as determined by the Banks Valuator.”

Section 69, paragraph (a).—After “within twelve months” insert “or within such less period as they may determine and so notify to the Secretary for Lands”

Section 69, paragraph (b).—Omit all words after “commissioners” where secondly occurring in this paragraph.

Section 69, paragraph (c).—Insert after word “mortgage” wherever occurring the words “or transfer”

Section 70, paragraph (a).—After the word “transferred” insert “mortgaged”

Section 70, paragraph (b).—After the word “transfer” insert the word “mortgage”

Section 75.—Add new sections as follows:—

“75A.—The powers and remedies conferred upon the commissioners under this Act are not in any way limited or restricted by the provisions of the Crown Lands (Amendment) Act, 1908, the Crown Lands (Amendment) Act, 1912, the Closer Settlement Act of 1904, or by any amendments thereof.”

“75B.—Consents by the commissioners to leases of holdings or land held by the bank as security shall be exempt from payment of stamp duty.”

Section 77.—At the end of the section add the following words “or relating to land or property owned or leased by the commissioners.”

Section 83.—Add new paragraphs—

“(i) for the protection of the commissioners in the case of forgeries and lost pass-books.”

“(j) for payment of deposits of deceased illegitimate depositors to persons who but for such illegitimacy would be entitled thereto.”

“(k) for carrying into effect the power to nominate conferred on depositors.”