



## HOMES (ADDITIONAL BORROWINGS)

---

No. 110 of 1977

---

### ANALYSIS

1. Short title and citation.
2. Borrowing by debentures or inscribed stock.

\*\*\*\*\*

**AN ACT to amend the Homes Act 1935.**

[14 December 1977]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *Homes (Additional Borrowings) Act 1977*. Short title and citation.

(2) The *Homes Act 1935*\*, as subsequently amended, is in this Act referred to as the Principal Act.

---

\* 26 Geo. V No. 98. For this Act as amended to 1959, see Reprint of Statutes (1826-1959), Vol. 2, p. 915. Subsequently amended by No. 18 of 1961, No. 55 of 1965, No. 27 of 1966, No. 1 of 1973, Nos. 51 and 80 of 1973, Nos. 28 and 101 of 1976, and Nos. 20, 29, and 59 of 1977.

2 Part II of the Principal Act is amended by inserting after section 9 the following section:—

Borrowing by  
debentures or  
inscribed  
stock.

“9A—(1) Subject to this section the Director-General with the consent of the Governor, may borrow on the security of his revenues such sums of money as he may require for the purposes of this Act.

“(2) The total sums borrowed under this section and not, for the time being, repaid shall not exceed \$10 000 000.

“(3) Money borrowed by the Director-General under this section may be so borrowed—

- (a) by the issue of debentures payable to the bearer with interest coupons attached;
- (b) by the creation and issue of inscribed stock; or
- (c) in such other manner as may be prescribed or as the Governor may approve.

“(4) Debentures and inscribed stock issued or created under this section—

- (a) shall, with all interest thereon, be charged and secured on the revenues of the Director-General;
- (b) shall bear interest at such rate, and be redeemable at such date and at such place, as the Director-General may, with the approval of the Governor, determine;
- (c) may, with the consent of the holder or the registered owner thereof, as the case may be, be paid off at any time before the date for repayment, at not more than the face value thereof; and
- (d) whether original or not, shall rank *pari passu* in point of charge without any preference or priority one over another.

“(5) Interest secured by any debentures or inscribed stock issued or created pursuant to this section shall be payable half-yearly on days and at places fixed by the Director-General.

“(6) The Director-General may, at the request of the holder of any debenture or of the registered owner of any inscribed stock issued or created under this section, in lieu thereof issue to him stock or debentures, as the case may be, in respect of the same loan, and of the same currency, and bearing the same interest.

“(7) The due payment of moneys borrowed on the security of the Director-General’s revenues pursuant to this section and the interest thereon is guaranteed by the State, and any liability of the Crown arising by virtue of this subsection is payable out of the Consolidated Revenue, which, to the necessary extent, is appropriated accordingly.

“(8) As the Treasurer may require, the Director-General shall make provision by way of sinking fund for the purpose of redeeming loans raised under this section, the sums required to be paid into the sinking fund being paid to the State Sinking Fund Commissioners.

“(9) Where for the purpose of redeeming a loan raised under this section, it is necessary to resort to the provisions made under subsection (8) the Director-General may require the State Sinking Fund Commissioners to make the necessary funds available to him or he may obtain an advance from a bank on the security of his rights against the Commissioners.

“(10) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in any debentures or inscribed stock issued or created pursuant to this section, and the investment shall be deemed to be an investment authorized by the *Trustee Act* 1898.

“(11) Any debentures or inscribed stock issued or created pursuant to this section shall be lawful investment for any moneys which any body corporate incorporated by or under any Act is authorized or directed to invest, in addition to any other investments expressly provided for the investment of those moneys.

“(12) No notice of any trust, whether express, implied, or constructive, shall be received by the Director-General or by an officer employed by the Director-General in relation to any inscribed stock issued or created pursuant to this section.”.

