



METROPOLITAN TRANSPORT AMENDMENT ACT 1984

No. 22 of 1984

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AN ACT to amend the Metropolitan Transport Act 1954.

[Royal Assent 16 May 1984]

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—This Act may be cited as the *Metropolitan Transport Amendment Act* 1984. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Principal Act.

3—In this Act, the *Metropolitan Transport Act 1954** is referred to as the Principal Act.

Insertion in
Principal Act
of new
sections 35A,
35B, and 35C.

4—After section 35 of the Principal Act, the following sections are inserted:—

General
borrowing
powers of
Trust.

35A—(1) Subject to this section, the Trust may, with the consent of the Treasurer, borrow money for the purposes of this Act.

(2) Any money borrowed by the Trust pursuant to subsection (1) may be raised—

(a) by the issue of debentures payable to bearer with interest coupons attached;

(b) by the creation and issue of inscribed stock, to be called “Metropolitan Transport Trust Incribed Stock”;

(c) partly as provided by paragraph (a) and partly as provided by paragraph (b); or

(d) in such other manner (including securities) as the Treasurer approves.

(3) Any debenture or inscribed stock issued or created pursuant to subsection (2)—

(a) shall bear interest at such rate, and be redeemable at such date and at such place, as the Trust, with the approval of the Treasurer, determines;

(b) may, with the consent of the holder of the debenture or the registered owner of the stock, as the case may be, be paid off at any time before the due date for repayment, at not more than its face value; and

(c) whether original or not, shall rank *pari passu* in point of charge without any preference or priority one over another.

* No. 77 of 1954. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 4, p. 119. Subsequently amended by Nos. 31 and 40 of 1961, No. 1 of 1962, No. 55 of 1965, No. 15 of 1971, No. 75 of 1973, No. 1 of 1977, No. 53 of 1980, No. 17 of 1981, and Nos. 10 and 99 of 1982.

(4) Interest secured by any debenture or inscribed stock issued or created pursuant to subsection (2) shall be payable in respect of such periods and at such places as the Trust determines.

(5) The Trust may, at the request of the holder of a debenture or the registered owner of any inscribed stock issued or created pursuant to subsection (2), in place of that debenture or inscribed stock issue to him a debenture or inscribed stock, as the case may be, in respect of the same loan, and of the same amount, and of the same currency, and bearing the same interest.

(6) For the purpose of making provision to pay off the whole or a part of a loan raised by the Trust pursuant to subsection (1), the Trust may, with the consent of the Treasurer, borrow the necessary money before the loan or part of the loan becomes payable.

(7) A trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust money in his hands in any debenture or inscribed stock issued or created pursuant to subsection (2), and the investment shall be deemed to be an investment authorized by the *Trustee Act 1898*.

(8) Any debenture or inscribed stock issued or created pursuant to subsection (2) shall be a lawful investment for any money which a body corporate is authorized or directed to invest, in addition to any other investments expressly provided for the investment of that money.

(9) The Trust is not bound by notice of a trust, whether express, implied, or constructive, in relation to any inscribed stock issued or created pursuant to subsection (2).

35B—(1) The Treasurer may execute a guarantee, either Guarantees.
alone or jointly with some other person, in favour of a bank or another person or a body of persons, whether corporate or unincorporate, for the repayment of, and payment of interest on, any loan (including a bank overdraft) made to the Trust under section 35A (1).

(2) The following provisions apply to, and in respect of, a guarantee executed under subsection (1):—

(a) the guarantee may include any interest charges and expenses chargeable by the creditor against

the Trust and the expenses of enforcing or obtaining or endeavouring to enforce or obtain payment of the debt guaranteed and those interest charges and expenses;

- (b) the guarantee may be expressed to include compound interest;
- (c) the creditor shall, if required to do so by the Treasurer, obtain, take and hold or retain and hold securities for the payment of the principal debt of such nature as the Treasurer requires;
- (d) the guarantee shall not be enforceable against the Treasurer unless and until the creditor has exercised his rights and remedies under all securities held by or for him in respect of the debt guaranteed, other than the guarantee;
- (e) the creditor shall not, without the consent in writing of the Treasurer, assign or encumber the benefit of the guarantee.

(3) Subject to subsection (2), a guarantee executed under subsection (1) may be subject to such terms and conditions as the Treasurer thinks fit.

(4) The amount of any liability incurred under a guarantee executed under this section is a charge on the Consolidated Revenue Fund and is payable out of that Fund without further appropriation than this subsection.

Reserve
accounts.

35C—(1) Subject to subsection (2), the Trust may, out of the money received by it under this Act, set aside such amount as it considers necessary for the purpose of—

- (a) making provision for undetermined losses or liabilities; or
 - (b) creating a reserve, or reserves, against contingencies, other than those arising under section 39A,
- or for such other purpose as may be determined by the Trust.

(2) The Trust shall not exercise the power conferred on it by subsection (1) unless the Treasurer has approved of the amount of each provision or reserve, and the purpose for which each provision or reserve is made.

5—(1) Section 38 (1) of the Principal Act is amended as follows:—

Amendment of section 38 of Principal Act (Provision for depreciation, &c.).

(a) by omitting from paragraph (a) “ nature; and ” and substituting “ nature;”;

(b) by inserting the following paragraph after paragraph (a):—

(ab) to repay the whole or any part of a loan raised by the Trust pursuant to section 35A (1); and

(2) Section 38 (6) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (b) “ Trust; or ” and substituting “ Trust ”;

(b) by omitting from paragraph (c) “ corporation.” and substituting “ corporation; or ”;

(c) by inserting the following paragraph after paragraph (c):—

(d) the repayment of the whole or any part of a loan raised by the Trust pursuant to section 35A (1).

