

## TASMANIA.

# THE STATE SECURITIES ACT, 1918.

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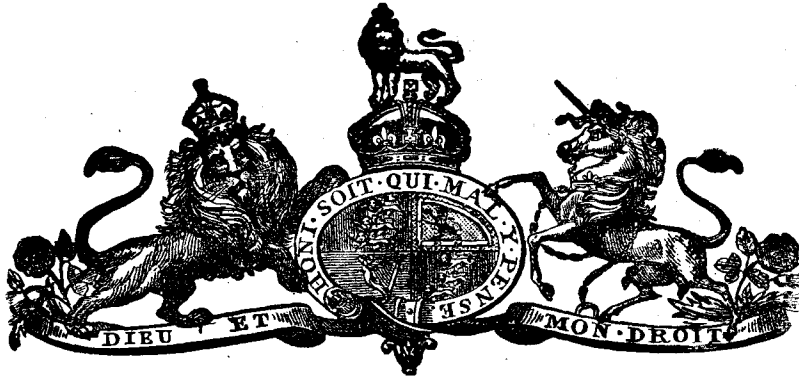
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# TASMANIA



1918.

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AN ACT to consolidate and amend the Law <sup>A.D.</sup> 1918.  
relating to Loans authorised to be raised by  
the Government of Tasmania, the Creation  
and Issue of Inscribed Stock, Debentures,  
and Treasury Bills, and for other purposes.  
[14 October, 1918.]

**B**E 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 :—

## PART I. PRELIMINARY.

- 1 This Act may be cited as "The State Securities Act, 1918." Short title.
- 2 This Act is divided into parts as follows :— Parts.
  - Part I.—Preliminary.
  - Part II.—Provisions of General Application.
  - Part III.—Inscribed Stock.
    - Division 1.—Classes of Inscribed Stock.
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Definitions.

**3** In this Act, unless the contrary intention appears—

“ Auditor-General ” means the Auditor-General for the time being of this State, and includes a deputy auditor-general :

“ Authorising Act ” means any Act whereby authority is given to borrow and raise any sum of money for the purposes mentioned in such Act :

“ Debentures ” includes ordinary debentures and coupons (if any) in connection therewith, and instalment debentures :

“ Inscribed stock ” includes “ local inscribed stock ” and “ Tasmanian stock ” :

“ Local inscribed stock ” means inscribed stock inscribed and issued in this State :

“ Part ” means Part of this Act :

“ State securities ” or “ Government securities ” includes “ inscribed stock,” “ debentures,” and “ Treasury bills ” and coupons in connection with debentures and Treasury bills :

“ Tasmanian Stock ” means inscribed stock inscribed and issued in London :

“ Treasurer ” means the Treasurer for the time being of this State :

“ Treasury Bill ” means a Treasury Bill issued under this Act, and includes any coupon in connection therewith :

“ Under Treasurer ” means the Under-Treasurer for the time being of this State, and includes an acting or deputy under-treasurer.

## PART II.

## PROVISIONS OF GENERAL APPLICATION.

Authorised loans may be raised under this Act. Cf. No. 131, 1908, s. 4. (N.Z.) Cf. No. 5, 1910, s. 5, (W.A.).

Method of raising loans. *Ibid.*, s. 5 (N.Z.).

**4** As often as by any Act passed during the present or any future session of Parliament authority is given to the Treasurer to borrow and raise any sum of money for the purposes mentioned in such Act, such moneys may be raised under and subject to the provisions of this Act.

**5** The Treasurer may, from time to time, in this State or elsewhere, by inscribed stock, debentures, or Treasury bills, or all or any of the said means, borrow and raise such sums of money not exceeding in the whole the total sum authorised to be raised, as he thinks fit; and for that purpose he may, from time to time, exercise all or any of the following powers, that is to say :—

1. He may fix and determine the mode and conditions of repayment of the sums so raised, the rates of interest thereon, and the times and places of the payment of principal and interest respectively; and the mode of repayment may be by periodical instalments of principal and interest combined, or such other mode as he thinks fit :

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- II. As security for the sums so raised he may, from time to time, create and issue inscribed stock, debentures (with or without coupons), or Treasury bills (with or without coupons) of such amount in such form and with such currency as he thinks fit. A.D. 1918.

**6** All charges and expenses lawfully incurred in or about the raising or flotation of any loan, except charges and expenses of administration, and all interest payable for any period prior to the date of issue, except in respect of any instalment of the price of the State securities actually paid, shall be payable out of the proceeds of such loan. Flotation expenses charged to proceeds. Cf. *Ibid.* s. 6 (W.A.).

**7** The principal moneys and interest secured by the inscribed stock, debentures, or Treasury bills, issued under or pursuant to the provisions of this Act are hereby charged upon, and shall be payable out of, the Consolidated Revenue, which is hereby appropriated for the purpose. Loans to be a charge upon Consolidated Revenue. Cf. No. 20, 1911, s. 6 (Com.). Cf. *Ibid.* s. 8 (W.A.).

**8** Subject to the provisions of this Act and any authorising Act relating thereto, each certificate for inscribed stock and each debenture and Treasury bill shall :— Conditions of issue. Cf. No. 33 of 1914, s. 4, (Com.).

- i. Bear such date as the Treasurer directs or approves :
- II. In the case of debentures and Treasury bills issued within this State, shall be signed by the Auditor-General and by the Treasurer, or by some other person in that behalf appointed by the Governor, and also by the Under-Treasurer :
- III. In the case of inscribed stock issued within this State, shall be signed by the Auditor-General and also by the Treasurer, or by some Minister of the Crown acting on behalf of the Treasurer :
- IV. If issued within this State, be registered in books to be kept for the purpose in the Treasury and in the office of the Auditor-General.

**9—(1)** For the purpose of paying off or renewing at maturity any inscribed stock, debentures, or Treasury bills charged upon the Consolidated Revenue (whether created and issued under this Act or any former Act), the Treasurer or any bank or person authorised in that behalf by the Governor, as the case may be, may from time to time and as often as the occasion arises, create, issue, and dispose of new inscribed stock, debentures and Treasury bills for such amount as may be necessary for the purpose aforesaid (including the costs, charges, and expenses incurred), and with such currency as the Treasurer or such bank or person thinks fit. Payment or renewal of securities at maturity. Cf. No. 131 of 1908, s. 17, (N.Z.).

**(2)** In every case where moneys are raised under this section for the purpose of paying off or renewing any State securities, the moneys so raised shall be applied exclusively in paying off or renewing those securities, and defraying the costs, charges, and expenses in so doing ;

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Provided that nothing in this subsection shall be construed to prevent the temporary investment of such moneys pending their application to the purpose aforesaid.

Defaced State securities may be exchanged.  
Cf. No. 33 of 1914, s. 9, (Com.).

**10** Where a State security, issued in this State under this Act or any Act thereby repealed, has been defaced by accident, the Treasurer may permit it to be cancelled, and a new and similar State security to be made out and issued in lieu thereof.

Lost or destroyed State securities.  
Cf. *Ibid.* s. 10, (Com.).

**11**—(1) Where a State security, issued in this State under this Act or any Act thereby repealed, has been accidentally lost or destroyed before it has been paid off, the owner may make application to a judge of the Supreme Court, or a commissioner of a court of requests, for a certificate under this section.

(2) If on the application the judge or commissioner is satisfied by evidence that the State security has been accidentally lost or destroyed, and that the applicant is the owner thereof, he may give to the applicant a certificate that he is so satisfied.

(3) Upon such certificate, and upon the applicant giving security to the satisfaction of the Treasurer to indemnify the State against double payment of the State security, the Treasurer may, if he thinks fit, cause a new and similar State security to be made out and issued in lieu thereof.

New State security to have like currency, &c., as cancelled one.  
Cf. *Ibid.* s. 9 & 10 (Com.).

**12** Any new State security issued in lieu of a defaced, or lost, or destroyed State security, shall have the like currency, and be in all respect subject to the same rules, methods, and continuance, and bear the same number, date, and principal sum, and rate of interest, as the cancelled State security.

Cancellation of discharged and defaced State securities.  
Cf. No. 33 of 1914, s. 12, (Com.).

**13** State securities and coupons which are paid off and discharged, and defaced State securities as aforesaid, shall be cancelled in the prescribed manner.

In case of friendly society or branch, Treasurer may issue stock, debentures, or Treasury bills in names of trustees for the time being.  
No. 47, 1917, s. 9, (Tas.).

**14**—(1) In any case where the Treasurer borrows from a friendly society or branch thereof, he may issue the inscribed stock, debentures, or Treasury bills, as the case may be, in the names of the trustees for the time being of the society or branch without actually naming them.

(2) Upon the repayment by the Treasurer of any moneys so borrowed, the receipt of any Two or more persons purporting to sign as trustees for the time being of the society or branch shall be a full discharge to the Treasurer for all moneys in and by such receipt acknowledged to be repaid, and the Treasurer shall not be bound to enquire whether the persons so signing are actually trustees, or to see to the application, and shall not be answerable for the loss or misapplication of any moneys so repaid.

Stock, &c., not liable to stamp duty.  
Cf. No. 26, 1915, s. 5, (Com.).

**15** Inscribed stock certificates, debentures, and Treasury bills and transfers of inscribed stock, debentures, or Treasury bills, shall not be liable to stamp duty under any law of this State.

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## PART III.

## INSCRIBED STOCK.

Division 1.—*Classes of Inscribed Stock.*

**16**—(1) Inscribed stock to be issued under this Act may be Classes of stock :  
inscribed and issued—

- i. In this State at the Treasury, Hobart, and all such stock "Local inscribed stock" shall be styled "local inscribed stock": or
- ii. Outside this State, pursuant to an agreement with the "Tasmanian stock." Governor, by a bank carrying on business in London, and all such stock shall be styled "Tasmanian stock."

(2) Inscribed stock shall be personal property.

Cf. No. 20, 1911,  
s. 13 (Com.).

**17** Whenever the Treasurer decides to borrow any money by means of local inscribed stock—

- i. He may from time to time, by notice in the "Gazette," notify the price and other conditions of the issue of such stock :  
Treasurer to notify particulars of issue of stock in "Gazette."
- ii. He may, during the period for which any such notice remains in force, cause a printed copy thereof to be affixed at the Treasury, Hobart, and at such other places as he may think fit, for the information of the public. Printed copy of "Gazette" notice to be affixed at Treasury.

**18** No local inscribed stock shall be inscribed—

- i. For an amount less than Fifty Pounds : nor
- ii. In the names of more than Three persons.

Limit of amount and number of names.  
Cf. *Ibid.* s. 3, (Tas.).  
Cf. *Ibid.* s. 16, (Com.).

Division 2.—*Provisions applicable only to Local Inscribed Stock.*

**19** All moneys paid to the Treasurer as the price of local inscribed stock shall be applied by him—

- i. In the redemption of any public securities, whether due or becoming due : or
- ii. To any purpose for which a loan may be raised under the authority of any Act.

Application of moneys invested in stock.  
Cf. No. 5, of 1911, s. 48, (W.A.).

**20** All local inscribed stock issued shall be inscribed in a stock ledger called "The Local Inscribed Stock Book" kept for the purpose in the Treasury, at Hobart, by entering therein—

- i. The name of the owner of the stock :
- ii. The amount of the stock :
- iii. The date of receipt of sum borrowed :
- iv. The time for which such sum is borrowed :
- v. The date on which such sum is repayable : and
- vi. Such other particulars as are prescribed.

Stock to be inscribed.  
Cf. No. 6 of 1895, s. 4, (Tas.).  
Cf. No. 20 of 1911, s. 15, (Com.).

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Lenders, if  
required, must  
sign Local  
Inscribed Stock  
Book.

Cf. *Ibid.*, s. 5,  
(Tas.).

Stock certificate.  
Cf. No. 20, 1911,  
s. 17, (Com.).  
Cf. s. 6, (Tas.).

Owner of stock.  
*Ibid.* s. 18,  
(Com.).

Transfer.  
*Ibid.* s. 49,  
(W.A.).  
Cf. s. 9 (Tas.).  
Notice of trusts  
not received.  
*Ibid.* s. 19,  
(Com.).  
*Ibid.* s. 50,  
(W.A.).  
Receipts for  
interest.  
*Ibid.* s. 22,  
(Com.).

Powers of  
attorney.  
Cf. No. 20, 1911,  
s. 56, (Com.).

**21** Every person from whom the Treasurer borrows any sum by means of local inscribed stock, shall, if required by the Treasurer or Under-Treasurer to do so, by himself or by his agent authorised in the prescribed manner, sign his name in "The Local Inscribed Stock Book" opposite the entries made therein in respect of such sum.

**22**—(1) The Treasurer shall issue, in the name of the owner of any local inscribed stock, a certificate of the proprietorship of the stock.

(2) The said certificate shall be deliverable only to the person whose name is inserted therein as owner, or to a person authorised by him in the prescribed manner to receive the same.

(3) The certificate relating to stock inscribed in the names of more than One person may be delivered to any One of them.

**23** The person whose name is inscribed in the local inscribed stock book as the owner of any stock shall be deemed to be the owner of the stock.

**24** Local inscribed stock shall be transferable in the manner prescribed by regulations under this Act and not otherwise.

**25** No notice of any trust, express, implied, or constructive, shall be received by the Registrar of Inscribed Stock, the Treasurer, or the Government of this State, or entered in the local inscribed stock book.

**26** Any one of the persons in whose names any stock is inscribed may give valid receipts for interest.

**27**—(1) Any person may—

i. By power of attorney in the prescribed form, under his hand and seal and attested, appoint some person to be his attorney solely for purposes in relation to local inscribed stock; and

ii. May deposit such power of attorney in the Treasury with the Under-Treasurer in lieu of registering it in the office of the Registrar of Deeds pursuant to the Act 24 Victoriae No. 3.

(2) Every such power of attorney so deposited shall be valid and effectual for all the purposes therein mentioned until notice of its revocation, or of the bankruptcy, insolvency, lunacy, unsoundness of mind, or death of the principal, has been received by the Under-Treasurer at the Treasury.

(3) Every such power of attorney so deposited shall be exempt from—

i. The payment of any stamp duties; and  
ii. The provisions of the Act 24 Victoriae No. 3.



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**28** The Governor may, from time to time, enter into an agreement with any bank carrying on business in London, providing for such bank acting as registrar of the State of Tasmania in London in accordance with the provisions of "The Colonial Stock Act, 1877," and for all or any of the following matters:—

Powers of Governor in respect of agreements, &c.  
Cf. No. 55, 1889, s. 7 (Tas).  
Cf. No. 5, 1910, s. 19 (W.A.).

- i. For the inscription, issue, and sale of Tasmanian stock :
- ii. For effecting the conversion of debentures into Tasmanian stock, and regulating transfers of stock :
- iii. For paying interest on Tasmanian stock :
- iv. For issuing Tasmanian stock certificates, and as often as occasion shall require, reinscribing or reissuing such certificates :
- v. For receiving all moneys raised under this Act, and for paying such moneys into the public account with the bank duly appointed in that behalf :
- vi. For issuing scrip for deposits on loans raised by the sale of Tasmanian stock :
- vii. For paying off capital of Tasmanian stock or loans :
- viii. For conducting generally all business connected with Tasmanian stock or loans :
- ix. And for the protection and remuneration of any such bank under and in respect of any such agreement.

**29** Every agreement made with any such bank shall be as valid and effectual as if the terms thereof had been enacted by this Act, and all remuneration payable thereunder to such bank, and all charges and expenses of administration incurred in carrying out the provisions of this Act shall be a charge on and be payable out of the Consolidated Revenue.

Effect of agreement with bank.  
*Ibid.*, s. 8 (Tas).  
*Ibid.*, s. 20 (W.A.).

**30** The Governor may appoint One or more persons in London as agent or agents for the purposes of this Act, and may empower such agent or agents to exercise all such powers and do all such things as are, by this Act, vested in or exercisable or to be done by the Governor as the Governor may authorise or direct.

Power of Governor as to appointment of agent, &c.  
*Ibid.* s. 9 (Tas).  
*Ibid.*, s. 21 (W.A.).

**31** Every such appointment of an agent shall be notified to any bank with which any agreement has been entered into under this Act, and the power and authority of every such agent shall continue in force until such bank shall have received a notice in writing of the termination of the agent's appointment signed by the Governor.

Notification of appointment of agents.  
*Ibid.*, s. 10 (Tas).  
*Ibid.*, s. 21 (W.A.).

**32** The Governor shall also have and may exercise the following powers and authorities or any of them :—

Governor may authorise conversion of loans.  
Cf. *Ibid.*, s. 4 (Tas).  
Cf. *Ibid.*, s. 23 (W.A.).  
Cf. No. 131, 1908, s. 22 (N.Z.).

- i. He may from time to time declare all or any of the Tasmanian loans existing in the form of debentures issued in London under the authority of any Act to be convertible into Tasmanian stock of such denominations and on such conditions as he may before the creation thereof determine :

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How conversion  
may be effected.Act not to affect  
capital or annual  
charge of any  
loan.  
Cf. s. 23 (N.Z.).

- ii. He may authorise the creation and issue of such an amount of Tasmanian stock in exchange for the securities held for such loans as may be necessary :
- iii. He may authorise the creation and sale of such Tasmanian stock for the purpose of raising money for redeeming any outstanding loans and in paying any expenses in the creation of Tasmanian stock and otherwise carrying out the provisions of this Act on such conditions as he may determine :
- iv Any conversion so authorised may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by the sale of Tasmanian stock, or partly in one way and partly in the other :
- v. Any power by this section conferred on the Governor may be exercised from time to time, and he may alter any conditions as often as occasion shall require, provided that no contract or engagement previously entered into shall be prejudicially affected thereby.

**33** Nothing in this Act shall authorise an increase of the capital of or the annual charge on any loan, except that where debentures exchanged for Tasmanian stock bear a higher rate of interest than such stock, an additional amount of Tasmanian stock may be created and issued to make up the difference in saleable value between such debentures and the stock.

**PART IV.****DEBENTURES.**Classes of  
debentures.

**34** Debentures may be issued under this Act in the form of—

- i. "Ordinary debentures" providing for the repayment of the sum borrowed at a time mentioned in the debenture, and for the payment of interest in the meantime at such intervals as are stated in the debenture ; or
- ii. "Instalment debentures," each being one of a series, and providing for payment of interest and the repayment of principal by yearly, half-yearly, or quarterly instalments of principal and interest combined at the time or times stated in the debentures.

Debentures  
expressed to be  
payable to bearer.

**35** Where a debenture indicates that the moneys thereby secured are payable to bearer or holder—

- i. Such moneys shall be payable to bearer :
- ii. Such debenture shall be transferable by delivery :
- iii. Payment to the bearer of such debenture of the sum therein named shall discharge the Treasurer and the State from all liability in respect of the debenture.

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**PART V.****A.D. 1918.**  

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**TREASURY BILLS.**

**36** Treasury bills shall be transferable by delivery.

Transferable by  
delivery.

**37** The principal money secured by a Treasury bill, and the interest thereon shall be payable to bearer. **Payment.**

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**PART VI.****MISCELLANEOUS.**

**38** A copy of, or extract from, any entry in the local inscribed stock book or in any book or register kept in the Treasury or in the office of the Auditor-General, and a copy of any document relating to State securities in the custody of the Treasurer or Under-Treasurer shall be admissible in evidence in all courts within this State— **Evidence.**

- I. If it is proved to be an examined copy or extract ; or
- II. If it purports to be signed and certified as a true copy or extract by the Treasurer, Under-Treasurer or Auditor-General.

**39** The Governor may make regulations, not inconsistent with this Act, prescribing the fees payable under this Act, and all matters and forms which by this Act are required, contemplated, or permitted to be prescribed, or which he deems necessary, expedient, or convenient for carrying out or giving effect to this Act, or for the conduct of any business relating to the issue, sale, transfer, and dealing with any State securities. **Regulations.**

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