

BANKING.

No. 6 of 1959.

An Act to regulate Banking, to make provision for the Protection of the Currency and of the Public Credit of the Commonwealth, and for other purposes.

[Assented to 23rd April, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Banking Act 1959*.

Short title.

2. Except as otherwise provided by this Act, this Act shall come into operation on the day on which the *Reserve Bank Act 1959* comes into operation.

Commencement.

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

Parts.

Part I.—Preliminary (Sections 1-6).

Part II.—Provisions relating to the carrying on of Banking Business.

Division 1.—Authority to carry on Banking Business (Sections 7-11).

Division 2.—Protection of Depositors (Sections 12-16).

Division 3.—Statutory Reserve Deposits (Sections 17-31).

Division 4.—Mobilization of Foreign Currency (Sections 32-35).

Division 5.—Advances (Section 36).

Division 6.—Special Provisions with respect to Savings Banks (Sections 37-38).

Part III.—Foreign Exchange (Section 39).

Part IV.—Gold (Sections 40-49).

Part V.—Interest Rates (Section 50).

Part VI.—Statistics (Sections 51-60).

Part VII.—Miscellaneous (Sections 61-71).

- Repeal.** 4. The following Acts are repealed:—
Banking Act 1945;
Banking Act 1953.
- Interpretation.** 5.—(1.) In this Act, unless the contrary intention appears—
 “advance.” includes loan;
 “Australia” includes the Territories of the Commonwealth;
 “bank” means a body corporate authorized under Part II. of this Act to carry on banking business in Australia, and includes the Commonwealth Trading Bank, the Commonwealth Savings Bank and the Commonwealth Development Bank;
 “savings bank” means a bank specified in Part II. of the First Schedule, and includes the Commonwealth Savings Bank;
 “the Commonwealth Development Bank” means the Commonwealth Development Bank of Australia;
 “the Commonwealth Savings Bank” means the Commonwealth Savings Bank of Australia;
 “the Commonwealth Trading Bank” means the Commonwealth Trading Bank of Australia;
 “the Reserve Bank” means the Reserve Bank of Australia;
 “trading bank” means a bank specified in Part I. of the First Schedule, and includes the Commonwealth Trading Bank.
- (2.) In this Act—
 (a) a reference to a Schedule shall be read as a reference to a Schedule to this Act;
 (b) a reference to a Form shall be read as a reference to a Form in the Second Schedule; and
 (c) a reference to a senior officer of a bank shall, in relation to the Commonwealth Trading Bank, the Commonwealth Savings Bank or the Commonwealth Development Bank, be read as a reference to the Managing Director or the Deputy Managing Director of the Commonwealth Banking Corporation, to the General Manager of the bank concerned or to a senior officer of the Commonwealth Banking Corporation Service.
- Application of Act.** 6.—(1.) Nothing in Part II. or V., or in sections sixty-one to sixty-nine (inclusive) of this Act, applies with respect to State banking.
- (2.) This Act extends to all the Territories of the Commonwealth.

PART II.—PROVISIONS RELATING TO THE CARRYING ON OF
BANKING BUSINESS.

Division 1.—Authority to carry on Banking Business.

7. Subject to this Act, a person other than a body corporate shall not carry on any banking business in Australia.

Persons other than companies not to carry on banking business.

Penalty: One hundred pounds for each day during which the contravention continues.

8. Subject to this Act, a body corporate shall not carry on any banking business in Australia unless the body corporate is in possession of an authority under the next succeeding section to carry on banking business.

Banking business not to be carried on without authority.

Penalty: Five thousand pounds for each day during which the contravention continues.

9.—(1.) The authorities under section eight of the *Banking Act 1945–1953* as in force immediately before the commencement of this Part (being the authorities granted to the bodies corporate specified in the First Schedule) shall, notwithstanding the repeal effected by section four of this Act, continue in force and shall be deemed for all purposes to be authorities under this section.

Authority to carry on banking business.

(2.) A body corporate (not being a body corporate specified in the First Schedule) which desires authority to carry on banking business in Australia may apply in writing to the Treasurer for authority accordingly.

(3.) Where such an application is made, the Governor-General may grant to that body corporate an authority, in writing, to carry on banking business in Australia.

(4.) An authority under this section may be granted subject to such conditions as are specified in the authority.

(5.) Where an authority under this section is subject to conditions, the Governor-General may, from time to time, vary or revoke any of those conditions or impose additional conditions.

(6.) Where an authority under this section is subject to conditions, the body corporate to which the authority is granted shall comply with those conditions.

Penalty: One thousand pounds for each day during which the contravention continues.

(7.) An authority under this section granted to a body corporate not specified in the First Schedule shall declare that the body corporate shall be deemed to be a bank specified in Part I. or in Part II. of that Schedule, whichever is appropriate, and that Schedule shall thereupon be deemed to be amended by the addition to that Part of the name of that body corporate.

(8.) Where the Governor-General is satisfied that a body corporate in possession of an authority under this section has ceased to carry on banking business in Australia, the Governor-General may revoke the authority.

(9.) Where an authority under this section is so revoked, the First Schedule shall thereupon be deemed to be amended by the omission of the name of the body corporate concerned.

(10.) An authority granted under this section, an instrument made under sub-section (5.) of this section and notice of the revocation of an authority under this section shall be published in the *Gazette*.

Treasurer to
be supplied
with certain
documents.

10.—(1.) An application under this Part by a body corporate shall be accompanied by a copy of the Act, charter, deed of settlement, memorandum of association and articles of association of the body corporate, or other document by which the body corporate is constituted.

(2.) Every copy of an Act, charter, deed of settlement, memorandum of association, articles of association or other document furnished to the Treasurer under the last preceding sub-section shall be verified by a statutory declaration made by a senior officer of the body corporate concerned.

(3.) A bank specified in the First Schedule shall, within three months after the making of an alteration in the Act, charter, deed of settlement, memorandum of association, articles of association or other document by which the bank was constituted a body corporate, furnish to the Treasurer particulars in writing (verified by a statutory declaration made by a senior officer of the bank) of the alteration.

Penalty: One hundred pounds.

Exemption.

11.—(1.) Where a person desires to carry on any banking business in Australia but does not desire to carry on the general business of banking, the Treasurer may, by order published in the *Gazette*, exempt that person from compliance with such of the provisions of this Act as are specified in the order and, so long as the order continues in force, that person shall be exempt from compliance with the provisions so specified.

(2.) An order under this section—

- (a) may be expressed to apply to a particular person or to the persons included in a class of persons;
- (b) may specify the period during which the order shall remain in force; and
- (c) may be made subject to such conditions as are specified in the order.

(3.) Where an order under this section is made subject to conditions, a person to whom the order applies shall comply with those conditions.

Penalty: One thousand pounds for each day during which the contravention continues.

Division 2.—Protection of Depositors.

12. It is the duty of the Reserve Bank to exercise its powers and functions under this Division for the protection of the depositors of the several banks. Reserve Bank to protect depositors.

13.—(1.) The Reserve Bank may, by notice in writing, require a bank to supply it, within the time specified in the notice, with such information relating to the financial stability of that bank as is specified in the notice. Supply of information.

(2.) Information supplied in compliance with a requirement under the last preceding sub-section shall be verified by a statutory declaration made by a senior officer of the bank concerned.

(3.) If a bank fails to comply with any requirement under sub-section (1.) of this section, the Reserve Bank may appoint an officer of the Reserve Bank Service to investigate the affairs of that bank.

14.—(1.) A bank that considers that it is likely to become unable to meet its obligations, or is about to suspend payment, shall forthwith inform the Reserve Bank. Banks unable to meet obligations.

(2.) Where—

(a) a bank informs the Reserve Bank—

- (i) that it considers that it is likely to become unable to meet its obligations; or
- (ii) that it is about to suspend payment;

(b) a bank becomes unable to meet its obligations or suspends payment; or

(c) the Reserve Bank, after receiving a report from the Auditor-General under section sixty-one of this Act upon the affairs of a bank, is of opinion that that

bank is likely to become unable to meet its obligations or is about to suspend payment, the Reserve Bank may—

- (d) appoint an officer of the Reserve Bank Service to investigate the affairs of the bank concerned; and
- (e) assume control of and carry on the business of that bank.

(3.) Where the Reserve Bank has, in pursuance of the last preceding section, or in pursuance of the last preceding sub-section, appointed an officer to investigate the affairs of a bank, that bank shall afford the officer access to its books, accounts and documents and shall give to the officer such information and facilities as he requires to conduct the investigation.

Penalty: One thousand pounds for each day during which the contravention continues.

(4.) Where the Reserve Bank has, in pursuance of sub-section (2.) of this section, assumed control of the business of a bank, that bank shall submit its business to the control of the Reserve Bank and shall provide the Reserve Bank with such facilities as the Reserve Bank requires to carry on the business of that bank.

Penalty: One thousand pounds for each day during which the contravention continues.

(5.) Where the Reserve Bank has, in pursuance of sub-section (2.) of this section, assumed control of the business of a bank, the Reserve Bank shall, subject to the next succeeding sub-section, remain in control of, and continue to carry on, the business of that bank until such time as—

- (a) the deposits with the bank have been repaid or the Reserve Bank is satisfied that suitable provision has been made for their repayment; and
- (b) in the opinion of the Reserve Bank, it is no longer necessary for the Reserve Bank to remain in control of the business of the bank.

(6.) Where the Reserve Bank has, in pursuance of sub-section (2.) of this section, assumed control of the business of a bank, a Full Court of the High Court constituted by not less than three Justices may, upon the application of that bank, if the High Court is satisfied that it is no longer necessary for the protection of the depositors of that bank that the Reserve Bank should remain in control of the business of that bank, order that the Reserve Bank shall cease to control the business of that bank as from a date specified in the order.

(7.) Where the Reserve Bank, in pursuance of this section, assumes control of the business of a bank, or ceases to control the business of a bank, the Reserve Bank shall notify that fact in the *Gazette*.

15. The Reserve Bank, the Governor and Deputy Governor of the Reserve Bank, and any officer of the Reserve Bank Service, are not subject to any action, claim or demand by, or any liability to, any person in respect of anything done or omitted to be done in good faith and without negligence in the exercise, or in connexion with the exercise, of the powers conferred on the Reserve Bank under this Division. Indemnity.

16.—(1.) In the event of a bank becoming unable to meet its obligations or suspending payment, the assets of the bank in Australia shall be available to meet that bank's deposit liabilities in Australia in priority to all other liabilities of the bank. Assets of banks.

(2.) Unless otherwise authorized by the Reserve Bank, a bank shall hold assets (other than goodwill) in Australia of a value of not less than the total amount of its deposit liabilities in Australia.

Penalty: One thousand pounds for each day during which the contravention continues.

(3.) The last preceding sub-section does not apply to a trading bank incorporated in the Queen's dominions and carrying on banking business in Australia at the commencement of this Part.

Division 3.—Statutory Reserve Deposits.

17. In this Division—

Definitions.

“Australian deposits”, in relation to a trading bank, means moneys on deposit with that bank and repayable in Australia, but does not include moneys on deposit with that bank by the Reserve Bank or another trading bank;

“determination” means a determination by the Reserve Bank under section twenty-one of this Act;

“Statutory Reserve Deposit Account” means a Statutory Reserve Deposit Account maintained for the purposes of this Division;

“statutory reserve deposit ratio” means the percentage specified in a determination.

18.—(1.) For the purposes of this Division, the current level of Australian deposits of a trading bank shall, on each day during each period commencing on the second Wednesday in a month and ending on the day preceding the second Wednesday in the following month, be deemed to be an amount equal to the average of the bank's Australian deposits as at the close of business on each Wednesday (except a Wednesday declared by Current level of Australian deposits.

the Treasurer, by instrument in writing, to be a day to which this section does not apply) in the month preceding the month in which that first-mentioned Wednesday falls.

(2.) The regulations may provide that any reference in the last preceding sub-section to Wednesday shall be read as a reference to such other day as is prescribed.

(3.) In this section, "month" means any of the twelve months of the year.

Statutory Reserve Deposit Account.

19. Each trading bank shall, for the purposes of this Division, maintain a Statutory Reserve Deposit Account with the Reserve Bank.

Trading banks to maintain statutory reserve deposits.

20. A trading bank shall, on each day on which a determination that applies to the bank is in force, have on deposit in the bank's Statutory Reserve Deposit Account an amount not less than the amount which, when expressed as a percentage of the bank's current level of Australian deposits on that day, is the same as the statutory reserve deposit ratio specified in the determination.

Determination of statutory reserve deposit ratios.

21.—(1.) The Reserve Bank may, from time to time, by instrument in writing served on a trading bank, determine that the statutory reserve deposit ratio applicable to the bank shall be such percentage as is specified in the determination.

(2.) The Reserve Bank shall specify in a determination the date from which it is to have effect.

Period during which determinations remain in force.

22.—(1.) Subject to the next succeeding sub-section, a determination comes into force—

- (a) on the date specified in the determination as the date from which it is to have effect; or
- (b) on the day following the day on which the determination is served on the bank to which it applies,

whichever is the later.

(2.) A determination which—

- (a) specifies a statutory reserve deposit ratio greater than twenty-five per centum; and
- (b) will have the effect of increasing the statutory reserve deposit ratio applicable to the bank to which the determination applies,

comes into force—

- (c) on the date specified in the determination as the date from which it is to have effect; or
- (d) on the day following the expiration of a period of forty-five days after the day on which the determination is served on the bank,

whichever is the later.

(3.) A determination remains in force until—

- (a) a further determination applicable to the bank to which the first-mentioned determination applies comes into force;
- (b) the determination is revoked under section twenty-four of this Act; or
- (c) the determination ceases to have effect by virtue of the next succeeding section,

whichever first occurs.

23.—(1.) A determination that specifies a statutory reserve deposit ratio in excess of twenty-five per centum ceases to have effect at the end of a review period unless the Reserve Bank has, by instrument in writing served in, and at least forty-five days before the end of, that review period on the trading bank to which the determination applies, directed that the determination shall continue in force after the end of that review period.

Limitations on continuance of statutory reserve deposit ratios in excess of 25 per centum.

(2.) For the purposes of the last preceding sub-section, the period of six months commencing on the date on which a determination comes into force, and each successive period of three months after the end of that period, are, in relation to the determination, review periods.

24.—(1.) The Reserve Bank may, by instrument in writing served on a trading bank at any time before a determination applicable to the bank comes into force—

Revocation of determinations, &c.

- (a) revoke the determination; or
- (b) vary the determination by substituting for the statutory reserve deposit ratio specified in the determination a lesser statutory reserve deposit ratio.

(2.) The Reserve Bank may, by instrument in writing served on a trading bank to which a determination that is in force applies, revoke the determination from such date as is specified in the instrument.

(3.) Where, for the purposes of the last preceding section, the Reserve Bank has given a direction to a trading bank, the Reserve Bank may, by instrument in writing served on the bank at any time before the direction has had the effect of continuing in force a determination applicable to the bank, revoke the direction.

25.—(1.) For the purposes of this section, “prescribed bank” means—

- (a) the Bank of China;
- (b) the Bank of New Zealand;

Limitation on powers of Reserve Bank under this Division.

- (c) The Brisbane Permanent Building and Banking Company Limited;
- (d) the Comptoir National d'Escompte de Paris; and
- (e) a body corporate to which an authority to carry on banking business is granted under sub-section (3.) of section nine of this Act and which is declared by the regulations to be a prescribed bank for the purposes of this section.

(2.) The Reserve Bank shall exercise its powers under this Division in such a manner—

- (a) that, on a day on which a statutory reserve deposit ratio applies to a trading bank other than a prescribed bank—
 - (i) a statutory reserve deposit ratio equal to that first-mentioned statutory reserve deposit ratio also applies to each other trading bank other than a prescribed bank; and
 - (ii) a statutory reserve deposit ratio greater than that first-mentioned statutory reserve deposit ratio does not apply to a prescribed bank; and
- (b) that, on a day on which a statutory reserve deposit ratio does not apply to a trading bank other than a prescribed bank, a statutory reserve deposit ratio does not apply to a prescribed bank.

Penalty for failure to maintain statutory reserve deposits.

26.—(1.) Subject to the next succeeding sub-section, if a trading bank fails to comply with section twenty of this Act on any day, the bank is guilty of an offence in respect of that day and is, on conviction, liable to a fixed penalty equal to Eight pounds per centum of one-three hundred and sixty-fifth of the amount which the bank has failed to have on deposit in its Statutory Reserve Deposit Account.

(2.) A bank is not guilty of an offence under this section in respect of a day on which it fails to comply with section twenty of this Act if—

- (a) that day is a Sunday or, in the State or Territory of the Commonwealth in which the head office in Australia of the bank is situated, a public holiday or bank holiday; and
- (b) on the last day before that day which was not a Sunday or, in that State or Territory, a public holiday or bank holiday, the bank had not failed to comply with that section.

27. Where the minimum amount that, but for this section, a trading bank would be required under this Division to have on deposit in its Statutory Reserve Deposit Account is not a multiple of One thousand pounds, the amount which the bank is so required to have on deposit is the greatest amount below the first-mentioned amount that is a multiple of One thousand pounds.

Deposits to be in multiples of £1,000.

28. If, on any day, the amount to the credit of the Statutory Reserve Deposit Account of a trading bank exceeds the minimum amount which, under this Division, the bank is required to have on deposit in that Account on that day, the Reserve Bank shall, on that day or as soon thereafter as is practicable, repay to the bank, from that Account, the amount of the excess.

Repayments from Statutory Reserve Deposit Account.

29.—(1.) The Reserve Bank shall pay interest, at half-yearly intervals, to a trading bank on the daily balance of that bank's Statutory Reserve Deposit Account at a rate determined from time to time by the Reserve Bank with the approval of the Treasurer.

Interest to be paid on Statutory Reserve Deposit Accounts.

(2.) The rate of interest determined under the last preceding sub-section shall be the same in respect of each bank.

30.—(1.) The regulations may provide for the modification or adaptation of section eighteen, or sub-section (2.) of section twenty-two, of this Act in the application of that section or sub-section, as the case may be, to—

Modification or adaptation of certain provisions by regulation.

- (a) a body corporate to which an authority to carry on banking business is granted under sub-section (3.) of section nine of this Act; and
- (b) a trading bank that has acquired the business of another bank that has received the consent of the Treasurer under section sixty-three of this Act to enter into an arrangement or agreement for the sale or disposal of its business to the first-mentioned bank.

(2.) Regulations referred to in the last preceding sub-section—

- (a) shall not have effect in relation to a body corporate referred to in paragraph (a) of that sub-section after the expiration of a period of three months from the date on which the body corporate commenced to carry on banking business in pursuance of the authority granted to it; and
- (b) shall not have effect in relation to a bank referred to in paragraph (b) of that sub-section after the expiration of a period of three months from the date of acquisition of the business of the other bank.

Certain information to be furnished by Reserve Bank.

31.—(1.) The Reserve Bank shall, at least once in each quarter, inform, in confidence, each trading bank (other than a bank which is a prescribed bank for the purposes of section twenty-five of this Act) of the increase or decrease which the Reserve Bank estimates is likely to occur during the financial year in which the information is given—

- (a) in the aggregate of the Australian deposits of all trading banks; and
- (b) in the aggregate of the sum of Australian liquid assets, and deposits in Statutory Reserve Deposit Accounts, of all trading banks.

(2.) The Reserve Bank shall, at least once in each quarter, inform each trading bank, in confidence, of the policy with respect to statutory reserve deposit ratios which the Reserve Bank expects to follow during the financial year in which the information is given.

(3.) No action lies against the Reserve Bank in respect of any loss or damage suffered by a bank by reason of that bank taking any action, or refraining from taking any action, in reliance on information furnished under this section.

(4.) In this section, “quarter” means each period of three months commencing on each first day of July, each first day of October, each first day of January and each first day of April.

Division 4.—Mobilization of Foreign Currency.

Definitions.

32. In this Division—

- “excess receipts of foreign currency”, in relation to a bank as at a date, means the amount by which the amount of that bank’s surplus foreign currency as at that date exceeds the amount (if any) of its surplus foreign currency as at the commencement of this Part;
- “sterling” means currency that is legal tender in the United Kingdom;
- “surplus foreign currency”, in relation to a bank, means the amount by which the amount of that bank’s assets outside Australia attributable to, or acquired by virtue of, its Australian business exceeds the amount of its liabilities outside Australia attributable to, or incurred by virtue of, its Australian business.

Transfer of foreign currency to Reserve Bank.

33.—(1.) The Reserve Bank may, from time to time, by notice in writing, require each bank to transfer to the Reserve Bank an amount of sterling equivalent to such proportion as is specified in the notice of that bank’s excess receipts of foreign

currency as at the close of business on a date specified in the notice, not being more than twenty-one days before the date on which the notice is given.

(2.) The proportion specified in a notice under the last preceding sub-section shall be the same in respect of each bank.

(3.) Where, as at the close of business on a date specified in a notice under sub-section (1.) of this section, a bank has not transferred an amount of sterling that it has been required to transfer in pursuance of any previous notice under that sub-section, the excess receipts of foreign currency to which that amount of sterling is equivalent shall not, for the purpose of calculating the amount of sterling required to be transferred in pursuance of the first-mentioned notice, be taken into account as part of the excess receipts of foreign currency of that bank.

(4.) A bank shall comply with the requirements of a notice under sub-section (1.) of this section within seven days after the receipt of the notice by the bank or within such further period as is specified by the Reserve Bank.

Penalty: One thousand pounds for each day during which the contravention continues.

(5.) A bank shall be deemed to have complied with the requirements of a notice under sub-section (1.) of this section if it transfers to the Reserve Bank an amount of sterling equivalent to the specified proportion of that bank's excess receipts of foreign currency, as shown in that bank's books of account, as at the close of business on the date in question.

(6.) Where a bank's assets outside Australia attributable to, or acquired by virtue of, its Australian business include foreign currency that is not freely convertible into sterling, the Reserve Bank shall make such adjustment in the amount of sterling required to be transferred by that bank to the Reserve Bank under this section as appears to the Reserve Bank to be necessary in the circumstances.

34. The Reserve Bank shall pay to a bank transferring sterling in compliance with a notice under the last preceding section such amount in Australian currency as is agreed upon between the Reserve Bank and the bank transferring the sterling or, in default of agreement, as is determined in an action for compensation by that bank against the Reserve Bank.

Payment for transferred foreign currency.

35. The Reserve Bank may sell foreign currency to a bank—

- (a) where the Reserve Bank is satisfied that that bank has complied with the provisions of this Division and is likely to suffer a shortage of foreign currency; or
- (b) if the Reserve Bank considers that, for any other reason, it is desirable to do so.

Sale of foreign currency by Reserve Bank.

Division 5.—Advances.

Advance policy.

36.—(1.) Where the Reserve Bank is satisfied that it is necessary or expedient to do so in the public interest, the Reserve Bank may determine the policy in relation to advances to be followed—

- (a) by all trading banks; and
- (b) by all savings banks,

and a bank shall follow the policy so determined that is applicable to it.

Penalty: One thousand pounds.

(2.) Without limiting the generality of the last preceding sub-section, the Reserve Bank may give directions as to the classes of purposes for which advances may or may not be made—

- (a) by all trading banks; and
- (b) by all savings banks,

and a bank shall comply with any directions so given that are applicable to it.

Penalty: One thousand pounds.

(3.) Nothing in this section—

- (a) authorizes the Reserve Bank to make a determination or give a direction with respect to an advance made, or proposed to be made, to a particular person; or
- (b) affects the validity of a transaction entered into in relation to an advance or affects the right of a bank to recover an advance or enforce the security given in respect of an advance.

(4.) In this section, “trading bank” includes the Commonwealth Development Bank.

Division 6.—Special Provisions with respect to Savings Banks.

Regulations with respect to savings banks.

37.—(1.) The regulations—

(a) shall include provisions for or with respect to—

- (i) the investment of the funds of savings banks;
- (ii) defining the banks (that is to say, persons carrying on the business of banking) with which savings banks may place money on deposit or to which they may lend money;
- (iii) defining the classes of persons from whom savings banks may not accept deposits; and
- (iv) defining the classes of persons whom a savings bank may permit to draw cheques on an account maintained with the savings bank;

- (b) may include other provisions with respect to the conduct of business by savings banks; and
 - (c) may prescribe penalties not exceeding One thousand pounds, or, in the case of a continuing offence, not exceeding One thousand pounds for each day during which the offence continues.
- (2.) Regulations referred to in the last preceding sub-section—
- (a) shall provide that a savings bank shall not at any time have on deposit in Australia with trading banks an amount or amounts that exceed in the aggregate the sum of Two million pounds and a sum equal to two and one-half per centum of the amount on deposit (including interest credited to the accounts of depositors) in Australia with that savings bank; and
 - (b) shall provide that money shown in the books of a savings bank kept in relation to its business in Australia as being moneys owing by a trading bank to that savings bank shall, for the purposes of the regulations, be deemed to be money on deposit in Australia with that trading bank.
- (3.) Regulations made by virtue of this section—
- (a) may provide that the whole or any part of the regulations shall not apply to a specified savings bank, being a savings bank that was granted an authority under sub-section (1.) of section eight of the *Banking Act* 1945; and
 - (b) subject to the last preceding paragraph, shall make the same provision with respect to all savings banks.

38. A savings bank shall, at intervals of not more than three months, inform the Reserve Bank of its policy in relation to loans and investments including, in particular, its policy in relation to loans for housing purposes.

Savings banks to inform Reserve Bank of loan and investment policy.

PART III.—FOREIGN EXCHANGE.

39.—(1.) Where the Governor-General is satisfied that it is expedient so to do, for the protection of the currency or of the public credit of the Commonwealth, or in order to conserve, in the national interest, the foreign exchange resources of the Commonwealth, he may make regulations, not inconsistent with this Act, making provision for or in relation to the control of foreign exchange and, in particular, but without limiting the generality of the foregoing, for or in relation to—

Exchange control.

- (a) the buying, borrowing, selling, lending or exchanging of foreign currency, including the fixing of rates of exchange;

- (b) any dealing or transaction having the effect of a purchase, borrowing, sale, loan or exchange of foreign currency;
- (c) the taking or sending out of Australia of gold, Australian currency or foreign currency;
- (d) requiring any person who has power to sell, or to procure the sale of, any foreign currency to sell, or procure the sale of, that foreign currency as prescribed;
- (e) the taking, sending or transfer of any securities to a place outside Australia, including the transfer of securities from a register in Australia to a register outside Australia;
- (f) the prohibition of the importation or exportation of goods unless a licence under the regulations to import or export the goods is in force;
- (g) the terms and conditions to which such licences may be subject;
- (h) prescribing penalties not exceeding a fine of Five thousand pounds or imprisonment for a period not exceeding five years for any offence against the regulations made under this section; and
- (i) empowering a court to order the forfeiture of gold, Australian currency, foreign currency or securities in respect of which an offence against the regulations made under this section has been committed.

(2.) In this section—

- “ Australian currency ” includes notes, coins, postal notes, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques payable or expressed in Australian money, and also includes rights, and instruments of title, to Australian money;
- “ foreign currency ” includes notes, coins, postal notes, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques payable or expressed otherwise than in Australian money, and also includes rights, and instruments of title, to money other than Australian money;
- “ securities ” includes shares, stock, bonds, debentures, debenture stock, treasury bills and units or sub-units of a unit trust, and also includes deposit receipts in respect of the deposit of securities and documents of title to securities.

PART IV.—GOLD.

40.—(1.) This Part shall not be in operation except as provided by this section. Operation of Part.

(2.) Where the Governor-General is satisfied that it is expedient so to do, for the protection of the currency or of the public credit of the Commonwealth, he may, by Proclamation, declare that this Part, or such of the provisions of this Part as are specified in the Proclamation, shall come into operation, and this Part, or the provisions so specified, shall thereupon come into operation.

(3.) Where the Governor-General is satisfied that it is no longer expedient, for the protection of the currency or of the public credit of the Commonwealth, that this Part, or any of the provisions of this Part, should remain in operation, the Governor-General may, by Proclamation, declare that this Part, or such of the provisions of this Part as are specified in the Proclamation, shall cease to be in operation, and thereupon this Part, or the provisions so specified, shall cease to be in operation.

41. A person shall not, except with the consent in writing of the Reserve Bank, take or send any gold out of Australia. Transfer of gold out of Australia.

42.—(1.) Subject to this Part, a person who has any gold in his possession or under his control, not being— Delivery of gold.

(a) gold coins the total value of the gold content of which does not exceed the prescribed amount; or

(b) gold lawfully in the possession of that person for the purpose of being worked or used by him in connexion with his profession or trade,

shall deliver the gold to the Reserve Bank, or as prescribed, within one month after the gold comes into his possession or under his control or, if the gold is in his possession or under his control on any date on which this Part comes into operation, within one month after that date.

(2.) Where a person who has gold lawfully in his possession for the purpose of being worked or used by him in connexion with his profession or trade ceases to have that purpose in respect of that gold, he shall deliver the gold to the Reserve Bank, or as prescribed, within one month after he has ceased to have that purpose in respect of that gold.

43. All gold delivered in pursuance of the last preceding section shall thereupon vest in the Reserve Bank absolutely, free from any mortgage, charge, lien, trust or other interest in or affecting the gold, and the Reserve Bank shall pay for the gold, to the person delivering the gold, on behalf of all persons having any interest in the gold, an amount determined in accordance Vesting of gold delivered.

with the next succeeding section and the Reserve Bank shall not be under any liability to any other person claiming any interest in the gold.

Payment
for gold.

44. The amount to be paid for any gold delivered in pursuance of section forty-two of this Act shall be an amount determined in accordance with such price as is fixed and published by the Reserve Bank or, at the option of the person delivering the gold, such amount as is determined in an action for compensation against the Reserve Bank.

Limitation
of sale and
purchase
of gold.

45.—(1.) Subject to this Part—

(a) a person shall not sell or otherwise dispose of gold to a person other than the Reserve Bank or a person authorized in writing by the Reserve Bank to purchase gold; and

(b) a person, other than the Reserve Bank or a person so authorized, shall not buy or otherwise obtain gold from any person.

(2.) A person may buy gold from the Reserve Bank or from a person authorized in writing by the Reserve Bank to sell gold, and the Reserve Bank or a person so authorized may sell gold to a person, for the purpose of its being worked or used by the purchaser in connexion with his profession or trade.

(3.) A person authorized by the Reserve Bank under this section shall comply with such directions relating to gold as are given to him by the Reserve Bank.

Limitation
on working
of gold.

46. A person shall not work or use in manufacture any gold, not being gold lawfully in his possession for the purpose of being worked or used by him in connexion with his profession or trade.

Application
of Part.

47.—(1.) This Part does not apply to wrought gold, not being wrought gold worked or manufactured in contravention of this Part.

(2.) In this section, “wrought gold” means gold and gold alloys which on view have apparently been worked or manufactured for professional or trade purposes and includes the waste products arising from the working or manufacturing of gold and gold alloys for professional or trade purposes.

Exemptions.

48. The Reserve Bank may, by instrument in writing, and either wholly or to the extent specified in the instrument, exempt a person from the application of the whole or any of the provisions of this Part and, so long as the exemption continues, that person is exempt accordingly.

49.—(1.) A person who contravenes, or fails to comply with, any of the provisions of this Part is guilty of an offence.

(2.) An offence arising under this Part may be prosecuted either summarily or upon indictment but an offender is not liable to be punished more than once for the same offence.

(3.) The penalty for an offence arising under this Part is—

- (a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months; or
- (b) if the offence is prosecuted upon indictment—
 - (i) in the case of an offence against section forty-five or forty-six of this Act—a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding two years; or
 - (ii) in any other case—a fine not exceeding One thousand pounds or imprisonment for a term not exceeding five years.

(4.) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of gold in respect of which an offence arising under this Part has been committed.

PART V.—INTEREST RATES.

50.—(1.) The Reserve Bank may, with the approval of the Treasurer, make regulations—

- (a) making provision for or in relation to the control of rates of interest payable to or by banks, or to or by other persons in the course of any banking business carried on by them;
- (b) making provision for or in relation to the control of rates of discount chargeable by banks, or by other persons in the course of any banking business carried on by them; and
- (c) providing that interest shall not be payable in respect of—
 - (i) an amount deposited with a bank, or with another person in the course of banking business carried on by him, and repayable on demand or after the expiration of a period specified in the regulations; or
 - (ii) so much of the amount to the credit of a deposit account in a savings bank as exceeds an amount specified in the regulations.

(2.) A person who contravenes or fails to comply with a regulation under this section is guilty of an offence punishable—

- (a) if the offence is prosecuted summarily—by a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months; or

- (b) if the offence is prosecuted upon indictment—by a fine not exceeding Five thousand pounds or imprisonment for a term not exceeding five years.

PART VI.—STATISTICS.

Definition.

51. In this Part, “trading bank” includes the Commonwealth Development Bank.

Balance-sheets and statements to be furnished by trading banks and in respect of Rural Credits Department.

52.—(1.) A trading bank shall prepare and deliver as required by this Part—

- (a) a balance-sheet, in accordance with Form A, as at the close of business on a date in each year prescribed in respect of the bank;
- (b) a statement of profit and loss, in accordance with Form B, in respect of each year ending on that date;
- (c) a statement of income and expenditure in respect of Australian business, in accordance with Form C, in respect of each year ending on that date;
- (d) a statement of liabilities and assets within Australia in accordance with Form D;
- (e) a statement of debits to customers’ accounts in accordance with Form E; and
- (f) a statement of its foreign currency position in accordance with Form F.

(2.) The Reserve Bank shall, in respect of the Rural Credits Department of the Bank, prepare and deliver as required by this Part—

- (a) a statement of liabilities and assets within Australia in accordance with Form D; and
- (b) a statement of debits to customers’ accounts in accordance with Form E.

Penalty: Five hundred pounds.

Balance-sheets and statements to be furnished by savings banks.

53. A savings bank shall prepare and deliver as required by this Part—

- (a) a balance-sheet, in accordance with Form G, as at the close of business on a date in each year prescribed in respect of the bank;
- (b) a statement of profit and loss, in accordance with Form B, in respect of each year ending on that date;
- (c) a statement of income and expenditure in respect of Australian business, in accordance with Form H, in respect of each year ending on that date;
- (d) a statement of liabilities and assets within Australia in accordance with Form I; and

- (e) a statement, in accordance with Form J, relating to depositors' accounts maintained in Australia and statements, in accordance with that Form, relating respectively to depositors' accounts maintained in each State, and in each Territory of the Commonwealth, in which the bank carries on business.

Penalty: Five hundred pounds.

54.—(1.) A bank shall prepare and deliver as required by this Part— Additional statements.

- (a) a statement of loans, advances and bills discounted in accordance with such prescribed form as is applicable to the bank;
- (b) a statement of deposits in accordance with such prescribed form as is applicable to the bank; and
- (c) such additional prescribed statements as are applicable to the bank.

Penalty: Five hundred pounds.

(2.) The Reserve Bank shall, in respect of the Rural Credits Department of the Bank, prepare and deliver as required by this Part—

- (a) a statement of loans, advances and bills discounted in accordance with such prescribed form as is applicable to the Rural Credits Department; and
- (b) such additional prescribed statements as are applicable to the Rural Credits Department.

Penalty: Five hundred pounds.

(3.) A form prescribed for the purposes of this section shall not be such as to require the disclosure of information with respect to the affairs of an individual customer.

55.—(1.) A balance-sheet or statement referred to in the last three preceding sections shall be prepared in accordance with the directions specified in the prescribed form of balance-sheet or statement and, except in the case of a statement prepared by the Reserve Bank, in accordance with such instructions (not inconsistent with those directions) as are given by the Reserve Bank. Preparation and delivery of Forms.

(2.) A statement in accordance with Form I shall be prepared by a savings bank as at the close of business on such day or days in each month as the Treasurer, by notice in writing to the bank, directs.

(3.) A statement in accordance with Form J shall be prepared by a savings bank in respect of each period which the Treasurer, by notice in writing to the bank, directs.

(4.) A copy of a balance-sheet or statement prepared under this Part shall be delivered—

- (a) to the Commonwealth Statistician or to the Reserve Bank, or to each of them; and

(b) in the case of a statement in accordance with Form D or Form I, to the Secretary to the Department of the Treasury,

in accordance with the directions specified in the prescribed form of balance-sheet or statement.

Variation of Forms.

56. The regulations may provide for the variation of a Form in the Second Schedule, including directions specified in the Form, but so that no change shall be made in the essential nature of the Form.

Verification of balance-sheets and statements.

57. A balance-sheet or statement prepared under this Part by a bank shall be verified by a statutory declaration made by a senior officer of the bank.

Certain statements to be published in the *Gazette*.

58.—(1.) From the balance-sheets in accordance with Form A or Form G and the statements of profit and loss in accordance with Form B delivered to the Commonwealth Statistician, the Commonwealth Statistician shall prepare and publish in the *Gazette*—

(a) a statement showing, in respect of each trading bank, its liabilities, assets and profit and loss; and

(b) a statement showing, in respect of each savings bank, its liabilities, assets and profit and loss.

(2.) From the statements of liabilities and assets within Australia in accordance with Form D delivered to the Commonwealth Statistician, the Commonwealth Statistician shall prepare and publish in the *Gazette* a statement showing, in respect of each trading bank and in respect of the Rural Credits Department of the Reserve Bank, the average of its liabilities and assets within Australia for each month.

(3.) From the statements of liabilities and assets within Australia in accordance with Form I delivered to the Commonwealth Statistician, the Commonwealth Statistician shall prepare and publish in the *Gazette* such statements as the Treasurer directs showing, in respect of each savings bank, its liabilities and assets within Australia.

Publication of other statements.

59. From the information contained in the balance-sheets and statements delivered to the Commonwealth Statistician in pursuance of this Part, the Commonwealth Statistician shall prepare and publish such statements as the Treasurer directs, but such a statement shall not disclose the information supplied by any individual bank (except in so far as that information is contained in a balance-sheet or statement in accordance with Form A, Form B, Form D, Form G or Form I) unless that bank agrees to the disclosure.

Exemption.

60.—(1.) The Treasurer may, by instrument in writing, exempt a bank from the obligation to prepare and deliver any balance-sheet or statement in accordance with this Part.

(2.) An exemption under this section may be granted subject to such conditions as are specified in the instrument of exemption.

PART VII.—MISCELLANEOUS.

61.—(1.) The Auditor-General shall investigate periodically the books, accounts and transactions of each bank and shall furnish to the Treasurer and to the Reserve Bank such reports upon the affairs of each bank as the Treasurer directs.

Reports by
Auditor-
General.

(2.) The Treasurer may, on the recommendation of the Reserve Bank, direct the Auditor-General to make an investigation of the books, accounts and transactions of a bank, and the Auditor-General shall make the investigation and furnish to the Treasurer and to the Reserve Bank such reports upon the affairs of the bank as the Treasurer directs.

(3.) Nothing in this section authorizes the Auditor-General to furnish a report with respect to the affairs of an individual customer of a bank.

(4.) For the purpose of an investigation under this section, a bank shall afford the Auditor-General access to its books, accounts and documents and shall give to the Auditor-General such information and facilities as he requires to conduct the investigation.

Penalty: One thousand pounds for each day during which the contravention continues.

62.—(1.) A bank shall furnish to the Reserve Bank such information in respect of its business as the Reserve Bank directs, and a person who carries on any banking business in Australia shall furnish to the Reserve Bank such information in connexion with his banking business as the Reserve Bank directs.

Supply of
information.

Penalty: One thousand pounds.

(2.) A direction under this section shall not require information to be furnished with respect to the affairs of an individual customer.

63.—(1.) Except with the prior consent in writing of the Treasurer, a bank specified in the First Schedule shall not—

Amalgamation,
&c., requires
consent of
Treasurer.

- (a) enter into an arrangement or agreement for any sale or disposal of its business by amalgamation or otherwise, or for the carrying on of business in partnership with another bank; or
- (b) effect a reconstruction of the bank.

Penalty: One thousand pounds.

(2.) Any such arrangement, agreement or reconstruction, and any such sale or disposal in pursuance of any such arrangement or agreement, entered into without the prior consent of the Treasurer is void and of no effect.

(3.) The consent of the Treasurer under sub-section (1.) of this section shall not be unreasonably withheld.

Settlement
of balances
between banks.

64. A trading bank shall settle, by means of cheques drawn on and paid into the Reserve Bank, the balances arising, between itself and any other trading bank, out of any customary general clearance effected in a capital city in Australia.

Penalty: One hundred pounds.

Banks may be
directed to
comply with
Act.

65.—(1.) Where a bank is convicted of an offence against this Act or the regulations, a Full Court of the High Court constituted by not less than three Justices may, upon the application of the Attorney-General by motion, direct compliance by the bank, within a period specified by the Court, with the provisions of this Act or the regulations with which the bank has failed to comply.

(2.) In default of compliance by the bank within the specified period with a direction given by the High Court in pursuance of the last preceding sub-section, the High Court may authorize the Reserve Bank to assume control of, and to carry on, the business of that bank.

(3.) The provisions of sections fourteen and fifteen of this Act have effect, so far as they are applicable, where the Reserve Bank has assumed control of the business of a bank in pursuance of the last preceding sub-section.

(4.) Where the Reserve Bank has assumed control of the business of a bank in pursuance of sub-section (2.) of this section, the Reserve Bank shall remain in control of, and shall continue to carry on, the business of that bank until such time as the High Court is satisfied that it is no longer necessary for the Reserve Bank to remain in control of the business of that bank and authorizes the Reserve Bank to cease to control the business of that bank.

Restriction of
use of word
"bank", &c.

66. Except with the consent in writing of the Treasurer, a person or body of persons, not being a bank, shall not assume or use, in relation to the business, or any part of the business, carried on by that person or body, the word "bank", "banker" or "banking" or any word of a like import.

Penalty: One hundred pounds for each day during which the contravention continues.

Restriction of
use of words
"savings
bank".

67. Except with the consent in writing of the Treasurer, a person or body of persons, not being a savings bank, shall not assume or use, in relation to the business, or any part of the business, carried on by that person or body, the words "savings bank" or any words of a like import.

Penalty: One hundred pounds for each day during which the contravention continues.

68.—(1.) The Treasurer may, by notice published in the *Gazette*, declare a day specified in the notice to be a bank holiday. Bank holidays.

(2.) A bank is not, on a day so declared to be a bank holiday, compellable to make a payment or to do any other act that the bank would not be compellable to make or do on a Sunday and the obligation to make the payment or to do the act shall be deemed to be an obligation to make the payment or to do the act on the next day which is not a Sunday, a bank holiday or a public holiday.

(3.) This section does not affect the operation of any law of a State or Territory of the Commonwealth relating to bank holidays or public holidays.

(4.) In this section, “bank” includes the Reserve Bank.

69.—(1.) For the purposes of this section, “unclaimed moneys” means all principal, interest, dividends, bonuses, profits and sums of money legally payable by a trading bank but in respect of which the time within which proceedings may be taken for the recovery thereof has expired, and includes moneys to the credit of an account that has not been operated on either by deposit or withdrawal for a period of not less than seven years. Unclaimed moneys.

(2.) For the purposes of the last preceding sub-section, the debiting of a fee to an account shall be deemed not to be a withdrawal and the crediting to an account of interest payable by a bank on that account shall be deemed not to be a deposit.

(3.) A trading bank shall, within three months after the thirty-first day of December in each year, deliver to the Treasurer a statement of all unclaimed moneys.

(4.) The statement shall set forth the name, and the last-known address, of each shareholder, depositor or creditor, the amount due, the office or branch of the bank at which the last transaction took place and the date of that transaction, and, if the shareholder, depositor or creditor is known to the bank to be dead, the names and addresses, so far as they are known to the bank, of his legal representatives.

(5.) The total amount shown in the statement—

- (a) shall be paid by the bank to the Commonwealth at the time of the delivery of the statement;
- (b) shall be credited to the Trust Fund kept under section sixty of the *Audit Act* 1901–1959; and
- (c) shall, subject to sub-section (7.) of this section, be paid, at the expiration of six years after payment to the Commonwealth, to the Consolidated Revenue Fund.

(6.) Subject to the next succeeding sub-section, a trading bank is, upon payment to the Commonwealth of an amount as required by this section, discharged from further liability in respect of that amount.

(7.) Where unclaimed moneys have been paid to the Commonwealth under this section and the Treasurer or an authorized officer is satisfied that, but for the last preceding sub-section, a person would be paid those unclaimed moneys by the bank by which they were paid to the Commonwealth (or, if that bank is no longer carrying on banking business, by a bank to which the business of the first-mentioned bank has been sold or disposed of), those unclaimed moneys shall be paid to that bank and the bank shall thereupon pay those moneys to that person.

(8.) The Consolidated Revenue Fund is appropriated for the purposes of, and to the extent necessary to give effect to, the last preceding sub-section.

(9.) The Treasurer shall cause particulars of every sum of not less than Ten pounds, or of not less than such other amount as is prescribed, shown in a statement delivered to him under this section to be published in the *Gazette*.

(10.) A trading bank shall not contravene or fail to comply with any provision of this section which applies to it.

Penalty: One hundred pounds.

(11.) The Treasurer or a trading bank may apply to the High Court for a declaration whether any moneys are or are not unclaimed moneys within the meaning of this section and the High Court may make a declaration accordingly.

(12.) In this section—

“authorized officer” means the Secretary to the Department of the Treasury or an officer of that Department authorized by him to act under this section;

“trading bank” includes the Commonwealth Development Bank.

Treasurer's
consent required
for proceedings
for offences.

70.—(1.) Subject to the next succeeding sub-section, proceedings for an offence against this Act or the regulations shall not be instituted without the consent in writing of the Treasurer.

(2.) An offence arising—

(a) under regulations made under section thirty-nine of this Act; or

(b) under Part IV.,

may be prosecuted summarily with the consent in writing of a person authorized in writing by the Treasurer to consent to the summary prosecution of offences under those regulations or that Part.

(3.) A person charged with an offence referred to in the last preceding sub-section may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Treasurer or of a person authorized by the Treasurer has not been obtained, but no further proceedings shall be taken until that consent has been obtained.

(4.) Nothing in this section prevents the discharge of a person charged if proceedings are not continued within a reasonable time.

71. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, prescribing penalties which, except as otherwise provided by this Act, shall not exceed One hundred pounds for any offence against the regulations. *Regulations.*

THE SCHEDULES.

FIRST SCHEDULE.

Sections 5 and 9.

PART I.

TRADING BANKS.

Australia and New Zealand Bank Limited
 The Ballarat Banking Company Limited
 The Bank of Adelaide
 Bank of China
 Bank of New South Wales
 Bank of New Zealand
 The Brisbane Permanent Building and Banking Company Limited
 The Commercial Bank of Australia Limited
 The Commercial Banking Company of Sydney Limited
 Comptoir National d'Escompte de Paris
 The English, Scottish and Australian Bank, Limited
 The National Bank of Australasia Limited
 The Queensland National Bank Limited

PART II.

SAVINGS BANKS.

Australia and New Zealand Savings Bank Limited
 Bank of New South Wales Savings Bank Limited
 C.B.C. Savings Bank Limited
 The Hobart Savings Bank
 Launceston Bank for Savings

SECOND SCHEDULE.

Sections 52 and 53.

FORM A.

Banking Act.

BALANCE-SHEET

of the.....as at the close of business on.....

<i>Liabilities.</i>		<i>Assets.</i>	
	£		£
1. Authorized capital*	.. ..	1. Coin, bullion, notes and cash at bankers¶	.. ..
2. Issued capital†	.. ..	2. Money at short call—	.. ..
3. Paid-up capital‡	.. ..	(a) London	.. ..
4. Reserve funds§—	.. ..	(b) Elsewhere	.. ..
.....	.....	3. Australian public securities**—	.. ..
5. Final dividend proposed	.. ..	(a) Commonwealth and States—	.. ..
6. Balance of profit and loss account	.. ..	(i) Treasury bills	.. ..
Total of items 3 to 6	.. ..	(ii) Other securities	.. ..
7. Balances due to other banks||	.. ..	(b) Local and semi-governmental authorities	.. ..
8. Deposits, bills payable and all other liabilities including provisions for contingencies	.. ..	4. Other public securities**	.. ..
		5. Other securities**	.. ..
		6. Statutory Reserve Deposit Account with Reserve Bank	.. ..
		7. Cheques and bills of other banks and balances with and due from other banks||	.. ..
		8. Loans, advances and bills discounted (after deducting provisions for debts considered bad or doubtful)	.. ..
		9. Bank premises, furniture and sites**	.. ..
		10. Bills receivable and remittances in transit	.. ..
		11. All other assets	.. ..
Total	.. ..	Total	.. ..

* Insert details of shares, including number, denomination, class and total.

† Insert details of shares issued, including number and amount, denomination and class, and amount paid up per share, and set out details of reserved liability (if any).

‡ When the balance-sheet is prepared by the Commonwealth Trading Bank or the Commonwealth Development Bank, for this item substitute "Capital".

§ State if used in the business or how otherwise used.

|| This item applies with respect to all banks, including banks not within the definition of "bank" in sub-section (1.) of section five of the *Banking Act 1959*.

¶ Include as cash at bankers only cash at central banks and London clearing banks, but exclude Statutory Reserve Deposit Account with Reserve Bank.

** State basis of valuation, that is, cost price, market price or otherwise.

Directions.

1. Copies of this balance-sheet shall be delivered to the Commonwealth Statistician and to the Reserve Bank within six months after the date as at which the balance-sheet is prepared.

2. If the balance-sheet includes an asset or liability realizable or payable in a currency other than Australian currency, the value of that asset or liability shall be included in the balance-sheet at the equivalent in Australian currency calculated at a rate of exchange current on the date as at which the balance-sheet is prepared.

SECOND SCHEDULE—continued.

FORM B.

Banking Act.

STATEMENT OF PROFIT AND LOSS

of the.....in respect of the year ended.....

£	£
1. Expenses (including directors' fees £.....)	1. Discount and interest earned, net exchange, commissions and other items (including transfers from contingencies accounts), after deducting interest paid and accrued on deposits, rebate on bills current at balance date, amounts written off assets and losses on realization of assets and transfers to the credit of contingencies accounts (out of which accounts provisions for all bad and doubtful debts have been made)
2. Income, land and other taxes, and payments in lieu of taxes	
3. Balance, being net profit for the year carried down	
Total	Total
4. Transfers to reserve funds	2. Balance brought forward from previous year
5. Amounts written off bank premises	3. Net profit for the year as above
6. Other appropriations as follows:—	
7. Dividends*: Interim paid .. £..... Final proposed payable .. £.....	
8. Balance carried forward	
Total	Total

* PARTICULARS OF DIVIDENDS.

(a) Gross amount of dividends	£.....
(b) Less British taxes payable by bank and recouped from shareholders	£.....
(c) Net amount of dividends payable to shareholders	£.....
(d) Rate of dividend for year .. .. .	.....

Directions.

1. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Reserve Bank within six months after the end of the year to which the statement relates.

2. If the statement includes a credit earned or debit incurred in a currency other than Australian currency, the value of that credit or debit shall be included in the statement at the equivalent in Australian currency calculated at a rate of exchange current at some date during the year to which the statement relates.

SECOND SCHEDULE—continued.

FORM C.

Banking Act.

STATEMENT OF INCOME AND EXPENDITURE IN RESPECT OF AUSTRALIAN BUSINESS
of the.....in respect of the year ended.....

<i>Expenditure.</i>	£	<i>Income.</i>	£
1. Interest on deposits		1. Discount and interest—	
2. Directors' fees, salaries, wages and allowances		(a) on loans, advances and bills discounted	
3. Contributions to staff provident funds and superannuation funds and pensions paid by bank		(b) on Commonwealth and State securities (excluding treasury bills)	
4. Maintenance and repairs to premises and expenditure on furniture and fittings		(c) on Commonwealth and State treasury bills	
5. Other expenses of management		(d) on other securities	
6. Rates of, and amounts paid in lieu of rates to, local and semi-governmental authorities		(e) on Statutory Reserve Deposit Account with Reserve Bank	
7. Land, pay-roll and other taxes allowable as deductions in ascertaining Commonwealth taxable income*		(f) other	
8. Bad debts and interest written off		2. Profit on overseas exchange transactions	
9. Depreciation		3. Inland exchange	
10. Losses on realization of investments or other assets		4. Net earnings from commission and charges for keeping current accounts	
11. All other items		5. Dividends	
12. Total expenditure		6. Bad debt recoveries	
13. Australian taxable income for Commonwealth purposes†		7. Interest recoveries	
		8. Profits on realization or redemption of investments or other assets	
		9. Rents	
		10. All other items	
Total		Total	

* When the statement is prepared by a bank that is not subject to Commonwealth income tax, for this item substitute "Taxes".

† When the statement is prepared by a bank that is not subject to Commonwealth income tax, for this item substitute "Net income in respect of Australian business".

Directions.

1. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Reserve Bank within six months after the end of the year to which the statement relates.

2. Where expenditure included in this statement is part of expenditure shared with another bank, the basis of apportionment between the banks shall be stated.

SECOND SCHEDULE—continued.

FORM D.

Banking Act.

STATEMENT OF LIABILITIES AND ASSETS WITHIN AUSTRALIA

of the.....as at the close of business on.....

PART I.

<i>Liabilities.</i>	£	<i>Assets.</i>	£
1. Deposits repayable in Australia*—		1. Coin and bullion—	
(a) Fixed—		(a) Gold	
(i) Commonwealth and State Governments		(b) Other	
(ii) Other banks† ..		2. Australian notes	
(iii) Other		3. Cash with Reserve Bank ..	
(b) Current, bearing interest—		4. Australian public securities—	
(i) Commonwealth and State Governments		(a) Commonwealth and States—	
(ii) Other banks† ..		(i) Treasury bills ..	
(iii) Other		(ii) Other securities	
(c) Current, not bearing interest—		(b) Local and semi-governmental authorities ..	
(i) Commonwealth and State Governments		5. Other securities	
(ii) Other banks† ..		6. Statutory Reserve Deposit Account with Reserve Bank	
(iii) Other		7. Cheques and bills of other banks and balances with and due from other banks‡	
2. Balances due to other banks‡		8. Loans, advances and bills discounted|| .. .. .	
3. Bills payable and all other liabilities to the public (excluding shareholders' funds§) ..		9. Bank premises, furniture and sites	
		10. Bills receivable and all other assets	
Total		Total	

* Insert only amounts which are Australian deposits for the purposes of Division 3 of Part II. of the *Banking Act 1959*.

† Insert amount of deposits by all banks (other than the Reserve Bank or a trading bank), including banks not within the definition of "bank" in sub-section (1.) of section five of the *Banking Act 1959*.

‡ This item applies with respect to all banks, including banks not within the definition of "bank" in sub-section (1.) of section five of the *Banking Act 1959*.

§ When the statement is prepared by the Commonwealth Trading Bank or the Commonwealth Development Bank, or in respect of the Rural Credits Department, for "shareholders' funds" substitute "capital and reserve funds".

|| State total amount of loans and advances to, and bills discounted for, Commonwealth and State Governments. £.....

SECOND SCHEDULE—continued.

FORM D—continued.

PART II.

State or Territory.	Deposits repayable in Australia.*							Loans, advances and bills discounted.
	Commonwealth and State Governments.			Other than Commonwealth and State Governments.			Total.	
	Fixed.	Current.		Fixed.	Current.			
		Bearing interest.	Not bearing interest.		Bearing interest.	Not bearing interest.		
£	£	£	£	£	£	£	£	
New South Wales								
Victoria ..								
Queensland ..								
South Australia								
Western Australia								
Tasmania ..								
Australian Capital Territory ..								
Northern Territory ..								
Papua ..								
New Guinea ..								
Other ..								
Total ..								

* Insert only amounts which are Australian deposits for the purposes of Division 3 of Part II. of the *Banking Act 1959*.

Directions.

1. This statement shall be prepared as at the close of business on Wednesday in each week.

2. Copies of this statement shall be delivered to the Commonwealth Statistician, to the Secretary to the Department of the Treasury and, except when the statement is prepared in respect of the Rural Credits Department, to the Reserve Bank, within fourteen days after the date as at which it is prepared.

3. Any accounts between the head office of the bank and a branch, or between different branches of the bank, shall not be included as liabilities or assets.

4. Contingent liabilities and assets shall not be included.

5. Amounts may be shown in this statement to the nearest multiple of One thousand pounds.

SECOND SCHEDULE—continued.

FORM E.

Banking Act.

STATEMENT OF DEBITS TO CUSTOMERS' ACCOUNTS

within Australia by the.....during the week ended.....

State or Territory.	Metropolitan Area.*		Elsewhere.	Total.
	Common-wealth and State Governments.†	Other.		
	£	£	£	£
New South Wales				
Victoria				
Queensland				
South Australia				
Western Australia				
Tasmania				
Australian Capital Territory				
Northern Territory				
Papua				
New Guinea				
Other				
Total				

* The "free of exchange" area in capital cities.

† At city branches only.

Directions.

1. This statement shall be prepared as at the close of business on Wednesday in each week.
2. Copies of this statement shall be delivered to the Commonwealth Statistician, and, except when the statement is in respect of the Rural Credits Department, to the Reserve Bank, within fourteen days after the date as at which it is prepared.
3. Amounts may be shown in this statement to the nearest multiple of One thousand pounds.

SECOND SCHEDULE—continued.

FORM F.

Banking Act.

STATEMENT OF FOREIGN CURRENCY POSITION

of the.....as at the close of business on.....

Column 1.	Column 2. Balance.	Column 3. Equivalent in Australian currency.
1. London surplus as per London office books, excluding deficiency on New Zealand and Fiji account £ Eng.		£
2. Excess of London remittances over drawings in transit as per Australian books £ Eng.		
3. Balances (as per Australian books)—		
(a) in New Zealand £ N.Z.		
(b) in Fiji £ F.		
(c) in United States of America \$ U.S.		
(d) elsewhere overseas £ Eng.		
Total ..		

Directions.

1. This statement shall be prepared as at the close of business on Wednesday in each week.
2. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Reserve Bank within fourteen days after the date as at which it is prepared.
3. The amount shown in column 2 against paragraph (d) of item 3 shall be arrived at by converting the balances to English currency at the relevant ruling telegraphic transfer buying rate of exchange.
4. The equivalents in Australian currency shown in column 3 shall be calculated at the relevant ruling telegraphic transfer buying rate of exchange.
5. Amounts may be shown in this statement to the nearest multiple of One thousand pounds or One thousand dollars, as the case requires.

SECOND SCHEDULE—*continued*.

FORM G.

Banking Act.

BALANCE-SHEET

of the..... as at the close of business on.....

<i>Liabilities.</i>		<i>Assets.</i>	
	£		£
1. Authorized capital* ..	..	1. Coin, bullion and notes ..	..
2. Issued capital† ..	..	2. Deposits with Reserve Bank ..	..
3. Paid-up capital ..	..	3. Deposits in Australia with trading banks‡ ..	..
4. Reserve funds‡—	..	4. Money at short call—	..
.....	.....	(a) London ..	..
.....	.....	(b) Elsewhere ..	..
5. Final dividend proposed ..	..	5. Australian public securities**—	..
6. Balance of profit and loss account ..	..	(a) Commonwealth and States—	..
Total of items 3 to 6 ..	..	(i) Treasury bills ..	..
7. Depositors' balances§ ..	..	(ii) Other securities ..	..
8. Balances due to other banks|| ..	..	(b) Local and semi-governmental authorities ..	..
9. Bills payable and all other liabilities including provisions for contingencies§ ..	..	6. Other public securities** ..	..
		7. Other securities** ..	..
		8. Cheques and bills of other banks and balances with and due from other banks|| ..	..
		9. Loans, advances and bills discounted (after deducting provisions for debts considered bad or doubtful) ..	..
		10. Bank premises, furniture and sites** ..	..
		11. Bills receivable and remittances in transit ..	..
		12. All other assets ..	..
Total ..	..	Total ..	..

* Insert details of shares, including number, denomination, class and total.

† Insert details of shares issued, including number and amount, denomination and class, and amount paid up per share, and set out details of reserved liability (if any).

‡ State if used in the business or how otherwise used.

§ Include interest credited to depositors' accounts in item 7 and include accrued interest on depositors' balances in item 9.

|| This item applies with respect to all banks, including banks not within the definition of "bank" in sub-section (1.) of section five of the *Banking Act 1959*.

¶ Include all moneys shown in the books of the savings bank kept in relation to its business in Australia as being moneys owing by trading banks to the savings bank.

** State basis of valuation, that is, cost price, market price or otherwise.

Directions.

1. Copies of this balance-sheet shall be delivered to the Commonwealth Statistician and to the Reserve Bank within six months after the date as at which the balance-sheet is prepared.

2. If the balance-sheet includes an asset or liability realizable or payable in a currency other than Australian currency, the value of that asset or liability shall be included in the balance-sheet at the equivalent in Australian currency calculated at a rate of exchange current on the date as at which the balance-sheet is prepared.

SECOND SCHEDULE—continued.

FORM H.

Banking Act.

STATEMENT OF INCOME AND EXPENDITURE IN RESPECT OF AUSTRALIAN BUSINESS
of the.....in respect of the year ended.....

<i>Expenditure.</i>	£	<i>Income.</i>	£
1. Interest on deposits		1. Discount and interest—	
2. Directors' fees, salaries, wages and allowances		(a) on loans, advances and bills discounted	
3. Contributions to staff provident funds and superannuation funds and pensions paid by bank		(b) on Commonwealth and State securities (excluding treasury bills)	
4. Maintenance and repairs to premises and expenditure on furniture and fittings		(c) on Commonwealth and State treasury bills	
5. Other expenses of management		(d) other	
6. Rates of, and amounts paid in lieu of rates to, local and semi-governmental authorities		2. Inland exchange	
7. Land, pay-roll and other taxes allowable as deductions in ascertaining Commonwealth taxable income*		3. Net earnings from commission and other service charges	
8. Bad debts and interest written off		4. Bad debt recoveries	
9. Depreciation		5. Interest recoveries	
10. Losses on realization of investments or other assets		6. Profits on realization or redemption of investments or other assets	
11. All other items		7. Rents	
12. Total expenditure		8. All other items	
13. Australian taxable income for Commonwealth purposes†			
Total		Total	

* When the statement is prepared by a bank that is not subject to Commonwealth income tax, for this item substitute "Taxes".

† When the statement is prepared by a bank that is not subject to Commonwealth income tax, for this item substitute "Net income in respect of Australian business".

Directions.

1. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Reserve Bank within six months after the end of the year to which the statement relates.

2. Where expenditure included in this statement is part of expenditure shared with another bank, the basis of apportionment between the banks shall be stated.

SECOND SCHEDULE—continued.

FORM I.

Banking Act.

STATEMENT OF LIABILITIES AND ASSETS WITHIN AUSTRALIA

of the.....as at the close of business on.....

PART I.

<i>Liabilities.</i>	£	<i>Assets.</i>	£
1. Depositors' balances* ..		1. Coin and bullion—	
2. Balances due to other banks†		(a) Gold	
3. Bills payable and all other liabilities, including provisions for contingencies, but not including capital or reserve funds		(b) Other	
		2. Australian notes	
		3. Deposits with Reserve Bank	
		4. Deposits in Australia with trading banks‡	
		5. Australian public securities§—	
		(a) Commonwealth and States—	
		(i) Treasury bills ..	
		(ii) Other securities	
		(b) Local and semi-governmental authorities ..	
		6. Other securities	
		7. Cheques and bills of other banks and balances with and due from other banks‡	
		8. Loans, advances and bills discounted||—	
		(a) Housing	
		(b) Other	
		9. Bank premises, furniture and sites	
		10. Bills receivable and all other assets	
Total		Total	

* Include interest credited to depositors' accounts.

† This item applies with respect to all banks, including banks not within the definition of "bank" in sub-section (1.) of section five of the *Banking Act 1959*.

‡ Include all moneys shown in the books of the savings bank kept in relation to its business in Australia as being moneys owing by trading banks to the savings bank.

§ State basis of valuation, that is, cost price, market price or otherwise.

|| State total amount of loans and advances to, and bills discounted for, Commonwealth and State Governments. £.....

SECOND SCHEDULE—*continued.*FORM I—*continued.*

PART II.

State or Territory.	Depositors' balances.
	£
New South Wales	
Victoria	
Queensland	
South Australia	
Western Australia	
Tasmania	
Australian Capital Territory	
Northern Territory	
Papua	
New Guinea	
Other	
Total	

Directions

1. Copies of this statement shall be delivered to the Commonwealth Statistician to the Secretary to the Department of the Treasury and to the Reserve Bank within twenty-one days after the date as at which it is prepared.
2. Accounts between the head office of the bank and a branch, or between different branches of the bank, shall not be included as liabilities or assets.
3. Contingent liabilities and assets shall not be included.
4. Amounts may be shown in this statement to the nearest multiple of One thousand pounds.

SECOND SCHEDULE—*continued.*

FORM J

Banking Act.

STATEMENT RELATING TO DEPOSITORS' ACCOUNTS

maintained in.....with the.....

for the period commencing.....and ending.....

Class of account.	Deposits during period (including transfers between branches).*	Withdrawals during period (including transfers between branches).†	Interest added to depositors' accounts during period.	Depositors' balances at end of period.	Number of operative depositors' accounts at end of period.
	£	£	£	£	
1. Deposit stock ..					
2. School savings ..					
3. Special purpose savings ..					
4. Cheque accounts ..					
5. Other accounts ..					
Total ..					

* State approximate amount of transfers between branches included in deposits. £.....

† State approximate amount of transfers between branches included in withdrawals. £.....

Directions.

Copies of this statement shall be delivered to the Commonwealth Statistician and to the Reserve Bank within twenty-one days after the end of the period in respect of which the statement is prepared.