

# LOAN CONSOLIDATION AND INVESTMENT RESERVE AMENDMENT ACT 1978

## No. 37 of 1978

An Act to amend the *Loan Consolidation and Investment Reserve Act 1955* and for purposes connected therewith.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

1. (1) This Act may be cited as the *Loan Consolidation and Investment Reserve Amendment Act 1978*.<sup>1</sup> Short title

(2) The *Loan Consolidation and Investment Reserve Act 1955*<sup>2</sup> is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement

3. (1) Section 4 of the Principal Act is amended— Establishment of Reserve

(a) by omitting “, which shall be a Trust Account for the purposes of section sixty-two A of the *Audit Act 1901-1955*”; and

(b) by adding at the end thereof the following sub-section:

“(2) The Reserve shall form part of the Trust Fund referred to in section 60 of the *Audit Act 1901*, and the provisions of that Act relating to the Trust Fund (other than section 62B of that Act) shall, subject to this Act, extend to that portion of the Trust Fund that comprises the Reserve.”

(2) The amendments made by sub-section (1) do not operate to make sub-sections 62A (4A) and (4B) of the *Audit Act 1901* applicable in relation to the moneys standing to the credit of the Loan Consolidation and Investment Reserve.

4. Section 6 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-sections: Purposes of Reserve

“(3) Until moneys standing to the credit of the Reserve are applied as provided by sub-section (1), those moneys may be invested by the Treasurer in any securities of, or guaranteed by, the Commonwealth.

“(4) Any moneys standing to the credit of the Reserve that have not been invested as provided by sub-section (3) and are not required for the time being by the Treasurer for the purpose of being applied in accordance with sub-section (1) or invested in accordance with sub-section (3) may be invested by the Minister for Finance in accordance with section 62B of the *Audit Act 1901*.”

5. Section 7 of the Principal Act is repealed and the following sections are substituted:

Delegation

“7. (1) The Treasurer may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Department of the Treasury any of his powers under section 6.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Treasurer.

“(3) A delegation under sub-section (1) does not prevent the exercise of a power by the Treasurer.

“(4) Section 70A of the *Audit Act* 1901 applies in relation to the power of the Minister of Finance to invest moneys under sub-section 6 (4) of this Act in like manner as that section applies in relation to powers of that Minister under the *Audit Act* 1901.

Treasurer deemed to be corporation for purpose of investment of Reserve

“8. The Treasurer and his successors in office shall, for the purposes of the investment of any moneys in pursuance of sub-section 6 (3), be deemed to be a corporation by the name of ‘The Treasurer of the Commonwealth’, and any securities taken in pursuance of that sub-section may be taken by him in his corporate name.”

Transitional

6. (1) Any securities other than Treasury Bills that were taken by the Treasurer before 20 December 1977 under section 62B of the *Audit Act* 1901 in the investment of moneys standing to the credit of the Reserve shall be deemed to have been taken by him in his corporate name under section 8 of the Principal Act as amended by this Act.

(2) Any moneys invested otherwise than in Treasury Bills by the Minister for Finance on or after 20 December 1977 and before the commencement of this Act in accordance with section 62B of the *Audit Act* 1901 as it applied by virtue of sub-section 6 (3) of the Principal Act shall be deemed to have been invested by the Treasurer under sub-section 6 (3) of the Principal Act as amended by this Act.

(3) Any securities other than Treasury Bills that were taken by the Minister for Finance on or after 20 December 1977 and before the commencement of this Act under section 62B of the *Audit Act* 1901 in the investment of moneys standing to the credit of the Reserve shall be deemed to have been taken by the Treasurer in his corporate name under section 8 of the Principal Act as amended by this Act.

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## NOTES

1. Act No. 37, 1978; assented to 12 June 1978.
2. Act No. 55, 1955, as amended. For previous amendments *see* Act No. 216, 1973 (as amended by No. 20, 1974).