



Commonwealth Inscribed Stock Regulation 2015

Select Legislative Instrument No. 65, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 30 April 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Joe Hockey
Treasurer

OPC60608 - A

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Part 1—Preliminary

1 Name

This is the *Commonwealth Inscribed Stock Regulation 2015*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under the *Commonwealth Inscribed Stock Act 1911*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Commonwealth Inscribed Stock Act 1911*.

approved form means a form approved by the Treasurer.

bearer security means a Treasury Bond, debenture or other prescribed security made out under subsection 51A(1) of the Act at any time before the commencement of subsection 51A(3) of the Act.

owner means an owner of stock or the owners of stock in a joint account.

stock ledger means a Stock Ledger at a Registry.

Section 6

6 Prescribed person for definition of *certified copy*

For the definition of *certified copy* in section 3 of the Act, each of the following persons is a prescribed person:

- (a) a person before whom affidavits can be sworn or affirmed under the *Evidence Act 1995*;
- (b) any other person having authority to administer an oath or affirmation in a State or Territory;
- (c) an Australian Diplomatic Officer or an Australian Consular Officer, as defined by the *Consular Fees Act 1955*.

Part 2—Stock

Division 1—Creation and issue of stock

7 Prescribed stock for subsection 4(1)

For subsection 4(1) of the Act, Treasury Bills are prescribed.

Division 2—Registries

8 Correction of Register

- (1) A person may, in writing, request the Registrar to correct a stock ledger if stock is inscribed incorrectly in the stock ledger.
- (2) In determining whether the stock is inscribed correctly, the Registrar may require the person to provide additional information, including information in the form of a statutory declaration.
- (3) The Register must correct the stock ledger if the Registrar is satisfied that the stock is inscribed incorrectly.

9 Assistance to be provided to Registrar

If a person requests the Registrar to perform a function or exercise a power under the Act or this instrument, for the purposes of the request, the Registrar may require the person to do one or more of the following:

- (a) provide a document;
- (b) give an indemnity to the satisfaction of the Registrar;
- (c) verify the person's identity to the satisfaction of the Registrar.

Note: In requiring a person do a thing under this section, the Registrar must comply with any requirements in the Registrar's instrument of appointment or document made in connection with the appointment: see subsection 14(4) of the Act.

10 Specimen signature

- (1) The Registrar may obtain a specimen signature for each owner of stock inscribed in a stock ledger.
- (2) In obtaining a signature under subsection (1), the Registrar may require:
 - (a) a document to be signed before an officer of a Registry; or
 - (b) a signature to be witnessed.

11 Inscription of stock in names of unincorporated associations

For subsection 22B(1) of the Act, the conditions that must be met for stock to be inscribed in the name of an unincorporated association are the following:

- (a) the association has a name;
- (b) the association has a written constitution or written rules of association;
- (c) the following is given to the Registrar:
 - (i) a copy of the association's constitution or rules of association;
 - (ii) the names and addresses of the officers who have been appointed in accordance with the association's constitution or rules of association.

Division 3—Transfer and transmission of stock

12 Transfers of stock within a Registry

For subsection 24(1) of the Act, the transfer of legal or equitable interests in stock from one person to another within a Registry may be made by an instrument of transfer and acceptance that is:

- (a) in accordance with an approved form; and
- (b) executed by both parties; and
- (c) registered at the Registry.

13 Section 27 of the Act does not apply to certain transactions

- (1) This section provides rules that apply instead of section 27 of the Act in relation to registering or dealing with certain transactions relating to stock.
- (2) Section 27 of the Act does not apply in relation to the following transactions:
 - (a) a transaction relating to stock that is not a Treasury Note;
 - (b) a transaction relating to a Treasury Note that has been issued on terms and conditions that do not include a term or condition that the owner of the stock is entitled to payment of interest at a specified rate or rates.
- (3) Instead, a transaction relating to stock (other than a Treasury Note) must not be registered or dealt with within 7 days before the date of maturity of the stock.

Note 1: Transactions relating to stock covered by paragraph (2)(a) may be registered or dealt with regardless of when interest is due.

Note 2: Transactions relating to Treasury Notes covered by paragraph (2)(b) may be registered or dealt with at any time.

14 Transmission application

For section 28 of the Act, an application for a person to be inscribed as the owner of stock must be:

- (a) in accordance with an approved form; and

- (b) accompanied by evidence of the transmission of the stock;
and
- (c) given to the Registrar.

Note: The application is also required to be verified by statutory declaration (unless the Treasurer otherwise allows) under subsection 29(1) of the Act. In the case of transmission due to death or bankruptcy, subsection 29(1) of the Act may also require documents to be given to the Registrar.

15 Prescribed amount of stock for subsection 29(2) of the Act (verification of transmission)

For subsection 29(2) of the Act, the prescribed amount of stock is:

- (a) \$25 000; or
- (b) if the Treasurer, by legislative instrument, determines another amount—that other amount.

16 Death of joint owner of stock

If one of the joint owners of stock dies, the stock must be registered in the name of the survivor or survivors upon production to the Registrar of:

- (a) probate of the will of the owner; or
- (b) letters of administration of the estate of the owner; or
- (c) the certificate of death of the owner.

17 Transfer of stock to administrator of certain estates

The Treasurer may authorise the transfer of stock to an officer charged with the duty of administering the estates of missing persons or persons under disability (other than in cases of bankruptcy or insolvency) if:

- (a) the Treasurer is satisfied that the stock is inscribed in the name of a person whose property is required by law to be administered by such an officer; and
- (b) the officer gives an indemnity to the satisfaction of the Treasurer.

Part 2 Stock

Division 3 Transfer and transmission of stock

Section 18

18 Marked transfers

- (1) The Registrar may mark a transfer of stock which has been properly executed by the transferor with words to the effect that stock is held against the transfer for a period specified in the marking.
- (2) The Registrar may refuse to deal with the stock during that period other than to give effect to the marked transfer.

Part 3—Bearer securities

19 Prescribed securities made out under subsection 51A(1)

Despite the repeal of regulations 43, 46, 46A and 48 of the Commonwealth Inscribed Stock Regulations by this instrument, securities issued in accordance with those regulations may continue to be dealt with as prescribed securities made out under subsection 51A(1) of the Act.

20 Application of Treasury Bills Act

- (1) Despite section 51C of the Act, certain provisions of the *Treasury Bills Act 1914* do not apply as follows.
- (2) Paragraphs 4(c), (e) and (f) of the *Treasury Bills Act 1914* do not apply to Treasury Bonds, Debentures, Special Bonds and Australian Savings Bonds made out under subsection 51A(1) of the Act.
- (3) Paragraphs 4(c) and (e) of the *Treasury Bills Act 1914* do not apply to Treasury Bills made out under subsection 51A(1) of the Act.
- (4) Sections 4 and 8 of the *Treasury Bills Act 1914* do not apply to Treasury Notes made out under subsection 51A(1) of the Act.
- (5) Sections 9, 10 and 12 of the *Treasury Bills Act 1914* do not apply to Treasury Bonds, Debentures and other prescribed securities made out under subsection 51A(1) of the Act.

Note: See sections 21 and 22 for rules dealing with defaced, lost, stolen or destroyed bearer securities.

21 Payment of defaced, lost, stolen or destroyed bearer security or coupon

- (1) An owner of a bearer security or coupon issued in connection with a bearer security may apply to the Treasurer to have the security or coupon paid off if the security or coupon has been defaced, lost, stolen or destroyed.

Section 22

- (2) The Treasurer may authorise payment of the security or coupon and any unpaid interest on the security or coupon to the owner if:
 - (a) the Treasurer is satisfied that the security or coupon has been defaced, lost, stolen or destroyed before it was paid off; and
 - (b) the owner gives an indemnity to the satisfaction of the Treasurer to indemnify the Commonwealth against payment of the bearer security or coupon or any interest on the security or coupon.

22 Destruction of bearer security or coupon

- (1) A bearer security, or a coupon issued in connection with bearer security, that has been cancelled must be destroyed in the presence of the Treasurer.
- (2) The Treasurer must certify, in writing, that the bearer security or coupon has been destroyed in his or her presence.

Part 4—Miscellaneous**23 Delegation of Treasurer's powers**

- (1) The Treasurer may, in writing, delegate any or all of the powers or functions of the Treasurer under this instrument to:
 - (a) an SES employee in the Department; or
 - (b) an APS employee who holds or performs the duties of an Executive Level 2, or equivalent, position in the Department; or
 - (c) a person appointed as a staff member of the Reserve Bank Service under section 67 of the *Reserve Bank Act 1959* who occupies an office or position at an equivalent level to that of an SES employee, or an Executive Level 2, in the Department.
- (2) In exercising powers or performing functions under a delegation, the delegate must comply with any directions of the Treasurer.

Schedule 1—Repeals

Commonwealth Inscribed Stock Regulations

1 The whole of the Regulations

Repeal the Regulations.