

AUSTRALIAN NOTES.

No. 11 of 1910.

An Act relating to Australian Notes.

[Assented to 16th September, 1910.]

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

PART I.—PRELIMINARY.

Citation.

1. This Act may be cited as the *Australian Notes Act 1910*.

Commencement.

2. This Act shall commence on a day to be fixed by proclamation.

Definitions.

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

“Bank” means a person or company carrying on the business of banking :

“Bank note” means a bill or note for the payment of money issued by a bank and payable to bearer on demand and intended for circulation :

“Constable” includes any member of the police force of the Commonwealth or of a State or of part of the Commonwealth :

“Treasury Bill” means a Treasury Bill under this Act.

No State Notes to be circulated after a proclaimed date.

4.—(1.) From and after six months after the commencement of this Act—

(a) a bank shall not issue, or circulate as money, any note or instrument for the payment of money issued by a State and payable to bearer on demand ; and

(b) a note or instrument for the payment of money issued by a State and payable to bearer on demand shall not be a legal tender.

(2.) A bank which, in contravention of this section, issues or circulates as money any note or instrument issued by a State and payable to bearer on demand shall be liable to a penalty not exceeding Five hundred pounds.

(3.) Proceedings for an offence against this section shall only be instituted by the Attorney-General or by a person acting under his authority.

PART II.—AUSTRALIAN NOTES.

5. The Governor-General may authorize the Treasurer from time to time to—

Issue, re-issue and cancellation of Notes.

- (a) issue Australian Notes ;
- (b) re-issue Australian Notes ; and
- (c) cancel Australian Notes.

6.—(1.) Australian Notes may be issued in any of the following denominations, namely, Ten shillings, One pound, Five pounds, Ten pounds, or any multiple of Ten pounds, and shall—

Denomination, &c., of Notes.

- (a) be issued from and bear date at the Commonwealth Treasury;
- (b) be a legal tender throughout the Commonwealth and throughout all Territories under the control of the Commonwealth ; and
- (c) be payable in gold coin on demand at the Commonwealth Treasury at the Seat of Government.

(2.) Until the Parliament meets at the Seat of Government, the Seat of Government for the purposes of this section shall be deemed to be at Melbourne.

(3.) Australian Notes shall bear thereon the signatures of such officers as the Treasurer directs. The signatures may be made in the handwriting of the officers or may be made by engraving lithography or any mechanical process approved by the Treasurer.

7. In issuing Australian Notes the Treasurer may use the note forms of any State or of any bank, with such alterations as he thinks necessary, notwithstanding that such forms have printed or written upon them a date antecedent to the commencement of this Act.

Temporary use of forms of State Notes or Bank Notes.

8.—(1.) The moneys derived from the issue of Australian Notes and any interest thereon shall be placed to the credit of an account called the Australian Notes Account which shall be a Trust Account within the meaning of the *Audit Acts* 1901–1906.

Disposal of proceeds of issue of Notes.

(2.) Part of the moneys standing to the credit of the Australian Notes Account shall be held by the Treasurer in gold coin for the purposes of the reserve provided for in section nine of this Act, and the Treasurer may invest the remainder or any part thereof—

- (a) on deposit in any bank, or
- (b) in securities of the United Kingdom, or of the Commonwealth, or of a State.

(3.) The Treasurer may sell or dispose of any securities in which any moneys to the credit of the Australian Notes Account are invested.

(4.) The moneys standing to the credit of the Australian Notes Account may be expended—

- (a) in the redemption of Australian Notes, and
- (b) in the payment of the expenses of the administration of this Act.

Gold reserve.

9.—(1.) The Treasurer shall hold in gold coin a reserve as follows :—

(a) an amount not less than one-fourth of the amount of Australian Notes issued up to Seven million pounds; and

(b) an amount equal to the amount of Australian Notes issued in excess of Seven million pounds.

(2.) In ascertaining the amount of Australian Notes issued, the amount of Notes which have been redeemed shall not be included.

Australian Notes not to be pledged.

10. The Treasurer shall not pledge any Australian Notes or deposit them with any bank or person as security for money.

Monthly statement of Notes issued and reserve held.

11.—(1.) On the last Wednesday of each month, an officer appointed for the purpose by the Treasurer shall prepare and sign a statement, showing at that date—

(a) the number and amount of Australian Notes issued and not redeemed, and

(b) the amount of gold coin held by the Treasurer for the purposes of this Act.

(2.) The statement shall be countersigned by the Treasurer and published in the *Gazette*.

Bank to keep record and furnish return of bank notes in circulation.

12.—(1.) Every bank shall—

(a) keep, in accordance with the prescribed form, a record of all bank notes issued or re-issued by the bank after the commencement of this Act and not redeemed by the bank at the close of business on Monday of every week, and

(b) on or before the 31st day of March in each year, send to the Treasurer a copy of such record for the previous calendar year, verified by a declaration in accordance with the prescribed form.

Penalty : Five hundred pounds.

(2.) This section shall not come into force until the day on which the *Bank Notes Tax Act 1910* commences.

PART III.—TREASURY BILLS.

Issue of Treasury Bills.

13. The Treasurer may, from time to time, issue Treasury Bills to such amount as he thinks proper, but so that the total amount of the Bills issued shall not exceed the amount of Australian Notes issued and not redeemed at the time when the Bills are issued.

Requisites of Treasury Bills.

14. Treasury Bills shall—

(a) be in accordance with the prescribed form,

(b) be for such sums as are prescribed,

(c) be for such period, not exceeding five years from the date of issue, as is prescribed,

(d) be signed as prescribed, and

(e) bear interest at a rate not exceeding Four pounds per centum per annum.

15.—(1.) The principal and interest payable in respect of Treasury Bills shall be chargeable on and payable out of the Consolidated Revenue Fund, which is hereby appropriated for the purpose.

Principal and interest on Treasury Bills.

(2.) The interest payable in respect of Treasury Bills shall be paid half-yearly at such dates and places as the Treasurer appoints.

16. Treasury Bills may be sold or disposed of in the Commonwealth or in any place beyond the limits of the Commonwealth.

Disposal of Treasury Bills.

17. The moneys raised by the sale or disposal of any Treasury Bills shall be applied towards the redemption of Australian Notes.

Moneys to be applied to redemption of Notes.

18.—(1.) Where a Treasury Bill, the number and sum whereof are specified, is lost or accidentally destroyed before payment, the holder may apply to a Justice of the High Court or a Judge of the Supreme Court of a State for a certificate in accordance with this section.

Provision for lost or destroyed Bills.

(2.) The application shall be supported by evidence on oath or affirmation, and the Justice or Judge may, if he is satisfied with the evidence, grant to the applicant a certificate that it has been proved to his satisfaction that the Bill has been lost or accidentally destroyed and that the applicant was the holder thereof at the time of the loss or destruction.

(3.) Upon such certificate, and upon the holder giving security to the satisfaction of the Treasurer to protect him from double payment, the Treasurer may issue to the applicant a new Bill in place of the Bill so lost or destroyed.

(4.) The new Bill shall have the same number and date, and shall be for the same amount, and shall bear interest at the same rate, and shall have the same currency, as the Bill so lost or destroyed.

19. Treasury Bills, after being redeemed, shall be cancelled, and shall be destroyed by burning or otherwise in the presence of the Secretary to the Treasury and the Auditor-General, who shall certify in writing the fact of the destruction.

Destruction of Bills when paid off.

PART IV.—OFFENCES.

20. In this Part of this Act—

Definitions.

“Commonwealth Security” means any Australian Note, any Treasury Bill, or any coupon for interest on any Treasury Bill :

“Form of Commonwealth Security” means any form of a Commonwealth Security, or any form intended or likely to pass for the form of a Commonwealth Security, and includes any part of a form of a Commonwealth Security.

21. Every person who, with intent to defraud, forges, or utters knowing it to be forged—

Forging or uttering Notes or Bills.

(a) any Commonwealth Security, or

(b) any indorsement or transfer of any Commonwealth Security, shall be guilty of an indictable offence.

Penalty : Imprisonment for fourteen years.

Possession of forged Notes or Bills.

22. Every person who, without lawful excuse (proof whereof shall lie upon him), has in his possession any forged Commonwealth Security shall be guilty of an indictable offence.

Penalty : Imprisonment for four years.

Making, &c., of false forms.

23. Every person who, without the authority of the Treasurer, (proof whereof shall lie upon him) makes or has in his possession—

(a) any form of any Commonwealth Security, or

(b) any instrument or thing by which may be made any form of any Commonwealth Security,

shall be guilty of an indictable offence.

Penalty : Imprisonment for three years.

Personation, &c.

24. Every person who, with intent to defraud—

(a) falsely personates any person entitled to any Commonwealth Security, or

(b) makes out or delivers any Commonwealth Security for a greater or less amount than the amount to which the person on whose behalf it is made is entitled,

shall be guilty of an indictable offence.

Penalty : Imprisonment for eight years.

Making false declaration.

25. Any person who wilfully makes any false statement in any declaration under this Act shall be guilty of an indictable offence.

Penalty : Imprisonment for four years.

Copying of Australian Notes forbidden.

26—(1.) Every person who, without the authority of the Treasurer (proof whereof shall lie upon him) makes or has in his possession—

(a) any copy of an Australian Note, or

(b) any writing engraving photograph or print resembling an Australian Note or apparently intended to be or pass for a copy of an Australian Note,

shall be guilty of an offence.

Penalty : One hundred pounds.

(2.) This section shall not affect the liability of any person to be proceeded against for any higher offence, but a person so proceeded against shall not be liable to be punished twice in respect of the same offence.

(3.) In this section copy of an Australian Note includes any representation or negative of an Australian Note in any size or scale, and includes a copy of a form of an Australian Note in any size or scale.

Defacing, &c., of Australian Notes.

27. Every person who—

(a) defaces or disfigures any Australian Note by writing, printing, stamping, or drawing anything thereon, or

(b) makes on, or attaches to, any Australian Note any advertisement, or

(c) designs, makes, issues, or circulates any advertisement in the form of or resembling or apparently intended to resemble any Australian Note, shall be guilty of an offence.

Penalty: Twenty pounds.

28. Any person who aids, abets, counsels, or procures, or is in any way knowingly directly or indirectly concerned in, the commission of any offence against this Act shall be deemed to have committed that offence and shall be punishable accordingly.

Aiders and abettors.

29.—(1.) Any form of any Commonwealth Security and any instrument or thing by which may be made any form of any Commonwealth Security shall, if made or in the possession of any person without the authority of the Treasurer, be forfeited to the King.

Illicit forms to be confiscated.

(2.) Any constable may at any time seize any article forfeited under this section or any article which he has reasonable ground to believe is forfeited under this section and bring it before a Court of summary jurisdiction.

(3.) A Court of summary jurisdiction may order any article seized in pursuance of this section or section thirty to be condemned or to be returned to the person from whom it was seized.

(4.) Any article condemned in pursuance of this section shall be dealt with as the Treasurer directs.

30.—(1.) Upon information, on oath or affirmation, by any constable, that he has reasonable ground to believe that any article forfeited under this Act is in any building or place, a justice of the peace may issue a search warrant to the constable.

Search warrants.

(2.) A constable having a search warrant under this section may, with such assistance as he thinks necessary, enter and search the building or place mentioned in the warrant, and for that purpose may break open any part of the building or place and break open any article therein, and may seize and take away any article which he has reasonable ground to believe is forfeited under this Act, and bring it before a Court of summary jurisdiction.

(3.) The laws of each State relating to search warrants shall, so far as applicable, apply to search warrants under this section.

31. Every officer charged with the receipt or disbursement of public moneys, and every officer of any bank, shall stamp or write in plain letters the word "counterfeit", "altered", or "worthless" upon every counterfeit or fraudulent note issued in the form of an Australian Note which is presented to him at his place of business, and if he wrongfully writes or stamps those words on any genuine Australian Note he shall upon presentation redeem it at the face value thereof.

Counterfeit notes to be marked.

Cf. Canada R.S. ch. 29, s. 75.

PART V.—REGULATIONS.

32. 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 giving effect to this Act.

Regulations.