

(2.) Section one of the *Australian National University Act 1947\** is amended by omitting sub-section (2.).

(3.) The *Australian National University Act 1946†*, as amended by the *Australian National University Act 1947*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Australian National University Act 1946-1947*.

Interim  
Council.

2. Section twelve of the Principal Act is amended by omitting from sub-section (2.) the words “, or until the thirty-first day of December, One thousand nine hundred and forty-seven, whichever is the earlier”.

\* Act No. 21, 1947.

† Act No. 22, 1946.

## BANKING.

### No. 57 of 1947.

## An Act relating to Banking and for other purposes.

[Assented to 27th November, 1947.]

**B**E 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.

- Short title.** 1. This Act may be cited as the *Banking Act 1947*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Objects.** 3. The several objects of this Act include—
- (a) the expansion of the banking business of the Commonwealth Bank as a publicly-owned bank conducted in the interests of the people of Australia and not for private profit;
  - (b) the taking over by the Commonwealth Bank of the banking business in Australia of private banks and the acquisition on just terms of property used in that business;
  - (c) the prohibition of the carrying on of banking business in Australia by private banks.

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

Parts.

- Part I.—Preliminary.
- Part II.—Legislative Intent.
- Part III.—Application of Act.
- Part IV.—Expansion of Banking Business of Commonwealth Bank.
  - Division 1.—Preliminary.
  - Division 2.—Acquisition of Shares in Private Banks.
  - Division 3.—Management of Private Banks.
  - Division 4.—Taking over of Businesses of Private Banks.
- Part V.—The Federal Court of Claims.
- Part VI.—Assessment of Compensation.
  - Division 1.—Compensation in respect of the Acquisition of Shares.
  - Division 2.—Compensation in respect of the Acquisition of Assets.
- Part VII.—Prohibition of the Carrying on of Banking Business by Private Banks.
- Part VIII.—Protection of Rights of Persons Employed by Private Banks.
- Part IX.—General.

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

Definitions.

“assets” means real and personal property of every kind, including—

- (a) rights under contracts and agreements ;
- (b) books, books of account and records ;
- (c) choses in action ; and
- (d) all other rights, interests and claims in or to real or personal property, whether liquidated or unliquidated, certain or contingent, accrued or accruing,

but does not include any right to a refund of taxation under any law in force in Australia or elsewhere ;

“Australia” includes the Territories under the authority of the Commonwealth ;

“Australian assets” means assets situated, or deemed by law to be situated, in Australia ;

“Australian liabilities” means liabilities situated, or deemed by law to be situated, in Australia ;

“Australian private bank” means a private bank which was formed within the limits of the Commonwealth and the name of which is set out in Part I. of the First Schedule ;

“Australian shares” means shares situated, or deemed by law to be situated, in Australia ;

“liabilities” includes obligations under contracts or agreements but does not include—

- (a) any liability of a private bank to a director or member of that private bank in his capacity as such a director or member ;

(b) any liability assumed by the Commonwealth Bank under Part VIII. ; or

(c) any liability in respect of taxation under any law in force in Australia or elsewhere ;

“ private bank ” means a body corporate the name of which is set out in the First Schedule ;

“ provident or superannuation fund ”, in relation to a private bank, means a fund established or continued by that private bank (including a fund established or continued by a bank the business of which has been taken over by that private bank) and applied, in whole or in part, in the provision of pension and other benefits payable on the resignation, retirement or death of persons employed by that private bank ;

“ Schedule ” means a Schedule to this Act ;

“ the Commonwealth Bank ” means the Commonwealth Bank of Australia ;

“ the Court ” means the Federal Court of Claims.

#### PART II.—LEGISLATIVE INTENT.

Legislative intent.

6. It is hereby declared to be the intention of the Parliament—

(a) that if any provision of this Act is inconsistent with the Constitution, that provision and all the other provisions of this Act shall nevertheless operate to the full extent to which they can operate consistently with the Constitution ;

(b) that the provisions of the last preceding paragraph shall be in addition to, and not in substitution for, the provisions of section fifteen A of the *Acts Interpretation Act 1901-1941* ; and

(c) that this section and section fifteen A of the *Acts Interpretation Act 1901-1941* shall have effect notwithstanding that their operation may result in this Act having an effect different, or apparently different, in substance from the effect of the provisions contained in this Act in the form in which this Act was enacted by the Parliament.

#### PART III.—APPLICATION OF ACT.

Act not to apply to State banking Extension to Territories.

7. Nothing in this Act shall apply to State banking.

8. The application of this Act shall extend to the Territories under the authority of the Commonwealth.

#### PART IV.—EXPANSION OF BANKING BUSINESS OF COMMONWEALTH BANK.

##### *Division 1.—Preliminary.*

Purpose of powers.

9. The powers specified in Divisions 2 and 3 of this Part are conferred for the purpose of facilitating the control by the Commonwealth Bank of the banking business in Australia of private banks and for the purpose of furthering the expansion of the banking business of the Commonwealth Bank.

10. The provisions of Divisions 2 and 3 of this Part shall have effect notwithstanding anything in any other law, or in any charter or other instrument, which is inconsistent with those provisions. Operation.

11. It shall be the duty of the Commonwealth Bank—

- (a) to provide, in accordance with the conditions appropriate in the normal and proper conduct of banking business, adequate banking facilities for any State or person requiring them ;
- (b) to conduct its business without discrimination except on such grounds as are appropriate in the normal and proper conduct of banking business ; and
- (c) to observe, except as otherwise required by law, the practices and usages customary among bankers and, in particular, not to divulge any information relating to, or to the affairs of, a customer of the Commonwealth Bank except in circumstances in which it is, in accordance with law or the practices and usages customary among bankers, necessary or proper for the Commonwealth Bank to divulge that information.

Commonwealth Bank to observe customary practices and usages of bankers.

*Division 2.—Acquisition of Shares in Private Banks.*

12.—(1.) The Commonwealth Bank may, subject to the approval of the Treasurer, purchase all or any of the shares in a private bank the name of which is set out in Part I. or Part II. of the First Schedule at a price not less than the market value in Australia of those shares on the fifteenth day of August, One thousand nine hundred and forty-seven.

Commonwealth Bank may purchase shares in private banks.

(2.) For the purposes of the last preceding sub-section, the market value in Australia on the fifteenth day of August, One thousand nine hundred and forty-seven, of a class of shares specified in the second column of the Second Schedule in a private bank the name of which is specified in the first column of that Schedule shall be the value specified in the third column of that Schedule in respect of that class of shares.

13.—(1.) Where the Treasurer is satisfied that the majority in number of the shares in an Australian private bank are Australian shares, the Treasurer may, by notice published in the *Gazette*, declare that, upon a date specified in the notice, the shares in that bank which are Australian shares upon that date shall be vested in the Commonwealth Bank.

Compulsory acquisition by Commonwealth Bank of Australian shares in Australian private banks.

(2.) The Treasurer may, from time to time, by notice published in the *Gazette*, amend a notice under the last preceding sub-section (including such a notice as previously amended under this sub-section) by substituting a later date for the date specified in that notice (or in that notice as so amended).

(3.) Upon the date specified in a notice under sub-section (1.) of this section (or, if that notice has been amended under the last preceding sub-section, upon the date specified in that notice as so amended), the shares in the Australian private bank concerned which, upon that date, are Australian shares shall, by force of this Act, be vested in the Commonwealth Bank.

(4.) All other shares in that Australian private bank which, after the date upon which shares in that bank become vested in the Commonwealth Bank under the last preceding sub-section, become Australian shares shall, by force of this Act, upon the date upon which they become Australian shares, be vested in the Commonwealth Bank.

(5.) All shares vested in the Commonwealth Bank under this section shall be freed and discharged from all trusts, mortgages, charges, liens, interests and other obligations affecting those shares.

Holding and  
transfer of  
shares by  
Commonwealth  
Bank.

**14.**—(1.) The Commonwealth Bank shall, for all purposes, be the holder of the shares in an Australian private bank which have been purchased or otherwise acquired by the Commonwealth Bank under this Division and shall be a member of that Australian private bank in respect of those shares.

(2.) The Commonwealth Bank may transfer any such shares to any person and that person shall, for all purposes, be the holder of those shares and be a member of that Australian private bank in respect of those shares.

Fair  
compensation  
to be paid for  
shares  
compulsorily  
acquired.

**15.** The Commonwealth Bank shall pay fair and reasonable compensation in respect of the acquisition of shares by the Commonwealth Bank under section thirteen of this Act. •

Construction  
of instruments  
affecting shares.

**16.**—(1.) Any disposition—

(a) which is effected by a testamentary instrument executed before the date on which any shares in an Australian private bank become vested in the Commonwealth Bank under section thirteen of this Act; and

(b) which would have operated as a specific bequest of all or any of those shares,

shall have effect as a specific bequest of the right of the testator to be paid compensation in respect of the acquisition of the shares in relation to which that disposition would have operated.

(2.) Any power of attorney or other instrument—

(a) which is executed before the date upon which any shares in an Australian private bank become vested in the Commonwealth Bank under section thirteen of this Act; and

(b) which operates in relation to all or any of those shares,

shall have the like operation in relation to the right to payment of compensation in respect of the acquisition of the shares in relation to which that power of attorney or other instrument operates.

*Division 3.—Management of Private Banks.*

**17.—(1.)** Upon the date specified in a notice under sub-section (1.) of section thirteen of this Act (or, if that notice has been amended under sub-section (2.) of that section, upon the date specified in that notice as so amended), the directors of the Australian private bank in relation to the shares in which the notice was given shall, by force of this Act, cease to hold office.

Directors to retire from office.

(2.) A director who ceases to hold office by virtue of this section shall be paid by the Commonwealth Bank such amount as is agreed upon between him and the Commonwealth Bank or, in default of agreement, as is determined by a Judge of the Court.

(3.) The amount agreed upon or determined under the last preceding sub-section shall not exceed the amount of remuneration which that director would have received as director for a period of two years at the rate applicable to him upon the fifteenth day of August, One thousand nine hundred and forty-seven.

**18.—(1.)** The Governor of the Commonwealth Bank may, with the approval of the Treasurer, appoint directors of an Australian private bank the directors of which have ceased to hold office under the last preceding section and may appoint one of the directors so appointed to be chairman of directors.

Appointment of directors.

(2.) The directors so appointed shall hold office notwithstanding any lack of qualification or any disqualification arising under any law, charter or other instrument.

**19.—(1.)** Directors appointed under the last preceding section shall have full power to manage, direct and control the business and affairs of the Australian private bank of which they are directors and, in particular, shall have power—

Powers of directors.

- (a) to declare dividends;
- (b) to dispose of the business in Australia of that Australian private bank to the Commonwealth Bank; and
- (c) to dispose of all or any of the other business of that Australian private bank.

(2.) The exercise of any power under paragraph (b) or (c) of the last preceding sub-section shall be subject to the approval of the Treasurer after the Treasurer has obtained a recommendation from the Governor of the Commonwealth Bank.

(3.) Subject to the last preceding sub-section, the exercise of any power by the directors of an Australian private bank appointed under the last preceding section shall be in their sole discretion and shall not be subject to any qualification, restriction or condition provided by or under any law, charter or other instrument relating to the exercise of the powers of the directors of that bank.

**20.—(1.)** Meetings of directors appointed under section eighteen of this Act shall be held at such times and places as the directors think fit.

Meetings of directors.

(2.) At any meeting of those directors, a majority of directors shall form a quorum.

(3.) Questions arising at any such meeting shall be decided by a majority of the votes of the directors present and voting.

(4.) In the event of an equality of votes, the chairman of directors shall have a casting vote.

Effect of  
reduction of  
number of  
members  
of bank.

**21.** Where the number of members of an Australian private bank has, by reason of the purchase or other acquisition by the Commonwealth Bank under the last preceding Division of shares in that bank, fallen below the number specified in any law, charter or other instrument, any provisions of that law, charter or other instrument which, but for this section, would have had effect by reason of the fact that the number of members had so fallen, shall not have effect.

*Division 4.—Taking over of Businesses of Private Banks.*

Negotiations  
for purchase  
of business of  
a private bank.

**22.—(1.)** The Treasurer may, by notice given in writing to a private bank, invite that private bank to make an agreement with the Commonwealth Bank, not later than a date specified in the notice, for the taking over by the Commonwealth Bank of the business in Australia of that private bank.

(2.) The date specified in a notice under the last preceding sub-section shall be not more than two months after the date upon which the notice is given to the private bank.

(3.) The Treasurer may, from time to time, by notice given in writing to the private bank concerned, amend a notice under sub-section (1.) of this section (including such a notice as previously amended under this sub-section) by substituting a later date for the date specified in that notice (or in that notice as so amended).

(4.) The later date may be a date either before or after the expiration of the period of two months referred to in sub-section (2.) of this section.

(5.) The Commonwealth Bank may, subject to the approval of the Treasurer, make an agreement with a private bank for the taking over by the Commonwealth Bank of the business in Australia of that private bank.

(6.) An agreement under this section may be made with a private bank whether or not a notice under sub-section (1.) of this section has been given to that private bank but, if such a notice has been given to a private bank, an agreement with that private bank shall not be made after the date specified in the notice (or, if the notice has been amended under sub-section (3.) of this section, after the date specified in that notice as so amended).

(7.) An agreement under this section may include provisions for the taking over by the Commonwealth Bank of any of the business, assets and liabilities outside Australia of the private bank with which the agreement is made.

(8.) Where an agreement has been made under this section for the taking over by the Commonwealth Bank of the business in Australia of a private bank—

- (a) all the assets of that private bank which are Australian assets subsisting upon the date upon which that business is so taken over (in this section and in the next succeeding section referred to as “the date of transfer”) shall, by force of this Act, be vested in the Commonwealth Bank upon the date of transfer;
- (b) all the liabilities of that private bank which are Australian liabilities subsisting upon the date of transfer shall, by force of this Act, become liabilities of the Commonwealth Bank upon the date of transfer and the private bank shall be discharged from its obligations in respect of those liabilities;
- (c) all the assets of that private bank which relate to banking transactions and become Australian assets after the date of transfer shall, by force of this Act, be vested in the Commonwealth Bank upon the date upon which they so become Australian assets; and
- (d) all the liabilities of that private bank which relate to banking transactions and become Australian liabilities after the date of transfer shall, by force of this Act, become liabilities of the Commonwealth Bank upon the date upon which they so become Australian liabilities and the private bank shall be discharged from its obligations in respect of those liabilities.

(9.) The Commonwealth Bank shall cause notice of the making of an agreement under this section to be published in the *Gazette* and the notice shall specify the date upon which the business in Australia of the private bank with which the agreement has been made is to be taken over by the Commonwealth Bank.

**23.—(1.)** Notwithstanding anything contained in any other Act, but subject to this section, where an agreement has been made under the last preceding section, there shall not be taken into account for the purpose of any Act imposing a tax upon incomes or profits—

- (a) the amount paid to the private bank in pursuance of the agreement;
- (b) the amount of any dividend paid by the private bank wholly and exclusively out of so much of the amount so paid, reduced in accordance with the next succeeding sub-section, as exceeds the paid-up capital of the private bank at the date of transfer; and
- (c) the amount of any distribution which is made to the members of the private bank by a liquidator in the course of winding up the private bank and represents so much of the amount so paid, reduced in accordance with the next succeeding sub-section, as exceeds the sum of—
  - (i) the paid-up capital of the private bank at the date of transfer; and

Provisions with respect to taxation.



(ii) any dividends to which the last preceding paragraph applies.

(2.) The amount by which the amount paid to the private bank shall be reduced for the purposes of paragraphs (b) and (c) of the last preceding sub-section shall be the sum of—

- (a) any interest payable in pursuance of the agreement which is included in the amount paid to the private bank ; and
- (b) the profits derived by the private bank after the end of the year of income which ended on the thirtieth day of June, One thousand nine hundred and forty-seven, or of the accounting period adopted by the private bank in lieu of that year for the purposes of the *Income Tax Assessment Act 1936-1947*, and before the date of transfer, after deducting from the amount of those profits—
  - (i) the income taxes paid or payable in respect of those profits ; and
  - (ii) any dividend paid out of those profits before the date of transfer.

(3.) Nothing in sub-section (1.) of this section shall affect the application of the law relating to income tax or war-time (company) tax in relation to—

- (a) income or profits derived by the private bank before the date of transfer ;
- (b) interest payable in pursuance of the agreement on the whole or part of the amount paid to the private bank ; or
- (c) any other income or profits derived by the private bank after the date of transfer, not being income or profits arising directly from the taking over of the business of the private bank.

(4.) For the purposes of this section, “ dividend ” and “ paid ” have the same meanings as those expressions have in the *Income Tax Assessment Act 1936-1947*.

**24.—(1.)** In this section—

“ the specified date ” means, in relation to a private bank, the date specified in a notice given to that private bank under sub-section (1.) of section twenty-two of this Act (or, if that notice has been amended under sub-section (3.) of that section, the date specified in that notice as so amended) ;

“ the date of transfer ” means, in relation to a private bank, the day after the specified date.

(2.) Where a private bank to which a notice has been given under sub-section (1.) of section twenty-two of this Act has not made an agreement with the Commonwealth Bank under that section before the specified date, the business in Australia of that private bank shall, upon the date of transfer, be taken over by the Commonwealth Bank.

(3.) The Commonwealth Bank shall cause notice of the taking over, under the last preceding sub-section, of the business in Australia of a private bank to be published in the *Gazette*.

(4.) All the assets of that private bank which are Australian assets subsisting upon the date of transfer shall, by force of this Act, be vested in the Commonwealth Bank upon the date of transfer.

(5.) All the liabilities of that private bank which are Australian liabilities subsisting upon the date of transfer shall, by force of this Act, become liabilities of the Commonwealth Bank upon the date of transfer and the private bank shall be discharged from its obligations in respect of those liabilities.

(6.) All the assets of that private bank which relate to banking transactions and become Australian assets after the date of transfer but before a date prescribed in respect of that private bank shall, by force of this Act, be vested in the Commonwealth Bank upon the date upon which they so become Australian assets.

(7.) All the liabilities of that private bank which relate to banking transactions and become Australian liabilities after the date of transfer but before a date prescribed in respect of that private bank shall, by force of this Act, become liabilities of the Commonwealth Bank upon the date upon which they so become Australian liabilities and the private bank shall be discharged from its obligations in respect of those liabilities.

(8.) At any time after a notice under sub-section (1.) of section twenty-two of this Act has been given to an Australian private bank, the Commonwealth Bank may require that Australian private bank to take such action as is necessary to vest in the Commonwealth Bank, upon the date of transfer or upon such later date as the Commonwealth Bank specifies, such assets (not being Australian assets) of that Australian private bank as the Commonwealth Bank specifies and that Australian private bank shall take action accordingly.

Penalty: Ten thousand pounds for each day on which the contravention occurs.

25. The Commonwealth Bank shall pay fair and reasonable compensation in respect of the acquisition of property by the Commonwealth Bank under the last preceding section.

Fair compensation to be paid for property compulsorily acquired.

#### PART V.—THE FEDERAL COURT OF CLAIMS.

26. There shall be a Federal Court of Claims, which shall be a superior court of record and shall consist of a Chief Judge and such other Judges as are appointed in pursuance of this Act.

Federal Court of Claims.

Appointment  
of Judges.

**27.** The Chief Judge and each other Judge of the Court—

- (a) shall be appointed by the Governor-General; and  
 (b) shall not be removed except by the Governor-General, on an address from both Houses of the Parliament in the same session, praying for his removal on the ground of proved misbehaviour or incapacity.

Qualifications  
of Judges.

**28.** The qualifications of the Chief Judge and of each other Judge of the Court shall be as follows :—

He must either be or have been a Judge of a Federal Court or of the Supreme Court of a State or be a barrister or solicitor of the High Court or of the Supreme Court of a State of not less than five years' standing.

Salaries and  
travelling  
expenses.

**29.**—(1.) The Chief Judge and each of the other Judges of the Court shall, subject to the next succeeding sub-section, receive salary at the same rates as the respective rates of salary of the Chief Judge and of the other Judges of the Commonwealth Court of Conciliation and Arbitration.

(2.) If a Judge of the Court is, at the time of his appointment, also a Judge of another Federal Court, he shall not be entitled to receive salary as a Judge of the Court except to the extent (if any) to which his salary as a Judge of that other Federal Court is less than the salary which would have been payable to him under the last preceding sub-section.

(3.) The Judges of the Court shall be paid travelling expenses at the rate applicable to the Judges of the Commonwealth Court of Conciliation and Arbitration.

Pensions of  
Judges.

**30.**—(1.) Subject to the next succeeding sub-section, a Judge of the Court who has retired from office shall be entitled to an annual pension at the same rate as would have been payable to him if his service as a Judge of the Court had been service as a Judge (or, if he is Chief Judge of the Court, as Chief Judge) of the Commonwealth Court of Conciliation and Arbitration.

(2.) If a Judge of the Court was, at the time of his appointment, also a Judge of another Federal Court, he shall not be entitled to receive pension as a Judge of the Court except to the extent (if any) to which his pension as a Judge of that other Federal Court is less than the pension which would have been payable to him under the last preceding sub-section.

## Appropriation.

**31.** The salaries and pensions of the Judges of the Court shall be payable out of the Consolidated Revenue Fund, which is, to the necessary extent, hereby appropriated accordingly.

## Oath of office.

**32.** A Judge of the Court shall, before proceeding to discharge the duties of his office, take before a Justice of the High Court or a Judge of the Supreme Court of a State an oath or affirmation in the form in the Third Schedule.

**33.**—(1.) The Court shall have jurisdiction to hear and determine claims for compensation arising under this Act. Jurisdiction to determine claims for compensation.

(2.) The Governor-General may, under any other Act, make regulations conferring jurisdiction on the Court to hear and determine claims for compensation arising under that other Act and any regulations so made shall have effect notwithstanding any provision of that other Act.

(3.) Subject to the next two succeeding sub-sections, the jurisdiction of the Court under this Act shall be exercised by not less than three Judges and, under regulations the making of which is authorized by the last preceding sub-section, by such number of Judges as is specified in the regulations.

(4.) The jurisdiction of the Court under this Act may, by consent of all the parties, be exercised by a single Judge.

(5.) The Rules of Court made under section thirty-six of this Act may provide that the jurisdiction of the Court may be exercised by a single Judge with respect to any specified matter of practice or procedure and, where those Rules so provide, jurisdiction may be exercised accordingly.

(6.) Where the members of the Court are divided in opinion on any question, the question shall be decided according to the decision of the majority, if there is a majority, but if the members of the Court are equally divided in opinion the question shall be decided according to the opinion of the Chief Judge, or, if the Chief Judge is not a member of the Court or there is a vacancy in the office of Chief Judge, according to the opinion of the next senior Judge present.

(7.) For the purposes of the last preceding sub-section, the Judges of the Court shall have seniority according to the dates of their commissions.

**34.**—(1.) A judgment or order of the Court—

- (a) shall be final and conclusive ;
- (b) shall not be subject to an appeal to the High Court ;
- (c) shall not be challenged, appealed against, reviewed, quashed or called in question in any Court on any account whatever ;
- (d) shall not be subject to prohibition, mandamus or injunction in any Court on any account whatever ;
- (e) shall, in all Courts and for all purposes, be conclusive and binding on all persons affected thereby.

(2.) A judgment or order of the Court shall be enforceable as if it were a judgment or order of the High Court.

**35.** In any proceedings before the Court, it may, if it thinks fit, call in the aid of two assessors to assist it in relation to the proceedings. Assessors.

**36.**—(1.) The Judges of the Court, or a majority of them, may make Rules of Court, not inconsistent with this Act, for carrying this Part into effect and for regulating the practice and procedure of the Court. Rules of Court

(2.) Rules of Court so made—

- (a) shall be notified in the *Gazette* ;
- (b) shall take effect from the date of notification or from a later date specified in the Rules ; and
- (c) shall be laid before each House of the Parliament within fifteen sitting days after the making of the Rules.

(3.) If either House of the Parliament passes a resolution, of which notice has been given within fifteen sitting days after the Rules have been laid before the House, disallowing any rule, that rule shall thereupon cease to have effect.

#### PART VI.—ASSESSMENT OF COMPENSATION.

##### *Division 1.—Compensation in respect of the Acquisition of Shares.*

Register of  
rights to  
payment of  
compensation.

**37.**—(1.) The Commonwealth Bank shall keep, or cause to be kept, a register of rights to payment of compensation in respect of the acquisition of shares in an Australian private bank which have become vested in the Commonwealth Bank under section thirteen of this Act and that register is in this Division referred to as “the compensation register”.

(2.) There shall be entered in the compensation register kept in respect of an Australian private bank—

- (a) the names of the persons whose names appeared in the register of members of that Australian private bank as the holders of shares in that bank immediately prior to those shares becoming vested in the Commonwealth Bank under section thirteen of this Act ;
- (b) a statement of the number and class of shares held by each such person ; and
- (c) the date upon which those shares became vested in the Commonwealth Bank.

Transfer of  
rights to  
compensation.

**38.**—(1.) The right to be paid compensation in respect of the acquisition of shares in an Australian private bank which have become vested in the Commonwealth Bank under section thirteen of this Act shall be capable of assignment and devolution by operation of law but any such assignment or devolution shall be subject to any order made by the Court under section forty of this Act.

(2.) An instrument which is in form a transfer of any such shares shall have effect as an assignment of the right to be paid compensation in respect of the acquisition of those shares.

(3.) An instrument assigning the right to be paid compensation in respect of the acquisition of shares in an Australian private bank (including an instrument which, by virtue of the last preceding subsection, has effect as an assignment of the right to be paid compensation in respect of any such shares) shall, upon presentation to the Commonwealth Bank, be registered in the compensation register kept in respect of that Australian private bank and the name of the assignee

shall be entered in the compensation register as the owner of the right to be paid compensation to which the instrument relates.

(4.) An unregistered instrument of transfer of shares which have become vested in the Commonwealth Bank under section thirteen of this Act, bearing date before the date upon which those shares became so vested, shall have effect as an instrument assigning the right to be paid compensation in respect of the acquisition of those shares and shall be capable of registration under the last preceding sub-section accordingly.

(5.) Subject to the next succeeding section, no notice of any trust, whether express, implied or constructive, affecting any right to be paid compensation shall be entered in the compensation register.

**39.—(1.)** A person (other than a person whose name appears in the compensation register) who claims—

Notification of  
interests in  
compensation.

(a) to have had, immediately prior to the date upon which any shares in an Australian private bank became vested in the Commonwealth Bank under section thirteen of this Act, an interest in those shares; or

(b) to have an interest in the right to be paid compensation in respect of the acquisition of any such shares,

(whether that interest is at law or in equity or arises under a trust, mortgage, charge, lien or other obligation) may, not later than two months after those shares became so vested, give to the Commonwealth Bank a notice that he claims an interest in the compensation payable in respect of the acquisition of those shares.

(2.) A record of the receipt of any such notice shall be made against the entry in the compensation register relating to the right to be paid compensation in respect of the acquisition of those shares.

**40.—(1.)** Where a notice is not given under the last preceding section in relation to any shares, the amount of compensation payable in respect of the acquisition of those shares shall be payable to the person whose name is for the time being entered in the compensation register as the owner of the right to be paid compensation in respect of the acquisition of those shares.

Payment of  
compensation.

(2.) The amount of compensation payable shall, unless agreed upon, be determined by the Court and not in any other manner.

(3.) The making of an agreement under the last preceding sub-section shall be subject to the approval of the Treasurer.

(4.) Where a notice is given under the last preceding section in relation to any shares, the persons entitled to payment of compensation in respect of the acquisition of those shares shall be determined by the Court and not in any other manner.

(5.) The amount of compensation payable, and the amount payable to each person, shall be determined by the Court and not in any other manner and payment shall be made accordingly.

(6.) The Court may make such other order in the premises as it thinks fit.

(7.) A person (other than the person whose name appears in the compensation register) who has not given a notice under the last preceding section that he claims an interest in the compensation payable in respect of the acquisition of any shares shall not, except in pursuance of an order made by the Court, be entitled to any payment of compensation by the Commonwealth Bank in respect of that acquisition.

(8.) The payment of compensation by the Commonwealth Bank in pursuance of this section or of an order made by the Court shall be a good and valid discharge to the Commonwealth Bank and the Commonwealth Bank shall not be bound to see to the application of any money so paid, to the performance of any trust or to the discharge or satisfaction of any mortgage, charge, lien or other obligation.

Surrender of  
share  
certificates.

41. A person who has in his possession the share certificate in respect of any shares which have become vested in the Commonwealth Bank under section thirteen of this Act shall, not later than two months after those shares became so vested, deliver up that certificate to the Commonwealth Bank.

Penalty : One thousand pounds.

*Division 2.—Compensation in respect of the Acquisition of Assets.*

Determination  
of  
compensation.

42. The compensation payable in respect of the acquisition, under section twenty-four of this Act, of the assets of a private bank the business of which has been taken over by the Commonwealth Bank in pursuance of that section shall be ascertained in accordance with this Division and not in any other manner.

Settlement of  
compensation  
by agreement.

43.—(1.) A private bank the business of which has been taken over by the Commonwealth Bank in pursuance of section twenty-four of this Act shall, subject to this Division, be paid such compensation as is determined by agreement between the Commonwealth Bank and that private bank.

(2.) The making of an agreement under the last preceding subsection shall be subject to the approval of the Treasurer.

(3.) In the absence of any such agreement, the private bank may make a claim in writing to the Commonwealth Bank for compensation.

(4.) A claim for compensation under this section—

(a) shall state the amount of compensation claimed ; and

(b) shall include particulars showing how that amount was calculated.

Settlement of  
compensation  
by the Court.

44.—(1.) Where a claim for compensation is made under the last preceding section, the Commonwealth Bank shall, as soon as practicable, serve on the private bank making the claim a notice specifying the amount of compensation which the Commonwealth Bank is prepared to pay.

(2.) The amount of compensation specified in a notice under the last preceding sub-section shall be subject to the approval of the Treasurer.

(3.) Where a notice under sub-section (1.) of this section is served on a private bank, the notice shall be deemed to be an offer made by the Commonwealth Bank to pay the amount of compensation specified in the notice in full satisfaction of the claim and unless, within two months after service of the notice, the private bank requires the Commonwealth Bank, by notice served on the Commonwealth Bank, to refer the claim to the Court, that offer shall be deemed to have been accepted by the private bank and compensation shall be payable to the private bank by the Commonwealth Bank according to the tenor of the notice.

(4.) If a notice under sub-section (1.) of this section is not served on the private bank within six months after it makes a claim under the last preceding section, the private bank may, by notice served on the Commonwealth Bank, require the Commonwealth Bank to refer the claim to the Court.

(5.) Where the Commonwealth Bank has been required to refer a claim to the Court, the Commonwealth Bank shall forthwith forward the claim to the Court and the Court shall determine the compensation which it thinks fair and reasonable.

45. The amount of compensation determined by the Court under the last preceding section shall be payable by the Commonwealth Bank to the private bank in full satisfaction of the claim to which the determination relates.

Compensation to be in full satisfaction of claims.

#### PART VII.—PROHIBITION OF THE CARRYING ON OF BANKING BUSINESS BY PRIVATE BANKS.

46.—(1.) Notwithstanding anything contained in any other law, or in any charter or other instrument, a private bank shall not, after the commencement of this Act, carry on banking business in Australia except as required by this section.

Prohibition of banking business by private banks.

(2.) Each private bank shall, subject to this section, carry on banking business in Australia and shall not, except on grounds which are appropriate in the normal and proper conduct of banking business, cease to provide any facility or service provided by it in the course of its banking business on the fifteenth day of August, One thousand nine hundred and forty-seven.

(3.) The last preceding sub-section shall not apply to a private bank if its business in Australia has been taken over by another private bank or after that business has been taken over by the Commonwealth Bank.

(4.) The Treasurer may, by notice published in the *Gazette* and given in writing to a private bank, require that private bank to cease, upon a date specified in the notice, carrying on banking business in Australia.



(5.) The date specified in a notice under the last preceding sub-section shall be not more than two months after the date upon which the notice is published in the *Gazette*.

(6.) The Treasurer may, from time to time, by notice published in the *Gazette* and given in writing to the private bank concerned, amend a notice under sub-section (4.) of this section (including such a notice as previously amended under this sub-section) by substituting a later date for the date specified in that notice (or in that notice as so amended).

(7.) That later date may be a date either before or after the expiration of the period of two months referred to in sub-section (5.) of this section.

(8.) Upon and after the date specified in a notice under sub-section (4.) of this section (or, if that notice has been amended under sub-section (6.) of this section, upon and after the date specified in that notice as so amended), the private bank to which that notice was given shall not carry on banking business in Australia.

Penalty: Ten thousand pounds for each day on which the contravention occurs.

#### PART VIII.—PROTECTION OF RIGHTS OF PERSONS EMPLOYED BY PRIVATE BANKS.

47.—(1.) For the purposes of this Part there shall be, in respect of each private bank, a committee consisting of—

- (a) a person who is, or is qualified to be, a Judge of the Court, who shall be appointed by the Treasurer and shall be the chairman of the committee;
- (b) an officer of the Commonwealth Bank, who shall be appointed by the Governor of the Commonwealth Bank; and
- (c) a person who shall be appointed as prescribed and shall represent the persons who are or have been employed by that private bank.

(2.) Questions arising before the committee shall be determined by a majority of votes.

(3.) The committee shall ascertain, in relation to each person who is or has been employed by the private bank in respect of which the committee was appointed and to whom the provisions of any of the next three succeeding sections are applicable, the terms and conditions of employment of that person as to—

- (a) leave on the ground of illness;
- (b) long service leave or compensation in lieu thereof (including compensation to the widow or dependants of that person on his death); and
- (c) pension and other benefits payable to that person on resignation or retirement or to his widow or dependants on his death.

Appointment of committees to ascertain terms and conditions of employment.

(4.) Where the committee finds that, under any of the terms and conditions of employment of a person as so ascertained, a benefit is, in accordance with the practice of the private bank concerned, or of the trustees, managers or administrators of a provident or superannuation fund of that private bank, a benefit which is, or would have been, granted but that there is no legally enforceable right to that benefit, those terms and conditions of employment of that person shall, for the purposes of this Part, be deemed to include a legally enforceable right to that benefit.

48. Upon and after the date upon which the Australian shares in an Australian private bank become vested in the Commonwealth Bank under sub-section (3.) of section thirteen of this Act, the persons employed upon that date by that Australian private bank shall continue to be so employed upon the terms and conditions applicable at that date or as subsequently varied by competent authority.

Continuation of employment of employees of private banks the shares in which are acquired by the Commonwealth Bank.

49.—(1.) Each person employed in Australia by a private bank—

- (a) to which the Treasurer has given a notice under sub-section (1.) of section twenty-two of this Act ; or
- (b) which has made an agreement with the Commonwealth Bank under that section,

Continuation of employment of employees of private banks the business of which is acquired by the Commonwealth Bank.

shall, unless he elects otherwise not later than the date upon which the business in Australia of that private bank is to be taken over by the Commonwealth Bank, be employed by the Commonwealth Bank as from that date.

(2.) The Commonwealth Bank may agree with a person employed outside Australia by a private bank the business of which in Australia is to be, or has been, taken over by the Commonwealth Bank under this Act that that person shall be employed by the Commonwealth Bank and any person with whom such an agreement is made shall be employed accordingly.

(3.) After a person becomes employed by the Commonwealth Bank under either of the last two preceding sub-sections and until he is appointed to a position in the Commonwealth Bank Service under the next succeeding section, the terms and conditions of his employment shall be the terms and conditions applicable to him at the date referred to in sub-section (1.) of this section, with such variations (if any) as the Commonwealth Bank determines or as are made by competent authority.

50.—(1.) As soon as practicable after a person (being a British subject) becomes employed by the Commonwealth Bank under sub-section (1.) or (2.) of the last preceding section, the Commonwealth Bank shall (unless the duties performed by that person in the private bank by which he was employed immediately prior to his becoming employed by the Commonwealth Bank were such that, if he had been employed by the Commonwealth Bank performing similar duties, he would have been employed as a temporary or casual employee) create

Appointment of transferred officers to Commonwealth Bank Service.

a position in the Commonwealth Bank Service which the Commonwealth Bank considers to be appropriate and appoint him to that position.

(2.) The appointment of a person to a position in the Commonwealth Bank Service under the last preceding sub-section shall not be deemed to be a promotion of that person to that position for the purposes of sections one hundred and sixty-five and one hundred and sixty-six of the *Commonwealth Bank Act* 1945.

(3.) After a person is appointed to a position in the Commonwealth Bank Service under sub-section (1.) of this section, the provisions of Part XIII. of the *Commonwealth Bank Act* 1945 shall apply to and in relation to him.

Preservation of certain terms and conditions of employment.

51.—(1.) Notwithstanding the provisions of section forty-eight of this Act, but subject to the next succeeding section—

- (a) the salary payable to a person to whom the first-mentioned section applies shall be not less than the salary payable to that person immediately prior to the date referred to in that section; and
- (b) the terms and conditions of employment of such a person as to the matters specified in paragraphs (a), (b) and (c) of sub-section (3.) of section forty-seven of this Act, shall be not less favourable than the terms and conditions applicable to that person immediately prior to the date referred to in section forty-eight of this Act, as ascertained in relation to that person by the committee appointed under section forty-seven of this Act in respect of the private bank by which he is employed.

(2.) Notwithstanding the provisions of the last two preceding sections, but subject to the next succeeding section—

- (a) the salary of a person who becomes employed by the Commonwealth Bank under this Part shall be not less than the salary payable to that person immediately prior to his becoming employed by the Commonwealth Bank; and
- (b) the terms and conditions of employment of such a person as to the matters specified in paragraphs (a), (b) and (c) of sub-section (3.) of section forty-seven of this Act, shall be not less favourable than the terms and conditions applicable to that person immediately prior to his becoming employed by the Commonwealth Bank, as ascertained in relation to that person by the committee appointed under that section in respect of the private bank by which he was employed immediately prior to his becoming employed by the Commonwealth Bank.

(3.) In the application of the last preceding sub-section in relation to a person, a liability of that person to make contributions or payments to the private bank by which he was employed immediately prior to his becoming employed by the Commonwealth Bank, or to a

provident or superannuation fund of that private bank, in respect of pension and other benefits payable on his resignation, retirement or death, shall become a liability to make those contributions or payments to the Commonwealth Bank and payment of those benefits on the resignation, retirement or death of that person shall, by force of this Act, become a liability of the Commonwealth Bank.

(4.) Any liability of a private bank, or of the trustees, managers or administrators of a provident or superannuation fund of a private bank, to make a payment to a person who becomes employed by the Commonwealth Bank under this Part (being a payment the liability to make which arises by reason of that person ceasing to be employed by that private bank) shall, by force of this Act, be discharged.

**52.**—(1.) In this section—

“ terms and conditions of employment ” means terms and conditions of employment as to salary and as to the matters specified in paragraphs (a), (b) and (c) of sub-section (3.) of section forty-seven of this Act ;

“ the appropriate committee ” means, in relation to a person, the committee appointed under sub-section (1.) of section forty-seven of this Act in respect of the private bank by which that person is or was employed.

Unreasonable alterations in terms and conditions of employment.

(2.) Where, after the fifteenth day of August, One thousand nine hundred and forty-seven, a variation has been made in the terms and conditions of employment of a person to whom section forty-eight, forty-nine or fifty of this Act applies (not being a variation made by an industrial award, order or determination), the employer of that person may refer to the appropriate committee the question whether that variation was reasonable.

(3.) If the appropriate committee considers that that variation was unreasonable, nothing in the last preceding section shall require effect to be given to that variation.

(4.) Where a person to whom section forty-eight, forty-nine or fifty of this Act applies became employed by a private bank after the fifteenth day of August, One thousand nine hundred and forty-seven, and there is a difference between the terms and conditions of his employment by that private bank (not being terms and conditions fixed by an industrial award, order or determination) and those which would have been applicable to him if he had been employed by that private bank on that date, the employer of that person may refer to the appropriate committee the question whether that difference is reasonable.

(5.) If the appropriate committee considers that that difference is unreasonable, nothing in the last preceding section shall require the observance of the terms and conditions of employment of that person to the extent of the difference.

Prior employment continuous with service with Commonwealth Bank.

53. For the purpose of calculating a benefit arising under the terms and conditions of employment of a person who becomes employed by the Commonwealth Bank under this Part, a period of employment of that person by a private bank (including a period of employment by a previous employer which was recognized by that private bank as being a period of employment by that private bank) which is continuous with a period of employment by the Commonwealth Bank shall be deemed to be a period of employment by the Commonwealth Bank.

Protection of existing pensions of former employees of private banks.

54.—(1.) In this section, “pension” means a pension payable to a person formerly employed by a private bank (or by a bank the business of which has been taken over by a private bank) or to the widow or dependants of a deceased person who, prior to his death, was so employed, and includes any other benefit payable under the rules of a provident or superannuation fund of a private bank.

(2.) Upon and after the date upon which the Australian shares in an Australian private bank become vested in the Commonwealth Bank under sub-section (3.) of section thirteen of this Act, the persons who, upon that date, were being paid pensions by that Australian private bank, or out of a provident or superannuation fund of that private bank, shall, subject to this section, continue to be so paid those pensions in accordance with the conditions applicable at that date.

(3.) An agreement made with a private bank under section twenty-two of this Act—

(a) shall include provisions for the assumption by the Commonwealth Bank of liability in respect of pensions being paid by that private bank, or out of a provident or superannuation fund of that private bank, to persons whose usual place of residence is in Australia; and

(b) may include provisions for the assumption by the Commonwealth Bank of liability in respect of any other pensions being paid by that private bank or out of a provident or superannuation fund of that private bank.

(4.) The Commonwealth Bank shall, by force of this Act, become liable to pay the pensions in respect of which provisions are so included.

(5.) Upon the date upon which the Commonwealth Bank takes over the business in Australia of a private bank under section twenty-four of this Act, the Commonwealth Bank shall, by force of this Act, become liable to pay the pensions being paid immediately prior to that date by that private bank, or out of a provident or superannuation fund of that private bank, to persons whose usual place of residence is in Australia.

(6.) The Commonwealth Bank may, by notice in writing served on a private bank to which the Treasurer has given a notice under sub-section (1.) of section twenty-two of this Act, declare its intention

of assuming liability for the payment of any other pensions being paid, upon a date specified in the first-mentioned notice, by that private bank, or out of a provident or superannuation fund of that private bank, and upon that date the Commonwealth Bank shall, by force of this Act, become liable accordingly.

(7.) The Commonwealth Bank shall not be liable to pay a pension to a person under this section under conditions which differ unreasonably from the conditions applicable as at the fifteenth day of August, One thousand nine hundred and forty-seven.

(8.) Any liability of a private bank, or of the trustees, managers or administrators of any provident or superannuation fund of a private bank, to pay a pension the liability to pay which is imposed on the Commonwealth Bank by this section shall, by force of this Act, be discharged.

**55.**—(1.) In respect of each provident or superannuation fund of a private bank the business of which has been taken over by the Commonwealth Bank under section twenty-two or twenty-four of this Act, there shall be ascertained, by agreement between the Commonwealth Bank and the trustees, managers or administrators of that fund or, failing agreement, by the Court on the application of the Commonwealth Bank, an amount which, by reason of the operation of the preceding provisions of this Act, it is fair and reasonable should be paid to the Commonwealth Bank out of that provident or superannuation fund.

Payments to  
Commonwealth  
Bank in respect  
of pension  
obligations  
assumed by  
Commonwealth  
Bank.

(2.) The Court shall, in relation to an application under the last preceding sub-section, be assisted by two actuaries appointed by the Court for the purpose.

(3.) The making of an agreement under sub-section (1.) of this section shall be subject to the approval of the Treasurer.

(4.) The trustees, managers or administrators of a provident or superannuation fund in relation to which an amount has been ascertained under sub-section (1.) of this section shall be liable to pay that amount to the Commonwealth Bank and the provisions of any instrument which, but for this sub-section, would have operated so as to prevent payment being so made, or to impose conditions or restrictions upon payment being so made, shall, by force of this Act, to that extent be inoperative.

(5.) The application of the last preceding sub-section shall extend to trustees, managers or administrators who are not ordinarily resident in Australia.

(6.) The Court shall, upon the application of the Commonwealth Bank, certify the amount which the trustees, managers or administrators of a provident or superannuation fund of a private bank are liable to pay to the Commonwealth Bank under sub-section (4.) of this section and shall specify in the certificate the names of those trustees, managers or administrators.

(7.) A certificate so given may be filed in the High Court and thereupon it shall be deemed to be a judgment of the High Court in favour of the Commonwealth Bank, for the amount specified in the certificate, against the persons whose names are so specified and that judgment may be enforced accordingly.

(8.) If, after the fifteenth day of August, One thousand nine hundred and forty-seven, and before the amount payable to the Commonwealth Bank under sub-section (4.) of this section by the trustees, managers or administrators of a provident or superannuation fund has been so paid, a payment (not being a payment of pension) has been made out of that provident or superannuation fund to a person in relation to whom section fifty-one or fifty-four of this Act applies, that person shall be liable to pay to the Commonwealth Bank an amount equal to the amount of that payment.

(9.) The amount which the trustees, managers or administrators of a provident or superannuation fund of a private bank are liable to pay to the Commonwealth Bank under sub-section (4.) of this section shall be reduced by the aggregate of the amounts of the payments (if any) liable to be made to the Commonwealth Bank under the last preceding sub-section by reason of the making of payments out of that provident or superannuation fund.

#### PART IX.—GENERAL.

Operation of  
contracts, &c.

**56.—(1.)** The instruments to which this section applies are instruments (including contracts, agreements, bonds, authorities, guarantees, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities)—

- (a) to which a private bank the business of which in Australia has been taken over by the Commonwealth Bank under this Act is a party ;
- (b) under which any money is, or may become, payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned, to that private bank ;  
or
- (c) under which any money is, or may become, payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned, by that private bank,

which are subsisting upon the date upon which that business is so taken over or come into existence after that date but before a date prescribed in respect of that private bank and which relate to that business, but not including any contract or agreement between a private bank and a director of, or a person employed by, a private bank in his capacity as such a director or person.

(2.) An instrument to which this section applies shall, by force of this Act, continue in full force and effect and the Commonwealth Bank shall, by force of this Act—

- (a) be substituted for the private bank as a party thereto ;
- (b) be entitled to receive, and enforce payment of, any money payable thereunder ;
- (c) be entitled to obtain a transfer, conveyance or assignment of, and enforce possession of, any property which is to be transferred, conveyed or assigned thereunder ;
- (d) be liable to make payment of any money payable thereunder ;  
or
- (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder,

as the case requires.

**57.** No stamp duty or other tax to which the Commonwealth is not subject shall be chargeable under any law of a State or Territory under the authority of the Commonwealth in respect of any act or transaction connected with or necessitated by—

**Exemption from taxation.**

- (a) the taking over by the Commonwealth Bank under this Act of any business of a private bank ;
- (b) the acquisition by the Commonwealth Bank under this Act of any shares in, or assets of, a private bank ; or
- (c) the assumption by the Commonwealth Bank under this Act of any liabilities of a private bank.

**58.** Nothing in this Act shall require a State or person, being a customer of a private bank the business of which in Australia has been taken over by the Commonwealth Bank under this Act, to continue as a customer of the Commonwealth Bank.

**Rights of customers of private banks.**

**59.—(1.)** So far as is necessary for the purpose of facilitating or assisting the operation of any of the provisions of this Act—

**Examination records of private bank.**

- (a) a private bank, and every director of and person employed by a private bank, shall, at any time after the commencement of this Act, permit an authorized person to inspect the property of the private bank and any property which is the subject of a security held by the private bank, and to examine and take extracts from the books, records, instruments of title and other documents of the private bank ; and



- (b) the trustees, managers or administrators of a provident or superannuation fund of a private bank shall, at any time after the commencement of this Act, permit an authorized person to inspect any of the investments of that provident or superannuation fund and to examine and take extracts from the books, records, instruments of title and other documents relating to that provident or superannuation fund.

Penalty : Where the offence is committed by a private bank, Ten thousand pounds for each day on which the contravention occurs ; in any other case, One thousand pounds for each day on which the contravention occurs.

(2.) In this section, " authorized person " means a person authorized in writing by the Governor of the Commonwealth Bank to act under this section.

Directors and officers to assist in respect of transfer of business.

60.—(1.) A private bank, and every director of and person employed by a private bank, shall do or join in doing all acts or things which it is necessary or convenient to do for or in relation to the operation of any of the provisions of this Act and, in particular, for or in relation to—

- (a) the taking over by the Commonwealth Bank under this Act of any of the business of that private bank ;
- (b) the acquisition by, or the transfer to, the Commonwealth Bank by force of or under this Act of any shares in, or assets of, that private bank ; and
- (c) the assumption by the Commonwealth Bank by force of or under this Act of any liabilities of that private bank.

Penalty : Where the offence is committed by a private bank, Ten thousand pounds for each day on which the contravention occurs ; in any other case One thousand pounds for each day on which the contravention occurs.

(2.) If a private bank or other person fails to do or join in doing any such act or thing, the High Court may, upon the application on motion of the Commonwealth Bank or of the Attorney-General, give such directions relating to the doing or the joining in doing of that act or thing as the Court thinks fit.

(3.) If a private bank or other person fails to comply with any such direction which is applicable to it or him, it or he shall be guilty of a contempt of the High Court and shall be punishable accordingly.

Guarantee by Commonwealth.

61. The Commonwealth guarantees the payment of all compensation payable by the Commonwealth Bank under this Act.

Regulations.

62. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act 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 for prescribing penalties not exceeding a fine of One thousand pounds for offences against the regulations.

## THE SCHEDULES.

## FIRST SCHEDULE.

Sec. 5.

## PART I.—PRIVATE BANKS INCORPORATED IN AUSTRALIA.

The Ballarat Banking Company Limited.  
 The Bank of Adelaide.  
 Bank of New South Wales.  
 The Brisbane Permanent Building and Banking Company Limited.  
 The Commercial Bank of Australia Limited.  
 The Commercial Banking Company of Sydney Limited.  
 The National Bank of Australasia Limited.  
 The Queensland National Bank Limited.

## PART II.—PRIVATE BANKS INCORPORATED IN THE UNITED KINGDOM.

The Bank of Australasia.  
 The English, Scottish and Australian Bank, Limited.  
 The Union Bank of Australia Limited.

## PART III.—PRIVATE BANKS INCORPORATED ELSEWHERE.

Bank of China.  
 Bank of New Zealand.  
 Comptoir National d'Escompte de Paris.

## SECOND SCHEDULE.

Sec. 12.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Banks.	Class of Shares.	Market Value of Shares.
		£ s. d.
The Ballarat Banking Company Limited	£10 paid to £8 5s. ..	10 0 0
	£10 paid to £4 10s. ..	5 5 0
	£10 paid to £1 ..	1 2 6
The Bank of Adelaide .. ..	£5 fully paid .. ..	7 5 0
Bank of New South Wales .. ..	£20 fully paid .. ..	36 15 0
The Brisbane Permanent Building and Banking Company Limited	£1 fully paid .. ..	1 5 3
The Commercial Bank of Australia Limited	10s. fully paid Ordinary	1 1 9
	£10 fully paid Preference	11 0 0
The Commercial Banking Company of Sydney Limited	£25 paid to £12 10s. ..	24 3 0
The National Bank of Australasia Limited	£1 paid to 12s. 6d. ..	1 0 0
	£1 fully paid .. ..	1 11 6
The Bank of Australasia .. ..	£5 fully paid .. ..	11 7 0
The English, Scottish and Australian Bank, Limited	£5 paid to £3 .. ..	6 15 0
The Union Bank of Australia Limited ..	£15 paid to £5 .. ..	11 0 0

## THIRD SCHEDULE.

Sec. 32.

## OATH OR AFFIRMATION.

I A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His heirs and successors according to law, that I will well and truly serve him in the office of Chief Judge (or Judge as the case may be) of the Federal Court of Claims and that I will do right to all manner of people according to law without fear or favour affection or ill-will: So help me GOD!

Or I A.B. do solemnly and sincerely promise and declare that (&c. as above, except the words "So help me GOD!").