

Banking Act (No. 2) 1973

No. 193 of 1973

AN ACT

To amend section 39 of the *Banking Act 1959-1967*,
as amended by the *Banking Act 1973*.

[Assented to 17 December 1973]

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

Short title
and citation

1. (1) This Act may be cited as the *Banking Act (No. 2) 1973*.

(2) The *Banking Act 1959-1967*,* as amended by the *Banking Act 1973*,† is in this Act referred to as the Principal Act.

(3) Section 1 of the *Banking Act 1973* is amended by omitting subsection (3).

(4) The Principal Act, as amended by this Act, may be cited as the *Banking Act 1959-1973*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

* Act No. 6, 1959, as amended by No. 127, 1965; No. 93, 1966; and No. 84, 1967.
† Act No. 116, 1973.

3. Section 39 of the Principal Act is amended by adding at the end thereof the following sub-sections:—

Exchange
control.

“(3) Where regulations in force under this section contain a provision prohibiting the doing of any act or thing except with the authority of the Reserve Bank, the Bank may, subject to sub-section (4), refuse to grant that authority on the ground that the act or thing involves or would involve, assists in or would assist in, or is or would be associated with, the avoidance or evasion of tax imposed by a law of Australia or of a Territory, but the foregoing shall not be taken as limiting the discretion of the Bank to refuse to grant any such authority on any other ground.

“(4) The Reserve Bank shall not refuse to grant authority to do an act or thing of the kind referred to in sub-section (3) on a ground referred to in that sub-section if there is produced to the Bank a statement by the Commissioner of Taxation, or by a person authorized in writing by the Commissioner of Taxation to furnish statements for the purposes of this sub-section, that, in the opinion of the Commissioner or the authorized person, as the case may be, the granting of the authority should not be refused on such a ground.

“(5) Where regulations as in force under section 39 of the *Banking Act 1959–1967*, or of the *Banking Act 1959–1967* as amended by the *Banking Act 1973*, on or after 25 October 1973 but before the commencement of this sub-section contained a provision prohibiting the doing of an act or thing except with the authority of the Reserve Bank, the Bank shall be deemed to have had power to refuse to grant that authority on a ground referred to in sub-section (3).”
