

STATE BANK (AMENDMENT) ACT, 1981, No. 101

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 101, 1981.

An Act to amend the State Bank Act, 1981, with respect to the disclosure of pecuniary interests by the 4 part-time directors of the State Bank Board nominated for appointment by the Minister and the alteration of the retiring ages and terms of office of those directors, and to make further provision for the appointment of acting directors to that Board.
[Assented to, 30th October, 1981.]

State Bank (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "State Bank (Amendment) Act, 1981".

Amendment of Act No. 89, 1981.

2. The State Bank Act, 1981, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE STATE BANK ACT, 1981.

(1) Section 71 (1)—

Omit "a full report of the operations of the Bank during that financial year and of such other matters relating to the Bank as it thinks fit should be included in the report.", insert instead:—

a full report of—

- (a) the operations of the Bank during that financial year;
- (b) any disclosures of pecuniary interests made by directors under section 72 (7) during that financial year; and
- (c) such other matters relating to the Bank as it thinks fit should be included in the report.

State Bank (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE STATE BANK ACT, 1981—*continued.*

(2) Section 72 (3)–(9)—

Omit section 72 (3)–(6), insert instead:—

(3) A director referred to in clause 2 (1) (a) or (c) of Schedule 1 is not entitled to receive, either directly or indirectly, from the Bank any payment except the entitlements of his office as a director or any benefit, other than such a payment.

(4) Subsection (3) does not prevent a director referred to in clause 2 (1) (a) or (c) of Schedule 1 from receiving any payment, other than the entitlements of his office, or any benefit on the same terms and conditions as apply to employees of the Bank.

(5) The reference in subsection (4) to a payment or benefit does not include a reference to a loan.

(6) Nothing in subsection (1) or (3) affects any transaction made by a director with the Bank before he became a director.

(7) A director referred to in clause 2 (1) (b) of Schedule 1 who has a direct or indirect pecuniary interest—

(a) in a matter that is being considered or is about to be considered at a meeting of the Board; or

(b) in a contract (other than a contract in relation to which a matter is being considered or is about to be considered by the Board) made or proposed to be made by the Bank,

(not being a matter or contract concerning the payment to the director of the entitlements of his office) shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the meeting of the Board or a meeting of the Board, as the case may require.

State Bank (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STATE BANK ACT, 1981—*continued.*

(8) A disclosure under subsection (7) at a meeting of the Board shall be recorded in the minutes of the meeting.

(9) After a director has, in pursuance of subsection (7), disclosed the nature of his interest in a matter that is being or is about to be considered by the Board, the director shall not, unless the Minister otherwise determines—

(a) be present during any deliberation of the Board; or

(b) take part in any decision of the Board,

with respect to the matter.

(3) (a) Schedule 1, clause 2 (2), (3)—

Omit clause 2 (2), insert instead:—

(2) A person of or above the age of 65 years is not eligible to be appointed a full-time director or a part-time director referred to in subclause (1) (c).

(3) A person of or above the age of 70 years is not eligible to be appointed a part-time director referred to in subclause (1) (b).

(b) Schedule 1, clause 6 (3)–(6)—

Omit clause 6 (3) and (4), insert instead:—

(3) The Governor may, from time to time, appoint a person to act in the office of deputy managing director of the Bank while the deputy managing director is acting as managing director of the Bank under section 11 (2).

(4) The Governor may, for any cause which appears to him sufficient, remove any person from any office to which he was appointed under subclause (1), (2) or (3).

State Bank (Amendment).

*SCHEDULE 1—continued.**AMENDMENTS TO THE STATE BANK ACT, 1981—continued.*

(5) Any director or person while acting in the office of chairman of the Board, of deputy managing director of the Bank or of any other director shall have all the functions of the person in whose office he acts, and shall receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

(6) For the purposes of this clause, a vacancy in the office of—

- (a) a full-time director;
- (b) a part-time director referred to in clause 2 (1) (b), other than the chairman of the Board; or
- (c) the chairman of the Board,

shall be deemed to be an absence from office of the full-time director, part-time director or chairman of the Board, as the case may be.

(c) Schedule 1, clause 7 (1) (b)—

Omit “3 years”, insert instead “5 years”.

(d) Schedule 1, clause 11 (1) (g)—

Omit the paragraph, insert instead:—

(g) being—

- (i) a full-time director or a part-time director referred to in clause 2 (1) (c), he attains the age of 65 years; or
- (ii) a part-time director referred to in clause 2 (1) (b), he attains the age of 70 years;

State Bank (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE STATE BANK ACT, 1981—*continued.*

(e) Schedule 1, clause 11 (1) (j)—

Omit “or” where secondly occurring.

(f) Schedule 1, clause 11 (1) (k)—

Omit “banking.”, insert instead “banking; or”.

(g) Schedule 1, clause 11 (1) (l)—

After clause 11 (1) (k), insert:—

- (l) being a part-time director referred to in clause 2 (1) (b), he fails to comply with section 72 (7).
