

GOVERNMENT GUARANTEES
ACT.

Act No. 57, 1934.

**George V,
No. 57, 1934.**

An Act to validate certain guarantees given to certain banks by the Colonial Treasurer or pursuant to minutes of the Governor and Executive Council; to authorise the Colonial Treasurer to execute guarantees in certain cases; to make certain contingent appropriations out of the Consolidated Revenue Fund; to amend the Usury, Bills of Lading, and Written Memoranda Act, 1902; and for purposes connected therewith. [Assented to, 31st December, 1934.]

BE

BE it enacted by the King'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:—

1. This Act may be cited as the "Government Guarantees Act, 1934." Short title.

2. (1) The action of the Governor and Executive Council or the Colonial Treasurer in authorising the giving of the guarantees set out in the Schedule to this Act is hereby validated and any such authorisation shall be deemed a guarantee by the Government notwithstanding that no formal instrument of guarantee has been executed. Validation.

(2) No guarantee so authorised shall be held to be void merely on the ground that the person by whom such guarantee was so authorised or given had no power to create a liability enforceable against the Government and to be discharged out of the Consolidated Revenue Fund.

3. (1) It shall be lawful for the Colonial Treasurer, upon the recommendation of the Hospitals Commission of New South Wales, with the approval of the Governor, to execute a guarantee in favour of any bank in respect of the overdraft account with the bank of any incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929-1934. Authority for Treasurer to guarantee certain overdraft accounts.

(2) It shall be lawful for the Colonial Treasurer with the approval of the Governor to execute a guarantee in favour of any bank for the repayment of any advance to be made by the bank—

(a) to any marketing board within the meaning of the Marketing of Primary Products Act, 1927-1934; or

(b) to any society within the meaning of the Co-operation Act, 1923-1932.

(3) It shall be lawful for the Colonial Treasurer, upon the recommendation of the Farmers' Relief Board and with the approval of the Governor, to execute a guarantee

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guarantee in favour of any bank in respect of the account with the bank of a supervisor within the meaning of the Farmers' Relief Act, 1932-1934.

(4) It shall be lawful for the Colonial Treasurer, with the approval of the Governor, but subject to this Act, to renew any guarantee validated by this Act for such further period or periods as he may think fit, and either upon the same terms and conditions or upon such other terms and conditions and for the same amount or such other amount as may be agreed upon by him, the bank and the debtor.

(5) Nothing in this section shall require the renewal of a continuing guarantee validated by this Act or prejudice its operation as a continuing guarantee.

Provisions relating to guarantees given under this Act.

4. The following provisions shall apply to and in respect of any guarantee authorised by this Act to be given or to and in respect of the renewal of any guarantee validated by this Act:—

- (a) The guarantee shall be in such form and subject to such terms and conditions as are prescribed or as the Colonial Treasurer may determine.
- (b) The guarantee may include the interest charges and expenses chargeable by the bank against the principal debtor in the usual course of its business and the expenses of enforcing or obtaining or endeavouring to enforce or obtain payment of the debt guaranteed and such interest charges and expenses.
- (c) The guarantee may be expressed to include compound interest.
- (d) The bank shall obtain, take and hold such securities (if any) for the payment of the principal debt as the Colonial Treasurer may require.
- (e) The guarantee shall not be enforceable against the Colonial Treasurer or the Consolidated Revenue Fund unless and until the bank has exercised its rights and remedies under all securities held by or for it in respect of the debt guaranteed, other than the guarantee or

where

where the principal debtor is an incorporated hospital or separate institution or a marketing board or a society within the meaning of the Co-operation Act, 1923-1932, unless a judge of the Supreme Court by order made on summons in Chambers declares that he is satisfied that the bank is unable to exercise such rights and remedies without undue interference with the operations of the hospital institution board or society concerned.

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- (f) The bank shall not without the consent in writing of the Colonial Treasurer assign or encumber the benefit of the guarantee.

5. Such sums as may from time to time become due and payable by the Colonial Treasurer under any guarantee validated or authorised by this Act may be paid out of the Consolidated Revenue Fund without further appropriation than this Act. Contingent appropriation.

6. (1) The Governor 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.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and if not then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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Amendment
of Act
No. 43, 1902.

New s. 8A.

7. The Usury, Bills of Lading, and Written Memoranda Act, 1902, as amended by subsequent Acts, is amended—

- (a) by inserting next after section eight the following new subheading and section:—

Satisfied securities.

A surety who discharges the liability to be entitled to assignment of all securities held by the creditor.

Imperial Act
19 and 20 Vict.
c. 97, s. 5;
Q. 31 Vic.
No. 36, s. 4;
Vict. No.
8,783, s. 72.

8A. Every person who, being surety for the debt or duty of another or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him or to a trustee for him every judgment specialty or other security which shall be held by the creditor in respect of such debt or duty whether such judgment specialty or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty; and such person shall be entitled to stand in the place of the creditor and to use all the remedies and if need be and upon a proper indemnity to use the name of the creditor in any action or other proceeding at law or in equity in order to obtain from the principal debtor or any co-surety, co-contractor, or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who shall have so paid such debt or performed such duty and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him:

Provided always that no co-surety, co-contractor, or co-debtor shall be entitled to recover from any other co-surety, co-contractor, or co-debtor by the means aforesaid more than the just proportion to which as between those parties themselves such last-mentioned person shall be justly liable.

Sec. 12.
(Revision.)

- (b) by omitting from section twelve the words "ten or eleven" and by inserting in lieu thereof the words "or ten."

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Sec. 2 (1)

Date.	Debtor.	Creditor.	Amount Guaranteed.	
10 May, 1926	Royal Prince Alfred Hospital	Commercial Banking Co. of Sydney, Ltd., Sydney	£	s. d.
			35,000	0 0
31 Aug., 1926	" " " ...	" " ...	10,000	0 0
4 Jan., 1927	" " " ...	" " ...	7,000	0 0
15 Nov., 1927	" " " ...	" " ...	10,000	0 0
18 Sept., 1928	" " " ...	" " ...	23,000	0 0
5 Mar., 1929	" " " ...	" " ...	10,000	0 0
19 June, 1929	" " " ...	" " ...	10,000	0 0
			£	105,000 0 0
11 Dec., 1928	Sydney Hospital	Bank of N.S.W., Sydney...	69,000	0 0
8 May, 1929	Royal North Shore Hospital	Bank of N.S.W., North Sydney Branch.	54,000	0 0
8 Oct., 1929	" " " ...	" " " ...	32,392	0 0
28 " 1930	St. George District Hospital	Bank of Australasia, Kogarah Branch.	5,000	0 0
6 Dec., 1932	Royal Alexandra Hospital for Children — General Fund Account.	Bank of N.S.W., Camperdown Branch.	15,000	0 0
6 " 1932	Royal Alexandra Hospital for Children — Building Fund Account.	" " ...	10,000	0 0
3 July, 1933	Auburn District Hospital ...	Bank of N.S.W., Auburn Branch.	500	0 0
9 Jan., 1934	Broken Hill and District Hospital.	E.S. & A. Bank, Limited, Broken Hill Branch.	5,500	0 0
31 " 1934	Cessnock District Hospital	Bank of N.S.W., Cessnock Branch.	6,000	0 0
31 " 1934	Kurri Kurri District Hospital	Bank of N.S.W., Kurri Kurri Branch.	7,000	0 0
31 " 1934	Maitland Hospital	Bank of N.S.W., West Maitland Branch.	8,000	0 0
31 " 1934	Orange District Hospital ...	Bank of N.S.W., Orange Branch.	1,000	0 0 and interest.
6 Dec., 1921	Murrumbidgee Irrigation Areas Co-operative Company, Limited.	Bank of N.S.W., Lecton Branch.	35,000	0 0
12 Oct., 1932 and 5 Sept., 1933	Yenda Producers' Co-operative Society, Limited.	Bank of N.S.W., Yenda Branch.	3,000	0 0 and interest.
16 May, 1933	Rice Marketing Board for the State of New South Wales.	Bank of N.S.W., Lecton Branch.	205,000	0 0 and interest.
5 April, 1934	" " " ...	" " ...	205,000	0 0 and interest.
9 Jan., 1934	Young District Producers' Co-operative Association, Limited.	Commonwealth Bank of Australia, Young Beh.	31,166	0 0 and interest.
1 May, 1934	New South Wales Dairy Products Board.	Commercial Banking Co. of Sydney, Ltd., Royal Exchange Branch.	300	0 0 and interest.

SCHEDULE

SCHEDULE—*continued.*

Date.	Debtor.	Creditor.	Amount Guaranteed.
8 May, 1934	Irrigation Co-operative Societies, Limited.	Bank of N.S.W., Yenda Branch.	£ 10,000 s. 0 d. 0 and interest.
15 „ 1934	Egg Marketing Board for the Counties of Cumberland and Northumberland, and Shires of Nattai and Wollondilly.	Commonwealth Bank of Australia, Sydney.	55,000 0 0 and interest.
16 Oct., 1928	White Memorial Swimming Baths Committee.	Commercial Banking Co. of Sydney, Ltd., Muswellbrook Branch.	3,500 0 0
26 Mar., 1926	The Sydney Harbour Trust Clerical and General Officers' Association, Ticket Organisation.	Bank of N.S.W., Sydney	1,250 0 0
1 June, 1933	N.S.W. Public Service Professional Officers' Association Season Ticket Organisation.	Bank of N.S.W., Royal Exchange Branch.	1,500 0 0 and interest.
20 Mar., 1934	Public Service Association of N.S.W. Season Ticket Organisation.	Commercial Banking Co. of Sydney, Ltd., Sydney	2,500 0 0
4 Sept., 1929	J. C. Lennon	Bank of N.S.W., Inverell Branch.	5,040 0 0
29 Oct., 1929	J. D. Smith	Bank of N.S.W., Trundle Branch.	300 0 0
17 „ 1933	C. W. Beer, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Murwillumbah Branch.	100 0 0
17 „ 1933	R. E. Cumming, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Moree Branch.	100 0 0
17 „ 1933	W. E. Frost, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Canowindra Branch.	200 0 0
17 „ 1933	W. J. Johnson, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Grafton Branch.	100 0 0
17 „ 1933	J. S. Longhurst, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Bega Branch.	100 0 0
17 „ 1933	H. A. Marks, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Bellingen Branch.	100 0 0
17 „ 1933	E. T. Matthews, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Deniliquin Branch.	200 0 0
17 „ 1933	H. G. Norton, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Corowa Branch.	150 0 0
17 „ 1933	D. R. Parker, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Kempsey Branch.	100 0 0
17 „ 1933	F. A. Paterson, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Lismore Branch.	100 0 0
17 „ 1933	J. D. Purcell, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Junee Branch.	150 0 0
17 „ 1933	J. R. Souter, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Glen Innes Branch.	100 0 0
17 „ 1933	H. H. Stevenson, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Tamworth Branch.	200 0 0
17 „ 1933	W. D. Sykes, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Wentworth Branch.	100 0 0

SCHEDULE—*continued.*

Date.	Debtor.	Creditor.	Amount Guaranteed.		
			£	s.	d.
17 Oct., 1933	T. A. Tester, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Young Branch.	100	0	0
17 „ 1933	M. C. Tweedie, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Gunndah Branch.	200	0	0
17 „ 1933	A. F. Witcombe, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Grenfell Branch.	150	0	0
17 „ 1933	D. L. Young, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Albury Branch.	250	0	0
17 „ 1933	L. C. Abbott, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Berrigan Branch.	200	0	0
17 „ 1933	C. D. Cook, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Baraba Branch.	250	0	0
17 „ 1933	H. L. Dawson, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Cootamundra Branch.	100	0	0
17 „ 1933	O. F. Ebert, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Warren Branch.	150	0	0
17 „ 1933	A. D. Hickey, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Gosford Branch.	150	0	0
17 „ 1933	J. P. Le Lievre, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Cobar Branch.	100	0	0
17 „ 1933	B. W. Loder, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Sydney.	200	0	0
17 „ 1933	G. E. Metcalfe, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Cooma Branch.	100	0	0
17 „ 1933	G. E. Mitchell, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Goulburn Branch.	100	0	0
17 „ 1933	H. G. Moffitt, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Grenfell Branch.	100	0	0
17 „ 1933	R. S. Moore, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Young Branch.	200	0	0
17 „ 1933	D. P. McGee, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., West Wyalong Branch.	500	0	0
17 „ 1933	E. R. Patston, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Armidale Branch.	100	0	0
17 „ 1933	R. S. Phillips, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Yass Branch.	100	0	0
17 „ 1933	E. J. Pollock, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Casino Branch.	200	0	0

SCHEDULE—*continued.*

Date.	Debtor.	Creditor.	Amount Guaranteed.		
			£	s.	d.
17 Oct., 1933	S. H. Short, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., West Maitland Branch.	100	0	0
17 „ 1933	H. H. Stitt, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Moree Branch.	1,000	0	0
17 „ 1933	G. P. Turner, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Wagga Wagga Branch.	500	0	0
17 „ 1933	J. S. Wild, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Henty Branch.	500	0	0
17 „ 1933	W. Wilson, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Inverell Branch.	100	0	0
14 Mar., 1934	J. F. Auswild, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Lake Cargelligo Branch.	1,000	0	0
14 „ 1934	„ „ „ „	Commercial Banking Co. of Sydney, Ltd., Temora Branch.	1,000	0	0
5 April, 1934	J. Boyd, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Peak Hill Branch.	200	0	0
5 „ 1934	E. H. Graham, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Hillston Branch.	2,000	0	0
5 „ 1934	G. F. Grill, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Manilla Branch.	100	0	0
5 „ 1934	E. Steel, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Cowra Branch.	200	0	0
5 „ 1934	C. C. Brownhill, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Parkes Branch.	400	0	0
5 „ 1934	J. G. Muir, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Wel- lington Branch.	700	0	0
5 „ 1934	E. H. Sadgrove, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Narro- min Branch.	200	0	0
17 „ 1934	W. T. Easdown, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Coona- barabran Branch.	500	0	0
17 „ 1934	N. J. Hanlin, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Condo- bolin Branch.	500	0	0
17 „ 1934	W. J. Kinross, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Inverell Branch.	1,000	0	0
1 May, 1934	W. J. Green, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Forbes Branch.	400	0	0
15 „ 1934	W. H. Bentley, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Orange Branch.	600	0	0
15 „ 1934	J. Campbell, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Wagga Wagga Branch.	750	0	0
15 „ 1934	H. B. Duff, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Mudgee Branch.	200	0	0

SCHEDULE

**Country Towns Water Supply, Sewerage and
Drainage (Reduction of Debts) Act.**

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SCHEDULE—*continued.*

Date.	Debtor.	Creditor.	Amount Guaranteed.
15 May, 1934	F. L. Keyworth, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Dubbo Branch.	£ s. d. 750 0 0
15 „ 1934	J. M. McInnes, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Temora Branch.	1,000 0 0
15 „ 1934	A. Savage, Supervisor, Farmers' Relief Board.	Bank of N.S.W., Griffith Branch.	1,000 0 0
12 June, 1934	J. A. Lorimer, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Nar- rander Branch.	400 0 0
3 July, 1934	C. T. Pile, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Gos- ford Branch.	150 0 0
17 „ 1934	F. S. McCarthy, Supervisor, Farmers' Relief Board.	Commercial Banking Co. of Sydney, Ltd., Yass Branch.	250 0 0