

THE GOVERNMENT SAVINGS BANK ACT, 1906.

(No. 9 of 1906.)

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SCHEDULE OF ACTS REPEALED.

WESTERN AUSTRALIA.



ANNO SEXTO

EDWARDI SEPTIMI REGIS,

IX.

No. 9 of 1906.

AN ACT to consolidate and amend the Law relating to the Post Office Savings Bank, and for the change of the name of the Bank to the Government Savings Bank.

[Assented to 29th September, 1906.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Government Savings Bank Act*, Short title. 1906.

2. (1.) The Acts mentioned in the Schedule to this Act are Repeal. hereby repealed.

(2.) All persons appointed under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder. Officers under Acts hereby repealed.

Regulations under Acts hereby repealed.

(3.) All regulations made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

References to repealed Acts.

(4.) In all cases where, in any Act or instrument, reference is made to any of the Acts hereby repealed, the Act or instrument shall be construed and have effect as if such reference was made to this Act or the corresponding provisions thereof.

Interpretation.

3. In this Act, if not inconsistent with the context,—

“Agency” means an agency of the Savings Bank under the direction of an officer of the Postal Department of the Commonwealth, or other person.

“Branch Office” means an office of the Savings Bank established by the Treasurer, to be under the direction of an officer of a State Department.

“Friendly Society” includes trade union, industrial union, association, society, or club.

“Head Office” means the Head Office of the Government Savings Bank, Perth.

“Local Authority” includes the council of a municipality, the board of a road district, and any public body constituted by or under the authority of any statute.

“Manager” means the Manager of the Government Savings Bank, Perth.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means the regulations for the time being in force under this Act.

“Savings Bank” means the Government Savings Bank.

“The Treasurer” means the Colonial Treasurer.

Existing Savings Bank retained.

4. The Post Office Savings Bank and all branches and agencies thereof, as constituted and appointed under any Act hereby repealed and subsisting at the commencement of this Act, shall be deemed to be constituted and appointed under this Act, and shall be known as the Government Savings Bank.

Governor may appoint officers.

5. The Governor may from time to time appoint a manager and such accountants, tellers, clerks, agents, and other officers as he deems necessary to carry out the provisions of this Act.

6. The Governor may, by agreement with the Governor-General of the Commonwealth, make arrangements for the execution and performance by officers of the Department of the Postmaster-General of the duties in respect of the administration of this Act hereinafter imposed on such officers, and for the rate of payment for the same.

Governor may arrange with Governor-General for the administration of this Act.
See N.S.W., No. 72 of 1902, s. 3.

7. The Governor may authorise and direct—

- (a.) any officer of any State Department; or
- (b.) such officers of the Department of the Postmaster-General upon whom duties in respect of the administration of this Act have been imposed; or
- (c.) any other person,

Governor may authorise officers to receive deposits.
See N.S.W., No. 72 of 1902, s. 4.

to receive deposits for remittance to the Head Office, and to repay the same, under such regulations as may be prescribed.

8. All moneys deposited in the Savings Bank shall forthwith be paid over to the Treasurer, who shall hold the same, together with all interest, dividends, and income to become payable under any investments thereof made under the powers hereinafter contained, and shall place the same to the credit of a trust fund to be called the Government Savings Bank Account; and all sums withdrawn by the depositors, or by persons legally authorised to claim on account of depositors, shall be paid out of the said account:

Trust Fund.
See 57 Vict., No. 3, s. 5.

Provided that, subject to the regulations, withdrawals on demand may be made, when practicable, by the Head Office, branches, and agencies from moneys in hand.

9. Deposits may be made in accordance with the regulations—

Depositors.

- (1.) By any person;
- (2.) By two or three persons in their joint names;
- (3.) By one or more persons, not exceeding three, as trustee or trustees for another person;
- (4.) By any friendly society;
- (5.) By any co-operative society;
- (6.) By any local authority.

10. (1.) The Manager, his officers and agents, shall not receive from any depositor any sum which makes the total amount to which the depositor is entitled for the time being exceed one thousand pounds. Provided that any registered friendly society or trade union, or any branch thereof, may, in any one year, deposit in the Government Savings Bank a sum not exceeding in the aggregate one thousand pounds.

Limits of deposits.
See 57 Vict., No. 3, s. 6.

(2.) Except as provided by regulations, no deposit shall be of less amount than one shilling.

Deposits to be entered in a book and acknowledged. See 57 Vict., No. 3, s. 3.

11. (1.) The officer receiving a deposit shall, at the time when he receives it, enter the amount thereof in a book to be provided for that purpose, and deliver to the depositor a written acknowledgment, in a pass book or otherwise, of the amount deposited.

(2.) Such acknowledgment shall be conclusive evidence of the fact and amount of the deposit, unless the paying-in slip proves to the contrary.

(3.) Such officer shall report the amount in the prescribed manner to the Manager.

(4.) No depositor shall have any claim on the Savings Bank in respect of any deposit unless such deposit is made during the prescribed hours of business at an authorised office or agency of such bank.

Deposits of minors. See 57 Vict., No. 3, s. 14.

N.S.W., No. 72 of 1902, s. 6.

12. (1.) Deposits may be received from any minor or from a relative or other person in the name and on behalf of such minor.

(2.) Such deposits shall be repaid on application in writing, to such relative or other person, or the minor himself in case he made the deposit or has attained the age of twelve years.

(3.) The receipt of any such minor shall be a sufficient discharge, notwithstanding the infancy of such minor.

Married women's deposits. 57 Vict., No. 3, s. 15.

13. Every deposit which has been or shall be made, whether before or after her marriage, by any woman shall, for all purposes, be conclusively deemed, as against her husband and his legal personal representatives, to be her separate property, and to belong to her in her own right beneficially as if she were a *femme sole* of the age of twenty-one years.

Deposits by trustees. 57 Vict., No. 3, s. 16.

14. The Manager, his officers and agents, may receive deposits from any person who declares himself willing to act as a trustee for any other person, whether such last-mentioned person is under any disability or not, and allow interest and make payments as in the case of ordinary depositors; and the receipt of such person so acting as trustee shall be a sufficient discharge to the Treasurer:

Provided always, that the Treasurer may, if he thinks fit, require the signature of both the trustee and the *cestui que trust* before any repayment is made.

Deposits by friendly societies, etc. 57 Vict., No. 3, s. 17. 2 Edw. VII., No. 22, s. 4.

15. Any friendly society, co-operative society, or local authority may, by its treasurer or other officer or officers, and subject to the regulations, deposit moneys with the Savings Bank, and may, by

such treasurer or other officer or officers, receive back all or any portion of such moneys, with the interest thereon; and a receipt or cheque under the hand of such treasurer or other officer or officers in respect of every payment by the Bank of the whole or any part of such deposit, or any interest thereon, shall be a valid discharge to the Treasurer for the amount paid.

16. (1.) The Governor may from time to time, by notice in the *Government Gazette*, fix the interest payable to depositors, and may prescribe a general rate of interest to be payable on the sum standing to the credit of any account up to and including a prescribed amount, and a reduced rate of interest to be payable on any such sum exceeding such prescribed amount, and that no interest shall be payable on the balance of deposits exceeding a prescribed amount.

Interest payable to depositors.

See 57 Vict., No. 3, s. 7.

See 59 Vict., No. 5, ss. 2, 3, 4, 5.

(2.) Interest shall, in the case of each deposit, be computed from the first day of the month next following the day on which a complete pound or a multiple thereof, either in one sum or in several sums of less amount, has been deposited, and, as to moneys withdrawn, shall cease on the first day of the month in which they are withdrawn:

Provided, however, that when any such deposit is made on the first or second day of any month, interest for that month shall be computed and allowed in respect of such deposit; and moneys withdrawn on the last week-day of a month shall bear interest for that month.

(3.) Interest shall in no case be allowed on any sum less than one pound.

(4.) Interest shall be calculated to the thirtieth day of June in every year, and shall then be added to and become part of the principal money.

17. (1.) A depositor may, in the prescribed manner, withdraw his deposit or any part thereof, and any interest due thereon, upon the conditions following:—

Withdrawal of deposits.

See 57 Vict., No. 3, s. 8.

(a.) If the sum to be withdrawn is less than fifty pounds, at the expiration of one month after the receipt of notice by the Manager;

(b.) If the sum to be withdrawn exceeds fifty pounds, then at the expiration of three months after the receipt of notice by the Manager.

(2.) Upon the expiration of such notice (or earlier if the Manager thinks fit), subject to the regulations and upon presentation of his pass-book at the Head Office, branch, or agency where the amount to be withdrawn is payable, the depositor shall be entitled to receive payment thereof.

(3.) On the withdrawal of any money, a receipt or cheque shall be signed by the person receiving such money, and such receipt or cheque shall be a sufficient discharge to the Treasurer.

(4.) Subject to the regulations, accounts at the Head Office or branches may, on production of the depositor's pass-book, be drawn upon by cheques or orders payable on demand.

Friendly societies, etc., may operate by cheques.
2 Edw. VII., No. 22, s. 4.

18. (1.) The accounts of friendly societies, co-operative societies, and local authorities may be drawn upon by cheques, in such form and subject to such conditions as may be prescribed.

(2.) The Treasurer shall not be liable to make good any loss sustained by any such depositors, upon any money being unlawfully withdrawn, if a cheque is presented purporting to be signed according to the regulations.

Where deposit of deceased person does not exceed £100, the Manager may distribute.
See 57 Vict., No. 3, s. 11.

19. In case any depositor dies, leaving any money in the Savings Bank belonging to him at the time of his death not exceeding one hundred pounds, and probate of the will of the deceased depositor, or letters of administration of his estate and effects, are not produced to the Manager, or notice in writing of the existence of a will and intention to prove the same, or to take out letters of administration, is not given to the Manager within two months from the death of a depositor, the Manager may, if he thinks fit,—

- (a.) advertise for creditors in the prescribed manner;
- (b.) debit the account for the cost of advertising;
- (c.) pay the funeral expenses of the deceased and persons claiming to be creditors; and
- (d.) pay or divide the balance to or amongst the widow or person or persons who appear to the Attorney General to be entitled to the effects of the deceased according to the Statutes of Distribution:

And the payment of any such sums of money as aforesaid shall be valid and effectual with respect to any demand of any person whomsoever against the funds of the Savings Bank, or against the Treasurer, or any of his officers or agents; but, nevertheless, such persons shall have remedy for recovery of such money so paid as aforesaid against the person or persons who shall have received the same.

Where deposit exceeds £100, administration or probate required.
57 Vict., No. 3, s. 10.

20. In case any depositor dies, leaving any money in the Savings Bank belonging to him at the time of his death exceeding one hundred pounds, the same shall not be paid to any representative of such depositor, except upon production of probate of the will of the deceased depositor or letters of administration of his estate and effects.

21. Payments of any money by the Manager, or any of his officers or agents, to any person having any letters of administration, or probate of any will or testamentary disposition granted by the Supreme Court, and appearing to be in force, shall be valid and effectual with respect to any demand of any other person as the lawful representative of such depositor against the funds of the Savings Bank, or against the Manager or any of his officers or agents; but, nevertheless, such lawful representative shall have remedy for such money so paid as aforesaid against the person who shall have received the same.

Payments under probate of will, etc., appearing to be in force shall be valid.
57 Vict., No. 3, s. 12.

22. If any depositor, being illegitimate, dies intestate, leaving any person who, but for the illegitimacy of such depositor, would be entitled to the money due to such deceased depositor, the Manager may, with the authority, in writing, of the Attorney General, pay the money due to such deceased depositor to such one or more of the persons as, in his opinion, would have been entitled to the same according to the Statutes of Distribution if the said depositor had been legitimate.

Payment on death of illegitimate depositor dying intestate.
57 Vict., No. 3, s. 13.

23. If any depositor shall become insane or otherwise incapacitated to act, and the same shall be proved to the satisfaction of the Treasurer, and the Treasurer is satisfied of the urgency of the case, he may authorise payment from time to time out of the funds of such depositor to any person whom he may think proper, and the receipt of such person shall be a good discharge for the payment.

Incapacitated depositor.
See S.A., No. 22 of 1875, s. 26.

24. (1.) The Treasurer may enter into an arrangement with any savings bank authority in the United Kingdom, or any State of the Commonwealth, or any other British possession, or any foreign country;

Transfers of deposits from or to other savings banks.
4 Edw. VII., c. 8, s. 12.

(a.) For the transfer, on such terms and conditions as may be prescribed, of any money standing to the credit of depositors from such a savings bank to the Savings Bank constituted under this Act, or from the Savings Bank constituted under this Act to such a savings bank;

(b.) For the payment, on such terms and conditions as may be prescribed, of any money standing to the credit of depositors in such a savings bank to such depositors through the agency of the Savings Bank constituted under this Act.

25. (1.) Moneys deposited under this Act shall be a charge upon the Consolidated Revenue Fund.

Deposits a charge upon Consolidated Revenue.

(2.) If at any time the moneys received under the authority of this Act are insufficient to meet all lawful claims of depositors, or persons legally entitled to claim on account of depositors, the Governor, upon being duly informed thereof by the Treasurer,

See 57 Vict., No. 3, s. 18.

may authorise, by warrant under his hand, the issue of the amount of such deficiency out of the Consolidated Revenue Fund, and the Treasurer shall report such deficiency to both Houses of Parliament.

Investment of funds.
See 57 Vict., No. 3, s. 19.

26. All funds of the Savings Bank paid over to the Treasurer under this Act, except such portion as the Treasurer shall deem sufficient to meet withdrawals, shall be used or invested in manner hereinafter provided, and a separate account shall be kept at the Treasury of all receipts, investments, and repayments.

Securities for investments.
See 57 Vict., No. 3, s. 20.
See 60 Vict., No. 15, s. 2.

27. The Treasurer, with the authority of the Governor, may invest the Savings Bank funds in manner following—

- (a.) On deposit in any incorporated bank in the State at such rate of interest, if any, as may be agreed upon between the directors or manager of such bank and the Treasurer; or
- (b.) In any Government securities, which for the purposes of this section shall be construed to include inscribed stock, debentures, treasury bills, or other forms of security issued or granted by the Government and secured upon the consolidated revenue of the State and every public debt contracted under Legislative authority by or on behalf of the Government, and all shares and other securities bearing a fixed rate of interest guaranteed by the Government either permanently or until payment of an ascertained principal sum; or
- (c.) In debentures issued by any local authority:
- (d.) Upon first mortgage of any lands in Western Australia, but subject to the following conditions, namely:—
 - (i.) The aggregate amount of investments of the Savings Bank Funds under this subsection shall not at any time exceed one-third of the total amount of such funds.
 - (ii.) A valuation of the land proposed to be mortgaged, and of all buildings thereon, shall be made by some person appointed by the Treasurer, but at the cost of the applicant for the loan.
 - (iii.) No more than three-fifths of the amount of such valuation shall be advanced, and no more than five thousand pounds shall be lent on any one security.
 - (iv.) The rate of interest on any loan shall not be less than five pounds per centum per annum.
 - (v.) The deed or instrument of mortgage shall be in such form and contain such covenants, powers, and provisions, including a power of sale and

covenant for insuring all buildings, fences, and other structures against loss by fire, as the Attorney General shall from time to time direct.

28. (1.) All mortgages and other securities in the name of any person as Treasurer, for and on account of the Savings Bank, may be put in suit in the name of the Treasurer for the time being in whose name the same may have been taken, or in the name of any person who may have succeeded to that office at the time such proceedings are instituted, notwithstanding that the name of any such succeeding Treasurer is not inserted in such mortgage or other such security as mortgagee, assignee, or payee of the sum or sums of money therein mentioned.

Provision for change in the office of Treasurer.

57 Vict., No. 3, s. 22.

(2.) The death, resignation, removal, or other act of any such Treasurer for the time being in whose name any such mortgage or other security as aforesaid shall be so put in suit shall not abate any action, or other proceeding had thereon, but the same may be continued where it left off, and be prosecuted and carried on in the name of any person who may have succeeded to that office or may be or become Treasurer for the time being; and

(3.) The legal estate in all lands and tenements mortgaged to the Treasurer on account of such deposits, and all legal rights and capacities in respect thereof, shall become vested in such new Treasurer as aforesaid to all intents and purposes, immediately upon his appointment being notified in the *Government Gazette*.

29. After providing for the payment of interest due to depositors, and for all expenses of maintenance and administration of the Savings Bank, any surplus income arising from such investments as aforesaid shall form part of the Consolidated Revenue Fund of the State.

Application of surplus income.

57 Vict., No. 3, s. 21.

30. In case any person shall fraudulently represent himself to be a depositor, and, by presentation of the depositor's pass-book and compliance with the regulations, shall obtain any sum of money from the Savings Bank belonging to that depositor, the Treasurer shall not be responsible for the loss so sustained, nor be liable to make good the same.

Treasurer not liable for fraudulent withdrawals.

31. The Treasurer may direct that no deposit shall be received from any person whom he may deem it inexpedient to admit or continue as a depositor, and that any deposit made by him shall be returned to him.

Deposits may be refused under directions from Treasurer.

T., No. 9 of 1901, s. 23.

32. (1.) All depositors' accounts, not being deposits made on behalf of minors, which shall not have been operated upon either by the addition or withdrawal of deposits for a period of seven years and upwards may, with the interest which may have been placed to the credit of such accounts, be balanced and closed, and

Accounts not operated upon for seven years.

57 Vict., No. 3, s. 9.

May be carried to
a special account.
Ibid.

(2.) The balances thereof respectively shall be carried in the names of the respective depositors to an account to be called the "Depositors' Unclaimed Fund;" and any sum transferred to the said fund shall, when duly applied for, be paid to the person entitled to receive the same, but without any interest thereon for the period during which it shall have been so transferred and remained to the credit of such fund, and the interest arising from the investment of the Depositors' Unclaimed Fund shall form part of the revenue of the Savings Bank.

Unclaimed
accounts'
time limit.

33. A list of all accounts in the Depositors' Unclaimed Fund shall be published in the *Government Gazette* annually in the month of February; and the money standing to credit of any account in such fund shall, after such publication for ten years, be forfeited to the Crown, and transferred to and form part of the Consolidated Revenue Fund.

Names of depositors
not to be disclosed.
See 57 Vict., No. 3,
s. 4.

34. The strictest secrecy shall be observed by all officers engaged in the Savings Bank, and they shall not disclose the name of any depositor, nor the amount deposited or withdrawn, except to the Treasurer, or to such of his officers as are appointed to assist in carrying this Act into operation:

Provided that nothing in this section contained shall be deemed to exempt any officer from disclosing in evidence any matters in obedience to the process of any court of justice, or upon an examination before any person having authority to take evidence in any proceeding under any law for the time being in force relating to bankruptcy.

Charges on
accounts.

35. The Treasurer may charge a fee of one shilling per annum for keeping each depositor's account, except in the case of minors under the age of twelve years. Such fee of one shilling shall be deducted from the interest credited to the account on the thirtieth day of June in each year, and when the account is closed:

Provided that no larger amount than one shilling shall be charged on the account during the year, and provided also that the interest credited to the account is more than sufficient to cover the fee, otherwise a charge will not be made.

Deposits may be
attached by gar-
nishee order.

36. Money at the credit of a depositor may be attached by garnishee proceedings in the Supreme Court or a Local Court.

The Treasurer shall be the garnishee, but the order or summons shall be served on the manager:

Provided that no order of attachment made on an *ex parte* application shall be binding on the garnishee unless and until the Manager is satisfied of the identity of the judgment debtor with the depositor, nor until the expiration of such time after the Manager

is satisfied as to such identity as will enable him to communicate by telegraph with each branch at which the depositor may operate under subsection four of section seventeen.

The cost of transmitting such telegrams shall be a charge upon the deposit, and may be deducted therefrom in priority to the judgment debt.

In Local Court proceedings any garnishee summons or order shall, if the Magistrate so directs, be deemed duly served on the garnishee if the substance thereof is transmitted by telegraph by the Clerk of the Court to the Manager, and the charges therefor shall be allowed as part of the costs of the proceedings.

37. The Savings Bank and its branches shall be closed on any bank holiday appointed under the provisions of the Bank Holidays Act, 1884, or any Act amending the same. Bank holidays.

38. The monthly accounts of the Manager and the Treasurer respectively, in respect of all moneys deposited and paid over to the Treasurer under this Act, shall be submitted for examination and audit to the Auditor General. Audit of monthly accounts.
57 Vict., No. 3, s. 25.

39. (1.) An annual account and balance sheet of all deposits received and paid under this Act, and of interest paid thereon, and of the expenses incurred in carrying this Act into operation during each year ending on the thirtieth day of June, together with a statement of the total amount due at the close of the year to all depositors, and of cash and securities then held, shall be laid before both Houses of Parliament not later than the thirtieth day of September in every year, if the Parliament is then sitting, and if not, then within fourteen days from the commencement of the next ensuing session. Accounts to be laid before Parliament.
See 57 Vict., No. 3, s. 24.

(2.) Such annual account and balance sheet to the thirtieth day of June in each year, in respect of all moneys deposited and repaid under this Act shall, prior to the thirty-first day of August in each year, be submitted for examination and audit to the Auditor General. Audit.
See 57 Vict., No. 3, s. 25.

40. (1.) The Governor may make regulations— Power to make regulations.
See 57 Vict., No. 3, s. 23.

(a.) defining the persons or classes of persons by whom deposits may be made ;

(b.) with respect to the opening of accounts and the issue of pass-books ;

(c.) with respect to the making and withdrawal of deposits and the interest thereon, and to the amount of deposits and the postage and other charges to be paid by depositors ;

- (d.) prescribing the mode of keeping and examining the accounts of depositors, and the superintendence and inspection thereof ;
- (e.) prescribing the time for which pass-books, deposit slips, withdrawal notices, cheques, orders, receipts, and all other books, forms, and documents relating to the Savings Bank shall be retained in the custody of the Manager, and the mode in which they may thereafter be destroyed or otherwise disposed of ;
- (f.) prescribing the form, mode, and conditions in and under which the accounts of friendly societies and local authorities may be drawn upon by cheques ;
- (g.) for any matters necessary to give effect to transfers authorised in pursuance of section twenty-four ;
- (h.) with respect to all other matters incidental to the administration of this Act.

(2.) All such regulations shall, upon publication in the *Government Gazette*, have the full force of law to the same extent as if such regulations formed part of this Act.

(3.) Copies of all regulations issued under the authority of this Act shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament is then sitting, and if not, then within fourteen days from the commencement of the next ensuing session.

THE SCHEDULE.

Date of Act.	Title.
57 Vict., No. 3	The Post Office Savings Bank Consolidation Act, 1893
59 Vict., No. 5	The Post Office Savings Bank Interest Act, 1895
60 Vict., No. 15	The Post Office Savings Bank Act, 1896
64 Vict., No. 10	The Post Office Savings Bank Act, 1900
2 Edw. VII., No. 22	The Post Office Savings Bank Act, 1902