



ANNO DECIMO OCTAVO

GEORGI V REGIS.

A.D. 1927.

No. 1812.

An Act to amend The Municipal Tramways Trust Acts, 1906 and 1918, and for other purposes.

[Assented to, December 14th, 1927.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. (1) This Act may be cited alone as the “Municipal Tramways Trust Act Amendment Act, 1927.” Short titles.

(2) The Municipal Tramways Trust Acts, 1906 and 1918, and this Act may be cited together as the “Municipal Tramways Trust Acts, 1906 to 1927.”

(3) The Municipal Tramways Trust Act, 1906, is hereinafter referred to as “the principal Act”.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Part VI. of the principal Act is hereby repealed. Repeal of principal Act, Part VI.

New Financial Provisions.

4. The sum of £252,777 11s. 1d. which was the net amount due to the Treasurer by the Trust on the thirty-first day of July, nineteen hundred and twenty-seven, on account of advances in respect of the “cost of purchase” as defined by section 36 (a) of the principal Liability of Trust to repay to Treasurer certain moneys.

Municipal Tramways Trust Act Amendment Act.—1927.

principal Act and interest thereon, and the sum of £2,280,504 13s. 1d., which was the net amount due as aforesaid on the thirty-first day of July, nineteen hundred and twenty-seven, on account of advances in respect of the "cost of construction" as defined by section 36 (b) of the principal Act (as amended by subsection (d) of section 4 of the Port Adelaide Electric Tramways Act, 1912) and interest thereon shall be repaid to the Treasurer with interest calculated as from the said thirty-first day of July, nineteen hundred and twenty-seven, on the unpaid balance thereof for the time being in manner hereinafter set out.

Issue of debentures.
Cf. 913, 1906,
s. 37.

5. (1) The Trust shall forthwith after the passing of this Act issue debentures in favor of the Treasurer in respect of the said amount of £252,777 11s. 1d., and further debentures in favor of the Treasurer in respect of the said amount of £2,280,504 13s. 1d.

(2) The debentures shall be for the respective amounts set out in the Schedule to this Act, and shall have such currency and bear interest at such rates as are specified in the said Schedule. Interest on the debentures shall be payable half-yearly on the thirty-first day of January and the thirty-first day of July in each year.

(3) Each such debenture shall make provision for the payment by the Trust to the Treasurer on the thirty-first day of January and the thirty-first day of July, in every year, of a contribution to a Sinking Fund at the rate of Seven Shillings and Sixpence per centum per half year of the capital moneys for the time being owing under such debenture until the first day of August, nineteen hundred and twenty-eight, and thereafter at such rate as Parliament provides.

(4) The debentures shall secure the repayment by the Trust to the Treasurer of the capital moneys and interest thereon as hereinbefore provided, and such capital moneys together with such interest are hereby charged on the assets of the Trust in favor of the Treasurer.

Power for Treasurer to advance further moneys.

6. (1) The Treasurer is authorised to pay to the Trust any further moneys required for the purpose of doing anything authorised by the Municipal Tramways Trust Acts, 1906 to 1927, and such moneys shall be "cost of construction moneys" for the purposes of the said Acts.

(2) The Treasurer may raise any moneys intended to be paid to the Trust under this section by the issue and sale of Inscribed Stock or other securities. Such Inscribed Stock or other securities shall bear interest at such rate and be of such currency and be issued at such price as the Treasurer thinks fit; and the principal and interest of any such stock or other security shall be payable to the holder thereof at such place and at such times as are provided in such stock or other security.

(3) Debentures shall be issued by the Trust in respect of all such further "cost of construction moneys" and the provisions of subsections (2), (3), and (4) of section 5 of this Act shall apply, *mutatis mutandis*, to every such debenture.

(4) The

Municipal Tramways Trust Act Amendment Act.—1927.

(4) The amount for which such debentures are issued shall include the amount which the Treasurer certifies to the Trust in writing to be the fair cost of raising such moneys and such debentures shall have such currency and bear interest at such rate as the Treasurer certifies in writing to be the currency and rate of interest applicable for the time being to South Australian Inscribed Stock issued to ordinary investors.

7. When any debenture issued under this Act matures and is not paid off the Trust shall issue and the Treasurer shall accept in lieu thereof another debenture for the same amount having such currency and bearing interest at such rate as the Treasurer certifies in writing to be the currency and rate of interest applicable for the time being to South Australian Inscribed Stock issued to ordinary investors.

Power to renew debentures.

8. Where at the time of the issue of any debentures under this Act other than the debentures referred to in section 5 different classes of South Australian Inscribed Stock varying as to rate of interest and/or currency are offered to ordinary investors, the following provisions shall, notwithstanding any other provisions of this Act, apply with respect to determining the rate of interest and the currency applicable to such debentures:—

Right of Trust to elect as to rate and currency of debentures in certain cases.

- (a) The Treasurer shall certify in writing to the Trust the fact that such different classes of stock are offered to ordinary investors and what is the rate of interest and currency of each class; and
- (b) The Trust shall elect what rate of interest and currency, being the rate of interest and currency applicable to one of the classes of stock certified as aforesaid, shall apply with respect to the said debentures, and the rate and currency so chosen shall apply accordingly.

9. (1) All moneys received by the Treasurer by way of Sinking Fund contributions under any debenture shall be paid to the Public Debt Commission appointed under the Sinking Fund Act, 1924.

Control of Sinking Fund contributions by Public Debt Commission.

(2) The Public Debt Commission shall be entitled to pay from such moneys all sums due or becoming due to the National Debt Commission appointed under the Act of the Commonwealth Parliament, known as the National Debt Sinking Fund Act, 1923, in respect of sinking funds on account of loans at any time raised by the Treasurer for the purposes of the Trust; and upon all moneys so paid to the said National Debt Commission the Trust shall be credited with interest at the rate of Four Pounds Ten Shillings per centum per annum.

(3) The said Public Debt Commission shall invest in manner provided by section 13 of the said Sinking Fund Act, 1924, all moneys paid to it under this section, not being moneys paid to the said National Debt Commission, and shall credit the Trust in each financial

Municipal Tramways Trust Act Amendment Act.—1927.

financial year with its due proportion of the total interest received during that year by the Commission from its investments.

(4) Any moneys held by the Commission on behalf of the Trust under this section shall be used for the purpose of repaying to the Treasurer at such times as the Trust requires the capital moneys secured by any debenture.

Duty of Trust to pay net receipts to Treasurer.
913, 1908, s. 41.

10. The Trust shall, on the thirty-first day of January and the thirty-first day of July, in every year, after making provision or allowance in account—

- (a) for payment of current expenses incurred during the preceding six months in connection with the business of the Trust, including maintenance :
- (b) for a renewal fund at two and a half per centum per annum on the capital cost of the renewable parts of the undertaking then constructed :
- (c) for estimated future current expenses during the next following month in connection with such business,

pay to the Treasurer the residue of its receipts for such six months.

Application of net receipts by Treasurer.
Cf. *ibid.*, s. 42.

11. The Treasurer shall apply the same when received to the following purposes, and in the following priorities :—

- (a) in defraying the interest then payable under the debentures :
- (b) in defraying the Sinking Fund payments of the Trust provided for by section 5 of this Act :
- (c) in or towards satisfaction of any debentures held by the Treasurer.

On repayment of advances control of Government to cease.
Cf. *ibid.*, s. 45.

12. When all moneys advanced by the Treasurer to the Trust, with interest as aforesaid, have been repaid—

- (1) The Treasurer shall, in writing, certify the fact to the Trust, and thereupon—
- (2) The assets of the Trust shall be held for the benefit of the Corporations and District Councils as they may agree, or in default of such agreement as may be determined by Act of Parliament :
- (3) The members of the Trust appointed by the Governor shall retire. Thereafter the Trust shall consist of six members, of whom two shall be appointed by the Corporation of the City of Adelaide, two by the Suburban Corporations and two by the District Councils in manner provided in Part III. of the principal Act with regard to the appointment of members by such Corporations and District Councils respectively.
- (4) The Trust shall in lieu of the Governor as provided in section 23 of the principal Act appoint the Chairman.

13. (1) With

Municipal Tramways Trust Act Amendment Act.—1927.

13. (1) With the consent of the Corporations and District Councils, evidenced by certificates under their respective common seals, the Trust may borrow moneys—

Borrowing power of Trust.
Ibid., ss. 46, 47.

- (a) to extinguish any liability, present or future, to the Treasurer ; or
- (b) to do anything authorised by the Municipal Tramways Trust Acts, 1906 to 1927, and may issue debentures in favor of the lender on such terms as the Trust may determine.

(2) Such debentures shall not affect any right of the Treasurer against the Trust or its assets, or otherwise in respect of any moneys paid by the Treasurer.

14. Any reference in the principal Act to debentures issued to the Treasurer pursuant to that Act shall be construed as a reference to the debentures issued to the Treasurer under this Act.

Construction of principal Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.

Municipal Tramways Trust Act Amendment Act.—1927.

SCHEDULE.

Showing Amounts of each Debenture, Rate of Interest on Moneys secured thereby, and Date of Maturity.

| Purpose in respect of which Debenture is Issued. | Amount of Debenture. | Rate of Interest Payable on Debenture. | Date of Maturity of Debentures. |
|---|-------------------------|--|------------------------------------|
| | £ s. d. | Per Cent. | |
| Cost of purchase | 128,277 11 1 | 3½ | January 15th, 1928 |
| “ | 10,650 0 0 | 3½ | January 31st, 1928 |
| “ | 1,800 0 0 | 3½ | July 31st, 1928 |
| “ | 100,000 0 0 | 3½ | April 15th, 1930 |
| “ | 950 0 0 | 3½ | July 15th, 1935 |
| “ | 5,100 0 0 | 3½ | July 31st, 1937 |
| “ | 6,000 0 0 | 3½ | January 15th, 1940 |
| Total cost of purchase debentures..... | £252,777 11 1 | | |
| Cost of construction | 8,722 8 11 | 3½ | January 15th, 1928 |
| “ | 372,408 4 1 | 6½ | January 31st, 1930 |
| “ | 89,883 11 10 | 6½ | July 31st, 1930 |
| “ | 303,791 8 7 | 5½ | July 31st, 1930 |
| “ | 82,325 13 2 | 5½ | January 31st, 1932 |
| “ | 325,791 8 7 | 5½ | January 31st, 1932 |
| “ | 371,349 8 0 | 5½ | July 31st, 1932 |
| “ | 347,021 13 8 | 5½ | January 31st, 1933 |
| “ | 379,210 16 3 | 5½ | July 31st, 1933 |
| Total cost of construction debentures..... | £2,280,504 13 1 | | |