



ANNO VICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

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No. 53 of 1975

**An Act to amend the Local Bodies' Loans Guarantee Act 1923-1973 for the purpose of making special validating provision in relation to certain borrowings by local bodies and certain guarantees by the Treasurer with respect to such borrowings, and for purposes incidental thereto**

[ASSENTED TO 4TH NOVEMBER, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Local Bodies' Loans Guarantee Act Amendment Act 1975*.

(2) The *Local Bodies' Loans Guarantee Act 1923-1973* as amended by this Act may be cited as the *Local Bodies' Loans Guarantee Act 1923-1975*.

**2. Repeal of and new s. 4C.** The Principal Act is amended by omitting section 4C and substituting the following section:—

**“ 4C. Validation in relation to certain borrowings and guarantees.**  
Where—

(a) the Governor in Council—

(i) prior to the commencement of the *Local Bodies' Loans Guarantee Act Amendment Act 1973* in the case of money borrowed by the sale of a debenture; and

(ii) prior to the commencement of the *Local Bodies' Loans Guarantee Act Amendment Act 1975* in the case of money borrowed by the sale of inscribed stock,

by Order in Council has duly authorized a local body or any body declared by any Act to be or to be deemed to be a local body under and within the meaning of this Act to borrow money; and

(b) the local body has, prior to the publication in the Gazette of the Order in Council, borrowed money from a bank, financial institution, body corporate or unincorporate or person (hereinafter in this section referred to as the lender) by the sale of a debenture or by the sale of inscribed stock, and has purported to borrow such money pursuant to the authority of the Governor in Council in respect thereof; and

(c) the Treasurer on behalf of the Government has agreed to guarantee and has guaranteed or has purported to guarantee or is deemed by law (or would have been deemed by law had the procedure prescribed by law preparatory to borrowing the money been duly followed) to have guaranteed to the lender the amount or any part of the amount so borrowed with interest thereon at the agreed rate limited however to such amount and to such period of time and subject to such other terms, reservations and conditions as the Governor in Council may have prescribed by the Order in Council made in respect of such borrowing,

then, notwithstanding that the Order in Council by which the Governor in Council has authorized the local body to borrow money as aforesaid was published in the Gazette after the date of such borrowing—

(d) the borrowing of money as aforesaid shall not be unlawful by reason only that it occurred prior to the publication in the Gazette of the Order in Council in question and it is declared that such borrowing is and shall be deemed always to have been a lawful borrowing authorized by that Order in Council as if the Order in Council had been published in the Gazette prior to the date of such borrowing; and

(e) the debenture issued or the inscribed stock sold and the inscription in its stock register (by whatever name called) of the owner of that stock by the local body in respect of the amount borrowed shall not be invalid

or of no effect by reason only that the debenture issued or the inscribed stock was sold prior to the publication in the Gazette of the Order in Council in question and it is declared that—

- (i) such debenture shall be deemed always to have been as validly and duly issued; and
- (ii) such inscribed stock shall be deemed always to have been as validly and duly sold and inscribed.

as if the issue or, as the case may be, sale had occurred after such publication; and

- (f) the guarantee by the Treasurer on behalf of the Government to the lender shall not be invalid or of no effect by reason only that the borrowing of money occurred prior to the publication in the Gazette of the Order in Council in question or that the debenture issued or the inscribed stock sold by the local body in respect of the amount borrowed was issued or, as the case may be, sold prior to such publication, and it is declared that such guarantee is and shall be deemed always to have been a valid and effective guarantee on and from such publication.”.