

ADMINISTRATION.

No. 78 of 1965.

**AN ACT to amend the Administration Act,
1903-1964.**

[Assented to 7th December, 1965.]

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

Short title
and citation.

1. (1) This Act may be cited as the *Administration Act Amendment Act, 1965*.

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Acts.

(2) In this Act the Administration Act, 1903-1964, is referred to as the principal Act.

Approved
for Reprint
23rd April,
1958, and
amended by
Acts Nos.
56 of 1959,
21 of 1960,
57 of 1961,
30 of 1962,
66 of 1963 and
57 of 1964.

(3) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1965.

2. Section fourteen of the principal Act is amended—

S. 14
amended.

(a) by substituting for subparagraph (i) of paragraph (b) of subsection (1A), the following subparagraph—

(i) where the net value of the property of the deceased, if the death occurred before the coming into operation of the Administration Act Amendment Act, 1965, does not exceed the sum of five thousand pounds, or if the death occurs after the coming into operation of that Act, does not exceed the sum of seven thousand five hundred pounds, to the whole of such property; ;

(b) by substituting for subparagraph (ii) of paragraph (b) of subsection (1A), the following subparagraph—

(ii) where the net value of such property, if the death occurred before the coming into operation of the Administration Act Amendment Act, 1965, exceeds the sum of five thousand pounds, to the sum of five thousand pounds absolutely, and also to one-half of the residue; ;

(c) by adding after subparagraph (ii) of paragraph (b) of subsection (1A), the following subparagraph—

(iii) where the net value of such property, if the death occurs after the coming into operation of the Administration Act Amendment Act, 1965, exceeds the sum of seven thousand five hundred pounds, to the sum of seven thousand five hundred pounds absolutely, and also to one-half of the residue. ;

- (d) by adding after subsection (1A), the following subsection—

(1B) In addition to the share to which a husband or wife, on the death of the other after the coming into operation of the Administration Act Amendment Act, 1965, is entitled under subsection (1) or subsection (1A) of this section in the property as to which the deceased dies intestate, the surviving husband or wife shall be entitled to an amount equal to five per centum per annum on the specified sum, or as the case may require, the sum of seven thousand five hundred pounds, or that part of such sum as remains unpaid or unsatisfied, calculated from the date of the death to the date of the payment of that sum, or the date of the effectual appropriation of that sum in accordance with the provisions of the Trustees Act, 1962, whichever is the earlier of those dates, such amount to be payable out of the income of the estate of the deceased, or if there is no income or the income is insufficient for that purpose, out of the capital of the residue of the estate. ;

- (e) by substituting for the passage, “the sum of two thousand five hundred pounds.” in lines three and four of paragraph (c) of subsection (4), the passage, “but before the coming into operation of the Administration Act Amendment Act, 1965, the sum of two thousand five hundred pounds;” ; and

- (f) by adding after paragraph (c) of subsection (4), the following paragraph—

(d) after the coming into operation of the Administration Act Amendment Act, 1965, the sum of five thousand pounds. .

3. Section fifteen A of the principal Act is amended by substituting for the word, "any", being the first word in paragraph (b) of subsection (1), the passage, "subject to the provisions of subsection (1B) of section fourteen of this Act, any".

S. 15A
amended.

4. Section one hundred and thirty-nine of the principal Act is amended—

S. 139
amended.

(a) by repealing subsection (1) and re-enacting it with amendments as follows—

(1) On the death of any person leaving a sum of money not exceeding the amount of six hundred pounds, or such other amount as may for the time being be declared by proclamation, standing to his credit in any bank, if no probate or administration is produced to that bank within one month of the death of the deceased person, and no notice in writing of any will and of intention to prove it or of an intention to apply for administration is given to the bank within that period, the bank may apply that sum of money—

(a) in payment of the funeral expenses of the deceased person, or in reimbursing any person who has paid those expenses, and in payment of the balance, if any, to any person who appears to the satisfaction of the manager of the bank to be the widower, widow, parent or child of the deceased person; or

(b) in payment to such other persons or for such other purposes as may be declared and authorised by proclamation from time to time,

and payment of that sum of money accordingly shall be a valid discharge to the bank against the claims of any other person whomsoever. ; and

- (b) by adding after subsection (2) a new subsection (3) as follows—

(3) For the purposes of this section “bank” means a person carrying on the business of banking and includes a building society. .
