

ADMINISTRATION.

13° Elizabeth II., No. LVII.

No. 57 of 1964.

AN ACT to amend the Administration Act, 1903-1963.

[Assented to 30th November, 1964.]

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.

Reprinted
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Reprinted
Acts.
Approved
for reprint
23rd April,
1958 and
amended by
Acts Nos. 56
of 1959,
21 of 1960,
57 of 1961,
80 of 1962 and
66 of 1963.

1. (1) This Act may be cited as the *Administration Act Amendment Act, 1964*.

(2) In this Act the Administration Act, 1903-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1964.

2. Section twenty-eight of the principal Act is amended by substituting for the words, "one thousand", in line three of subsection (1), the words, "two thousand five hundred". S. 28
amended.

3. Section sixty-two of the principal Act is amended— S. 62
amended.

- (a) by adding immediately after the section number, "62." in line one, the subsection designation, "(1)";
- (b) by substituting for the word, "The" being the first word in the section, the passage, "Subject to the provisions of subsection (2) of this section, the";
- (c) by substituting for the word, "duties", in line two, the word, "duty"; and
- (d) by adding the following subsection—

(2) If the duty referred to in subsection (1) of this section is secured to the satisfaction of the Commissioner, or is in part paid and in part so secured, and the Commissioner issues his certificate to that effect, the seal of the Court may, subject to compliance with the other requirements of that subsection, be affixed to the probate or administration.

4. The principal Act is amended by adding immediately after section sixty-five A, in Division (1A) of Part V, the following section— S. 65B
added.

65B. The Governor may appoint a person as the deputy of the Commissioner to act in his place during his illness or absence or when he is otherwise incapacitated, and such deputy while acting in the place of the Commissioner shall have all the powers and perform all the duties of the Commissioner. Deputy of
Commis-
sioner.

5. Section sixty-six of the principal Act is amended by substituting for the words, "office of the Commissioner", in line three of subsection (1), the words, "probate office of the Supreme Court". S. 66
amended.

S. 67
repealed and
re-enacted.

6. Section sixty-seven of the principal Act is repealed and re-enacted with amendments, as follows:

Court
may order
filing of
statement
or Commis-
sioner may
assess duty
where grant
not applied
for.

67. (1) Where, after the expiration of six months from the date of his death, a grant of representation to the estate of a deceased person has not been made in this State or a foreign grant of representation to his estate has not been resealed in this State, the Commissioner, if he has reason to believe that duty is payable in respect of property that forms, or is deemed to form, part of the estate of the deceased person for the purposes of this Part,—

(a) may apply to the Court for an order that the executor, or any person having possession of the will of the deceased person, or any person entitled to a grant of representation to the estate of the deceased person, file such a statement as is mentioned in section sixty-six of this Act; or

(b) may assess the duty payable on the estate of the deceased person.

(2) On the hearing of an application made pursuant to paragraph (a) of subsection (1) of this section, the Court may, after giving the executor or other person against whom the order is sought an opportunity of being heard, order that he file a statement in terms of the application within a time to be fixed by the order; and may enforce the order as orders are now enforced by the Court; and may make such order as to costs as it thinks fit.

S. 71
amended.

7. Section seventy-one of the principal Act is amended by inserting, immediately after the word, "secured" in line three of the proviso to subsection (4), the passage, " or if the payment of duty is deferred under the provisions of section sixty-nine A of this Act".

8. Section one hundred and eight of the principal Act is amended by substituting for the words, "the rate of four pounds per centum per annum" in lines one and two, the passage, "such rate, not exceeding eight pounds per centum per annum, as the Treasurer may from time to time declare".

S. 108
amended.

9. Section one hundred and nineteen of the principal Act is amended by substituting for the words, "together with any bonuses or benefits payable thereunder the sum of two hundred pounds" in lines six and seven of subsection (1), the words "exclusive of any bonuses or benefits payable thereunder the sum of one thousand pounds."

S. 119
amended.

10. Section one hundred and twenty-five of the principal Act is repealed and re-enacted with amendments as follows—

S. 125
repealed and
re-enacted.

125. (1) The Commissioner may, by notice in writing, require any person, whether an executor or administrator or not, to furnish him with such information as he requires for the purpose of inquiring into any matter or thing that may arise in connection with the provisions of this Part, and may require the person to produce all books, documents and other papers in his custody or under his control relating to that matter or thing.

Power of
Commis-
sioner to
obtain
information
and inspect
documents.

(2) The Commissioner may require any information furnished pursuant to this section to be verified by affidavit filed in the Probate Office of the Court.

(3) A person who, without just cause or excuse,—

(a) refuses or fails to furnish any information that he has been required by notice given under this section to furnish, or furnishes any information that is false or misleading in any particular; or

(b) refuses or fails to produce any books, documents or other papers that he has been required by notice given under this section to produce,
commits an offence.

Penalty: Two hundred pounds.

(4) The Commissioner, or any officer authorised by him in that behalf, shall at all reasonable times have full and free access to all lands, buildings, places, books, documents and other papers and to all registers of deeds and documents of title, for the purpose of valuing or inspecting any estate or of ascertaining the ownership thereof, or for inquiring into any matter or thing that may arise in connection with the provisions of this Part; and, for any of those purposes, the Commissioner or authorised officer may make extracts from, or copies of, any of those books, documents or papers. .

s. 139
amended.

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

- (a) by adding immediately after the section number, "139." in line one, the subsection designation, "(1)";
- (b) by substituting for the word, "fifty" in line two, the words, "two hundred"; and
- (c) by adding the following subsection—

(2) At the end of each month, or within twenty-one days thereafter, every bank shall furnish to the Commissioner, in the prescribed form, a return of every sum of money paid over by the bank, under the provisions of subsection (1) of this section, without the production of probate or administration. .

12. Section one hundred and forty of the principal Act is amended by adding after subsection (2) the following subsection—

S. 140
amended.

(3) Where a grant of probate or administration is made or resealed by the Court, a copy of that grant may be obtained from the Court with or without the annexure thereto of a copy of the will (if any) to which it relates, and such copy may be issued under seal for all purposes as an office copy, and when so sealed and issued is sufficient evidence of that grant without further proof.

13. Section one hundred and forty-four of the principal Act is amended by deleting the passage commencing with the word, "but" in line six of paragraph (b) of subsection (3), down to and including the word, "pounds" being the last word in that paragraph.

S. 144
amended.
