

ADMINISTRATION.

11° Elizabeth II., No. LXXX.

No. 80 of 1962.

AN ACT to amend the Administration Act, 1903-1961.

[Assented to 6th December, 1962.]

BE it enacted by the Queen'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. (1) This Act may be cited as the *Administration Act Amendment Act, 1962.*

Short title
and citation.

(2) In this Act the Administration Act, 1903-1961, is referred to as the principal Act.

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Acts,
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reprint 23rd
April, 1958,
further
amended by
Acts No. 56 of
1959, 21 of
1960, and 57
of 1961.

(3) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1962.

Commence-
ment.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and sixty-three.

S. 17
amended.

3. Section seventeen of the principal Act is amended by adding after subsection (1) a subsection as follows:—

(3) The power or authority that the Court may confer under this section on an executor or administrator is in addition to any other power or authority, statutory or otherwise, that the executor or administrator may have to pay or apply capital money or assets, or the income thereof, to or on behalf of an infant.

S. 17A
added.

4. The principal Act is amended by adding, after section seventeen, the following section:—

Power to
appoint
trustees of
infant's
property.
Cf. Vic.
Administra-
tion and
Probate
Act, 1958,
s. 47.

17A. (1) Subject to subsection (5) of this section, where an infant is absolutely entitled under the will or on the intestacy of a person (in this section called "the deceased") to a devise or legacy, or to the residue of the estate of the deceased, or any share therein, and that devise, legacy, residue or share is not, under the will (if any) of the deceased, devised or bequeathed to trustees for the infant, the personal representatives of the deceased may appoint a trustee corporation (including the Public Trustee) or two or more individuals not exceeding four (whether or not including the personal representatives or one or more of them) to be the trustee or trustees of that devise, legacy, residue or share for the infant, and may execute or do any assurance, act or thing requisite for vesting that devise, legacy, residue or share in the trustee or trustees so appointed.

(2) On the vesting of the devise, legacy, residue or share mentioned in subsection (1) of this section in the trustee or trustees appointed under this section, the personal representatives as such are discharged from all further liability in respect of that devise, legacy, residue or share.

(3) Trustees appointed under this section may retain any property transferred to them pursuant to the provisions of this section in its existing condition or state of investment, or may convert it into money, and upon conversion shall invest the money in any of the securities or property authorised for the investment of trust funds.

(4) Where a personal representative has, before the first day of January, one thousand nine hundred and sixty-three, retained or sold any such devise, legacy, residue or share as is mentioned in subsection (1) of this section, and has invested it or the proceeds thereof (as the case may be) in any investments in which he was authorised to invest money subject to the trust, then, subject to any order of the Court made before that date, he shall be deemed not to have incurred any liability on that account or by reason of not having paid or transferred the money or property into Court.

(5) The power of appointing trustees conferred upon personal representatives by this section is subject to any direction or restriction contained in the will of the deceased.

5. The principal Act is amended by repealing section eighteen and sections forty-eight to fifty-two, both inclusive.

Ss. 18 and
48-52
repealed.

6. Section one hundred and six of the principal Act is amended by substituting for the words, "or trustee", in line one, the words, "trustee or other person liable for the payment of the duty".

S. 106
amended.

7. Section one hundred and seven of the principal Act is amended by substituting for the words, "or trustee", in line one of subsection (1), the words, "trustee or other person liable for the payment of the duty".

S. 107
amended.

8. The principal Act is amended—

- (a) by repealing subsection (1) of section one hundred and forty-one; and
- (b) by repealing section one hundred and forty-three.

Subsection
(1) of s. 141
repealed.

S. 143
repealed.

Act No. 56
of 1959
amended.

9. The Administration Act Amendment Act, 1959, is amended by substituting for section three the following section:—

3. The principal Act is amended by adding, after section seventy-four, the following section:—

74A. Where in any case duty was assessed under this Act in respect of a gift *inter vivos* referred to in paragraph (b) of subsection (2) of section seventy-four of this Act, before the commencement of the Administration Act Amendment Act, 1959, but on or after the first day of July, one thousand nine hundred and fifty-six, and that duty has been paid, the Treasurer, on the application of the executor of the will, or the administrator of the estate, of the deceased person whose estate was charged with that duty, shall refund to the executor or administrator, as the case may be, the amount by which the duty so paid exceeds the duty which would have been payable, if the amendment effected to section seventy-four of this Act, by the Administration Act Amendment Act, 1959, had been effected prior to the first day of July, one thousand nine hundred and fifty-six.

S. 74A
added.

Refund of
duty in
certain
cases.