

ADMINISTRATION.

6° GEO. VI., No. XXI.

No. 21 of 1942.

AN ACT to amend sections thirty-three, ninety-eight A, and one hundred and thirty-eight of the Administration Act, 1903-1941.

[Assented to 9th December, 1942.]

BE it enacted by the King'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:—

Short title.

1. This Act may be cited as the *Administration Act Amendment Act, 1942*, and shall be read as one with the Administration Act, 1903-1941 (No. 13 of 1903 as amended and reprinted and thereafter amended by the Acts No. 24 of 1939, No. 52 of 1941, and No. 55 of 1941), hereinafter referred to as the principal Act.

Amendment of s. 33 of principal Act.

2. Section thirty-three of the principal Act is amended by inserting after the word "jurisdiction" in line two the words "or is a member of the naval, military, or air forces of His Majesty the King (including a member of any medical corps nursing service attached to any of the forces aforesaid) who is within the jurisdiction."

Amendment of s. 98A of the principal Act.

3. Section ninety-eight A of the principal Act is amended as follows:—

(a) by inserting after the word "King" in line four of subsection (1) the words "or of any Ally of Great Britain;"

(b) by deleting the words "and the expression 'active service' means any service outside Australia as a member of the said forces" from the last three lines of subsection (1);

(c) by adding a new paragraph at the end of subsection (1)—

Where the question as to whether the death of any person is or is not the result of such person being engaged on such active service aforesaid has been finally determined for the purposes of the Australian Soldiers' Repatriation Act, 1920-1941, by an authority constituted under that Act, the certificate by that authority that such member has or has not so died, shall, for the purposes of this Act, be conclusive evidence that the person has or has not so died, as the case may be.

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

Amendment
of s. 138 of
principal Act.

(a) by inserting after the word "otherwise" in line three the words "or is a member of His Majesty's naval, military, or air force (including a member of any medical corps nursing service attached to any of the forces aforesaid) who is resident or present within Western Australia."

(b) by adding a subsection to stand as subsection (2), as follows:—

(2) Where any such executor or administrator is a member of His Majesty's naval, military, or air force (including a member of any medical corps nursing service attached to any of the forces aforesaid) and is a prisoner of war or posted as missing or otherwise is unable or able only with great difficulty to appoint an attorney, the Court may on the application of a co-executor or a beneficiary or a creditor or any next of kin appoint such co-executor or some other person resident in the State to have and exercise all or such of the powers, duties and discretions of such first-mentioned executor or administrator and for such period or periods as the Court shall deem proper.