

OFFICIAL TRUSTEE.

12° GEO. V., No. VIII.

No. 8 of 1921.

AN ACT to provide for the appointment of an Official Trustee of money under the control of the Supreme Court, and of estates of insane and incapable persons, and for other relative purposes.

[Assented to 26th October, 1921.]

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 *Official Trustee Act, 1921*.

Appointment of
Official Trustee.

2. (1.) There shall be an Official Trustee, who, subject to the Public Service Act, 1904, shall be appointed by the Governor, and shall have and exercise such powers and execute and discharge such duties as may be vested in or imposed on him pursuant to the provisions hereinafter set forth.

(2.) The Official Trustee shall by that name be a corporation sole, with perpetual succession and a common seal, and shall be capable in law of suing and being sued, and of holding and disposing of real and personal property.

3. It shall be lawful for the judges or a majority of them to frame and enact Rules of Court for all or any of the purposes following, that is to say:—

Powers of Official Trustee.

- (i) For the investment by the Official Trustee of any money under the control or subject to an order of the Supreme Court:
- (ii) For empowering the Official Trustee to undertake, under and subject to the Lunacy Act, 1903-20, the care, collection, protection, administration, and management of the property and estates of any insane persons:
- (iii) For vesting in the Official Trustee all or any of the powers of the Master under Division (2) of Part XI. of the Lunacy Act, 1903-20, except section one hundred and forty-six.
- (iv) For empowering the Official Trustee to exercise the powers of a committee of the estates of any insane or incapable persons, and to do and suffer such things with reference to such estates as he might do or suffer or might be ordered, authorised, or directed to do or suffer under the Lunacy Act, 1903-20, if such persons were duly declared insane and he were appointed committee of their respective estates:
- (v) For vesting in the Official Trustee such powers of the Master under the Lunacy Act, 1903-20, as the judges or a majority of them shall think fit and shall deem not to be of a judicial character:
- (vi) For imposing on the Official Trustee such incidental duties as may be deemed necessary.

4. Provision may be made in such Rules of Court for imposing or declaring any conditions, exceptions, or limitations on any of the powers thereby conferred, and for defining the extent to which the powers of the Official Trustee shall be exclusive of those vested in the Master under the said Act.

Power to define extent to which powers conferred are exclusive, and to impose conditions and limitations.

5. This Act shall be read as one with the Lunacy Act, 1903-20, and in this Act, subject to the context, "insane person" includes an insane patient, and "incapable person" includes any person deemed to be an incapable person.

Act to be read as one with Lunacy Act, 1903-20.