New South Wales.

ANNO PRIMO

EDWARDI VIII REGIS.

* *

Act No. 2, 1936.

An Act to amend the Public Trustee Act, 1913, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 25th March, 1936.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Public Trustee (Amendment) Act, 1936." **Short title.**

(2) The Public Trustee Act, 1913, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Trustee Act, 1913-1936."

Amendment of Act No. 19, 1913.

Sec. 5. New subsections (2)-(5).

2. (1) The Principal Act is amended by inserting at the end of section five the following new subsections:—

(2) The officer for the time being holding the office of public trustee may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, and, if not, then within seven sitting days after the commencement of the next session.

The officer suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it declares by resolution that such officer ought to be removed from office; and if each House of Parliament within the said time does so declare such officer shall be removed from office by the Governor accordingly.

(3) (a) The officer for the time being holding the office of public trustee shall cease to hold office if he—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Governor;

(iii) engages in New South Wales in any paid employment outside the duties of his office except with the approval of the Governor;

(iv) becomes bankrupt, compounds with his creditors or makes an assignment of his salary or estate for their benefit;

(v) absents himself from duty without reasonable cause for a period of fourteen consecutive days except on leave granted by the Governor; or

(vi) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898.

(b) The officer for the time being holding the office of public trustee shall cease to hold office, and shall retire therefrom on the day upon which he attains the age of sixty-five years.

(4) Notwithstanding anything in any Act nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, the Public Service (Amendment) Act, 1919, or the Superannuation Act, 1916-1935, or under any Act amending those Acts, to any officer of the Public Service appointed as public trustee.

(5) Any officer of the Public Service appointed as public trustee shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave and any pension, payment, or gratuity, as if he were an officer or employee within the meaning of the Public Service Act, 1902, the Public Service (Amendment) Act, 1919, or the Superannuation Act, 1916-1935, as the case may be, or under any of those Acts as amended by subsequent Acts; and for such purpose his service as public trustee shall be deemed to be service for the purpose of such Acts.

(2) Subsection one of this section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and thirty-six.

Further amendment of Act No. 19, 1913.

3. The Principal Act is further amended—

Substituted sec. 6.

(a) by omitting section six and by inserting in lieu thereof the following section:—

Appointment, powers, and duties of deputy public trustees.

6. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint one or more deputy public trustees but so that not more than three deputy public trustees shall hold office at the same time.

cf. Public Curator Act, 1915 (Q'land), s. 6 (5).

(2) Subject to this Act, whenever under or pursuant to this or any other Act, or any rule, regulation, by-law, ordinance or other instrument or document whatsoever, anything may be done or is appointed to be done by, or any reference is made to the public trustee, the same may be lawfully done by or the reference shall be deemed to extend to any deputy public trustee, and any deputy public trustee shall have and may exercise and discharge any of the powers, authorities, duties and functions of the public trustee, and shall be entitled to the like immunities as the public trustee.

This subsection shall apply whether or not there is a vacancy in the office of public trustee.

(3) Every deputy public trustee shall exercise his office subject to such conditions and restrictions (if any) as the public trustee may impose—

(a) generally; or
(b) in relation to any specified matter or class of matters; or
(c) in relation to all matters other than any specified matter or class of matters.

Public Curator Act, 1915 (Q'land), s. 6 (6).

(4) No person shall be concerned to see or inquire whether—

(a) any act, dealing or transaction by or with the public trustee or any deputy public trustee, or any officer or agent of the public

public trustee is or is not within the powers of the public trustee or of such deputy public trustee, officer, or agent; or

(b) in the case of any dealing or transaction with a deputy public trustee whether any condition or restriction has been imposed upon the exercise of the powers of such deputy public trustee, or as to his authority; and all acts or things done or omitted by such deputy public trustee shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the public trustee.

(5) The person who immediately before the commencement of the Public Trustee (Amendment) Act, 1936, held the office of deputy public trustee shall be deemed to have been appointed a deputy public trustee under this section.

(6) The provisions of subsection two of section five of this Act shall not apply to any deputy public trustee.

(b) by omitting from section seven the words "his deputy" and by inserting in lieu thereof the words "any deputy public trustee"; Sec. 7 (Consequential.)

(c) by omitting section eight; Sec. 8 (Security.)

(d) by inserting at the end of subsection one of section twelve the words:— Sec. 12. (General powers and duties.)

"The public trustee may be appointed and may act jointly with any other person in any such capacity as is mentioned in this subsection";

(e) by omitting from section forty-nine the words "other than that required by section eight hereof." Sec. 49 (No bond by public trustee.)

By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney.—1936.

[3*d*.]

(5) The Principal Act, as amended by this Act, may be cited as the "Public Trustee Act, 1913-1926."

Amendment of Act No. 10, 1913.

Sec. 5. New subsections (2)-(5).

2. (1) The Principal Act is amended by inserting at the end of section five the following new subsections:—

(2) The officer for the time being holding the office of public trustee may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, and, if not, then within seven sitting days after the commencement of the next session.

The officer suspended under this subsection shall be restored to office unless each House of Parliament within twenty one days from the time when such statement has been laid before it declares by resolution that such officer ought to be removed from office, and if each House of Parliament within the said time does so the said such officer shall be removed from office by the Governor accordingly.

(3) [illegible] for the time being holding the office of public trustee shall cease to hold office if he—

(i) [illegible]

(ii) resigns his office by writing under his hand addressed to the Governor;

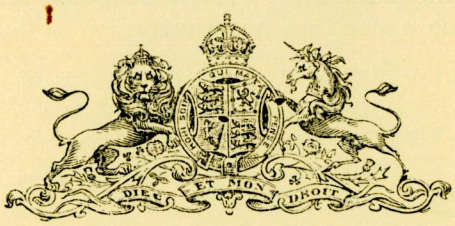
(iii) engages in New South Wales in any paid employment outside the duties of his office except with the approval of the Governor;

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 18 *March,* 1936.

New South Wales.



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Act No. 2, 1936.

An Act to amend the Public Trustee Act, 1913, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 25th March, 1936.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Public Trustee (Amendment) Act, 1936." Short title.

(2) The Public Trustee Act, 1913, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

(3) The Principal Act, as amended by this Act, may be cited as the "Public Trustee Act, 1913-1936."

Amendment of Act No. 19, 1913.

Sec. 5. New subsections (2)-(5).

2. (1) The Principal Act is amended by inserting at the end of section five the following new subsections:—

(2) The officer for the time being holding the office of public trustee may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided:—

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, and, if not, then within seven sitting days after the commencement of the next session.

The officer suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it declares by resolution that such officer ought to be removed from office; and if each House of Parliament within the said time does so declare such officer shall be removed from office by the Governor accordingly.

(3) (a) The officer for the time being holding the office of public trustee shall cease to hold office if he—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Governor;

(iii) engages in New South Wales in any paid employment outside the duties of his office except with the approval of the Governor;

(iv)

(iv) becomes bankrupt, compounds with his creditors or makes an assignment of his salary or estate for their benefit;

(v) absents himself from duty without reasonable cause for a period of fourteen consecutive days except on leave granted by the Governor; or

(vi) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898.

(b) The officer for the time being holding the office of public trustee shall cease to hold office, and shall retire therefrom on the day upon which he attains the age of sixty-five years.

(4) Notwithstanding anything in any Act nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, the Public Service (Amendment) Act, 1919, or the Superannuation Act, 1916-1935, or under any Act amending those Acts, to any officer of the Public Service appointed as public trustee.

(5) Any officer of the Public Service appointed as public trustee shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave and any pension, payment, or gratuity, as if he were an officer or employee within the meaning of the Public Service Act, 1902, the Public Service (Amendment) Act, 1919, or the Superannuation Act, 1916-1935, as the case may be, or under any of those Acts as amended by subsequent Acts; and for such purpose his service as public trustee shall be deemed to be service for the purpose of such Acts.

(2) Subsection one of this section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and thirty-six.

Further amendment of Act No. 19, 1913.

3. The Principal Act is further amended—

Substituted sec. 6.

(a) by omitting section six and by inserting in lieu thereof the following section:—

Appointment, powers, and duties of deputy public trustees.

6. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint one or more deputy public trustees but so that not more than three deputy public trustees shall hold office at the same time.

cf. Public Curator Act, 1915 (Q'land), s. 6 (5).

(2) Subject to this Act, whenever under or pursuant to this or any other Act, or any rule, regulation, by-law, ordinance or other instrument or document whatsoever, anything may be done or is appointed to be done by, or any reference is made to the public trustee, the same may be lawfully done by or the reference shall be deemed to extend to any deputy public trustee, and any deputy public trustee shall have and may exercise and discharge any of the powers, authorities, duties and functions of the public trustee, and shall be entitled to the like immunities as the public trustee.

This subsection shall apply whether or not there is a vacancy in the office of public trustee.

(3) Every deputy public trustee shall exercise his office subject to such conditions and restrictions (if any) as the public trustee may impose—

(a) generally; or
(b) in relation to any specified matter or class of matters; or
(c) in relation to all matters other than any specified matter or class of matters.

Public Curator Act, 1915 (Q'land), s. 6 (6).

(4) No person shall be concerned to see or inquire whether—

(a) any act, dealing or transaction by or with the public trustee or any deputy public trustee, or any officer or agent of the public

public trustee is or is not within the powers of the public trustee or of such deputy public trustee, officer, or agent; or

(b) in the case of any dealing or transaction with a deputy public trustee whether any condition or restriction has been imposed upon the exercise of the powers of such deputy public trustee, or as to his authority; and all acts or things done or omitted by such deputy public trustee shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the public trustee.

(5) The person who immediately before the commencement of the Public Trustee (Amendment) Act, 1936, held the office of deputy public trustee shall be deemed to have been appointed a deputy public trustee under this section.

(6) The provisions of subsection two of section five of this Act shall not apply to any deputy public trustee.

(b) by omitting from section seven the words "his deputy" and by inserting in lieu thereof the words "any deputy public trustee"; **Sec. 7 (Consequential.)**

(c) by omitting section eight; **Sec. 8 (Security.)**

(d) by inserting at the end of subsection one of section twelve the words:— **Sec. 12. (General powers and duties.)**

"The public trustee may be appointed and may act jointly with any other person in any such capacity as is mentioned in this subsection";

(e) by omitting from section forty-nine the words "other than that required by section eight hereof." **Sec. 49 (No bond by public trustee.)**

In the name and on behalf of His Majesty I assent to this Act.

P. W. STREET,
Lieutenant-Governor.

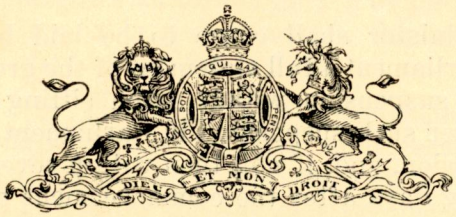
Government House,
Sydney, 25th March, 1936.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 12 *March,* 1936.

New South Wales.



ANNO PRIMO

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2. (1) The Principal Act is amended by inserting at the end of section five the following new subsections:— Amendment of Act No. 19, 1913. Sec. 5. New subsections (2)-(5).

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(iii) engages in New South Wales in any paid employment outside the duties of his
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(iv) becomes bankrupt, compounds with his creditors or makes an assignment of his salary or estate for their benefit;

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(2) Subject to this Act, whenever under or pursuant to this or any other Act, or any rule, regulation, by-law, ordinance or other instrument or document whatsoever, anything may be done or is appointed to be done by, or any reference is made to the public trustee, the same may be lawfully done by or the reference shall be deemed to extend to any deputy public trustee, and any deputy public trustee shall have and may exercise and discharge any of the powers, authorities, duties and functions of the public trustee, and shall be entitled to the like immunities as the public trustee. cf. Public Curator Act, 1915 (Q'land), s. 6 (5).

This subsection shall apply whether or not there is a vacancy in the office of public trustee.

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(b) in relation to any specified matter or class of matters; or

(c) in relation to all matters other than any specified matter or class of matters.

(4) No person shall be concerned to see or inquire whether— Public Curator Act, 1915 (Q'land), s. 6 (6).

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public trustee is or is not within the powers of the public trustee or of such deputy public trustee, officer, or agent; or

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(b) by omitting from section seven the words "his deputy" and by inserting in lieu thereof the words "any deputy public trustee"; **Sec. 7 (Consequential.)**

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"The public trustee may be appointed and may act jointly with any other person in any such capacity as is mentioned in this subsection";

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Sydney: Alfred James Kent, I.S.O., Government Printer—1936.