

6 GEO. VI. No. 16, 1942. *Public Curator Acts Amendment Act.*

(2.) The Governor in Council may by Order in Council published in the *Gazette* prescribe for the purposes of this section any State other than New South Wales or any Territory of the Commonwealth in which in the opinion of the Governor in Council there is in operation legislation for the carrying out of objects substantially similar to the objects of this Act."

TRANSPORT.

See LOCAL AUTHORITIES.

TRUST FUND, FOR POST-WAR RECONSTRUCTION AND DEVELOPMENT.

See WAR.

TRUSTEES.

MASONIC. See SOCIETIES.

An Act to Amend "The Public Curator Acts, 1915 to 1938," in certain particulars.

[ASSENTED TO 29TH OCTOBER, 1942.]

6 GEO. VI.
No. 16.
THE
PUBLIC
CURATOR
ACTS
AMENDMENT
ACT OF 1942.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1 This Act may be cited as "*The Public Curator Acts Amendment Act of 1942*" and shall be read as one with *"*The Public Curator Acts, 1915 to 1938,*" herein referred to as the Principal Act. Short title.

The Principal Act and this Act may be collectively cited as "*The Public Curator Acts, 1915 to 1942.*" Collective title.

Amendments of the Principal Act.

2. The following section, numbered 21A, is inserted after section twenty-one of the Principal Act, namely:— New s. 21A.

"[21A.] (1.) All investments of funds by the public curator shall be controlled and managed by a Board to be called "The Public Curator Investment Board" (herein in this section referred to as "the Board")." Public Curator Investment Board.

* 6 G. 5 No. 14 and amending Acts. See v. 9, pp. 627 *et seq.*

(2.) The Board shall consist of three members as follows, namely :—

- (i.) The Insurance Commissioner ; and
 - (ii.) The Public Curator,
- each of whom shall be *ex officio* a member thereof, and—
- (iii.) An officer of the Department of the Treasury appointed by the Governor in Council, who shall be a member during the pleasure of the Governor in Council.

(3.) At any meeting of the Board two members thereof shall form a quorum.

The Insurance Commissioner shall preside at all meetings of the Board at which he is present and in his absence the public curator shall so preside.

(4.) The public curator shall—

- (i.) Not invest any funds without the approval of the Board first had and obtained ;
- (ii.) Satisfy the Board that every proposed investment of funds by him is legally authorised and that he has done and executed or caused to be done and executed all such acts, matters, and things as he is by this Act or by any other Act or law or by any relevant instrument required to do and execute preliminary to such investment ;
- (iii.) Account to the Board continuously for every investment made by him and produce to the Board from time to time and at all times all such accounts, securities, and other documents, and all such information and reports as will enable the Board to examine the then state of any investment made by him or as may be required by the Board ;
- (iv.) In the case of any investment upon the security of a mortgage or other charge over property, report forthwith to the Board any breach of any term or condition of such mortgage or charge, and exercise against a defaulting mortgagor all such rights and remedies had and possessed by him as the Board shall direct, and account to the Board for the due and proper exercise by him of all such rights and remedies.

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Paragraphs (ii.), (iii.), and (iv.) of this subsection shall apply as well to investments made by the public curator before as to investments made by him after the passing of **The Public Curator Acts Amendment Act of 1942.*"

(5.) The public curator shall continue to be legally liable for any act, matter, or thing done or executed or omitted to be done or executed by him by direction of the Board to the same extent as he would have been so liable if this section had not been enacted and he had himself elected to do or execute or to omit to do or execute such act, matter, or thing :

Provided that no person whomsoever shall have any action, claim, or demand for damages or compensation or any other right or remedy whatsoever against the Board or any member thereof for or in respect of any loss or injury sustained or alleged to have been sustained by reason of the fact that the public curator did or omitted to do any act, matter, or thing by direction of the Board.

(6.) In addition to investments made or proposed to be made from the common fund, this section extends to all funds whatsoever invested or proposed to be invested by the public curator and whether invested or proposed to be invested by him as trustee or as agent or in any other capacity whatsoever."

3. Section fifty-one of the Principal Act is amended as follows :— Amendment
of s. 51.

(i.) In subsection one thereof after the words "without the sanction of" the words "a judge of the Supreme Court or of" are inserted, and the words "unless the court so directs" are repealed and the words [Money
recovered by
or paid into
account of
infants, &c.]

"unless—

- (a) (In a cause or matter in the Supreme Court), the Supreme Court otherwise directs ; or
- (b) (In a cause or matter in a court other than the Supreme Court), the amount of money or damages so recovered or awarded does not exceed fifty pounds and such court otherwise directs or, if such amount exceeds fifty

* This Act.

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pounds, the Supreme Court or a judge thereof otherwise directs upon application made in that behalf”

are inserted in lieu of such repealed words.

(ii.) In subsection two thereof the words “ directions of the court ” are repealed and the words “ directions of the Supreme Court or a judge thereof upon application made in that behalf ” are inserted in lieu thereof.

(iii.) The following subsections, numbered three, four, five, and six are inserted after subsection two thereof, namely :—

“(3.) Any claim for money or damages by or on behalf of an infant claiming either alone or in conjunction with other parties may be settled or compromised out of court before action brought with the sanction of the public curator, but no money or damages agreed to be paid in respect of the claim of any such infant, whether by settlement or compromise, shall be paid to any person other than the public curator unless by direction of the Supreme Court or a judge thereof upon application made in that behalf.

(4.) Any ascertained or liquidated amount of money belonging to an infant payable by the Crown or any person, corporation, or instrumentality representing the Crown may be paid to the public curator unless the Supreme Court or a judge thereof otherwise directs upon application made in that behalf.

(5.) All money or damages and all liquidated or ascertained amounts of money belonging to an infant paid to the public curator under this section shall, subject to any general or special directions of the Supreme Court or a judge thereof upon application made in that behalf, be held and applied by him in such manner as he thinks fit for the maintenance and education or otherwise for the benefit of the infant entitled thereto.

(6.) Every settlement, compromise, or acceptance of money paid into court sanctioned by a judge of the Supreme Court or by the public curator under this section shall be binding upon the infant by or on whose behalf the claim was made, and every payment of any

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ascertained or liquidated amount of money by the Crown to the public curator under this section shall be binding upon the infant to whom such money belonged.”

(iv.) Subsections three and four thereof are respectively renumbered subsections seven and eight.

(v.) The following subsection, numbered nine, is added thereto, namely:—

“(9.) Every request for any directions or determination under subsection eight of this section shall be made to the Supreme Court or a judge thereof, but, except as otherwise hereinbefore in this subsection provided, the term “court” when used in this section means any court within the jurisdiction of which money or damages is or are claimed by or on behalf of an infant or person of unsound mind not so found by inquisition suing either alone or in conjunction with other parties.

Every application authorised by this section to be made to the Supreme Court or a judge thereof may, in the case of an infant, be made by his next friend.”

VEHICLES, INSURANCE OF MOTOR.

See TRAFFIC.

WAR EMERGENCY JURIES.

See WAR LEGISLATION.