



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 42 of 1968

An Act to amend the Aged and Infirm Persons' Property Act, 1940-1965.

[Assented to 19th December, 1968.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

short titles.

1. (1) This Act may be cited as the "Aged and Infirm Persons' Property Act Amendment Act, 1968".

(2) The Aged and Infirm Persons' Property Act, 1940-1965, as amended by this Act, may be cited as the "Aged and Infirm Persons' Property Act, 1940-1968".

(3) The Aged and Infirm Persons' Property Act, 1940-1965, is hereinafter referred to as "the principal Act".

Amendment of
principal Act,
s. 4—
Exercise of
jurisdiction
by court.

2. Section 4 of the principal Act is amended by inserting after subsection (2) the following subsections :—

(3) The court shall have, and may exercise jurisdiction under Part II of this Act—

(a) if the person in respect of whom the protection order is sought, or has been made, is, or was at the time of the commencement of proceedings under that Part, domiciled or resident within the State ;

or

(b) if the property in respect of which the protection order is sought, or has been made, is situate within the State.

(4) Subsection (3) of this section shall be construed as being in addition to, and not in derogation of, any principle of law upon which the jurisdiction of the court under Part II of this Act might otherwise be founded.

3. Section 7 of the principal Act is amended by striking out from subsection (2) the passage "the Inebriates Act, 1908-1934, or in".

Amendment of principal Act, s. 7—
Circumstances under which protection order may be made.

4. Section 30 of the principal Act is amended—

Amendment of principal Act, s. 30—
Application to mental defectives.

(a) by striking out from subsection (1) the passage "Mental Defectives Act, 1935-1939, or that the protected person is a person who could be made the subject of an order under section 10 of the Inebriates Act, 1908-1934" and inserting in lieu thereof the passage "Mental Health Act, 1935-1967";

(b) by striking out from paragraph (a) of subsection (1) the passage "Mental Defectives Act, 1935-1939" and inserting in lieu thereof the passage "Mental Health Act, 1935-1967";

(c) by striking out from subsection (1) the passage—

“; or

(c) such person is the subject of an order under section 10 of the Inebriates Act, 1908-1934”;

(d) by striking out from paragraph (a) of subsection (2) the passage "Mental Defectives Act, 1935-1939" and inserting in lieu thereof the passage "Mental Health Act, 1935-1967";

(e) by striking out from subsection (2) the passage—

“; or

(c) the protected person becomes the subject of an order under section 10 of the Inebriates Act, 1908-1934”;

and

(f) by striking out from subsection (2) the passage "or an order was made as aforesaid under section 10 of the Inebriates Act, 1908-1934,".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.