



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 15 of 1980

An Act to amend the Administration and Probate Act, 1919-1978.

[Assented to 17th April, 1980]

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

1. (1) This Act may be cited as the "Administration and Probate Act Amendment Act, 1980". Short titles.

(2) The Administration and Probate Act, 1919-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Administration and Probate Act, 1919-1980".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 4 of the principal Act is amended by striking out the definition of "the Public Trustee" and inserting in lieu thereof the following definition:— Amendment of principal Act, s. 4—
Interpretation.

"the Public Trustee" means—

(a) the person appointed to be the Public Trustee under Part IV of this Act;

or

(b) a Deputy Public Trustee or other officer appointed under this Act while exercising or performing any of the powers, authorities, duties or functions of the Public Trustee.

4. Sections 73 and 74 of the principal Act are repealed and the following sections are enacted and inserted in their place:— Repeal of ss. 73 and 74 of principal Act and enactment of sections in their place.

73. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1978, appoint—

(a) a Public Trustee;

Appointment of Public Trustee and other officers.

(b) one or more Deputy Public Trustees;

and

(c) such other officers as he considers necessary for the purposes of this Act.

(2) Any person holding an office under this Part immediately before the commencement of the Administration and Probate Act Amendment Act, 1980, shall continue in that office subject to the provisions of the Public Service Act, 1967-1978.

(3) An office under this section may be held in conjunction with any other office in the public service of the State.

Delegation by
Public Trustee.

74. (1) The Public Trustee may, by instrument in writing, delegate to a Deputy Public Trustee or any other officer appointed under this Act any of his powers, authorities, duties or functions under this Act.

(2) Any delegation by the Public Trustee shall be revocable at will and shall not prevent the Public Trustee from acting himself in any matter.

(3) Where the exercise or performance of any power, authority, duty or function depends upon the discretion of the Public Trustee that discretion may be exercised by any officer to whom the exercise or performance of that power, authority, duty or function has been delegated under this section.

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

K. D. SEAMAN, Governor