

be paid into the Assurance and Reserve Fund referred to in that section or to the Consolidated Revenue; but nothing in this subsection authorizes the payment of any sum into such a fund unless the amount standing to the credit of that Assurance and Reserve Fund is not less than twenty thousand dollars.

“(3) Subject to any directions given him by the Minister and to the terms and conditions subject to which the fund is established, the Public Trustee may apply any amounts for the time being standing to the credit of a fund established under this section for the purposes for which the fund is established.

“(4) Any sums applied out of a fund established under this section for the purposes referred to in paragraph (a) of subsection (1) of this section shall be paid into, and form part of, the common fund.

“(5) The moneys standing to the credit of a fund established under this section may be invested and the interest earned by the money so invested shall be paid and credited to that fund.”.

Payment of small sums without probate or letters of administration.

**7** Section sixty-three of the Principal Act is amended by omitting from subsection (1) the words “fifty dollars” and substituting therefor the words “two hundred and fifty dollars”.

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## EVIDENCE.

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### No. 52 of 1967.

AN ACT to amend the *Evidence Act* 1910.

[7 December 1967.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

**1**—(1) This Act may be cited as the *Evidence Act* 1967.

(2) The *Evidence Act* 1910, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section one hundred and forty-five of the Principal Act is amended— Interpretation.

- (a) by omitting the definition of “foreign tribunal” and substituting therefor the following definition:—

“‘foreign tribunal’ means any court, judge, or person who, or body which, is authorised by the law of a place outside His Majesty’s dominions to take or receive evidence in that place;”;

- (b) by inserting in the definition of “affidavit”, after the word “Court”, the words “or before a person appointed as provided in section one hundred and forty-six A”; and

- (c) by inserting in the definition of “declaration”, after the word “Court”, the words “or in the presence of a person appointed as provided in section one hundred and forty-six A”.

**3** Section one hundred and forty-six of the Principal Act is amended by inserting therein, after the word “Court”, the words “or any person appointed as provided in section one hundred and forty-six A”. Power of solicitor to take affidavit or declaration for purposes of Act.

**4** After section one hundred and forty-six of the Principal Act the following section is inserted:—

“146A—(1) Subject to subsection (2) of this section, where a foreign tribunal desires to take evidence in this State that tribunal may appoint a person to take or receive evidence in this State, and a person so appointed has power to take or receive evidence in this State for that tribunal and, for that purpose, to administer an oath. Power of person appointed by foreign authority to take evidence and administer oaths.

“(2) Where the tribunal is not a court or judge, a person so appointed has no power to take or receive evidence, or to administer an oath, in this State unless he has first obtained the written consent of the Attorney-General.”. Cf. No. 6246 (Vic.), s. 111A.

**5** Section one hundred and forty-eight of the Principal Act is amended by inserting in subsection (1) thereof, after the word “solicitor”, the words “or other person”. Certificate of consul or vice-consul or consular agent.