

# TASMANIA

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## **TRUSTEE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2006**

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**TRUSTEE LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL 2006**

*(Brought in by the Minister for Justice and Workplace  
Relations, the Honourable Steven Kons)*

**A BILL FOR**

**An Act to amend the *Public Trustee Act 1930*, the *Trustee Act 1898* and the *Trustee Companies Act 1953***

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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Trustee Legislation (Miscellaneous Amendments) Act 2006*.

**2. Commencement**

This Act commences on a day to be proclaimed.

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

s. 3

Part 2 – Public Trustee Act 1930 Amended

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**PART 2 – PUBLIC TRUSTEE ACT 1930 AMENDED**

**3. Principal Act**

In this Part, the *Public Trustee Act 1930*\* is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “person.” from the definition of “spouse” and substituting “person;”;
- (b) by inserting the following definition after the definition of “spouse”:

**“trust instrument”** includes an order of a court that gives rise to a trust.

**5. Section 20 amended (Administration of small estates without grant of probate or administration)**

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “\$20 000” and substituting “the prescribed amount”;

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\*No. 61 of 1930

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

Part 2 – Public Trustee Act 1930 Amended

s. 6

- (b) by omitting from subsection (4)(a) “the sum of \$21 000” and substituting “the prescribed amount”.

**6. Section 20A amended (Administration of small estates)**

Section 20A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “\$2 000” and substituting “the prescribed amount”;
- (b) by omitting from subsection (5) “\$2 000” and substituting “the prescribed amount”.

**7. Section 32 amended (Express powers of Public Trustee)**

Section 32 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(y) “\$5 000” and substituting “the prescribed amount”;
- (b) by omitting from subsection (1)(z) “Commissioner of Taxes” and substituting “Commissioner of State Revenue”;
- (c) by omitting subsection (2);
- (d) by omitting subsection (4).

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

s. 8

Part 2 – Public Trustee Act 1930 Amended

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**8. Section 34 amended (Power of Public Trustee to apply income and capital for maintenance, &c., of infant)**

Section 34(1)(b) of the Principal Act is amended by omitting “the sum of \$2 000” and substituting “the prescribed amount”.

**9. Section 56 amended (Allowance by Public Trustee of claims, &c., against estates)**

Section 56(c) of the Principal Act is amended by omitting “\$5 000” and substituting “the prescribed amount”.

**10. Section 63 amended (Payment of small sums without probate or letters of administration)**

Section 63(1) of the Principal Act is amended by omitting “\$2 000” and substituting “the prescribed amount”.

**11. Section 72 amended (Remedy against Public Trustee)**

Section 72 of the Principal Act is amended as follows:

- (a) by omitting “him” and substituting “the Public Trustee”;
- (b) by omitting “his” and substituting “its”.

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

Part 2 – Public Trustee Act 1930 Amended

s. 12

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**12. Section 74 amended (Power of Public Trustee to submit certain matters for opinion or direction of judge)**

Section 74(1) of the Principal Act is amended by omitting “\$10 000” and substituting “the prescribed amount”.

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

s. 13

Part 3 – Trustee Act 1898 Amended

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**PART 3 – TRUSTEE ACT 1898 AMENDED**

**13. Principal Act**

In this Part, the *Trustee Act 1898*\* is referred to as the Principal Act.

**14. Section 25A amended (Distribution of property or estate after notice by trustee or executor or administrator)**

Section 25A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) Subject to subsection (3), the notice required to be given by a trustee or an executor or administrator of a deceased person for the purposes of subsection (1) is to be published –
  - (a) in the *Gazette*; and
  - (b) in at least one newspaper published or circulating in the locality in which the deceased person resided or carried on business immediately before his or her death.

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\*No. 34 of 1898



*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

Part 3 – Trustee Act 1898 Amended

**s. 15**

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**15. Schedule II repealed**

Schedule II to the Principal Act is repealed.

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

s. 16

Part 4 – Trustee Companies Act 1953 Amended

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**PART 4 – TRUSTEE COMPANIES ACT 1953  
AMENDED**

**16. Principal Act**

In this Part, the *Trustee Companies Act 1953*\* is referred to as the Principal Act.

**17. Section 10A amended (Election to administer small estates without grant of probate, &c.)**

Section 10A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “\$20 000” and substituting “the prescribed amount”;
- (b) by omitting from subsection (6)(a) “\$22 000” and substituting “the prescribed amount”.

**18. Section 18 amended (Commission chargeable by trustee company)**

Section 18(4A) of the Principal Act is amended as follows:

- (a) by omitting “\$100 or such other amount as may be prescribed” and substituting “the prescribed amount”;

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\*No. 72 of 1953

*Trustee Legislation (Miscellaneous Amendments) Act 2006*  
*Act No. of*

Part 4 – Trustee Companies Act 1953 Amended

**s. 18**

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- (b) by omitting “sum” and substituting  
“amount”.