

**PUBLIC TRUSTEE (FURTHER AMENDMENT)  
ACT 1989 No. 238**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Public Trustee Act 1913 No. 19
4. Continuity of certain regulations

**SCHEDULE 1 - AMENDMENTS**

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**PUBLIC TRUSTEE (FURTHER AMENDMENT)  
ACT 1989 No. 238**

NEW SOUTH WALES



**Act No. 238, 1989**

An Act to amend the Public Trustee Act 1913 with respect to the management of the funds of the Public Trustee, the administration of the Public Trust Office and for other purposes. [Assented to 21 December 1989]

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See also Protected Estates (Amendment) Act 1989.

*Public Trustee (Further Amendment) 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Public Trustee (Further Amendment) Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of the Public Trustee Act 1913 No. 19**

3. The Public Trustee Act 1913 is amended as set out in Schedule 1.

**Continuity of certain regulations**

4. Regulations 18 - 22 of the Public Trustee Regulations 1930 as in force immediately before the commencement of Schedule 1 (2) are to be taken, after that commencement, to have been made for the purposes of section 9 of the Public Trustee Act 1913 as amended by this Act.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 5 (**Office of Public Trustee**):

Omit "public trust office", insert instead "Public Trust Office".

(2) Section 9 (**Fees charged**):

(a) Omit section 9 (1), insert instead:

(1) There may be charged in respect of the duties of the Public Trustee such fees, whether by way of percentage or otherwise, as may be prescribed by the regulations.

*Public Trustee (Further Amendment) 1989*

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SCHEDULE 1 - AMENDMENTS - *continued*

- (b) Section 9 (2):  
Omit "shall" wherever occurring, insert instead "may".
- (3) Section 10 (**Appointment and duties of agents**):  
Omit "petty sessions", insert instead "a Local Court".
- (4) Section 18A (**Election by public trustee to administer**):
  - (a) Omit "\$15,000" wherever occurring, insert instead "such amount as may be prescribed by the regulations".
  - (b) Omit "or the hand of the chief trust officer or the solicitor to the public trustee" wherever occurring, insert instead "or the hand of a person prescribed by the regulations or belonging to a class of persons prescribed by the regulations".
  - (c) Section 18A (5):  
Omit "the sum of \$20,000", insert instead "such sum as may be prescribed by the regulations".
- (5) Section 34A (**Small estates**):
  - (a) Section 34A (1):  
Omit "one hundred dollars", insert instead "such amount as may be prescribed by the regulations".
  - (b) Section 34A (3):  
Omit "Revenue".
- (6) Section 34C (**Payment of money without grant of administration**):
  - (a) Section 34C (1):  
Omit "\$2,000", insert instead "such amount as may be prescribed by the regulations".

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) Omit section 34C (4).
- (7) Section 36A (**Common fund**):
  - After section 36A (5), insert:
    - (6) Any capital profit or loss made on realisation of investments from the common fund may, at the discretion of the public trustee, be carried to the Interest Suspense Account or the Estates Guarantee and Reserve Account.
- (8) Section 36B (**Estates Guarantee and Reserve Account**):
  - Omit section 36B (2).
- (9) Section 36C (**Surplus income from common fund**):
  - Omit "production of the annual amount incidental to".
- (10) Section 36D (**Investment of common fund**):
  - Omit the section.
- (11) Section 37 (**Liability of Consolidated Revenue**):
  - Omit "Revenue" wherever occurring.
- (12) Section 40 (**Accounts**):
  - Omit the section.
- (13) Section 41 (**Inspection of books of public trustee**):
  - Omit the section.
- (14) Section 50 (**Certificate of public trustee evidence**):
  - Omit "or the hand of the chief trust officer, the senior trust officer, the solicitor to the public trustee, a branch manager or a relieving branch manager" wherever occurring, insert instead "or the hand of a person prescribed by the regulations or belonging to a class of persons prescribed by the regulations".

*Public Trustee (Further Amendment) 1989*

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SCHEDULE 1 - AMENDMENTS - *continued*

- (15) Section 51 (**Service of orders on public trustee**):
- (a) Omit "of not exceeding twenty dollars", insert instead "not exceeding 10 penalty units".
  - (b) Omit "any two justices of the peace", insert instead "a Magistrate".
- (16) Section 52 (**Escheat**):
- Omit "Revenue".
- (17) Section 54 (**Disclosure of property to public trustee**):
- Omit "four hundred dollars", insert instead "10 penalty units".
- (18) The whole Act:
- Omit "public trustee" wherever occurring, insert instead "Public Trustee".
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*[Minister's second reading speech made in -  
Legislative Assembly on 26 July 1989  
Legislative Council on 15 November 1989]*