

CONCURRENCE COPY

PUBLIC TRUSTEE (AMENDMENT) BILL, 1984

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to repeal sections 53–53D of the Public Trustee Act, 1913 (“the Principal Act”), so as to enable unclaimed balances of intestate estates held by the Public Trustee to be dealt with in accordance with the Unclaimed Money Act, 1982, in the same manner as unclaimed balances of testate estates so held (clause 3); and
- (b) to validate certain payments which should have been made to a special trust account under section 53D of the Principal Act in respect of the recoupment of interest on money expended from that account on authorised works, but which were made instead to the Consolidated Fund (clause 4).

The Bill also makes certain other provisions of a saving and transitional nature.



PUBLIC TRUSTEE (AMENDMENT) BILL, 1984

No. , 1984.

A BILL FOR

An Act to amend Part IV of the Public Trustee Act, 1913, in relation to the disposition of unclaimed money held in respect of intestate estates; to validate certain payments; and for other purposes.

[MR SHEAHAN *on behalf of* MR LANDA—8 May, 1984.]

Public Trustee (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Public Trustee (Amendment) Act, 1984".

Principal Act.

2. The Public Trustee Act, 1913, is referred to in this Act as the 10 Principal Act.

Amendment of Act No. 19, 1913.

3. The Principal Act is amended by omitting sections 53–53D.

Validation.

4. Any payment—

- 15 (a) which was made into the Consolidated Fund before the commencement of this Act; and
- (b) which was required, by section 53D of the Principal Act, to be made into the special trust account referred to in section 53 of that Act,

20 is hereby validated.

Savings and transitional provisions.

5. Schedule 1 has effect.

Public Trustee (Amendment).

SCHEDULE 1.

(Sec. 5.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Saving relating to certain certificates and orders.

- 5 1. The Treasurer shall cause payment to be made to a person from the Consolidated Fund of any amount to which the person would have been entitled but for the enactment of this Act, being an amount—
- (a) specified in a certificate given under section 53 (1A) of the Principal Act; or
 - (b) the subject of an order made under section 53 (2) of the Principal Act,
- 10 before the commencement of this Act.

Saving relating to liability for certain payments.

2. The repeal of section 53D of the Principal Act by this Act does not affect any liability to make a payment after the commencement of this Act in respect of a liability incurred under that section before that repeal, but any such payment shall be made to
- 15 the Treasurer who shall pay the money so received into the Consolidated Fund.

Application of Unclaimed Money Act, 1982.

3. The reference in section 4 (1) (d) of the Unclaimed Money Act, 1982, to money on deposit which is in an account which has not been operated upon for a period of at least 6 years includes a reference to money on deposit with the public
- 20 trustee held on behalf of an intestate estate which is in an account, within the meaning of that Act, which has not been operated upon for a period of at least 6 years the whole or part of which occurred immediately before the commencement of this Act.

Abolition of special trust account.

4. (1) On the commencement of this Act, the special trust account referred to in
- 25 section 53 of the Principal Act is abolished and any money to the credit of that account immediately before that commencement shall be paid into the Consolidated Fund.

(2) The Unclaimed Money Act, 1982, applies to and in respect of money paid into the Consolidated Fund under subclause (1) as if the money had been paid to the Treasurer under section 6 of that Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984



PUBLIC TRUSTEE (AMENDMENT) ACT, 1984, No. 64

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 64, 1984.

An Act to amend Part IV of the Public Trustee Act, 1913, in relation to the disposition of unclaimed money held in respect of intestate estates; to validate certain payments; and for other purposes. [Assented to, 19th June, 1984.]

Public Trustee (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Public Trustee (Amendment) Act, 1984".

Principal Act.

2. The Public Trustee Act, 1913, is referred to in this Act as the Principal Act.

Amendment of Act No. 19, 1913.

3. The Principal Act is amended by omitting sections 53–53D.

Validation.

4. Any payment—

- (a) which was made into the Consolidated Fund before the commencement of this Act; and
- (b) which was required, by section 53D of the Principal Act, to be made into the special trust account referred to in section 53 of that Act,

is hereby validated.

Savings and transitional provisions.

5. Schedule 1 has effect.

Public Trustee (Amendment).

SCHEDULE 1.

(Sec. 5.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Saving relating to certain certificates and orders.

1. The Treasurer shall cause payment to be made to a person from the Consolidated Fund of any amount to which the person would have been entitled but for the enactment of this Act, being an amount—

- (a) specified in a certificate given under section 53 (1A) of the Principal Act; or
- (b) the subject of an order made under section 53 (2) of the Principal Act,

before the commencement of this Act.

Saving relating to liability for certain payments.

2. The repeal of section 53D of the Principal Act by this Act does not affect any liability to make a payment after the commencement of this Act in respect of a liability incurred under that section before that repeal, but any such payment shall be made to the Treasurer who shall pay the money so received into the Consolidated Fund.

Application of Unclaimed Money Act, 1982.

3. The reference in section 4 (1) (d) of the Unclaimed Money Act, 1982, to money on deposit which is in an account which has not been operated upon for a period of at least 6 years includes a reference to money on deposit with the public trustee held on behalf of an intestate estate which is in an account, within the meaning of that Act, which has not been operated upon for a period of at least 6 years the whole or part of which occurred immediately before the commencement of this Act.

Abolition of special trust account.

4. (1) On the commencement of this Act, the special trust account referred to in section 53 of the Principal Act is abolished and any money to the credit of that account immediately before that commencement shall be paid into the Consolidated Fund.

(2) The Unclaimed Money Act, 1982, applies to and in respect of money paid into the Consolidated Fund under subclause (1) as if the money had been paid to the Treasurer under section 6 of that Act.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 19th June, 1984.*

