



TASMANIA

**GOVERNMENT BUSINESS ENTERPRISES
(CONSEQUENTIAL AMENDMENTS) ACT 1995**

No. 20 of 1995

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**GOVERNMENT BUSINESS ENTERPRISES
(CONSEQUENTIAL AMENDMENTS) ACT 1995**

No. 20 of 1995

AN ACT to amend certain Acts consequent on the enactment of the *Government Business Enterprises Act 1995* and for the purposes of related statute law revision

[Royal Assent 1 September 1995]

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

1—This Act may be cited as the *Government Business Enterprises (Consequential Amendments) Act 1995*.

Commencement

2—(1) If this Act receives Royal Assent on or before 1 July 1995, this Act commences on that day.

(2) If this Act receives Royal Assent after 1 July 1995, this Act is taken to have commenced on that day.

Amendment of Acts

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

Amendment of Statutory Rules

4—The Statutory Rules specified in Schedule 2 are amended in the manner specified in that Schedule.

Amendments of Acts and Statutory Rules consequent on amendment of *Public Trust Office Act 1930*

5—(1) The Acts specified in Part 1 of Schedule 3 are amended in the manner specified in that Part.

(2) The Statutory Rules specified in Part 2 of Schedule 3 are amended in the manner specified in that Part.

SCHEDULE 1

Section 3

AMENDMENT OF ACTS

Fire Service Act 1979

(No. 35 of 1979)

1—After section 73, the following Part is inserted:—

PART VA

CHARTERS AND PLANS

Division 1—Ministerial charter

Interpretation of Part VA

73A—In this Part, unless the contrary intention appears—

“**corporate plan**” means the corporate plan approved under section 73E;“**ministerial charter**” means the charter provided under section 73B;“**Stakeholder Minister**” has the same meaning as in the *Government Business Enterprises Act 1995*;“**statement of corporate intent**” has the meaning given by section 73G;“**Treasurer’s Instructions**” has the same meaning as in the *Government Business Enterprises Act 1995*.

Ministerial charter

73B—(1) By 31 December 1995, the Minister must provide the Commission with a ministerial charter.

(2) The Minister may at any time at his or her own discretion or on receipt of the application of the Commission—

(a) amend a ministerial charter; or

(b) revoke a ministerial charter and substitute another ministerial charter.

(3) Before or while preparing a ministerial charter or an amendment to a ministerial charter, the Minister must consult with the Stakeholder Minister and the Commission.

(4) A ministerial charter and any amendment to a ministerial charter is to be in writing and signed by the Minister.

(5) The Minister is to provide a copy of the ministerial charter and any amendment to it to the Stakeholder Minister.

(6) A ministerial charter or any amendment to a ministerial charter takes effect on a day specified in it, being a day not earlier than the day on which it is provided to the Commission.

Contents of ministerial charter

73C—(1) A ministerial charter is to specify the broad policy expectations of the Minister for the Commission.

(2) A ministerial charter may limit the functions and powers of the Commission and the performance and exercise of those functions and powers, but—

- (a) may not prevent the Commission from performing a function it is required to perform or otherwise complying with this or any Act; and
- (b) may not extend the functions and powers of the Commission.

Compliance with ministerial charter

73D—The Commission must ensure that the business and affairs of the Commission are conducted in a manner that is consistent with the ministerial charter.

Division 2—Plans of Commission

Corporate plan

73E—(1) In each financial year, the Commission must prepare a corporate plan for the Commission.

(2) The corporate plan—

- (a) is to cover a period of not less than 3 financial years commencing on the day it takes effect; and
- (b) is to contain a summary of the projected financial results of the Commission in respect of the current financial year and each financial year covered by the plan; and
- (c) is to contain a summary of the financial results of the Commission in respect of the financial year immediately preceding the current financial year; and
- (d) is to contain the statement of corporate intent; and
- (e) is to be in a form and contain the information specified by the Minister; and
- (f) is to be consistent with the ministerial charter.

(3) The Commission must provide a draft of the corporate plan to the Minister, Stakeholder Minister and Treasurer not later than 90 days before the day on which the corporate plan will take effect.

(4) When a draft corporate plan is approved by the Minister it becomes the corporate plan of the Commission.

(5) The Minister must approve a corporate plan, prepared in accordance with this section and section 73F, by not later than 30 days before the day on which the corporate plan will take effect.

(6) A corporate plan takes effect on the first day of the financial year next commencing after its approval by the Minister.

(7) The Commission may prepare an amendment of its corporate plan at any time.

(8) An amendment of a corporate plan takes effect when it is approved by the Minister.

(9) The Commission must provide a copy of its corporate plan and an amended corporate plan to the Stakeholder Minister and Treasurer within 14 days after the Commission has been notified of its approval by the Minister.

(10) Except where the Minister otherwise approves, the Commission must act in accordance with its corporate plan or amended corporate plan.

Consultation with Portfolio Minister and Stakeholder Minister

73F—(1) In the course of preparing the draft corporate plan the Commission must consult—

- (a) in relation to the interests of the State as a whole and the long term objectives of the Commission, with the Minister; and
- (b) in relation to the financial performance objectives of the Commission, jointly with the Minister and the Stakeholder Minister.

(2) The Minister may give a direction to the Commission—

- (a) in relation to a long term objective of the Commission; or
- (b) if the Minister considers the draft corporate plan to be inconsistent with the ministerial charter, in relation to that inconsistency.

(3) The Minister and the Stakeholder Minister jointly may give a direction to the Commission in relation to the financial performance objectives of the Commission.

(4) Subject to subsection (5), the Commission must comply with a direction if it is in writing and—

- (a) in the case of a direction referred to in subsection (2), is signed by the Minister; or
- (b) in the case of a direction referred to in subsection (3), is signed by both the Minister and Stakeholder Minister.

(5) A direction has no effect in respect of a contract entered into by the Commission before the direction was given if compliance with the direction would result in the Commission failing to perform the contract.

Statement of corporate intent

73G—(1) The statement of corporate intent of the Commission is a summary of its corporate plan.

(2) The statement of corporate intent of the Commission must not disclose any information which the Minister considers may, if disclosed—

- (a) disadvantage or cause damage to the Commission, directly or indirectly; or
- (b) enable another person, directly or indirectly, to gain an advantage.

(3) The statement of corporate intent is to be in a form, and contain the information, specified by the Minister.

Strategic and operating plans

73H—(1) The strategic plan of the Commission in force immediately before 1 July 1995 together with its operating plan in force immediately before that day is taken to be a corporate plan that takes effect on that day.

(2) The Commission must prepare a statement of corporate intent in respect of the corporate plan referred to in subsection (1) in sufficient time to enable it to be included in the annual report in respect of the financial year ending on 30 June 1995.

(3) In subsection (1), “operating plan” and “strategic plan” have the same meanings as in the *State Authorities Financial Management Act 1990* as in force immediately before 1 July 1995.

Validity of actions, &c.

73I—Anything done by or in relation to the Commission is not void or unenforceable only because the Commission has contravened this Part.

2—Sections 75 and 76 are repealed.

3—After section 107, the following section is inserted in Part VI:—

Effect of *Financial Agreement Act 1994*

107A—Where the Treasurer, under section 5 (1) of the *Financial Agreement Act 1994*, requires the Commission to do or refrain from doing anything for the purpose of implementing the Agreement, within the meaning of that Act, the Commission must comply with that requirement.

4—After section 107A (as inserted by this Act), the following Part is inserted:—

PART VIA

REPORTS AND FINANCIAL STATEMENTS

Interpretation of Part VIA

107B—In this Part, unless the contrary intention appears—

“**annual report**” means the annual report prepared under section 107G;

“**Australian Accounting Standards**” means Statements of Accounting Standards issued jointly by the National Councils of the Australian Society of Certified Practising Accountants and The Institute of Chartered Accountants in Australia or their successors;

“**corporate plan**” means the corporate plan approved under section 73E;

“**financial statements**” means the financial statements prepared under section 107D;

“**Stakeholder Minister**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**statement of corporate intent**” has the meaning given by section 73G;

“**Treasurer’s Instructions**” has the same meaning as in the *Government Business Enterprises Act 1995*.

Accounting records

107C—The Commission must—

- (a) keep such accounting records as correctly record and explain its transactions (including any transactions as trustee) and financial position; and
- (b) keep those records in a manner that—
 - (i) allows true and fair accounts of the Commission to be prepared from time to time; and
 - (ii) allows its accounts to be conveniently and properly audited or reviewed; and
 - (iii) subject to any contrary written direction given by the Minister to the Commission, complies with Australian Accounting Standards; and
 - (iv) complies with any written directions given by the Minister to the Commission.

Financial statements

107D—(1) Within 60 days after the end of the financial year, the Commission must—

- (a) prepare the financial statements of the Commission relating to that financial year; and
- (b) provide the Auditor-General with the Commission's financial statements.

(2) Financial statements in respect of a financial year are to consist of—

- (a) a profit and loss account or other operating statement for that financial year; and
- (b) a balance-sheet or other statement of financial position as at the end of that financial year; and
- (c) a statement of the cash flows for that financial year; and

- (d) any other financial information required to be included by a direction given under subsection (4); and
 - (e) statements, reports and notes, other than a directors' report or an auditor's report, attached to, or intended to be read with, the profit and loss account, other operating statement, balance-sheet or other statement of financial position.
- (3) The financial statements must—
- (a) comply with any directions given under subsection (4); and
 - (b) subject to such a direction, comply with Australian Accounting Standards; and
 - (c) be signed or certified as specified in such a direction.
- (4) The Minister may give written directions to the Commission in respect of the form and contents of the financial statements as he or she considers appropriate.

Extension of time for preparing financial statements

107E—(1) Within 45 days after the end of the financial year, the Commission may apply to the Stakeholder Minister for an extension of the period within which it must prepare, and provide to the Auditor-General, its financial statements.

- (2) An application is to—
- (a) include the reasons, in detail, for the need for an extension of time; and
 - (b) specify the day by which the Commission estimates that it can provide the financial statements.
- (3) The Stakeholder Minister may—
- (a) refuse to grant an extension of the period in which the Commission is required to prepare and provide financial statements; or
 - (b) grant such an extension for such period as the Stakeholder Minister considers appropriate.

(4) The Stakeholder Minister must not grant an extension of time that would prevent the Minister from tabling an annual report in accordance with section 107H (1).

(5) Within 7 days after being notified of an extension of time, the Commission must notify the Minister of the details of the extension.

Opinion of Auditor-General

107F—The Auditor-General must provide the Commission, the Minister, the Stakeholder Minister and the Treasurer with a copy of his or her opinion in respect of the financial statements of the Commission given under section 40 of the *Financial Management and Audit Act 1990*.

Annual report

107G—(1) The Commission must prepare for the Commission an annual report for each financial year.

(2) The annual report is to include the following information and documents:—

- (a) the statement of corporate intent which relates to the corporate plan that takes effect at the beginning of the next financial year;
- (b) the financial statements of the Commission for the financial year to which the annual report relates;
- (c) a copy of the opinion of the Auditor-General in respect of the financial statements received under section 107F;
- (d) a report on the performance of the Commission during the financial year to which the annual report relates compared with the performance indicators specified in the corporate plan;
- (e) a report on the operations of the Commission during the financial year to which the annual report relates;
- (f) the details of any extension of the time within which the financial statements must be prepared and provided to the Auditor-General;

- (g) the details of any direction given under section 73F;
- (h) any other information that the Minister by written notice provided to the Commission requires to be included;
- (i) any other information that the Commission considers is appropriate or necessary to properly inform the Minister and Parliament as to the performance and progress of the Commission during the financial year to which the annual report relates.

(3) For the purposes of subsection (2) (a), “next financial year” means the financial year immediately following the financial year in respect of which the annual report is prepared.

(4) The Commission must provide the annual report to the Minister, the Stakeholder Minister and the Auditor-General.

(5) Section 33AB of the *Tasmanian State Service Act 1984* does not apply in respect of the Commission.

Tabling of annual report

107H—(1) The Minister must lay a copy of the annual report before each House of Parliament within 5 months after the end of the financial year to which the annual report relates.

(2) Where the Minister is unable to comply with subsection (1) for any reason other than that a House of Parliament is not sitting at the expiration of the period specified in that subsection, he or she must, before the expiration of that period, lay before each House of Parliament a statement specifying the reasons for the failure to comply with that subsection and an estimate of the day by which a copy of the annual report will be ready to lay before each House of Parliament.

(3) Where the Minister is unable to lay a copy of the annual report before a House of Parliament within the period specified in subsection (1) or by the day specified in a statement referred to in subsection (2) because either House of Parliament is not sitting at the expiration of that period or on that day, the Minister must—

- (a) immediately after the expiration of that period or that day, forward a copy of the annual report to the Clerk of that House of Parliament; and
- (b) within the next 7 sitting days of that House, lay a copy of the annual report before that House.

Quarterly reports

107I—(1) The Commission must prepare a report on the operations of the Commission for each of the first 3 quarters of a financial year.

(2) A quarterly report must be provided to the Minister and Stakeholder Minister—

- (a) within 30 days after the end of the quarter; or
- (b) if another period after the end of the quarter is agreed between the Commission, Minister and Stakeholder Minister, within the agreed period.

(3) A quarterly report must include the information required to be given in the report by the Minister by written notice provided to the Commission.

Minister may require information

107J—(1) The Minister, at his or her discretion or on the request of the Treasurer or the Stakeholder Minister, may require the Commission to provide to the Minister specified in the requirement, information relating to the affairs, or the performance and exercise of the functions and powers, of the Commission.

(2) The Commission must comply with a requirement made under subsection (1).

5—Section 108 is repealed and the following section is substituted:—

Directions, &c., given by Minister

108—(1) A direction, notice or requirement given or made by the Minister under Part VA or VIA may adopt either wholly or partly and with or without modification, and either specifically or by reference, any Treasurer's Instructions, within the meaning of the *Government Business Enterprises Act 1995*, whenever issued.

(2) The Commission must comply with a direction, notice or requirement given to, or made in respect of, it by the Minister under Part VA or VIA.

Health (Regional Boards) Act 1991

(No. 4 of 1991)

1—Section 3 (1) is amended as follows:—

(a) by inserting the following definitions before the definition of "Board":—

"annual report" means the annual report for a Board prepared under section 36A;

"Australian Accounting Standards" means Statements of Accounting Standards issued jointly by the National Councils of the Australian Society of Certified Practising Accountants and The Institute of Chartered Accountants in Australia or their successors;

(b) by inserting the following definition after the definition of "employee":—

"financial statements" means the financial statements of a Board prepared under section 25C;

2—After section 25, the following sections are inserted in Part 3:—

Effect of *Financial Agreement Act 1994*

25A—Where the Treasurer, under section 5 (1) of the *Financial Agreement Act 1994*, requires a Board to do or refrain from doing anything for the purpose of implementing the Agreement, within the meaning of that Act, the Board must comply with that requirement.

Accounting records

25B—A Board must—

- (a) keep such accounting records as correctly record and explain its transactions (including any transactions as trustee) and financial position; and
- (b) keep those records in a manner that—
 - (i) allows true and fair accounts of the Board to be prepared from time to time; and
 - (ii) allows its accounts to be conveniently and properly audited or reviewed; and
 - (iii) subject to any contrary written direction given by the Minister to the Board, complies with Australian Accounting Standards; and
 - (iv) complies with any written directions given by the Minister to the Board.

Financial statements

25C—(1) Within 60 days after the end of the financial year, a Board must—

- (a) prepare the financial statements of the Board relating to that financial year; and
- (b) provide the Auditor-General with the Board's financial statements.

(2) Financial statements in respect of a financial year are to consist of—

- (a) a profit and loss account or other operating statement for that financial year; and
- (b) a balance-sheet or other statement of financial position as at the end of that financial year; and
- (c) a statement of the cash flows for that financial year; and

- (d) any other financial information required to be included by a direction given under subsection (4); and
 - (e) statements, reports and notes, other than an auditor's report, attached to, or intended to be read with, the profit and loss account, other operating statement, balance-sheet or other statement of financial position.
- (3) The financial statements must—
- (a) comply with any directions given under subsection (4); and
 - (b) subject to such a direction, comply with Australian Accounting Standards; and
 - (c) be signed or certified as specified in such a direction.
- (4) The Minister may give written directions to a Board in respect to the form and contents of the financial statements as he or she considers appropriate.

Extension of time for preparing financial statements

25D—(1) Within 45 days after the end of the financial year, a Board may apply to the Treasurer for an extension of the period within which it must prepare, and provide to the Auditor-General, its financial statements.

- (2) An application is to—
- (a) include the reasons, in detail, for the need for an extension of time; and
 - (b) specify the day by which the Board estimates that it can provide the financial statements.
- (3) The Treasurer may—
- (a) refuse to grant an extension of the period in which a Board is required to prepare and provide financial statements; or
 - (b) grant such an extension for such period as the Treasurer considers appropriate.

(4) The Treasurer must not grant an extension of time that would prevent the Minister from tabling an annual report in accordance with section 36B (1).

(5) Within 7 days after being notified of an extension of time, the Board must notify the Minister of the details of the extension.

Opinion of Auditor-General

25E—The Auditor-General must provide a Board, the Minister and the Treasurer with a copy of his or her opinion in respect of the financial statements of the Board given under section 40 of the *Financial Management and Audit Act 1990*.

3—Section 33 is amended by omitting from subsections (1), (2), (3) and (4) “the Public Trustee” (wherever occurring) and substituting “The Public Trustee”.

4—After section 36, the following sections are inserted:—

Annual report

36A—(1) A Board must prepare an annual report for each financial year.

(2) The annual report is to include the following information and documents:—

- (a) the financial statements of the Board for the financial year to which the annual report relates;
- (b) a copy of the opinion of the Auditor-General in respect of the financial statements received under section 25E;
- (c) a report on the performance of the Board during that financial year;
- (d) the details of any extension of the time within which the financial statements must be prepared and provided to the Auditor-General;
- (e) any information relating to the members of the Board required by the Minister by written notice provided to the Board to be included;

- (f) any other information that the Minister by written notice provided to the Board requires to be included;
- (g) any other information that the Board considers is appropriate or necessary to properly inform the Minister and Parliament as to the performance and progress of the Board during that financial year.

(3) A Board must provide the annual report to the Minister, the Treasurer and the Auditor-General.

(4) For the purpose of ensuring that section 36B is complied with, the Minister may require a Board, by written notice provided to it, to provide the Minister with the annual report by the day specified in the notice.

(5) A Board must comply with a requirement made under subsection (4).

(6) Section 33AB of the *Tasmanian State Service Act 1984* does not apply in respect of a Board.

Tabling of annual report

36B—(1) The Minister must lay a copy of the annual report before each House of Parliament within 5 months after the end of the financial year to which the annual report relates.

(2) Where the Minister is unable to comply with subsection (1) for any reason other than that a House of Parliament is not sitting at the expiration of the period specified in that subsection, he or she must, before the expiration of that period, lay before each House of Parliament a statement specifying the reasons for the failure to comply with that subsection and an estimate of the day by which a copy of the annual report will be ready to lay before each House of Parliament.

(3) Where the Minister is unable to lay a copy of the annual report before a House of Parliament within the period specified in subsection (1) or by the day specified in a statement referred to in subsection (2) because either House of Parliament is not sitting at the expiration of that period or on that day, the Minister must—

- (a) immediately after the expiration of that period or that day, forward a copy of the annual report to the Clerk of that House of Parliament; and
- (b) within the next 7 sitting days of that House, lay a copy of the annual report before that House.

Minister may require information

36C—(1) The Minister, at his or her discretion or on the request of the Treasurer, may require a Board to provide to the Minister, the Treasurer or both as specified in the requirement, information relating to the affairs, or the performance and exercise of the functions and powers, of the Board.

(2) A Board must comply with a requirement made under subsection (1).

Land and Income Taxation Act 1910

(1 Geo. V No. 47)

1—Section 10 is amended by inserting the following subsection after subsection (4):—

(5) For the purposes of subsection (1)—

- (a) land owned by or vested in a Government Business Enterprise, within the meaning of the *Government Business Enterprises Act 1995*, is not—
 - (i) land of the Crown; or
 - (ii) land the property of and occupied by or on behalf of the Crown; or
 - (iii) land vested in trust for public purposes; and
- (b) such a Government Business Enterprise is not a statutory public body.

Local Government Act 1993

(No. 95 of 1993)

1—Section 87 is amended by inserting the following subsection after subsection (3):—

(4) For the purposes of subsection (1) (b), land owned by a Government Business Enterprise specified in Schedule 8 of the *Government Business Enterprises Act 1995* is land owned by the Crown.

Motor Vehicles Taxation Act 1981

(No. 68 of 1981)

1—Section 8 (2AA) is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) a Government Business Enterprise, within the meaning of the *Government Business Enterprises Act 1995*; or

Private Forests Act 1994

(No. 28 of 1994)

1—Section 3 is amended by inserting each of the following definitions in correct alphabetical order:—

“**annual report**” means the annual report for the Authority prepared under section 32E;

“**Australian Accounting Standards**” means Statements of Accounting Standards issued jointly by the National Councils of the Australian Society of Certified Practising Accountants and The Institute of Chartered Accountants in Australia or their successors.

“**corporate plan**” means the corporate plan approved under section 19D;

“**financial statements**” means the financial statements prepared under section 32B;

“**ministerial charter**” means the charter provided under section 19A;

“**Stakeholder Minister**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**statement of corporate intent**” has the meaning given by section 19F;

“**Treasurer’s Instructions**” has the same meaning as in the *Government Business Enterprises Act 1995*;

2—After section 19, the following Part is inserted:—

PART 4A

CHARTERS AND PLANS

Division 1—Ministerial charter

Ministerial charter

19A—(1) By 31 December 1995, the Minister must provide the Authority with a ministerial charter.

(2) The Minister may at any time at his or her own discretion or on receipt of the application of the Authority—

- (a) amend a ministerial charter; or
- (b) revoke a ministerial charter and substitute another ministerial charter.

(3) Before or while preparing a ministerial charter or an amendment to a ministerial charter, the Minister must consult with the Stakeholder Minister and the Authority.

(4) A ministerial charter and any amendment to a ministerial charter is to be in writing and signed by the Minister.

(5) The Minister is to provide a copy of the ministerial charter and any amendment to it to the Stakeholder Minister.

(6) A ministerial charter or any amendment to a ministerial charter takes effect on a day specified in it, being a day not earlier than the day on which it is provided to the Authority.

Contents of ministerial charter

19B—(1) A ministerial charter is to specify the broad policy expectations of the Minister for the Authority.

(2) A ministerial charter may limit the functions and powers of the Authority and the performance and exercise of those functions and powers, but—

- (a) may not prevent the Authority from performing a function it is required to perform or otherwise complying with this or any Act; and
- (b) may not extend the functions and powers of the Authority.

Compliance with ministerial charter

19C—The Board must ensure that the business and affairs of the Authority are conducted in a manner that is consistent with the ministerial charter.

Division 2—Plans of Authority**Corporate plan**

19D—(1) In each financial year, the Board must prepare a corporate plan for the Authority.

(2) The corporate plan—

- (a) is to cover a period of not less than 3 financial years commencing on the day it takes effect; and
- (b) is to contain a summary of the projected financial results of the Authority in respect of the current financial year and each financial year covered by the plan; and
- (c) is to contain a summary of the financial results of the Authority in respect of the financial year immediately preceding the current financial year; and
- (d) is to contain the statement of corporate intent; and
- (e) is to be in a form and contain the information specified by the Minister; and
- (f) is to be consistent with the ministerial charter.

(3) The Board must provide a draft of the corporate plan to the Minister, Stakeholder Minister and Treasurer not later than 90 days before the day on which the corporate plan will take effect.

(4) When a draft corporate plan is approved by the Minister it becomes the corporate plan of the Authority.

(5) The Minister must approve a corporate plan, prepared in accordance with this section and section 19E, by not later than 30 days before the day on which the corporate plan will take effect.

(6) A corporate plan takes effect on the first day of the financial year next commencing after its approval by the Minister.

(7) A Board may prepare an amendment of its corporate plan at any time.

(8) An amendment of a corporate plan takes effect when it is approved by the Minister.

(9) The Board must provide a copy of its corporate plan and an amended corporate plan to the Stakeholder Minister and Treasurer within 14 days after the Board has been notified of its approval by the Minister.

(10) Except where the Minister otherwise approves, the Authority must act in accordance with its corporate plan or amended corporate plan.

Consultation with Portfolio Minister and Stakeholder Minister

19E—(1) In the course of preparing the draft corporate plan the Board must consult—

(a) in relation to the interests of the State as a whole and the long term objectives of the Authority, with the Minister; and

(b) in relation to the financial performance objectives of the Authority, jointly with the Minister and the Stakeholder Minister.

- (2) The Minister may give a direction to the Board—
- (a) in relation to a long term objective of the Authority; or
 - (b) if the Minister considers the draft corporate plan to be inconsistent with the ministerial charter, in relation to that inconsistency.
- (3) The Minister and the Stakeholder Minister jointly may give a direction to the Board in relation to the financial performance objectives of the Authority.
- (4) Subject to subsection (5), the Board must comply with a direction if it is in writing and—
- (a) in the case of a direction referred to in subsection (2), is signed by the Minister; or
 - (b) in the case of a direction referred to in subsection (3), is signed by both the Minister and Stakeholder Minister.
- (5) A direction has no effect in respect of a contract entered into by the Authority before the direction was given if compliance with the direction would result in the Authority failing to perform the contract.

Statement of corporate intent

- 19F—(1) The statement of corporate intent of the Authority is a summary of its corporate plan.
- (2) The statement of corporate intent of the Authority must not disclose any information which the Minister considers may, if disclosed—
- (a) disadvantage or cause damage to the Authority, directly or indirectly; or
 - (b) enable another person, directly or indirectly, to gain an advantage.
- (3) The statement of corporate intent is to be in a form, and contain the information, specified by the Minister.

Strategic and operating plans

19G—(1) The strategic plan of the Authority in force immediately before 1 July 1995 together with its operating plan in force immediately before that day is taken to be a corporate plan that takes effect on that day.

(2) The Authority must prepare a statement of corporate intent in respect of the corporate plan referred to in subsection (1) in sufficient time to enable it to be included in the annual report in respect of the financial year ending on 30 June 1995.

(3) In subsection (1), “operating plan” and “strategic plan” have the same meanings as in the *State Authorities Financial Management Act 1990* as in force immediately before 1 July 1995.

Validity of actions, &c.

19H—Anything done by or in relation to the Authority is not void or unenforceable only because the Authority has contravened this Part.

3—After section 25, the following section is inserted in Division 1 of Part 5:—

Effect of *Financial Agreement Act 1994*

25A—Where the Treasurer, under section 5 (1) of the *Financial Agreement Act 1994*, requires the Authority to do or refrain from doing anything for the purpose of implementing the Agreement, within the meaning of that Act, the Authority must comply with that requirement.

4—Section 27 is amended as follows:—

- (a) by omitting “referred to in section 24 (6) of the *Hydro-Electric Commission Act 1944*” from subsection (2);

(b) by inserting the following subsection after subsection (2):—

(2A) In subsection (2), “State rate” means—

(a) in relation to a day which is before 1 July 1995, the State rate referred to in section 24 (6) of the *Hydro-Electric Commission Act 1944* as in force immediately before that day; and

(b) in relation to a day which is on or after 1 July 1995, the rate determined by the Board and approved by the Treasurer, in writing, to be the State rate.

5—After section 32, the following Part is inserted:—

PART 5A

ACCOUNTING RECORDS, FINANCIAL STATEMENTS AND REPORTS

Accounting records

32A—The Authority must—

(a) keep such accounting records as correctly record and explain its transactions (including any transactions as trustee) and financial position; and

(b) keep those records in a manner that—

(i) allows true and fair accounts of the Authority to be prepared from time to time; and

(ii) allows its accounts to be conveniently and properly audited or reviewed; and

(iii) subject to any contrary written direction given by the Minister to the Authority, complies with Australian Accounting Standards; and

(iv) complies with any written directions given by the Minister to the Authority.

Financial statements

32B—(1) Within 60 days after the end of the financial year, the Board must—

(a) prepare the financial statements of the Authority relating to that financial year; and

- (b) provide the Auditor-General with the Authority's financial statements.
- (2) Financial statements in respect of a financial year are to consist of—
- (a) a profit and loss account or other operating statement for that financial year; and
 - (b) a balance-sheet or other statement of financial position as at the end of that financial year; and
 - (c) a statement of the cash flows for that financial year; and
 - (d) any other financial information required to be included by a direction given under subsection (4); and
 - (e) statements, reports and notes, other than a directors' report or an auditor's report, attached to, or intended to be read with, the profit and loss account, other operating statement, balance-sheet or other statement of financial position.
- (3) The financial statements must—
- (a) comply with any directions given under subsection (4); and
 - (b) subject to such a direction, comply with Australian Accounting Standards; and
 - (c) be signed or certified as specified in such a direction.
- (4) The Minister may give written directions to the Board in respect to the form and contents of the financial statements as he or she considers appropriate.

Extension of time for preparing financial statements

32C—(1) Within 45 days after the end of the financial year, the Board may apply to the Stakeholder Minister for an extension of the period within which it must prepare, and provide to the Auditor-General, the financial statements of the Authority.

- (2) An application is to—
 - (a) include the reasons, in detail, for the need for an extension of time; and
 - (b) specify the day by which the Board estimates that it can provide the financial statements.
- (3) The Stakeholder Minister may—
 - (a) refuse to grant an extension of the period in which a Board is required to prepare and provide financial statements; or
 - (b) grant such an extension for such period as the Stakeholder Minister considers appropriate.
- (4) The Stakeholder Minister must not grant an extension of time that would prevent the Minister from tabling an annual report in accordance with section 32F (1).
- (5) Within 7 days after being notified of an extension of time, the Board must notify the Minister of the details of the extension.

Opinion of Auditor-General

32D—The Auditor-General must provide the Board, the Minister, the Stakeholder Minister and the Treasurer with a copy of his or her opinion in respect of the financial statements of the Authority given under section 40 of the *Financial Management and Audit Act 1990*.

Annual report

32E—(1) The Board must prepare for the Authority an annual report for each financial year.

- (2) The annual report is to include the following information and documents:—
 - (a) the statement of corporate intent which relates to the corporate plan that takes effect at the beginning of the next financial year;
 - (b) the financial statements of the Authority for the financial year to which the annual report relates;

- (c) a copy of the opinion of the Auditor-General in respect of the financial statements received under section 32D;
- (d) a report on the performance of the Authority during that financial year compared with the performance indicators specified in the corporate plan;
- (e) a report on the operations of the Authority during that financial year;
- (f) the details of any extension of the time within which the financial statements must be prepared and provided to the Auditor-General;
- (g) the details of any direction given under section 19E;
- (h) any information relating to the directors, chief executive officer and employees required by the Minister by written notice provided to the Board to be included;
- (i) any other information that the Minister by written notice provided to the Board requires to be included;
- (j) any other information that the Board considers is appropriate or necessary to properly inform the Minister and Parliament as to the performance and progress of the Authority during that financial year.

(3) For the purposes of subsection (2) (a), “**next financial year**” means the financial year immediately following the financial year in respect of which the annual report is prepared.

(4) The Board must provide the annual report to the Minister, the Stakeholder Minister and the Auditor-General.

(5) Section 33AB of the *Tasmanian State Service Act 1984* does not apply in respect of the Authority.

Tabling of annual report

32F—(1) The Minister must lay a copy of the annual report before each House of Parliament within 5 months after the end of the financial year to which the annual report relates.

(2) Where the Minister is unable to comply with subsection (1) for any reason other than that a House of Parliament is not sitting at the expiration of the period specified in that subsection, he or she must, before the expiration of that period, lay before each House of Parliament a statement specifying the reasons for the failure to comply with that subsection and an estimate of the day by which a copy of the annual report will be ready to lay before each House of Parliament.

(3) Where the Minister is unable to lay a copy of the annual report before a House of Parliament within the period specified in subsection (1) or by the day specified in a statement referred to in subsection (2) because either House of Parliament is not sitting at the expiration of that period or on that day, the Minister must—

- (a) immediately after the expiration of that period or that day, forward a copy of the annual report to the Clerk of that House of Parliament; and
- (b) within the next 7 sitting days of that House, lay a copy of the annual report before that House.

Quarterly reports

32G—(1) The Board must prepare a report on the operations of the Authority for each of the first 3 quarters of a financial year.

(2) A quarterly report must be provided to the Minister and Stakeholder Minister—

- (a) within 30 days after the end of the quarter; or
- (b) if another period after the end of the quarter is agreed between the Board, Minister and Stakeholder Minister, within the agreed period.

(3) A quarterly report must include the information required to be given in the report by the Minister by written notice provided to the Board.

Minister may require information

32H—(1) The Minister, at his or her discretion or on the request of the Treasurer or the Stakeholder Minister, may require the Authority to provide to the Minister specified in the requirement, information relating to the affairs, or the performance and exercise of the functions and powers, of the Authority.

(2) The Authority must comply with a requirement made under subsection (1).

6—After section 33, the following section is inserted:—

Directions, &c., given by Minister

33A—(1) A direction, notice or requirement given or made by the Minister under Part 4A or 5A may adopt either wholly or partly and with or without modification, and either specifically or by reference, any Treasurer's Instructions, within the meaning of the *Government Business Enterprises Act 1995*, whenever issued.

(2) The Authority or Board must comply with a direction, notice or requirement given to, or made in respect of, it by the Minister under Part 4A or 5A.

Public Trust Office Act 1930

(21 Geo. V No. 61)

1—The Long Title is amended by omitting “*the Public Trust Office*” and substituting “*The Public Trustee*”.

2—Section 1 is amended by omitting “*Trust Office*” and substituting “*Trustee*”.

3—Section 3 is amended as follows:—

- (a) by inserting “(1)” before “In”;
- (b) by omitting the definition of “Board” and substituting the following definitions:—

“**Board**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**chief executive officer**” has the same meaning as in the *Government Business Enterprises Act 1995*;

- (c) by omitting “Trust Office” from the definition of “common fund” and substituting “Trustee”;

- (d) by inserting after the definition of “Court” the following definitions:—

“**director**” has the same meaning as in the *Government Business Enterprises Act 1995*;

“**employee**” has the same meaning as in the *Government Business Enterprises Act 1995*;

- (e) by inserting after the definition of “executor” or “administrator” the following definition:—

“**function**” includes duty;

- (f) by inserting after the definition of “group investment fund” the following definition:—

“**investment committee**” means the investment committee established as required by section 37;

- (g) by inserting after the definition of “probate” or “letters of administration” the following definition:—

“**Public Trustee**” means The Public Trustee established under section 4;

- (h) by adding the following subsection:—

(2) In this Act, words importing the masculine gender include references to the female gender and neuter gender.

4—The heading to Part II is amended by omitting “TRUST OFFICE” and substituting “TRUSTEE”.

5—Sections 4, 5, 5A and 6 are repealed and the following sections are substituted:—

The Public Trustee

4—The Public Trustee constituted as a corporation sole by this Act as in force immediately before 1 July 1995 is continued in force as a body corporate.

Delegation by chief executive officer

5—The chief executive officer may delegate to an employee any of his or her functions or powers, other than—

- (a) a function or power that has been delegated to the chief executive officer by the Board subject to the condition that the chief executive officer must not delegate it; and
- (b) this power of delegation.

Evidence of delegation

6—A document signed or purporting to be signed by a director, chief executive officer or employee under a delegation from the Board or chief executive officer is evidence of that delegation unless the contrary is shown.

Performance by Public Trustee of certain acts, &c.

6A—(1) Where any thing may or is required to be done by or in relation to the Public Trustee and that thing can only be done by or in relation to a natural person, that thing may be done by or in relation to the chief executive officer or an employee to whom the chief executive officer or Board has delegated the performance and exercise of functions and powers in respect of that thing.

(2) Any powers conferred on the Public Trustee by a power of attorney may be exercised by the Board or a person to whom the Board has delegated that power.

6—Sections 8 and 9 are repealed and the following section is substituted:—

Confidentiality

8—A director, chief executive officer or employee must not divulge any information that came into his or her possession as a director, chief executive officer or employee except—

- (a) as is necessary in the performance of the office of director or in the course of employment; or
- (b) as authorised or required by law.

7—Section 10 is amended as follows:—

- (a) by omitting subsection (1);
- (b) by omitting “so employed” from subsection (2) and substituting “engaged”;
- (c) by omitting “(2) In” from subsection (2) and substituting “In”.

8—Section 11 is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) Notwithstanding anything to the contrary in the *Government Business Enterprises Act 1995* or any other law, the Public Trustee may, in addition to any money properly expended by it and chargeable against an estate that is under the Public Trustee’s administration or control, charge and receive for work done or services, goods or information supplied fees, commission, remuneration, expenses and charges determined by the Public Trustee but not exceeding any maximum fees, commissions, remunerations and charges prescribed in the regulations.

(2) If the Public Trustee fails to set fees, commissions, remuneration, expenses and charges for the work done or services, goods or information supplied by it, the charges prescribed by the *Public Trust Office Regulations 1971* as in force immediately before 1 July 1995 are taken to have been set by the Public Trustee.

(2A) Subsection (2) has effect only for the period commencing on 1 July 1995 and ending on 31 December 1995.

9—The heading to Part III is amended by omitting “TRUST OFFICE” and substituting “TRUSTEE”.

10—Section 12 (3) is amended by omitting “as are prescribed, or, if none,”.

11—Section 20(4) is amended by omitting “under his hand”.

12—Section 24 is amended as follows:—

(a) by omitting “in his hands” from paragraph (h) and substituting “in its control”;

(b) by omitting “included;” from paragraph (l) and substituting “included.”;

(c) by omitting paragraph (m).

13—After section 24, the following section is inserted in Part III:—

Directors responsible to Court

24A—Where the Public Trustee has been granted probate or letters of administration and the Public Trustee is appointed and acts as a trustee, receiver or committee, the directors are individually and collectively in their own persons responsible to the Court, and, in their own persons, are liable, by process of attachment, commitment for contempt, or by other process, to all courts having jurisdiction in that behalf, for the proper discharge of their duties and for obedience to the rules, orders and decrees of those courts in the same manner and to the same extent as if the directors had personally been granted probate or letters of administration or had acted as executor, administrator, trustee, receiver or committee.

14—Section 26 is amended by omitting “, and shall bear interest at the prescribed rate,” and substituting “and, notwithstanding anything to the contrary in the *Government Business Enterprises Act 1995*, bears interest at a rate determined by the Public Trustee but not exceeding any maximum rate prescribed by the regulations,”.

15—Section 30 (6) is amended by omitting “, signed by the Public Trustee”.

16—Section 31 (1) is amended by omitting “by writing under his hand and seal of office,” and substituting “in writing,”.

17—Section 32 (1) (q) is amended by omitting “, if personally present,”.

18—Section 37 is repealed and the following section is substituted:—

Investment committee

37—(1) The Board must establish an investment committee under section 16 of the *Government Business Enterprises Act 1995*.

(2) The investment committee has the following functions:—

- (a) advising the Board on the investment of money in the common fund and in any group investment fund;
- (b) advising the Board on the investment of money not in the common fund but held by the Public Trustee in trust;
- (c) any other function delegated to it by the Board.

19—Section 38 is amended as follows:—

- (a) by omitting “by him” from subsection (1);
- (b) by omitting “prescribed” from subsection (4) and substituting “determined by the Board”;
- (c) by omitting subsection (5).

20—Section 39 (2) is amended by omitting “by the Public Trustee”.

21—Section 40 is repealed and the following section is substituted:—

Investment of common fund

40—(1) All money in the common fund may be invested—

- (a) in a manner in which trustees are authorised to invest trust funds under the *Trustee Act 1898*; and
- (b) in advances under section 44.

(2) An investment of money under subsection (1) may be varied.

22—Section 40A is repealed.

23—Section 41 is amended by omitting “reserves established under section 45” and substituting “its reserves”.

24—Section 42 is amended by omitting “approved by the Minister to an”.

25—Section 44 (6) is amended by omitting “hand and”.

26—Sections 45, 46, 47, 49 and 50 are repealed.

27—Section 50A (2) is amended by omitting “,subject to section 37 (2),”.

28—Section 50B is amended as follows:—

(a) by omitting from subsection (1) all the words after “several interests in the fund”;

(b) by omitting subsection (2).

29—Section 55 is amended as follows:—

(a) by omitting “the solicitor to the Public Trust Office” and substituting “a solicitor employed by the Public Trustee”;

(b) by omitting “in the Public Trust Office” and substituting “by the Public Trustee”.

30—Section 57 is amended by omitting “under his hand”.

31—Section 59 is amended by omitting “in the Public Trust Office”.

32—Section 69 (1) is amended by omitting “under the hand of the Public Trustee and sealed with his seal,” and substituting “sealed by the Public Trustee”.

33—Section 70 is repealed.

34—Section 71 is amended as follows:—

(a) by omitting subsection (1) and substituting the following subsection:—

(1) The chief executive officer or an employee does not incur any personal liability in respect of any act done, or omitted, in good faith—

(a) in the performance or exercise of his or her functions or powers under this Act; or

(b) in the course of his or her employment.

- (b) by omitting “any member of the staff of the Public Trust Office” from subsection (2) and substituting “the chief executive officer or an employee”;
- (c) by omitting “Trust Office” (twice occurring) from subsection (3) and substituting “Trustee”.

35—Section 78 is repealed and the following section is substituted:—

Regulations

78—(1) The Governor may make regulations for the purposes of this Act.

(2) Without affecting the operation of subsection (1) and notwithstanding anything to the contrary in the *Government Business Enterprises Act 1995*, the regulations may prescribe—

- (a) the maximum fees, remuneration, expenses and charges that the Public Trustee may receive in respect of the services, goods or information supplied by it and the performance and exercise of its functions and powers under this or any other Act; and
- (b) the maximum and minimum interest rates payable.

(3) The Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(4) The regulations may authorise any matter to be determined, applied or regulated by the Public Trustee or chief executive officer and regulations made before 1 July 1995 which authorised a matter to be determined, applied or regulated by the Public Trustee are taken to have been validly made.

Stamp Duties Act 1931

(22 Geo. V No. 19)

1—Section 3 is amended by inserting the following subsection after subsection (2A):—

(2B) For the purposes of this Act, a Government Business Enterprise, within the meaning of the *Government Business Enterprises Act 1995*—

- (a) is not the Crown; and
- (b) is not taken to be acting on behalf of the Crown only because it is a Government Business Enterprise.

2—Section 71A (1) is amended by omitting “other than the Hydro-Electric Commission,” from paragraph (m) of the definition of “exempt account”.

3—Part I of Schedule 3 is amended by inserting “, other than a person that is a Government Business Enterprise within the meaning of the *Government Business Enterprises Act 1995*,” after “prerogative” in the last item following the heading “FROM ALL DUTIES UNDER THE SECOND SCHEDULE”.

Statutory Authorities Act 1962

(No. 69 of 1962)

1—Section 12 (1) is amended by omitting “No” and substituting “Subject to the *Government Business Enterprises Act 1995*, no”.

Subordinate Legislation Act 1992

(No. 30 of 1992)

1—Section 6 (c) is amended as follows:—

- (a) by omitting “State Authority” (4 times occurring) and substituting “Government Business Enterprise”;
- (b) by omitting “*State Authorities Financial Management Act 1990*” and substituting “*Government Business Enterprises Act 1995*”.

Tasmanian State Service Act 1984

(No. 25 of 1984)

1—Schedule 1 is amended by omitting Part II and substituting the following Part:—

PART II
STATE AUTHORITIES

COLUMN 1 Agency	COLUMN 2 Head of Agency
Egg Marketing Board	Chairperson of the Egg Marketing Board
Hobart Regional Water Board	Chairperson of the Hobart Regional Water Board
Metropolitan Transport Trust	Chairperson of the Metropolitan Transport Trust
Motor Accidents Insurance Board	Chairperson of the Motor Accidents Insurance Board
Private Forests Tasmania	Chief Executive Officer of Private Forests Tasmania
Retirement Benefits Fund Board	President of the Retirement Benefits Fund Board
Rivers and Water Supply Commission	Chairperson of the Rivers and Water Supply Commission
Schools Board of Tasmania	Chairperson of the Schools Board of Tasmania
Tasmania Fire Service	State Fire Commissioner
Tasmanian Dairy Industry Authority	Chairperson of the Tasmanian Dairy Industry Authority
Tasmanian Grain Elevators Board	Chairperson of the Tasmanian Grain Elevators Board
The Public Trustee	Chairperson of The Public Trustee

SCHEDULE 2

Section 4

AMENDMENT OF STATUTORY RULES

*Proclamation under Part I of Schedule 3 to the Stamp
Duties Act 1931*

(Statutory Rules 1987, No. 137)

1—Schedule 1 is amended by omitting items 2, 3, 4, 10, 12, 16 and 17.

Public Trust Office Regulations 1971

(S.R. 1971, No. 264)

1—Regulation 1 (1) is amended by omitting “Trust Office” and substituting “Trustee”.

2—Regulation 2 (1) is amended as follows:—

- (a) by omitting “Trust Office” from the definition of “the Act” and substituting “Trustee”;
- (b) by omitting “property.” from the definition of “property” and substituting “property;”;
- (c) by inserting the following definition after the definition of “property”:—

“Public Trust Office” means any premises which the Public Trustee occupies for the purpose of carrying on its business.

3—Regulations 3, 4, 5, 6 and 7 are rescinded and the following regulation is inserted:—

Rates of interest

7—(1) For the purposes of section 38 of the Act, the interest payable to the respective estates, the moneys of which form the common fund, is to be computed as follows:—

- (a) on moneys belonging to an estate, other than moneys referred to in paragraph (b)—
 - (i) while held for minors, persons under disability or beneficiaries not entitled to payment at call, 5% or such higher rate not exceeding 20% as the Public Trustee may determine; and
 - (ii) while held payable in the ordinary course of administration for distribution or at call, 2% or such higher rate not exceeding 6% as the Public Trustee may determine;
- (b) on moneys received as attorney or agent (including capital moneys received by the Public Trustee as agent for investment in the common fund), the rate which is agreed between the Public Trustee and the person paying the money to the Public Trustee, being a rate not exceeding that prescribed in paragraph (a) (i).

(2) For the purposes of subregulation (1) (a)—

- (i) the Public Trustee must fix the date on which any sum of money passes from the operation of subregulation (1) (a) (i) to the operation of subregulation (1) (a) (ii), or vice versa; and
- (ii) the Public Trustee must fix the dates on which interest begins to accrue and ceases to accrue; and
- (iii) any interest standing to the credit of any estate on 1 January, 1 April, 1 July, or 1 October, respectively, in each year, is taken to be capitalised on such respective dates.

4—Regulations 10, 13, 14, 15 and 16 are rescinded.

5—Regulation 17 is amended by omitting subregulation (1).

6—Regulation 18 is amended as follows:—

(a) by omitting subregulation (1) and substituting the following subregulation:

(1) The fees, commissions, remuneration, expenses and charges specified in the Third Schedule are the maximum amounts or rates that the Public Trustee may charge and receive in respect of the relevant matters specified in that Schedule.

(b) by inserting the following subregulation after subregulation (2):—

(2A) The Public Trustee may deduct from money representing capital, income or both capital and income its fees, commissions, remuneration, expenses and charges in respect of the matters specified in the Third Schedule.

(c) by inserting “in respect of matters” in subregulation (3) after “charges” (first occurring);

(d) by omitting subregulation (4).

7—The Second Schedule is amended as follows:—

(a) by omitting Form 1;

(b) by inserting “THE” in the heading of Form 2 after “APPOINTMENT OF”;

(c) by omitting from Form 2 “Trust Office” and substituting “Trustee”;

(d) by omitting from Form 3 “Trust Office” (twice occurring) and substituting “Trustee”;

(e) by omitting from Form 3 “the Public Trustee” (twice occurring) and substituting “The Public Trustee”;

(f) by omitting from Form 3 “Public Trustee” (last occurring) and substituting “The Public Trustee”.

8—The Third Schedule is amended as follows:—

(a) by inserting “MAXIMUM” in the heading after “SCALE OF”;

- (b) by omitting clause 4 and substituting the following clause:—
- 4—If an application of the rates specified in clauses 2 or 3 results in a commission of less than \$300—
- (a) those rates do not apply; and
- (b) the maximum commission is \$300.
- (c) by omitting from clause 8 “0.5% of the sum received but the minimum commission payable is to be \$50 and”;
- (d) by omitting subclause (3) from clause 8 and substituting the following subclause:—
- (3) If an application of the rates specified in subclause (2) results in a commission of less than \$100—
- (a) those rates do not apply; and
- (b) the maximum commission is \$100.
- (e) by omitting from clause 22 (a) “in the Public Trust Office” and substituting “by the Public Trustee as an employee”;
- (f) by inserting in clause 22 (a) “or permitted” after “prescribed”;
- (g) by omitting subparagraph (i) from clause 22 (a);
- (h) by omitting from clause 23 “in the Public Trust Office” and substituting “by the Public Trustee as an employee”.
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SCHEDULE 3

Section 5

**AMENDMENTS CONSEQUENT ON AMENDMENTS OF
PUBLIC TRUST OFFICE ACT 1935****PART 1****AMENDMENT OF ACTS***Administration and Probate Act 1935*

(26 Geo. V No. 38)

1—Section 3 (1) is amended by omitting “the Public Trustee” from the definition of “trust corporation” and substituting “The Public Trustee”.

2—Section 25 (6) is amended by omitting “the Public Trustee” and substituting “The Public Trustee”.

3—Section 62A (1) is amended by omitting “the Public Trustee” and substituting “The Public Trustee”.

Adoption Act 1988

(No. 41 of 1988)

1—Section 52 is amended as follows:—

- (a) by omitting from subsections (1) and (2) “the Public Trustee” (wherever occurring) and substituting “The Public Trustee”;
- (b) by omitting from subsection (2) “he” and substituting “The Public Trustee”;
- (c) by omitting from subsections (4), (5), (6), (7) and (8) “the Public Trustee” (wherever occurring) and substituting “The Public Trustee”.

Child Welfare Act 1960

(No. 48 of 1960)

1—Section 50 is amended as follows:—

- (a) by omitting from subsection (1) “the Public Trustee” (twice occurring) and substituting “The Public Trustee”;
- (b) by omitting from subsection (1) “him” and substituting “The Public Trustee”;
- (c) by omitting from subsection (1) “Trust Office” and substituting “Trustee”;
- (d) by omitting from subsections (2), (3) and (4) “the Public Trustee” (wherever occurring) and substituting “The Public Trustee”;
- (e) by omitting from subsection (4) “he” and substituting “it”.

Crime (Confiscation of Profits) Act 1993

(No. 20 of 1993)

1—Section 4 is amended by inserting the following definition after the definition of “property-tracking document”:—

“Public Trustee” means The Public Trustee;

2—Section 35 (1) is amended by omitting “the Deputy Public Trustee and”.

3—Section 36 is amended as follows:—

- (a) by omitting “the Deputy Public Trustee and” from subsection (1);
- (b) by omitting “Trust Office” from subsection (2) and substituting “Trustee”.

4—Section 37 is amended by omitting “Trust Office” and substituting “Trustee”.

5—Section 82 is repealed.

Land Titles Act 1980

(No. 19 of 1980)

1—Section 142 (5) is amended as follows:—

- (a) by omitting “the Public Trustee” and substituting “The Public Trustee”;
- (b) by omitting “his expenses” and substituting “expenses incurred in so acting”.

Libraries Act 1984

(No. 109 of 1984)

1—Section 17A (3) is amended by omitting “Trust Office” from the definition of “The Public Trustee” and substituting “Trustee”.

2—Section 21A (3) is amended by omitting “Trust Office” from the definition of “The Public Trustee” and substituting “Trustee”.

Limitation Act 1974

(No. 98 of 1974)

1—Section 2 (3) (c) is amended by omitting “the Public Trustee” and substituting “The Public Trustee”.

2—Section 27 is amended by omitting from subsections (2) and (3) (b) “the Public Trustee” (wherever occurring) and substituting “The Public Trustee”.

Mental Health Act 1963

(No. 63 of 1963)

1—Section 3 (1) is amended by inserting after the definition of “public hospital” the following definition:—

“**Public Trustee**” means The Public Trustee continued under the *Public Trustee Act 1930*;

2—Section 88 is amended as follows:—

- (a) by omitting “to him” from subsection (1);

- (b) by omitting “he may sign and” from subsection (1) and substituting “the Public Trustee may”;
- (c) by omitting “signed and” from subsection (2);
- (d) by omitting “sign and” from subsection (3);
- (e) by omitting “to him” from subsection (3).

3—Section 89 is amended as follows:—

- (a) by omitting “he” (first 2 times occurring) from subsection (1) and substituting “it”;
- (b) by omitting “he” (third time occurring) from subsection (1) and substituting “the Public Trustee”;
- (c) by omitting “to him” from subsection (2).

4—Section 90 (7) is amended as follows:—

- (a) by omitting “signed and”;
- (b) by omitting “he” (twice occurring) and substituting “it”.

5—Section 91 is amended as follows:—

- (a) by omitting “signed and” (whenever occurring) from subsections (1) and (2);
- (b) by omitting “him” from subsection (1) and substituting “it”.

6—Section 92 is amended as follows:—

- (a) by omitting “his” and “to him” from subsection (1);
- (b) by omitting “he” from subsection (1) and substituting “it”;
- (c) by omitting “him” from subsection (2) and substituting “it”.

7—Section 93 (2) is amended by omitting “he” and substituting “it”.

8—Section 94 is amended as follows:—

- (a) by omitting “*Public Trust Office Act 1930*” (wherever occurring) from subsections (1), (2), (3) and (4) and substituting “*Public Trustee Act 1930*”;
- (b) by omitting “him” (twice occurring) and “he” from subsection (1) and substituting “the Public Trustee”;
- (c) by omitting “he” from subsection (2) and substituting “the Public Trustee”.

9—Section 95 is repealed.

10—Section 97 (8) is amended by omitting “he” and substituting “the Public Trustee”.

11—Section 98 (3) is amended by omitting “him” and “he” and substituting “it”.

Motor Accidents (Liabilities and Compensation) Act 1973

(No. 71 of 1973)

1—Section 25 is amended as follows:—

- (a) by omitting “the Public Trustee” (wherever occurring) from subsections (1), (2) and (3) and substituting “The Public Trustee”;
- (b) by omitting “by him” from subsection (1);
- (c) by omitting “Trust Office” (wherever occurring) from subsections (2) and (3) and substituting “Trustee”;
- (d) by omitting “him” from subsection (2) and substituting “it”;
- (e) by omitting “him” from subsection (3) and substituting “The Public Trustee”.

Trustee Act 1898

(62 Vict. No. 34)

1—Section 5 (7) (b) (i) is amended by omitting “the Public Trustee by a person employed in the Department” and substituting “The Public Trustee by an employee of The Public Trustee”.

2—Section 25AA (4) is amended by omitting “the Public Trustee” and substituting “The Public Trustee”.

Trustee Companies Act 1953

(No. 72 of 1953)

1—Section 3 (1) is amended by inserting the following definition after the definition of “letters of administration”:—

“Public Trustee” means The Public Trustee continued under the *Public Trustee Act 1930*;

2—Section 32 is amended as follows:—

(a) by omitting “him” from subsection (3) and substituting “the Public Trustee”;

(b) by omitting “created by the *Public Trust Office Act 1930*” from subsection (4) and substituting “, within the meaning of the *Public Trustee Act 1930*,”.

3—Section 33 (2) is amended by omitting “created by the *Public Trust Office Act 1930*” and substituting “, within the meaning of the *Public Trustee Act 1930*”.

4—Section 34 (2) is amended by omitting “him” and substituting “the Public Trustee”.

5—Section 36 (1) is amended as follows:—

(a) by omitting “his” and substituting “its”; and

(b) by omitting “he” and substituting “the Public Trustee”.

Unclaimed Moneys Act 1918

(9 Geo. V No. 13)

1—Section 10 is amended by omitting “the Public Trustee” and substituting “The Public Trustee”.

Workers’ (Occupational Diseases) Relief Fund Act 1954

(No. 45 of 1954)

1—Section 24 (7) is amended as follows:—

(a) by omitting “him” and substituting “it”;

(b) by omitting “he may, in his absolute discretion, think fit” and substituting “The Public Trustee considers appropriate”.

PART 2**AMENDMENT OF STATUTORY RULES*****Workers Compensation Regulations 1988***

(S.R. 1988, No. 157)

1—Regulation 7 is amended as follows:—

- (a) by omitting “the Public Trustee” from subregulation (1) and substituting “The Public Trustee”; and
- (b) by omitting “Trust Office” (wherever occurring) from subregulations (1) and (2) and substituting “Trustee”.

[Second reading presentation speech made in:—
House of Assembly on 25 May 1995
Legislative Council on 7 July 1995]

