

## PUBLIC TRUST OFFICE.

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### No. 51 of 1967.

#### AN ACT to amend the *Public Trust Office Act* 1930. [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 *Public Trust Office Act* 1967.

(2) The *Public Trust Office Act* 1930, as subsequently amended, is in this Act referred to as the Principal Act.

Administra-  
tion of small  
estates  
without  
grant of  
probate or  
administra-  
tion.

**2** Section twenty of the Principal Act is amended—

(a) by omitting from subsection (1) the words “one thousand five hundred dollars” and substituting therefor the words “four thousand dollars”; and

(b) by omitting from paragraph (a) of subsection (4) the words “two thousand dollars” and substituting therefor the words “four thousand five hundred dollars”.

Express  
powers of  
Public Trustee.

**3** Section thirty-two of the Principal Act is amended by omitting from subsection (2) the words “four thousand dollars” and substituting therefor the words “ten thousand dollars”.

**4** After section thirty-six of the Principal Act the following section is inserted in Part V of that Act:—

Dealing with  
unclaimed  
moneys.

“36A—(1) Where any moneys forming part of an estate have become payable (whether before or after the commencement of this section) to any person and, for a period of five years after becoming so payable, have remained unclaimed by the person entitled thereto, those moneys may be paid into the common fund (unless they already form part thereof) and, subject to this Act, shall not be paid over to any person except in accordance with an order of the Supreme Court directing them so to be paid.

“(2) Notwithstanding anything in subsection (1) of this section, where the moneys referred to therein have, for a further period of six years after the period referred to therein,

remained unclaimed by the person entitled thereto, the Public Trustee shall pay those moneys to the Treasurer to the credit of the Consolidated Revenue.

“(3) Without prejudice to the exercise of any other jurisdiction it may have in respect of any moneys referred to in the foregoing provisions of this section the Supreme Court may, on the application of any person claiming to be entitled to those moneys, make such order as it considers just with respect to the payment of those moneys and the administration of the trusts relating to them.

“(4) Where any moneys are required to be paid to the Treasurer under subsection (2) of this section no application shall be made under subsection (3) of this section after the expiration of ten years from the date on which they were required to be so paid.

“(5) Where any moneys are paid into the common fund under subsection (1) of this section they shall be treated as a separate estate for the purposes of this Act and as forming the capital moneys of that estate.

“(6) References in this section to moneys and to the payment of moneys shall be construed as including references respectively to securities and the transfer or delivery of those securities, and references in this section to moneys payable to any person shall be construed as including references to the interest arising, since those moneys became so payable, from the investment of those moneys.”.

**5** Section forty-seven of the Principal Act is amended by omitting subsection (4) thereof. Assurance  
and Reserve  
Fund.

**6** After section forty-seven of the Principal Act the following section is inserted:—

“47A—(1) The Public Trustee, with the approval of the Minister, and subject to such terms and conditions as the Minister may determine, may establish funds for any or all of the following purposes, namely:— Special funds.

(a) To make provision against a decrease in the value of investments made from the common fund or in the amount of interest received from those investments; and

(b) To provide, maintain, furnish, or equip premises required for the purposes of this Act or otherwise for the exercise of the functions of the Public Trustee.

“(2) Notwithstanding anything in section forty-seven, the Public Trustee may, with the approval of the Minister, pay into any fund established under this section, the whole or a part of any sum that, pursuant to subsection (3) or subsection (5) of that section, would otherwise have been required to

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.