
PUBLIC TRUST OFFICE ACT 1977

ANALYSIS

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PUBLIC TRUST OFFICE

No. 14 of 1977

AN ACT to amend the Public Trust Office Act 1930.

[28 April 1977]

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:—

1—(1) This Act may be cited as the *Public Trust Office Act* 1977. Short title and citation.

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

* 21 Geo. V. No. 61. For this Act, as amended to 1939, see Reprint of Statutes (1826-1959) Vol. 4, p. 1009. Subsequently amended by No. 63 of 1963, No. 55 of 1965, No. 51 of 1967, No. 8 of 1972, and Nos. 75 and 113 of 1973.

Administration
in other cases.

2 Section 19 of the Principal Act is amended by inserting in subsection (1) (*d*), after the words “owing to the”, the words “disappearance or”.

Administration
of small estates
without grant
of probate or
administration.

3 Section 20 of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “four thousand dollars” and substituting the amount “\$10 000”; and
- (b) by omitting from subsection (4) (*a*) the words “four thousand five hundred dollars” and substituting the amount “\$11 000”.

Administration
of small estates.

4 Section 20A of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “five hundred dollars” and substituting the amount “\$1 000”; and
- (b) by omitting from subsection (5) the words “five hundred dollars” and substituting the amount “\$1 000”.

Express powers
of Public
Trustee.

5 Section 32 of the Principal Act is amended by omitting from subsection (2) the words “ten thousand dollars” and substituting the amount “\$30 000”.

Power of Public
Trustee to apply
income and
capital for
maintenance,
&c. of infant.

6 Section 34 of the Principal Act is amended by omitting from subsection (1) (*b*) the words “five hundred dollars” and substituting the amount “\$2 000”.

7 Section 36 of the Principal Act is repealed and the following section is substituted:—

Public Trustee
may be
appointed to
represent parties
in legal
proceedings.

“36—(1) The Public Trustee may, with his consent, be appointed or directed by a court to represent a party in any proceedings in that court or a person or class of persons interested in those proceedings.

“(2) Where an appointment or direction is made under subsection (1), the Public Trustee is entitled to be represented in the relevant proceedings, and the costs and expenses of his representation, as between solicitor and client, and a reasonable fee for his services shall be paid to the Public Trustee out of any estate, funds, or property the subject of the proceedings, or otherwise as the court thinks fit.”.

8 Section 54 of the Principal Act is amended by omitting from subsection (1) the words “, not exceeding four hundred dollars in value,”. Inquiries as to property.

9 Section 56 of the Principal Act is amended by omitting from paragraph (c) the words “ which does not exceed one thousand dollars ” and substituting the words “ or interest therein not exceeding \$5 000 ”. Allowance by Public Trustee of claims, &c. against estates.

10 Section 60 of the Principal Act is amended by omitting from subsection (1) (c) the words “ one hundred dollars ” and substituting the amount “ \$1 000 ”. Provisions for closing administration of estate after notice.

11 Section 62 of the Principal Act is amended by omitting the words “ one hundred dollars ” and substituting the amount “ \$500 ”. Power of Public Trustee to make payment of small sums without order.

12 Section 63 of the Principal Act is amended by omitting from subsection (1) the words “ two hundred and fifty dollars ” and substituting the amount “ \$1 000 ”. Payment of small sums without probate or letters of administration.

13 Section 64 of the Principal Act is amended by omitting the words “ one hundred dollars ” and substituting the amount “ \$1 000 ”. Auction sales.

14 Section 65 of the Principal Act is repealed and the following section is substituted:—

“ 65—(1) Where the Public Trustee is administering an estate the whole or any part of which cannot be distributed because it is not known to the Public Trustee whether the person who would, if living, be entitled to that estate or part is living or dead or where he is, the Public Trustee shall call on that person, by publishing an advertisement in such newspaper or newspapers as he considers appropriate, to send his claim to the Public Trustee within the time specified in the advertisement. Power of Public Trustee to distribute estate when no claims received after advertisement for them.

“(2) Where a person referred to in subsection (1) does not send his claim to the Public Trustee within the time specified in the relevant advertisement, the Public Trustee may distribute the estate concerned or any part of it without regard to the claim of that person or a person claiming by, through, or under him, whether by derivative title or otherwise.

“(3) After making a distribution pursuant to subsection (2), the Public Trustee shall forthwith file in the Court an affidavit giving particulars of the advertisement or advertisements he has published and stating that no person has sent a claim to him, and thereupon the Public Trustee is exonerated from any further liability in respect of the estate or part of the estate so distributed by him.”.

Service of
orders on
Public Trustee.

15 Section 68 of the Principal Act is amended by omitting from subsection (1), the words “twenty dollars” and substituting the amount “\$100”.

Power of Public
Trustee to
submit certain
matters for
opinion or
direction of
judge.

16 Section 74 of the Principal Act is amended by omitting from subsection (1) the words “which does not exceed eight hundred dollars” and substituting the words “or interest therein not exceeding \$10 000”.