

AUSTRALIAN CAPITAL TERRITORY.

TRUSTEE ORDINANCE 1944.

Amendment of the Trustee Act Amendment Act, 1901, of the State of New South Wales in its application to the Territory: Improvements and repairs to trust property.

EXPLANATORY MEMORANDUM.

No. 11 of 1944

Section 10 of the above Act authorizes the Court to sanction improvements to trust property held in trust for infants or persons in succession. The Act is no longer in force in New South Wales, the Trustee Act, 1898, of that State with subsequent amendments having been replaced by the Trustee Act 1825. Section 82 of that Act is the counterpart of section 10 of the amending Act of 1902, but has been redrafted and slightly extended in scope. The 1925 Act has been amended (in 1938) by the inclusion of a new section 82A which authorizes a trustee, without obtaining the sanction of the Court, to effect improvements to the trust property at a cost not exceeding £500 or one third of the value of the trust property, whichever is the less.

It has been suggested by a beneficiary under a trust estate in the Australian Capital Territory that the law of the Territory relating to trusts be brought into line with that of New South Wales in respect of the matters mentioned above. The draft Ordinance gives effect to this suggestion.