

2005

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2005 (No 2)

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2005 (No 2)

A Bill for

An Act to amend laws relating to justice and community safety, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Justice and Community Safety Legislation*
3 *Amendment Act 2005 (No 2)*.

4 **2 Commencement**

5 (1) Schedule 1, part 1.10 (Remuneration Tribunal Act 1995)
6 commences on the commencement of the *Human Rights*
7 *Commission Legislation Amendment Act 2005*, schedule 1, part 1.12
8 (Remuneration Tribunal Act 1995).

9 (2) Schedule 1, part 1.12 (Standard Time and Summer Time Act 1972)
10 commences on 1 September 2005.

11 (3) The remaining provisions commence on a day fixed by the Minister
12 by written notice.

13 *Note 1* The naming and commencement provisions automatically commence on
14 the notification day (see Legislation Act, s 75 (1)).

15 *Note 2* A single day or time may be fixed, or different days or times may be
16 fixed, for the commencement of different provisions (see Legislation
17 Act, s 77 (1)).

18 *Note 3* If a provision has not commenced within 6 months beginning on the
19 notification day, it automatically commences on the first day after that
20 period (see Legislation Act, s 79).

21 **3 Legislation amended—sch 1**

22 This Act amends the legislation mentioned in schedule 1.

23 **4 Legislation repealed**

24 The following legislation is repealed:

- 25 • *Supreme Court (Remuneration) Regulation 1995* SL1995-14
26 • *Trading Stamps Act 1972* A1972-2.

1 **Schedule 1** **Legislation amended**

2 (see s 3)

3 **Part 1.1** **Administrative Appeals Tribunal**
4 **Act 1989**

5 **[1.1] Section 19**

6 *substitute*

7 **19 Conduct of proceedings**

- 8 (1) A proceeding to which division 4.5 (Land, planning and
9 environment applications) applies must be conducted in the land and
10 planning division.
- 11 (2) Any other proceeding must be conducted in the general division or,
12 if a regulation provides for the proceeding to be conducted in
13 another division, the other division.

14 **Part 1.2** **Civil Law (Wrongs) Act 2002**

15 **[1.2] Section 50 (2) (a)**

16 *substitute*

- 17 (a) a claim for compensation under the *Workers Compensation*
18 *Act 1951*; or

19 **[1.3] New section 50 (3) and (4)**

20 *insert*

- 21 (3) Also, part 5.2 (Claims procedures) does not apply to a claim for
22 damages for personal injury if a claim for compensation has been

1 made under the *Workers Compensation Act 1951* in relation to the
2 injury.

3 (4) Despite subsection (3), part 5.2 (Claims procedures) applies to a
4 claim for damages for personal injury if the *Road Transport*
5 *(General) Act 1999*, part 10 applies to the claim, even though a
6 claim for compensation may have been made under the *Workers*
7 *Compensation Act 1951* in relation to the injury.

8 **[1.4] Section 51 (3) (b)**

9 *omit*

10 1 month

11 *substitute*

12 4 months

13 **[1.5] New section 51 (6)**

14 *insert*

15 (6) Without limiting subsection (5), an excuse is reasonable if it is
16 prescribed by regulation for this section.

17 **[1.6] Section 51 (6)**

18 *renumber as section 51 (7)*

19 **[1.7] Section 51 (7)**

20 *omit*

21 subsection (6)

22 *substitute*

23 subsection (7)

24 **[1.8] Section 51 (7) (as amended)**

25 *renumber as section 51 (8)*

1 **[1.9] New section 226**

2 *insert*

3 **226 Application provisions—notices under s 51**

- 4 (1) This section applies to a notice of claim given under section 51 after
5 the commencement of the *Justice and Community Safety Legislation*
6 *Amendment Act 2005* and before the commencement of this section.
- 7 (2) Section 51 (3) (b) applies to the notice of claim as if the amendment
8 of the paragraph made by the *Justice and Community Safety*
9 *Legislation Amendment Act 2005 (No 2)* had been in force
10 immediately before the notice was given.
- 11 (3) This section expires 1 year after the day it commences.
- 12 (4) Subsections (1) and (2) are declared to be provisions to which the
13 Legislation Act, section 88 (Repeal does not end effect of
14 transitional laws etc) applies.

15 **Part 1.3 Civil Law (Wrongs) Regulation**
16 **2003**

17 **[1.10] New section 6A**

18 *insert*

19 **6A Reasonable excuse for delay in giving notice—Act,**
20 **s 51 (6)**

- 21 (1) If a claimant does not give notice under the Act, section 51 within
22 the period required under the Act, section 51 (3) because the claim
23 is being conciliated under the *Human Rights Commission Act 2005*,
24 part 4 the claimant has a reasonable excuse for the delay.

- 1 (2) The reference in subsection (1) to the *Human Rights Commission*
2 *Act 2005*, part 4 includes a reference to the *Community and Health*
3 *Services Complaints Act 1993*, part 4.
- 4 (3) Subsection (2) and this subsection expire on the day the *Human*
5 *Rights Commission Act 2005* commences.

6 Part 1.4 Conveyancing Act 1919

7 [1.11] Dictionary, definition of *trustee company*

- 8 *substitute*
- 9 *trustee company*, means a trustee company under the *Trustee*
10 *Companies Act 1947*.

11 Part 1.5 Corrections Reform Amendment 12 Act 2004

13 [1.12] Section 2

14 *substitute*

15 2 Commencement

16 This Act commences on 6 September 2006.

17 *Note* The naming and commencement provisions automatically commence on
18 the notification day (see Legislation Act, s 75 (1)).

1 Part 1.6 Domestic Relationships Act 1994

2 [1.13] Section 33 (1) (d)

3 *substitute*

4 (d) before the agreement was signed each party was given a
5 certificate by a solicitor to the effect that the solicitor had
6 advised the party, independently of the other party, about—

7 (i) the effect of the agreement on the rights of the parties
8 under this Act; and

9 (ii) the advantages and disadvantages for the party, at the
10 time the advice was given, of making the agreement; and

11 Part 1.7 Legal Practitioners Act 1970

12 [1.14] Section 193 (2) (a) (iv)

13 *substitute*

14 (iv) an employee of a trustee company under the *Trustee*
15 *Companies Act 1947*; or

16 [1.15] Section 194 (2) (c)

17 *substitute*

18 (c) an employee of a trustee company under the *Trustee*
19 *Companies Act 1947*.

1 **[1.18] Section 41 (3)**

2 *substitute*

- 3 (3) If a person who is a partner in a firm dies, becomes bankrupt, or
4 executes a personal insolvency agreement under the *Bankruptcy*
5 *Act 1966* (Cwlth), the estate of the partner is not liable for the debts
6 of the firm contracted after the date of the death, bankruptcy or
7 executing of the personal insolvency agreement.

8 **[1.19] Section 44**

9 *substitute*

10 **44 Continuing authority of partners for winding-up**

- 11 (1) After the dissolution of a partnership, the authority of each partner
12 to bind the firm and the other rights and obligations of the partners
13 continue, despite the dissolution, so far as necessary to wind up the
14 affairs of the firm or to complete transactions started but unfinished
15 at the time the partnership is dissolved, but not otherwise.
- 16 (2) If a person (**A**) who was a partner in the firm becomes bankrupt, or
17 executes a personal insolvency agreement under the *Bankruptcy*
18 *Act 1966* (Cwlth), subsection (1) does not make another person (**B**)
19 who was a partner in the firm liable for A's acts.
- 20 (3) However, B is liable for A's acts if, after A became bankrupt or
21 executed the personal insolvency agreement, B represented, or
22 knowingly allowed a representation to be made, that A was his or
23 her partner.

1 **Part 1.9 Powers of Attorney Act 1956**

2 **[1.20] Section 1**

3 *substitute*

4 **1 Name of Act**

5 This Act is the *Powers of Attorney Act 1956*.

6 **[1.21] Section 2 (1), definitions of *donee, donor, enduring power***
7 ***of attorney and trustee company***

8 *omit*

9 **[1.22] Section 2 (1), definitions (as amended)**

10 *relocate to dictionary*

11 **[1.23] Section 2, remainder**

12 *substitute*

13 **2 Dictionary**

14 The dictionary at the end of this Act is part of this Act.

15 *Note 1* The dictionary at the end of this Act defines certain terms used in this
16 Act.

17 *Note 2* A definition in the dictionary (including a signpost definition) applies to
18 the entire Act unless the definition, or another provision of the Act,
19 provides otherwise or the contrary intention otherwise appears (see
20 Legislation Act, s 155 and s 156 (1)).

21 **2A Notes**

22 A note included in this Act is explanatory and is not part of this Act.

23 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
24 notes.

-
- 1 **2C** **References to *property* in power of attorney**
- 2 (1) In a power of attorney, a reference to *property* is a reference to real
- 3 and personal property, unless the contrary intention appears in the
- 4 instrument creating the power of attorney.
- 5 (2) This section applies to a power of attorney whether it was created
- 6 before or after the commencement of this section.
- 7 **[1.24] Section 3**
- 8 *omit*
- 9 , or under the *Real Property Act 1900*
- 10 **[1.25] Section 11**
- 11 *substitute*
- 12 **11** **Effect of registration of powers of attorney**
- 13 (1) This section applies in relation to an instrument (the *authorising*
- 14 *instrument*) creating a power of attorney executed after the
- 15 commencement of this Act.
- 16 (2) A conveyance or deed, other than a lease or agreement for a lease
- 17 for a term of not longer than 3 years, executed under the power of
- 18 attorney does not have effect until the authorising instrument is
- 19 registered.
- 20 (3) On registration of the authorising instrument, the conveyance or
- 21 deed takes effect as if the authorising instrument had been registered
- 22 before the conveyance or deed was executed.
- 23 (4) In this section:
- 24 *registered* means registered in the general register of deeds under
- 25 the *Registration of Deeds Act 1957*.

1 **[1.26] New section 18A**

2 *insert*

3 **18A Recognition of enduring power of attorney made in a**
4 **State or another Territory**

- 5 (1) This section applies if an enduring power of attorney is made in a
6 State or another Territory (the *other jurisdiction*) and the power of
7 attorney complies with the requirements of the law of the other
8 jurisdiction about enduring powers of attorney.
- 9 (2) For this Act, the enduring power of attorney is taken to be an
10 enduring power of attorney made under, and to comply with the
11 requirements of, this Act.
- 12 (3) However, the enduring power of attorney has effect for this Act only
13 to the extent that the powers it gives under the law of the other
14 jurisdiction could validly have been given by an enduring power of
15 attorney made under this Act.

16 **[1.27] New dictionary**

17 *insert*

18 **Dictionary**

19 (see s 2)

20 *Note 1* The Legislation Act contains definitions and other provisions relevant to
21 this Act.

22 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 23 • Act
24 • ACT
25 • appoint
26 • doctor
27 • instrument
28 • Minister

- 1 • property
2 • public trustee
3 • solicitor
4 • year.

5 *donee*, of a power of attorney, means—

6 (a) the person who is appointed attorney by the power of attorney;
7 or

8 (b) if 2 or more people are appointed attorney by the power of
9 attorney—each of them.

10 *donor*, of a power of attorney, means the person who appoints an
11 attorney by the power of attorney.

12 *enduring power of attorney* means an instrument created in
13 accordance with section 12 (1).

14 *Note* A reference to an enduring power of attorney may include a power of
15 attorney made in a State or another Territory (see s 18A).

16 *trustee company*, means a trustee company under the *Trustee*
17 *Companies Act 1947*.

18 **Part 1.10 Remuneration Tribunal Act 1995**

19 **[1.28] Section 10 (3)**

20 *omit*

21 **[1.29] Section 10 (4) and (5)**

22 *renumber as section 10 (3) and (4)*

1 **[1.30] Schedule 1, part 1.1**

2 *omit*

- 3 • judge

4 *substitute*

- 5 • acting judge

6 **Part 1.11 Residential Tenancies Act 1997**

7 **[1.31] Section 51**

8 *omit*

9 On application,

10 *substitute*

11 On application by a lessor,

12 **[1.32] New section 71GA**

13 *in part 5A, insert*

14 **71GA Occupant may deposit bond with Territory**

15 (1) The occupant under an occupancy agreement may deposit the
16 amount of any bond under the agreement with the Territory.

17 (2) The deposit must be accompanied by a written notice that states—

18 (a) the names of, and addresses for service on, the occupant and
19 the grantor; and

20 (b) the amount of bond being deposited.

21 *Note* If a form is approved under s 133 (Approved forms—Minister) for this
22 provision, the form must be used.

23 (3) If the Territory accepts the amount of the bond, the Territory must—

24 (a) give the occupant a receipt for the amount; and

- 1 (b) give the grantor a copy of the notice under subsection (2).
- 2 (4) If the Territory accepts the amount of the bond, the applied
3 provisions apply in relation to the occupancy agreement as if—
- 4 (a) the amount had been received by the Territory under part 3
5 (Bonds); and
- 6 (b) the occupancy agreement were a residential tenancy
7 agreement; and
- 8 (c) the occupant were the tenant under the agreement; and
- 9 (d) the grantor were the lessor under the agreement; and
- 10 (e) any dispute between the occupant and the grantor about the
11 bond were a tenancy dispute; and
- 12 (f) any other necessary changes, and any changes prescribed by
13 regulation, were made.
- 14 (5) In this section:
- 15 ***applied provisions*** means the following provisions:
- 16 • section 27 (Payment of bond money into trust account)
- 17 • section 28 (Interest)
- 18 • division 3.4 (Release of bond money).

1 **Part 1.12** **Standard Time and Summer Time**
2 **Act 1972**

3 **[1.33] Sections 3 to 6**

4 *substitute*

5 **2 Dictionary**

6 The dictionary at the end of this Act is part of this Act.

7 *Note 1* The dictionary at the end of this Act defines certain terms used in this
8 Act.

9 *Note 2* A definition in the dictionary applies to the entire Act unless the
10 definition, or another provision of the Act, provides otherwise or the
11 contrary intention otherwise appears (see Legislation Act, s 155 and
12 s 156 (1)).

13 **3 Notes**

14 A note included in this Act is explanatory and is not part of this Act.

15 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
16 notes.

17 **4 Standard time**

18 Standard time in the ACT is 10 hours in advance of coordinated
19 universal time.

20 **5 Summer time**

21 During a summer time period, summer time in the ACT is 1 hour in
22 advance of ACT standard time.

23 **6 Declaration of summer time period**

- 24 (1) The Minister may, in writing, declare a period to be a summer time
25 period for this Act.

1 (2) A declaration is a notifiable instrument.

2 *Note* A notifiable instrument must be notified under the Legislation Act.

3 **7 Meaning of references to time etc**

4 (1) This section applies if—

5 (a) a legal instrument refers (expressly or impliedly) to a time; or

6 (b) the doing or failure to do anything at, before or after a time has
7 an effect in law.

8 (2) The time must be worked out using—

9 (a) ACT standard time; or

10 (b) if the time is in relation to a summer time period—ACT
11 summer time.

12 (3) However, subsection (2) does not apply to a reference in a legal
13 instrument if the legal instrument or another legal instrument
14 expressly, or by a manifest contrary intention, provides for the
15 reference to have another meaning.

16 (4) Also, subsection (2) (b) does not affect—

17 (a) the use of ACT standard time for the purposes of astronomy,
18 meteorology or navigation, or

19 (b) the meaning of a reference in a document to a time in relation
20 to any of those purposes.

21 (5) To remove any doubt, a reference in this section to a *time* includes a
22 reference to a period of time.

23 (6) This section applies to a legal instrument even though the
24 instrument was made before the commencement of this section.

1 **[1.34] New dictionary**

2 *insert*

3 **Dictionary**

4 (see s 2)

5 *Note 1* The Legislation Act contains definitions and other provisions relevant to
6 this Act.

7 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 8 • Act
- 9 • ACT
- 10 • instrument
- 11 • statutory instrument
- 12 • writing.

13 *ACT standard time* means standard time as fixed by section 4.

14 *ACT summer time* means summer time as fixed by section 5.

15 *coordinated universal time* means Co-ordinated Universal Time
16 (UTC) as determined by the International Bureau of Weights and
17 Measures and maintained under the *National Measurement Act 1960*
18 (Cwlth), section 8AA.

19 *legal instrument* means—

- 20 (a) an Act or statutory instrument; or
- 21 (b) a contract or agreement (whether oral or in writing or both); or
- 22 (c) a deed or other instrument having legal effect.

23 *summer time period* means—

- 24 (a) a period starting at 2 am on the last Sunday in October in a
25 year and ending at 2 am on the last Sunday in the following
26 March; or

- 1 (b) if the Minister declares a different period under section 6—that
2 period.

3 **Part 1.13 Supreme Court Act 1933**

4 **[1.35] Section 37J (1) (h)**

5 *substitute*

- 6 (h) dismissal of an appeal or other proceeding for want of
7 prosecution or for any other reason prescribed under the rules;
8 (i) dismissal of an appeal or other proceeding on the application of
9 the appellant or other applicant;
10 (j) directions about the conduct of the appeal (including directions
11 about use of written submissions and limiting time for oral
12 argument);
13 (k) any other question of practice and procedure in the Court of
14 Appeal;
15 (l) costs and other matters incidental to a matter mentioned in
16 paragraphs (a) to (k).

17 **[1.36] New section 37J (3)**

18 *insert*

- 19 (3) The rules may provide that the jurisdiction and powers of the Court
20 of Appeal may be exercised by a single judge in particular kinds of
21 proceedings.

22 **[1.37] Section 37U (1)**

23 *omit*

24 while another resident judge holds office as a judge of the Federal
25 Court

1 **[1.38] Section 37U (3) (i)**

2 *omit*

3 died.

4 *substitute*

5 died; and

6 **[1.39] New section 37U (3) (j)**

7 *insert*

8 (j) all other necessary changes, and any changes prescribed by
9 regulation, were made.

10 **[1.40] New section 37U (4)**

11 *insert*

12 (4) To remove any doubt, for the application of the *Judges' Pensions*
13 *Act 1968* (Cwlth) to a person to whom this section applies a
14 reference in that Act to the ***appropriate current judicial salary*** is—

15 (a) for a person who was Chief Justice—a reference to salary at
16 the rate that would be payable to the person as Chief Justice if
17 the person had not died or retired; and

18 (b) for a person who was President—a reference to salary at the
19 rate that would be payable to the person as President if the
20 person had not died or retired.

21 (5) For subsection (4), ***salary*** includes salary (however described)
22 payable under a determination of the remuneration tribunal.

1 **[1.41] Section 37V**

2 *substitute*

3 **37V Entitlements of acting judges**

4 An acting judge is entitled to the same entitlements, other than in
5 relation to leave or pension, as a judge.

6 **Part 1.14 Trustee Act 1925**

7 **[1.42] Dictionary, definition of *trustee company***

8 *substitute*

9 *trustee company*, means a trustee company under the *Trustee*
10 *Companies Act 1947*.

11 **Part 1.15 Trustee Companies Act 1947**

12 **[1.43] Sections 2 and 3**

13 *substitute*

14 **2 Dictionary**

15 The dictionary at the end of this Act is part of this Act.

16 *Note 1* The dictionary at the end of this Act defines certain terms used in this
17 Act, and includes references (*signpost definitions*) to other terms
18 defined elsewhere.

19 For example, the signpost definition '*books*—see the Corporations Act,
20 section 9.' means that the term 'books' is defined in that section and the
21 definition applies to this Act.

22 *Note 2* A definition in the dictionary (including a signpost definition) applies to
23 the entire Act unless the definition, or another provision of the Act,
24 provides otherwise or the contrary intention otherwise appears (see
25 Legislation Act, s 155 and s 156 (1)).

1 **3 Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
4 notes.

5 **[1.44] Section 5 (2)**

6 *omit*

7 the court

8 *substitute*

9 the Supreme Court

10 **[1.45] Section 10**

11 *substitute*

12 **10 Assets of company to be liable for proper administration**
13 **of estates**

14 (1) This section applies if probate or letters of administration are
15 granted to a trustee company in relation to an estate.

16 (2) The paid and unpaid capital and all other assets of the trustee
17 company are liable for the proper administration of the estate.

18 **[1.46] Section 11 (1)**

19 *omit*

20 , judge

21 **[1.47] Section 15 heading**

22 *substitute*

23 **15 Application for consent under s 14**

-
- 1 **[1.48] Section 15 (1)**
- 2 *substitute*
- 3 (1) Notice of an intended application for consent under section 14, and
- 4 of the date when it is intended to be made, must be advertised once
- 5 in a daily newspaper circulating generally in the ACT at least 7 days
- 6 before the day the application is made.
- 7 **[1.49] Section 18A (1) and (2)**
- 8 *omit*
- 9 , other than probate, death, succession or estate duties
- 10 **[1.50] Section 20 (2)**
- 11 *omit*
- 12 , either by action or other ordinary procedure of the court or in any
- 13 summary way by motion
- 14 **[1.51] Section 21 (1)**
- 15 *omit*
- 16 or a judge, on motion or summons, after notice to the company, but
- 17 without action or petition
- 18 **[1.52] Section 21 (2) to (4)**
- 19 *substitute*
- 20 (2) The Supreme Court may—
- 21 (a) if the court considers that a sufficient account has not been
- 22 given by the trustee company—order the company to give the
- 23 account the court considers just; or
- 24 (b) in any other case—dismiss the application.

1 (3) The Supreme Court may make any order about costs that it
2 considers appropriate, including an order for payment of costs out of
3 the estate.

4 **[1.53] Section 22 (1)**

5 *omit*

6 or a judge

7 **[1.54] Section 22 (3)**

8 *omit*

9 or judge

10 **[1.55] Section 23 (1)**

11 *omit*

12 or a judge

13 **[1.56] Section 23 (2)**

14 *omit*

15 or a judge in a summary way

16 **[1.57] Section 23 (2)**

17 *omit*

18 or judge

19 **[1.58] Section 24 (1) (c)**

20 *substitute*

21 (c) deposit of its own funds with a bank; or

1	[1.59] Section 27
2	<i>substitute</i>
3	27 Power to deposit amounts with banks
4	A trustee company may deposit any amount that it has control of
5	under this Act with a bank.
6	[1.60] Section 28 (5)
7	<i>substitute</i>
8	(5) The Minister must pay each amount paid to the Minister under this
9	section to a trust banking account under the <i>Financial Management</i>
10	<i>Act 1996</i> .
11	[1.61] Section 29 (1)
12	<i>omit</i>
13	or a judge
14	[1.62] Section 30 (1)
15	<i>omit</i>
16	or a judge, on motion or summons after notice to the trustee
17	company but without action or petition for an account,
18	[1.63] Section 30 (1)
19	<i>omit</i>
20	rendered
21	<i>substitute</i>
22	given

1 **[1.64] Section 30 (2) to (4)**

2 *substitute*

3 (2) The Supreme Court may—

4 (a) if the court considers that a sufficient account has not been
5 given by the trustee company—order the company to give the
6 account the court considers just; or

7 (b) in any other case—dismiss the application.

8 (3) The Supreme Court may make any order about costs that it
9 considers appropriate, including an order for payment of costs out of
10 the estate.

11 **[1.65] Section 31B (6)**

12 *substitute*

13 (6) The costs of an inquiry or audit under this section in relation to a
14 trustee company—

15 (a) are payable by the trustee company, unless the Minister directs
16 otherwise; and

17 (b) may be recovered as a debt owing to the Territory.

18 **[1.66] Section 33**

19 *substitute*

20 **33 Testators may appoint own lawyers**

21 (1) This section applies if—

22 (a) a trustee company is the executor or administrator (or an
23 executor or administrator) of the estate of a deceased person
24 (the *testator*); and

25 (b) the testator has directed by will that a particular lawyer conduct
26 the legal business of the testator's estate.

- 1 (2) The lawyer is entitled to conduct that legal business as directed by
2 the testator.
- 3 (3) However—
- 4 (a) the trustee company is not liable for any misconduct of the
5 lawyer; and
- 6 (b) the lawyer may be removed by order of the Supreme Court on
7 the application of the trustee company or of anyone interested
8 in the estate.
- 9 (4) If a lawyer is removed under subsection (3) (b), the Supreme Court
10 may appoint a lawyer nominated by the trustee company.
- 11 (5) In this section:
- 12 *will* includes codicil or other testamentary writing.
- 13 *misconduct* includes negligence, misfeasance and nonfeasance.

14 **[1.67] New dictionary**

15 *insert*

16 **Dictionary**

17 (see s 2)

18 *Note 1* The Legislation Act contains definitions and other provisions relevant to
19 this Act.

20 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 21 • Act
- 22 • appoint
- 23 • bank
- 24 • corporation
- 25 • Corporations Act
- 26 • Executive
- 27 • lawyer

- 1 • Minister
2 • person
3 • Supreme Court.

4 **books**—see the Corporations Act, section 9.

5 **first valuation day**, in relation to a common trust fund, means the
6 day determined under section 25B (6) for the purpose of valuing the
7 fund.

8 **officer**, of a trustee company, means an officer of the company
9 under the Corporations Act.

10 *Note* **Officer** of a corporation is defined in the Corporations Act, s 9.

11 **trustee company** means—

- 12 (a) a company mentioned in schedule 1; or
13 (b) a company authorised under a law of a State or Territory to act
14 as executor, administrator and trustee in the State or Territory.

15 **valuation day**, in relation to a common trust fund, means—

- 16 (a) a day mentioned in section 25F (1) (a) (i) or (ii); or
17 (b) any other day when, under section 25F (1) (b), a valuation of
18 the fund is carried out.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2005.

2 Notification

Notified under the Legislation Act on 2005.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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