

1989

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY  
PUBLIC TRUSTEE (MISCELLANEOUS AMENDMENTS) (AMENDMENT) BILL 1989

EXPLANATORY MEMORANDUM

Circulated by Authority of the Attorney General

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**PUBLIC TRUSTEE (MISCELLANEOUS AMENDMENTS) (AMENDMENT) BILL 1989**

**OUTLINE**

- . The purpose of the proposed Public Trustee (Miscellaneous Amendments) (Amendment) Bill is to amend the Public Trustee (Miscellaneous Amendments) Act 1985
- . The amendments provide that where a will executed before the commencement date of the Principal Act names the Curator of Estates of Deceased Persons as executor and the testator dies after that date, the will has effect as if the Public Trustee were named as executor of the will.

**FINANCIAL IMPACT STATEMENT**

The Bill will have no effect on either income or expenditure.

## NOTES ON CLAUSES

### Clause 1 : Short Title

This clause cites the short title of the Act.

### Clause 2 : Contracts, agreements, instruments

The purpose of this clause is to remove any doubts that may exist as to the power of the Court to grant probate to the Public Trustee of the ACT of a will naming the Curator of Estates of Deceased Persons as executor.

The clause amends section 22 of the Principal Act by adding a new subsection (3) providing that where a will executed before the commencement date of the Principal Act names the Curator of Estates of Deceased Persons as executor and the testator dies after that date, the will has effect as if the Public Trustee were named as executor.

The clause also provides that in subsection (3) 'will' includes a codicil.