NORTHERN TERRITORY OF AUSTRALIA

PUBLIC TRUSTEE ACT 1979

As in force at 13 August 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 August 2026

PUBLIC TRUSTEE ACT 1979

An Act relating to the Office of the Public Trustee for the Northern Territory

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Public Trustee Act 1979*.

2 Commencement

This Act or any Part or section shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

(1) The Acts set out in Schedule 1 are repealed.

(2) The Act of the State of South Australia set out in Schedule 2 ceases to apply as a law of the Northern Territory.

4 Savings

(1) The repeals effected by section 3 shall not:

(a) affect any probate, administration, order, matter or thing granted, made, given or done under or in pursuance of any of the repealed Acts; or

(b) affect any investigation, inquiry, legal or other proceedings in respect of any matter which the Public Trustee, under any of the repealed Acts, made or commenced.

(2) All matters saved by this section are, to the extent that they were respectively in force or in existence immediately before the passing of this Act, hereby preserved and continued and declared to have the same force and effect as if this Act had been in force when, respectively, they were done, suffered, omitted, created, granted, acquired, incurred, held, imposed or made or had accrued or become exercisable or liable to be imposed and they respectively

had been done, suffered, omitted, created, granted, acquired, incurred, held, imposed or made or had accrued or had become exercisable or liable to be imposed under this Act.

(3) A matter or proceeding commenced under any Act repealed by this Act and pending or in progress at the passing of this Act may be continued and completed under this Act.

(4) All offences committed and all liabilities, forfeitures and penalties incurred or imposed or liable to be imposed before the passing of this Act may be tried, punished, inquired into and enforced under this Act.

(5) The common fund established by section 8 of the *Public Trustee Act 1920* as amended and in force immediately prior to the commencement of this Act shall continue in force and form part of the common fund constituted under this Act and, notwithstanding the repeals effected by section 3, any action taken in relation to investment in that fund and the payment of interest earned on that fund pro rata by the Public Trustee established under the repealed Acts or the Curator of Estates of Deceased Persons appointed under the *Administration and Probate Act 1969* at any time before the commencement of this Act is as valid and effectual as if section 8 of the *Public Trustee Act 1920* as amended and in force immediately prior to the commencement of this Act was in force and provided for investment in the fund and payment of interest pro rata by the Public Trustee or the Curator of Estates of Deceased Persons at that time.

4A Objectives of Act

The objectives of this Act are:

(a) to provide for a manager, administrator, executor or trustee of last resort;

(b) to provide a trustee and executor service to the public that is an alternative to the services provided by the private sector; and

(c) to provide for the establishment of common funds for investment purposes.

5 Definitions

In this Act, unless the contrary intention appears:

administrator includes:

(a) a person to whom a grant of probate or administration is made; and

(b) the Public Trustee, where he or she is authorized by this Act to administer an estate without a grant being made.

common fund means the common fund established under section 23.

court, in relation to a matter, means a court having jurisdiction in that matter.

Court means the Supreme Court of the Northern Territory.

employee has the same meaning as it has in the *Public Sector Employment and Management Act 1993*.

estate includes a trust estate.

grant of administration, in relation to an estate under the control of the Public Trustee, includes an election to administer by the Public Trustee, the grant of probate or letters of administration either with a will annexed or in the estate of an intestate deceased person or any other order of the Court authorizing the Public Trustee to administer the estate.

GST, see section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Investment Board means the Public Trustee Investment Board constituted by this Act.

Judge means a Judge of the Supreme Court of the Northern Territory.

Public Trustee means the Public Trustee appointed under section 8.

repealed Acts means the Acts set out in Schedule 1 and Schedule 2.

will includes a testamentary disposition of any kind.

6 Act to bind Crown

This Act shall bind the Territory.

Part 2 Administration

8 Appointment of Public Trustee

(1) The Administrator may appoint a person to be the Public Trustee for the Northern Territory.

(1A) The Public Trustee holds office on the conditions (including remuneration, expenses and allowances) determined by the Administrator.

(2) The Minister may appoint a public sector employee to be a Deputy Public Trustee for the Northern Territory.

(3) A Deputy Public Trustee, while he or she remains in office, shall have and may exercise, perform and discharge, subject to the control and direction of the Public Trustee, all the functions, powers, authorities, discretions, rights and duties of the Public Trustee and all reference in this or in any other Act to the Public Trustee shall, so far as may be necessary for the purpose of giving effect to the provisions of this section, be read as including a reference to a Deputy Public Trustee.

(4) A person, court or judge shall be not concerned to inquire whether or not a Deputy Public Trustee is subject to the control or direction of the Public Trustee in a matter.

9 Public Trustee for the Northern Territory

(1) The Public Trustee and his or her successors in office shall be a body corporate under the name of "Public Trustee for the Northern Territory" and shall by that name be capable of exercising all the functions of an incorporated body, have perpetual succession and a common seal, may by that name sue and be sued and may acquire, hold and dispose of real and personal property.

(2) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Public Trustee affixed to any document or notice and presume that it was duly affixed.

9A Staff and facilities for Public Trustee

(1) The Chief Executive Officer must provide the Public Trustee with staff and facilities to enable the Public Trustee to properly perform the Public Trustee's functions.

(2) A staff member provided to the Public Trustee under subsection (1) is subject only to the direction of:

(a) the Public Trustee; or

(b) another such staff member.

9B Delegation

The Public Trustee may delegate any of the Public Trustee's powers and functions under this Act to a person.

10 Agent of Public Trustee

(1) The Public Trustee may, from time to time, appoint a person, whether within or beyond the Territory, to be his or her agent or representative as may be necessary.

(2) A person who is appointed under this section as an agent shall be subject to the direction, control, supervision and inspection of the Public Trustee in all matters relating to the business for which he or she is appointed.

11 Secrecy

(1) The Public Trustee, a Deputy Public Trustee, a member of the staff of the Public Trustee, an agent or representative of the Public Trustee and a member of the Investment Board shall maintain and aid in the maintenance of secrecy of all matters coming to his or her knowledge relating to the business of the Public Trustee, including the business of the Investment Board, the affairs of any estate under the administration of the Public Trustee or in relation to the affairs of any persons concerned in any such estate.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) Before commencing to carry out duties of the Public Trustee, Deputy Public Trustee or a member of the staff of the Public Trustee, an agent or representative of the Public Trustee or a member of the Investment Board, a person appointed in any such manner for the first time must take and subscribe an oath of secrecy.

(3) The Public Trustee, a Deputy Public Trustee, a member of the staff of the Public Trustee, an agent or representative of the Public Trustee and a member of the Investment Board is authorized to give information in relation to an estate:

(a) to a person directly interested in that part of the estate concerning which the information is sought or that person's solicitor or agent; or

(b) for the purpose of assisting in the carrying out of the powers and functions of the Public Trustee; or

(c) in such other circumstances as he or she may be required by another law in force in the Northern Territory to divulge that information.

Part 3 Public Trustee Investment Board

12 Public Trustee Investment Board

(1) There shall be a Board to be called the Public Trustee Investment Board that shall control the investment of money which is from time to time in a common fund and available for investment.

(2) The Investment Board shall meet at such times and places as it thinks fit.

(3) The Investment Board consists of:

(a) the Public Trustee or, in the absence of the Public Trustee, the Deputy Public Trustee; and

(b) 2 persons appointed by the Minister.

(4) The quorum at a meeting of the Investment Board is the Public Trustee or the Deputy Public Trustee and one other person.

(5) The Public Trustee shall be the Chairperson of a meeting of the Investment Board.

(6) The Chairperson of a meeting of the Investment Board shall have a deliberative vote and in cases of an equality of votes shall have a casting vote.

13 Delegation by Investment Board

(1) The Investment Board, by instrument in writing, may, from time to time, delegate to the Public Trustee:

(a) the power to approve any valuation required by this Act or by any other Act or otherwise to be approved by the Investment Board; and

(b) such of its other powers in respect of the investment of money from time to time in a common fund as it thinks fit.

(2) A delegation under subsection (1) is revocable and shall not prevent the exercise of any power by the Investment Board.

(3) A delegation made under subsection (1) may be made subject to such restrictions and conditions as the Investment Board thinks fit, and may be made generally or in relation to any particular matter.

(4) A power delegated under this section by the Investment Board to the Public Trustee may be exercised by a Deputy Public Trustee.

(5) The exercise of a power or the approval of a valuation by the Public Trustee shall be as full and effectual for all purposes as if the exercise or approval had been made by the Investment Board.

Part 4 Accounts

14 Accounts of Public Trustee

(1) The Public Trustee must establish an account to be known as the Public Trustee's Dividend Account at an ADI approved by the Treasurer.

(2) The Public Trustee may establish additional accounts at an ADI or ADIs approved by the Treasurer.

(3) The Public Trustee must pay into the Public Trustee's Dividend Account:

(a) any fees received under section 24A; and

(b) any levies received under section 28.

(4) The Public Trustee must pay into the Central Holding Authority the money in the Public Trustee's Dividend Account when directed by the Treasurer.

15 Receipt of moneys

A person who receives money which is payable to the Public Trustee shall pay the money to the Public Trustee as soon as practicable after receipt.

16 Separate accounts for businesses of estate

(1) Nothing in section 14 shall prevent the Public Trustee from opening or keeping open or operating a separate account in connection with a business carried on by him or her for the benefit of any estate being administered by him or her.

(2) An account mentioned in subsection (1) may be opened with any ADI or with any institution approved by the Minister and the receipts of the business for which the account is opened may be deposited in and the outgoings of the business may be paid from the account.

17 Separate accounts for particular estates

(1) Where the Public Trustee invests money other than in a common fund, he or she may open a separate account for a particular estate or beneficiary in the name of the Public Trustee and of the estate or beneficiary.

(2) The Public Trustee may operate an account opened under subsection (1) for the benefit of the estate or of a beneficiary interested in the account in such manner and to such extent as the Public Trustee may, from time to time, determine.

18 Annual report

(1) The Public Trustee must, as soon as practicable after receiving the Auditor-General's report of the results of an audit under section 19(3), prepare and give the Minister a report on the operations of the Public Trustee during that year.

(2) The annual report must include:

(a) the audited financial statements in relation to each common fund for the relevant financial year; and

(b) the Auditor-General's report on those statements; and

(c) the following investor information in relation to each common fund:

(i) the nature and amount or rate of any fee that the Public Trustee charges in respect of investment in the fund;

(ii) the class of investments in which the fund may be invested;

(iii) the extent (if any) to which a capital sum invested may be reduced to defray losses from investment of the fund;

(iv) the rights of an investor in the fund to withdraw all or part of the investor's investment in the fund and the period of notice (if any) that the investor is required to give the Public Trustee in respect of a withdrawal;

(v) the terms governing distribution of income and profit or loss of a capital nature attributable to each investment in the fund.

(3) The Minister must table a copy of the annual report in the Legislative Assembly within 6 sitting days after it is received.

19 Audit and report of common funds by Auditor-General

(1) The Auditor-General is to, at all times, have access to all books, accounts, documents and papers in the control of the Public Trustee.

(2) The Auditor-General may, at any time, audit the financial statements and records in relation to a common fund.

(3) For subsection (2), the Auditor-General must, within 6 months after the end of each financial year, carry out an audit of each common fund.

(4) In relation to an audit carried out under this section, the Auditor-General must:

(a) draw to the attention of the Minister any irregularity disclosed that, in the opinion of the Auditor-General, is of sufficient importance to justify doing so; and

(b) provide the Minister and the Public Trustee with a report of the results.

20 Furnishing of information to Auditor-General

The Public Trustee shall at all times furnish to the Auditor-General such information as the Auditor-General requires.

20A Provision of information to beneficiaries of estate or trust

During the administration of an estate or trust, the Public Trustee must provide the beneficiaries or their representatives with appropriate information concerning the administration.

20B Provision of account during administration of estate

(1) During the administration of an estate, the Public Trustee must, on application by a person with a proper interest in the administration, provide the person with an account of:

(a) the assets and liabilities of the estate;

(b) the Public Trustee's administration of the estate;

(c) the investments made from the estate;

(d) the distributions made from the estate; and

(e) any other expenditure (including fees and commissions) from the estate.

(2) If:

(a) the Public Trustee has provided an account to a person in accordance with subsection (1); and

(b) the person applies for a further account within 3 months after the date on which the previous account was provided,

the Public Trustee need not provide the person with a further account until the end of that 3 months.

(3) The Public Trustee may charge a reasonable fee for providing an account under this section.

(4) If the Public Trustee fails to provide a proper account under this section the Court may, on application by the person who sought the account or any other person who has a proper interest in the matter, make one or both of the following orders:

(a) an order that the Public Trustee must prepare and deliver proper accounts;

(b) an order that an officer of the Court or other specified person must investigate the administration of the estate,

and may make incidental or ancillary orders.

Part 5 Investment of estate funds and common funds

21 Investment of money

(1) Subject to this and any other Act and to a trust instrument or court order, the Public Trustee must invest estate or trust money:

(a) in a manner authorised by the trust instrument;

(b) in a manner in which a trustee may lawfully invest trust money; or

(c) in one or more common funds.

(2) Subject to this and any other Act, the Public Trustee may invest money on behalf of another person:

(a) in a manner authorised by the person;

(b) in a manner in which a trustee may lawfully invest trust money; or

(c) in one or more common funds.

22 Money from several estates and trusts may be invested as single fund

(1) Subject to a trust instrument or court order, the Public Trustee may invest money from 2 or more estates or trusts as a single fund in one or more investments.

(2) Where money from 2 or more estates or trusts is invested as a single fund, the Public Trustee must:

(a) keep an account showing the amount for the time being standing to the credit of each estate or trust; and

(b) after deducting the commission, fees, charges and expenses charged against the fund:

(i) divide income arising from investment of the money between the estates and trusts in proportion to the amounts invested and the period of each investment; and

(ii) divide profit or loss of a capital nature arising from investment of the money between the estates and trusts in proportion to the amounts invested.

23 Establishment of common funds

(1) The Public Trustee may establish one or more common funds:

(a) for the investment of estate and trust money under the control of the Public Trustee; and

(b) for the investment of money on behalf of other classes of persons.

(2) The Public Trustee:

(a) must determine the classes of investments in which a common fund may be invested; and

(b) may vary those classes.

(3) The Public Trustee must not invest money in a common fund unless the classes of investment in which the money may be invested on separate account are the same as or include the classes of investment in which the common fund may be invested.

24 Operation of common funds

(1) The Public Trustee must keep an account showing the amount in a common fund for the time being standing to the credit of each investor in the fund.

(2) The Public Trustee may realise an investment in which money from a common fund has been invested and reinvest that money in another investment of a class in which the common fund may be invested.

(3) The Public Trustee may withdraw from a common fund an amount standing to the credit of an estate or trust for any of the following purposes:

(a) reinvestment;

(b) defraying liabilities that are lawfully chargeable against the estate or trust;

(c) making a payment to a person who is beneficially entitled to that payment;

(d) making any other payment in accordance with this or any other Act.

(4) The Public Trustee must, after deducting the commission, fees, levies, charges and expenses charged against the common fund:

(a) divide income arising from investment of a common fund between the investors in proportion to the amounts invested and the period of each investment; and

(b) divide profit or loss of a capital nature arising from investment of a common fund between the investors in proportion to the amounts invested.

(5) The Public Trustee:

(a) must value each common fund (including the investments in which the fund is invested) as at the first business day of each month; and

(b) may value any of those funds as at any other time that the Public Trustee considers appropriate having regard to the nature of the fund.

(6) Investments in and withdrawals from a common fund are to be effected on the basis of the most recent valuation under subsection (5).

24A Management fees

(1) The Public Trustee may charge against each common fund a management fee (inclusive of GST) in respect of each month or part of a month that the Public Trustee manages the fund.

(2) The management fee is not to exceed the prescribed percentage of the value of the common fund as at the first business day of the month.

24B Accounts, audits and reports in respect of common funds

The Public Trustee must cause proper accounts to be kept in relation to each common fund.

24C Information for investors and prospective investors in common fund

(1) The Public Trustee must, as soon as practicable after the Public Trustee's annual report to the Minister is tabled under section 18(3), give to each investor (other than an estate) in a common fund an extract from the report containing the information mentioned in section 18(2)(b).

(2) The Public Trustee must not accept money from a prospective investor (other than an estate) in a common fund unless the prospective investor has first been given an extract from the Public Trustee's last annual report to the Minister containing the information required under section 18(2)(b) together with any further information required to update the investor information contained in the report.

25 Sale by Public Trustee

(1) A sale by the Public Trustee in the exercise of his or her powers of sale under a mortgage may be by public auction or private treaty and, in the case of a sale by private treaty, advertising shall not be necessary.

(2) Any money expended by the Public Trustee in the exercise of the powers of the Public Trustee under a mortgage shall be:

(a) repayable to the Public Trustee by the mortgagor on demand and until repayment may, at the discretion of the Public Trustee, incur interest chargeable at the maximum rate provided by the mortgage, such interest (if any) to be computed from the date or dates of the money being expended; and

(b) a charge on the mortgagor's interest in the land, the subject of the mortgage, and shall be secured by the mortgage.

26 Public Trustee may buy in, &c.

(1) Where the Public Trustee exercises on behalf of a common fund a power of sale under a mortgage, he or she may, if he or she considers it expedient to do so, buy in, purchase or otherwise acquire the land or other property affected by the mortgage.

(2) Subject to the direction of the Investment Board, the Public Trustee may expend or acquire money from a common fund to exercise the powers under subsection (1).

(3) Land or other property bought in, purchased or otherwise acquired under this section may be managed, stocked, cultivated, leased, exchanged, sold or otherwise disposed of by the Public Trustee subject to the direction of the Investment Board.

(4) Any land held under this section shall constitute an investment of the common fund from which the money to acquire the land was expended or acquired.

27 Common fund may borrow

(1) The Public Trustee may, with the approval of the Investment Board, borrow money from the Territory or at any ADI on the security of investments held by the Public Trustee in respect of a common fund.

(2) An advance made under subsection (1) must be for a period not exceeding 6 months at such rate of interest as is approved by the Minister.

(3) The Minister may approve the renewal of an advance under subsection (1) at the expiration of the period referred to in subsection (2).

(4) In this section:

advance includes financial accommodation with an ADI by way of overdraft.

28 Levy against common fund

(1) The Public Trustee must charge against each common fund a levy (inclusive of GST) in respect of each month or part of a month that the Public Trustee manages the fund.

(2) The levy charged against a common fund is not to exceed the prescribed percentage of the value of the common fund.

(3) The value of a common fund:

(a) is to be calculated in accordance with the prescribed method of calculation; or

(b) if no method of calculation is prescribed under paragraph (a) – is to be calculated daily and is the minimum amount of the balance of the common fund for that day.

(4) Before deciding the levy to be charged under this section, the Public Trustee must take into account the advice of the Treasurer as to the value of the indemnity provided under section 97(4) and any guarantee provided under section 97(7).

29 Minors

(1) Where a person pays money to the Public Trustee for investment thereof in a common fund for the use and benefit of any person under the age of 18 years, the Public Trustee may pay to the beneficiary any interest which may accrue on the sum invested in the same manner as if the beneficiary were of full age.

(2) The receipt of a beneficiary of money paid to him or her by the Public Trustee under subsection (1) shall be a sufficient discharge for all money paid to him or her notwithstanding his or her incapacity or inability at law to contract or act for himself or herself.

(3) The Public Trustee shall be discharged from liability in respect of any payments made by him or her under the authority of this section.

30 Loans to estates from common fund

(1) Where, in any estate administered by the Public Trustee, there is real or personal property but there is not money or not sufficient money available in the estate for the purpose of meeting the payment of:

(a) the expenses properly incurred by the Public Trustee in the administration of the estate;

(b) creditors or beneficiaries; or

(c) money required to carry to full effect any power or discretion which is vested in the Public Trustee,

the Public Trustee may, with the approval of the Investment Board, advance to the estate sufficient money out of a common fund in which money from the estate is invested as may be necessary for the purpose.

(2) The Public Trustee shall not advance an amount greater than the value of the real and personal property in the estate as estimated in accordance with the valuation approved by the Investment Board less the amount of any debts, actual or contingent, owing by the estate.

(3) A sum of money advanced under this section shall bear interest at a rate approved by the Investment Board and shall be a charge upon the real and personal property of the estate.

(4) The charge upon the real and personal property referred to in subsection (3) shall rank next in priority to any mortgage or other charge which is registered against or secured on the real or personal property and of which the Public Trustee has notice at the time of the making of an advance.

(5) The Public Trustee may lodge a caveat claiming an interest in land as an equitable mortgagee against the title to any land registered under the *Land Title Act 2000* to protect the interest of a common fund and the Registrar-General may register the caveat.

(6) A caveat may be lodged under subsection (5) by the Public Trustee notwithstanding the fact that he or she is registered as a proprietor of an interest in land.

31 Advances to beneficiaries or estates

(1) Subject to this section, where a person is entitled to a share in an estate administered by the Public Trustee and the estate is not yet administered to a stage where that payment can be made or the interest has not matured, the Public Trustee may, with the approval of the Investment Board, make an advance out of a common fund in which money from the estate is invested to that person not exceeding in aggregate two thirds of the value of his or her share as estimated by the Public Trustee and approved by the Investment Board.

(2) An advance made under subsection (1) shall bear interest at a rate fixed by the Investment Board from time to time.

(3) An advance made under this section and interest that has accrued thereon shall, by force of this Act and without any instrument of assignment, be a first charge on the share of the person so entitled.

(4) The Public Trustee may issue a certificate under seal stating the amount advanced under this section and interest owing on the date specified in the instrument, the person to whom the advances have been made and the share against which they are made and the certificate shall be evidence of the facts stated in it.

(5) The provisions of this section shall not apply to the share of any person which is, for the time being, subject to any contingency or is not indefeasibly vested.

(6) An advance made to a person under this section, any interest thereon, or costs, charges and expenses due in connection with the advance or the recovery of the advance shall, in the absence of an express agreement, be repayable on demand and may be recovered from the person to whom the moneys have been advanced in any court of competent jurisdiction.

(7) The Public Trustee may, at any time without notice sell, mortgage, charge or otherwise deal with the share against which an advance has been made under this section.

Part 6 Acquisition of the right to administer estates

32 Public Trustee may be appointed trustee, &c.

(1) A court, judge or person who has power to appoint any of the following:

(a) an executor;

(b) an administrator;

(c) an agent;

(d) an administrator pendente lite;

(e) a trustee;

(f) a receiver;

(g) a manager or committee of the estate of a person under any law in the Northern Territory relating to mental health or protected persons;

(h) a guardian of the estate of any person;

(j) an attorney;

(k) a decision maker (as defined in section 3 of the *Advance Personal Planning Act 2013*);

may appoint the Public Trustee, either alone or jointly with another person, and the Public Trustee may act in that capacity.

(2) Notwithstanding any law in force in the Northern Territory, a trustee is discharged from his or her trust and the powers and duties conferred upon him or her if, with the consent of the Public Trustee, he or she resigns leaving or appointing the Public Trustee as sole trustee.

(3) Where a trustee is incapable of acting or has died, then the person nominated for the purposes of appointing new trustees by the instrument creating the trust or, if there is no person able or willing so to act, the continuing or surviving trustee, or the personal representative of the last surviving trustee, may, notwithstanding any law in force in the Northern Territory, appoint the Public Trustee, if the Public Trustee consents, to be the sole trustee and thereby discharges from the date of appointment of the Public Trustee the former trustee from his or her trust and the powers and duties conferred upon him or her by that trust.

(4) Where the Public Trustee is appointed to any of the offices or positions referred to in subsection (1), the Public Trustee may exercise, perform and discharge all the powers and duties and shall be liable to all the obligations pertaining to the office or position to which the Public Trustee is appointed.

(5) Notwithstanding the provisions of any other Act, or rule, or law to the contrary, the Public Trustee upon becoming executor, administrator or trustee pursuant to the provisions of this Part shall not be obliged to inquire into or to institute any proceedings in respect of any acts or omissions or distributions done or omitted or made by any other person whether as executor, administrator, trustee or otherwise at any time before the Public Trustee became the executor, administrator or trustee as aforesaid.

33 An executor, &c., may appoint Public Trustee

(1) An executor or administrator acting under any grant of probate or letters of administration, a receiver appointed by the Court, a committee or manager appointed to manage the estate of a person under any law in the Northern Territory relating to mental health or protected persons, or a guardian of the estate of any person, may, with the consent of the Court, appoint the Public Trustee to exercise, perform and discharge all the powers and duties of that executor, administrator, receiver, committee or guardian.

(2) Notice of the intended application under this section for the consent of the Court and the date on which it is intended to be made shall be advertised once in a newspaper published in the Northern Territory at least 7 days before the making of the application.

(3) The Court may require a person entitled to receipt of any of the income or corpus of the estate in respect of which the application is made or any other person to be served with a notice of the application.

(4) The costs of the application and any appearances are in the discretion of the Court and may be ordered to be paid out of the estate.

(5) Where the Public Trustee is appointed pursuant to this section, the person in whose place the Public Trustee is appointed is released from all liability in respect of acts done or omitted to be done by the Public Trustee acting under an appointment pursuant to this section.

34 Public Trustee may administer estate of intestate person

(1) Where a person dies intestate leaving real or personal property situated in the Territory, the Public Trustee may apply for and obtain grant of administration of that person's estate.

(2) Where a person dies intestate and the Public Trustee is not entitled to apply for a grant of administration under subsection (1), the Public Trustee may, with leave of the Court, apply for and obtain a grant of administration of that person's estate.

(3) The Public Trustee shall be entitled as of right to the grant of administration in an application made under subsection (1).

(4) If at any time before or after the grant of administration to the Public Trustee under this section a person who is entitled to the grant of letters of administration of the estate of a deceased person applies for a grant of letters of administration, the Court may grant letters of administration to that person.

(5) It shall not be necessary for the Public Trustee to give notice of an application under subsection (1) to any person who may be entitled to the grant of letters of administration of the estate of a deceased person and the Court shall not require the Public Trustee to give any such notice.

(6) Immediately on the grant of letters of administration of the estate of a deceased person pursuant to the provisions of subsection (4):

(a) all the functions, powers, authorities, discretions, rights and duties of the Public Trustee, other than the rights reserved by this subsection, in relation to the estate of the testator and all liability of the Public Trustee under any contract entered into by the Public Trustee affecting or relating to the estate shall pass to the person obtaining probate or letters of administration with the will annexed and no claim shall thereafter lie against the Public Trustee in respect of any such liability; and

(b) subject to payment to the Public Trustee of all money due for commission, disbursements, costs, charges and expenses affecting the estate, including the costs of the Public Trustee of and incidental to the application for probate or letters of administration with the will annexed referred to in subsection (3), the remainder of the estate as is then unadministered by the Public Trustee shall vest in the person obtaining probate or letters of administration.

36 Public Trustee may act as sole trustee

(1) Where a will, codicil, deed or other instrument provides for or directs the appointment of 2 or more trustees the trustees appointed under any such will, codicil, deed or other instrument or any other person having the power to appoint new trustees thereof may appoint the Public Trustee as sole trustee under the will, codicil, deed or other instrument unless the appointment of the Public Trustee as sole trustee is expressly prohibited by the will, codicil, deed or other instrument.

(2) An appointment under subsection (1) may be made without obtaining the consent of the Court.

(3) The Public Trustee appointed in pursuance of this section as a sole trustee may act lawfully as sole trustee.

37 Court may give consent

Where the consent of a person is required before the appointment of an administrator or trustee and the person:

(a) refuses to consent to the Public Trustee being appointed;

(b) is absent from the Territory;

(c) is not of full age;

(d) is not of full mental capacity; or

(e) is under any other disability,

the appointment of the Public Trustee may be made without consent by leave of the Court.

38 Public Trustee to have powers of executor, &c., where appointed in substitution

Where the Public Trustee is given a grant of administration in substitution for the executor, administrator or trustee originally appointed, all property, functions, powers, authorities, discretions and rights vested in or conferred on the original executor, administrator or trustee by the trust instrument shall, by the appointment, without conveyance, transfer or assignment or the execution of any other instrument, become vested in and exercisable by the Public Trustee as fully and effectually as if he or she had been named as such executor, administrator or trustee by the instrument.

39 Public Trustee may apply for probate after 3 months

(1) Where a person dies testate leaving real or personal property in the Territory and an application for probate of the will or letters of administration with the will annexed is not made in the Territory within 3 months after the date of the death of the person, the Public Trustee may apply for a grant of administration and the Court may make the grant unless the person entitled to probate or letters of administration with the will annexed applies and shows to the satisfaction of the Court that the delay in making the application for probate or letters of administration with the will annexed is reasonable in all the circumstances.

(2) Where the person entitled to the grant of probate or letters of administration with the will annexed applies in accordance with subsection (1), no costs shall be awarded against the Public Trustee and, unless the Court otherwise orders, the Public Trustee shall be entitled to his or her costs out of the estate of the deceased person.

(3) Where the Public Trustee has been given a grant of administration under subsection (1), a person entitled to probate or letters of administration with the will annexed who has not renounced or refused probate or letters of administration may apply himself or herself, or by his or her attorney, to the Court and the Court may, if it thinks fit, grant probate or letters of administration with the will annexed to that person or his or her attorney as the case may be in such manner and subject to such limitations or conditions as the Court thinks proper.

(4) An application shall not be made under subsection (3) until after the expiration of 14 days from the date of service upon the Public Trustee of a notice in writing of the intention of the intended applicant, or his or her attorney, to apply for probate or letters of administration with the will annexed in that estate.

(5) Immediately on the grant of probate or letters of administration with the will annexed pursuant to the provisions of subsection (3):

(a) all the functions, powers, authorities, discretions, rights and duties of the Public Trustee, other than the rights reserved by this subsection, in relation to the estate of the testator and all liability of the Public Trustee under any contract entered into by the Public Trustee affecting or relating to the estate shall pass to the person obtaining probate or letters of administration with the will annexed and no claim shall thereafter lie against the Public Trustee in respect of any such liability; and

(b) subject to payment to the Public Trustee of all money due for commission, disbursements, costs, charges and expenses affecting the estate, including the costs of the Public Trustee of and incidental to the application for probate or letters of administration with the will annexed referred to in subsection (3), the remainder of the estate as is then unadministered by the Public Trustee shall vest in the person obtaining probate or letters of administration.

40 Proof of death testacy or intestacy

On an application by the Public Trustee for a grant of administration, in the absence of evidence to the contrary, no further proof of the death testacy or intestacy of any person shall be required than an affidavit by the Public Trustee that, after due inquiries, the Public Trustee is satisfied that the person has died, either testate or intestate, as the case may be.

41 Public Trustee may act as agent for reseal

The Public Trustee may act as agent for the purpose of obtaining a reseal in the Territory of a grant of administration obtained outside the Territory.

42 Court may direct Public Trustee to act on behalf of a person

(1) A court may direct the Public Trustee to represent any party in any proceedings or any person or class of persons interested in any proceedings before the court.

(2) The Public Trustee shall be entitled to be represented in proceedings referred to in subsection (1) and the costs and expenses of any such representation, as between solicitor and client, together with a reasonable fee for the services of the Public Trustee, shall be paid to the Public Trustee out of any estate, funds or property, the subject matter of the proceedings, or otherwise as the court thinks fit.

43 Public Trustee entitled to costs

(1) On an application by the Public Trustee, whether in common form or in solemn form, for a grant of administration, the Public Trustee shall be entitled to his or her costs out of the estate and shall not be liable for the costs of any other person.

(2) Where the beneficiaries entitled under an intestacy cannot agree as to the person to be appointed administrator, and the Public Trustee, at the request of one or more of those beneficiaries, applies for a grant of administration, the Public Trustee shall not be liable for the costs of any other person, and shall be entitled to his or her costs

out of the estate whether the Public Trustee is appointed the administrator or not.

44 Caveat

Where a caveat is lodged against an application by the Public Trustee for a grant of administration, the Registrar of Probates shall furnish the Public Trustee a copy of the caveat.

45 Trustees may delegate to Public Trustee

(1) Where a trustee of a trust estate is empowered to delegate all or any of his or her functions, powers, authorities, discretions or rights to any person, he or she may delegate the same to the Public Trustee with his or her consent and in any such case the Public Trustee may exercise all the functions, powers, authorities, discretions and rights so delegated.

(2) The Public Trustee shall be entitled to charge such fees as are prescribed or as may be agreed, not exceeding the prescribed fees where a fee is prescribed, by a trustee delegating to the Public Trustee under subsection (1).

48 Public Trustee may object

(1) Where a person dies leaving real or personal property situated in the Territory and a person other than the Public Trustee makes application for the administration of the estate of the deceased person and the Public Trustee believes that there are substantial or reasonable grounds for opposing the grant but there is no person in the Territory beneficially interested in opposing the grant who is of full age and of full mental capacity, the Public Trustee may:

(a) if he or she thinks it expedient lodge a caveat against the application for the administration pursuant to the Administration and Probate Act; and

(b) apply ex parte to a Judge in Chambers for direction.

(2) Where an application is made under subsection (1)(b) to a Judge in Chambers, the Judge may direct the Public Trustee to represent the persons who may be prejudicially affected by the grant and in the corporate name of the Public Trustee oppose the grant on their behalf.

(3) All costs, charges and expenses incurred by the Public Trustee pursuant to any directions given by the Judge under subsection (1)(b) shall be paid out of the estate of the deceased person.

49 Indemnity where bona fide mistake as to death, &c.

(1) Where the Public Trustee:

(a) has obtained a grant of administration;

(b) is administering an estate by virtue of the powers conferred on him or her under this Part; or

(c) is appointed or is acting as the executor or a trustee under a will,

and the person whose estate is being administered:

(d) is alive;

(e) did not die intestate;

(f) executed a will which revoked or altered the will under which the Public Trustee is administering the estate; or

(g) has rendered the authority of the Public Trustee of no effect,

all acts and things done or omitted to be done by the Public Trustee in good faith shall be as good, valid and effectual as if the Public Trustee has been lawfully appointed or entitled to act as such executor, administrator or trustee.

(2) The onus of proving that the Public Trustee has not acted in good faith in respect of any of the matters referred to in subsection (1) shall be upon the person who alleges it.

50 Public subscriptions to funds, &c.

(1) Where a fund is raised by public or private subscription for the benefit or relief of any person or class of person, the person responsible for the raising of the fund may, with the consent of the Public Trustee or by leave of the Court, deposit the fund with the Public Trustee for administration upon such terms and conditions as may be agreed between that person and the Public Trustee or as may be ordered by the Court.

(2) The Public Trustee may, at any time, apply to the Court for directions for the administration of the fund administered by him or her under this section.

(3) The Public Trustee shall administer a fund established under this section in accordance with the agreed or approved terms.

(4) The Minister may apply to the Court for confirmation or variation of the terms of a fund administered by the Public Trustee under this section.

51 Notice of application to be served

(1) Where a person applies to a court for an order:

(a) directing a payment to be made to the Public Trustee;

(b) vesting property in the Public Trustee; or

(c) appointing the Public Trustee as administrator, trustee, manager, guardian or committee,

the Court shall not make an order without the consent of the Public Trustee or until the expiration of a period of 14 days after the service of a notice on the Public Trustee by the person applying to the Court.

(2) Where a court makes an order:

(a) directing a payment to be made to the Public Trustee;

(b) vesting property in the Public Trustee; or

(c) appointing the Public Trustee as administrator, trustee, manager, guardian or committee,

on the application of a person other than the Public Trustee, that person shall serve a sealed copy of the order of the court upon the Public Trustee and deliver to the Public Trustee a statement of the property affected by the order within 28 days of the making of the order.

Maximum penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(3) The statement of property affected by an order referred to in subsection (2) shall give details of where the property is situated, by whom it is held, details of any outstanding liabilities against the property and such other details as may be prescribed.

52 Refusal to accept by Public Trustee

(1) The Public Trustee may refuse to accept an appointment in any capacity other than an appointment made by order of the Court.

(2) Where the Public Trustee refuses to accept an appointment under subsection (1), the person making the appointment or a person beneficially entitled to an interest in property the subject of the appointment, or a person who is otherwise entitled to claim an interest as next friend or guardian ad litem on behalf of the person interested in property the subject of the appointment, may apply to the Court for an order that the Public Trustee be appointed.

(3) Where the Public Trustee refuses an appointment under this section, the Public Trustee shall serve notice on all persons interested in the appointment.

Part 8 Unclaimed property

58 Appointment of Public Trustee as manager

Where, after due inquiry, it is not known with respect to the ownership of any real or personal property in the Territory:

(a) who is the owner of the property;

(b) where the owner of the property is; or

(c) whether the owner of the property is alive or dead,

subject to this Part, the Public Trustee may be appointed manager of the property.

59 Public Trustee may apply

(1) The Public Trustee may apply to the Court to be appointed manager of any property to which section 58 applies.

(2) An application under subsection (1) may be made ex parte by the Public Trustee to the Court and, on the Court being satisfied that the appointment is advisable in the interests of the owner of the property or in the interests of any other person, the Court may order that the Public Trustee be appointed as the manager of that property.

(3) The Public Trustee shall cause a notice of his or her application for appointment as manager under this section to be published in the *Gazette*.

(4) In any case where the Court considers that due inquiry has not been made as to the owner of a property or of his or her whereabouts in any application made under subsection (1) the Court may before making any order, require further inquiry to be made and adjourn the application.

(5) No property shall vest in the Public Trustee by reason only of the fact that he or she is appointed or becomes manager of that property under this section.

(6) The Public Trustee may apply to the Court for an order vesting the property the subject of this section in the Public Trustee as manager.

59A Public Trustee to be deemed manager

Where, pursuant to a law in force in the Territory, legal title to property of a kind referred to in section 58 is for the time being vested in the Public Trustee, the Public Trustee shall be deemed to have been appointed manager of that property for the purposes of section 59 and sections 60 to 67, inclusive, apply accordingly.

60 Powers as manager

(1) Unless the Court otherwise orders, the powers of the Public Trustee as manager under this Part of any real or personal property are:

(a) to take or to recover possession of the property and to recover all money, damages and mesne profits payable to the owner in respect of the property whether the payment became due before or after the Public Trustee became manager of the property;

(b) to apply the property, money, damages or mesne profits, or any part thereof or income there from, for the maintenance or education, including past maintenance or education, or the advancement or benefit, in such manner as the Public Trustee in his or her absolute discretion thinks fit, of a spouse or de facto partner or children of the owner of the property or any other person who is or was dependent upon the owner;

(c) to complete, carry out, perform or enforce in such manner as the Public Trustee may think fit, any contract affecting the property or entered into by the owner, and exercise any powers conferred by any such contract;

(d) to pay out of money received, advanced or borrowed by the Public Trustee in the exercise of any powers conferred by this Part, any mortgages, charges or other obligations on or attached to the property, and any debts or other liabilities of the owner of the property;

(e) to perform or discharge any obligation or duty imposed by any Act or otherwise upon the owner of the property;

(f) to do anything requisite to obtaining or perfecting the title to the property;

(g) in the case of real property, to cut and gather crops growing or situated on the real property and to erect fences on or around the property or to contribute to the erection of any dividing or boundary fences;

(h) to repair property and raise money on the security of the property for that purpose;

(j) to exercise any power of sale or other powers conferred upon the owner by any mortgage, lease, Act or instrument;

(k) to pay or retain all commission, charges and expenses as may be fixed by law;

(m) in the name of the owner or, at the Public Trustee's discretion, in the corporate name of the Public Trustee, to bring any action or other proceeding relating to the property, and to defend, confess, compromise or submit to judgment in any action, demand or proceedings touching or concerning the property;

(n) to exercise all the powers which are conferred upon the Public Trustee by this Act relating to the capacity of the Public Trustee as a trustee; and

(p) to exercise in respect of the property all other powers that may be conferred upon the Public Trustee by the Court.

(2) Any money which the Public Trustee may wish to raise pursuant to the powers conferred by or under this section may be advanced from a common fund or borrowed from any other source.

(3) All deeds and other documents executed by the Public Trustee as manager of any property under this Part shall have effect and may be registered in all respects as if they were executed by the owner of the property.

(4) Where a deed or instrument or document is executed by the Public Trustee in the exercise of his or her powers under this Part, no court or employee or person shall be concerned to see or to inquire whether those powers had or had not become exercisable.

61 Payment for improvements

(1) The Public Trustee may make such payment or allowance for the value of improvements made on, to or in respect of any property of which the Public Trustee is manager under this Part or for any money expended on or in respect of the property as is reasonable.

(2) A payment under subsection (1) may be made even though the recovery at law cannot be maintained.

62 Application for directions

(1) The Public Trustee, as manager of any property under this Part, may apply ex parte to the Court for directions concerning the property or in respect of the management or administration of the property or the exercise of any power or discretion which the Public Trustee may have.

(2) The Court may order that an application under subsection (1) be served upon any person it thinks fit.

63 Unclaimed moneys part of the common fund

Any money for the time being held by the Public Trustee under this Part shall form part of a common fund.

64 Commission, &c., a charge

(1) All expenditure incurred by the Public Trustee as manager of any property under this Part and all fees, costs, commission, charges, interests and expenses incurred by, or payable to, the Public Trustee as manager of any property under this Part shall be a charge on the property which charge shall rank next in priority to any mortgage or charge to which the property is subject when the Public Trustee is appointed as manager.

(2) The amount of money for the time being charged on the property under subsection (1) shall bear interest at a rate fixed from time to time by the Public Trustee.

65 Money to be held for owner

(1) Where the Public Trustee acts under this Part and takes possession of property or receives or recovers any money, damages or mesne profits in respect of any property under this Part, the property, money, damages or mesne profits shall, after payment of all moneys authorized to be applied or expended or charged by the Public Trustee, be held by the Public Trustee for the owner of the property.

(2) The Public Trustee may pay any money received under subsection (1) to the Central Holding Authority and if any person establishes to the satisfaction of the Treasurer that he or she has a claim to that money the Treasurer shall meet the claim out of money legally available for that purpose.

66 Application by another person

(1) Subject to this section, the Court may order, upon the application of any person, that the Public Trustee ceases to be manager of property under this Part.

(2) The Court may make an order under subsection (1) where it is satisfied that:

(a) the applicant or some other person is lawfully entitled to the property; or

(b) a period of not less than 7 years has elapsed since the Public Trustee was appointed manager of the property and that notwithstanding due inquiry, the owner of the property has not been ascertained.

(3) Where the Court is satisfied that the applicant or some other person is the owner of the property, the Court in making an order under subsection (1) shall order that the property be transferred to the owner of the property.

(4) Where the Court is satisfied that the owner cannot be ascertained in accordance with subsection (2)(b), the Court shall order that the property be converted into money and that the money be paid into the Central Holding Authority.

67 Payment of claim

Where an order is made under section 66(4) and a person later establishes to the satisfaction of the Treasurer that he or she has a claim to the property that was converted into money and pursuant to the order of the Court such money was paid into the Central Holding Authority, the Treasurer shall meet the claim out of money legally available for that purpose.

67A Bona vacantia

(1) Where, by virtue of section 66 of the *Administration and Probate Act 1969* or another law in force in the Territory, an estate or interest in property, whether real or personal, is or is deemed to be bona vacantia to which the Territory is entitled, the Public Trustee may take such lawful action as is necessary or desirable to call in, recover, receive, sell, convert or otherwise dispose of or deal with

the estate in property.

(2) Without limiting the power of the Public Trustee under subsection (1), the Public Trustee may, in relation to an estate or interest in property referred to in that subsection:

(a) apply for letters of administration, with or without a will annexed;

(b) execute all instruments, including instruments under the *Land Title Act 2000*, deeds and documents which are necessary to transfer the estate or interest in property;

(c) from amounts received, pay out liabilities, debts, costs, charges and expenses properly incurred and chargeable against the estate or interest in property; and

(d) give a valid receipt to a person.

(3) The Public Trustee shall pay the net proceeds from property referred to in subsection (1) into the Central Holding Authority.

(4) This section does not apply to, or in relation to, property which is vested in the Australian Securities and Investments Commission by the Corporations Act 2001.

Part 9 Miscellaneous matters

69 Application to Court by Public Trustee

(1) Where the Public Trustee is acting in the administration of an estate, the Public Trustee may, in respect of any matter arising in the course of that administration, apply ex parte to the Court for approval, advice or direction upon a written statement setting out the facts.

(2) Upon any application under subsection (1) it shall not be necessary to serve notice of the application on any person or party, unless the Court so directs.

70 Administration of Public Trustee may be referred to Court

(1) Upon an application to the Court, by any person showing to the satisfaction of the Court that he or she has an interest in any property for the time being administered by the Public Trustee, the Court may summon the Public Trustee to attend at a time and place in the summons mentioned for the purpose of answering the allegations of the petition.

(2) The Court, on the hearing of such summons may:

(a) make such order in relation to the conduct of the Public Trustee in the matter giving rise to such petition as the Court thinks fit; and

(b) order the Public Trustee to produce or to pay and deliver over all money, books and documents in his or her possession, control or custody to any person or persons named in such order.

71 Payments, &c. to Public Trustee pursuant to court orders

(1) If a court has adjudged, ordered or decreed that money be paid, or property, real or personal, be delivered up or transferred to a party to a cause or matter, or to any other person, that court may direct in its judgment, order or decree that such money or property be paid, delivered up or transferred to the Public Trustee on behalf of such party or other person.

(2) The Public Trustee shall, where an order under subsection (1) is served upon him or her, accept payment, delivery or transfer, as the case may be, of the money or property and the acceptance shall be a sufficient discharge to the person paying, delivering or transferring that money or property.

(3) The Public Trustee shall hold money or property accepted under this section upon trust to apply the same and the income from it in the manner and for the benefit of the party or other person directed in the judgment, order or decree, or in such manner and for the benefit of such person as the court by which the judgment, order or decree was made, may from time to time direct.

(4) Subject to any direction of the court by which the judgment, order or decree was given or made, the Public Trustee shall have all rights and powers, and shall undertake all duties and liabilities, of a trustee, subject and according to the provisions of this Act, in relation to the money or property.

(5) In this section ***court*** means any court, or person acting judicially, exercising jurisdiction either within or outside the Northern Territory.

72 General power

Where the Public Trustee is executor, administrator or trustee, or is guardian or is otherwise authorized to act in the administration of an estate, unless the contrary intention is expressed in the governing instrument, the Public Trustee may in his or her discretion exercise the following powers:

(a) where the power is to raise money by mortgage, to raise money by borrowing without giving security;

(b) to pay or discharge all debts, liabilities, obligations, costs and expenses;

(c) to insure both real and personal property against any contingency;

(d) to carry out or vary contracts entered into before the appointment of the Public Trustee;

(e) to set off against the claim of any person with respect to any estate money owing by the claimant whether to the same estate or to another estate under the administration of the Public Trustee;

(f) to grant a power of attorney to a person either in or out of the Northern Territory to do any act or thing which the Public Trustee could do;

(g) to bring or defend any action, suit or other proceeding, and suffer judgment to go by default, or to consent to any judgment, decree or order in an action, suit or proceeding upon such terms and conditions as the Public Trustee thinks fit;

(h) to take proceedings to cause any person to be adjudicated a bankrupt, or any company to be placed in liquidation, and to vote and act either personally or by proxy at meetings of creditors or shareholders;

(j) to take criminal proceedings touching or concerning the property of the Public Trustee or property which is within the care, control or custody of the Public Trustee, and for the purposes of the proceedings a certificate given under the seal of the Public Trustee shall, unless the contrary is proved, be sufficient evidence to establish that the property is the property of the Public Trustee or is within the care, control or custody of the Public Trustee; and

(k) at the expense of an estate, to employ such persons as the Public Trustee thinks fit for the purposes of advising and assisting the Public Trustee in the administration or management of the estate or any part of the estate and to remunerate such persons in such manner as the Public Trustee thinks fit.

72A Certificate of Public Trustee

(1) Where the Public Trustee is acting as executor, administrator, attorney, trustee, receiver, manager, committee or guardian, a certificate under the seal of the Public Trustee certifying:

(a) the capacity referred to in this subsection in which the Public Trustee is authorized to act;

(b) the manner in which the Public Trustee became authorized to act in that capacity;

(c) the time at which the Public Trustee became authorized to act in that capacity;

(d) that the real or personal property described in the certificate forms part of the estate in respect of which the Public Trustee is acting,

shall, without further proof, be accepted by all courts, employees and persons, whether acting under an Act or not, as sufficient evidence of the respective matters so certified.

(2) Where the Public Trustee is executor of, or has a grant of administration of, the estate of any deceased person, a certificate by the Public Trustee under his or her seal certifying all or any of the following facts, namely:

(a) the name of the deceased;

(b) the residential address of the deceased at the time of his or her death;

(c) the occupation of the deceased immediately prior to the time of his or her death;

(d) the nature or form of the authority by which the Public Trustee is administering the estate;

(e) the date of granting of the authority referred to in paragraph (d);

(f) the reference number of the authority referred to in paragraph (d);

(g) the manner in which the Public Trustee became authorized to administer the estate; and

(h) the time at which the Public Trustee became authorized to administer the estate,

shall, without further proof, be accepted by all courts, employees and persons, whether acting under an Act or not, as sufficient evidence of the respective matters so certified.

(3) A certificate made in pursuance of subsection (1) in relation to any property registered under the *Land Title Act 2000* shall be sufficient evidence for the Registrar-General to register the Public Trustee as the proprietor of the estate or interest described in the certificate.

(4) Where the Public Trustee is acting jointly with another person in any of the capacities mentioned in subsection (1) or (2), a certificate issued in accordance with the conditions of this section shall be accepted by all courts, employees and persons, whether acting under an Act or not, as sufficient evidence of the facts set out therein without any other proof.

73 Public Trustee may act on information

(1) The Public Trustee may, in the administration of a trust or an estate, or in the performance of a power or duty under this Act or any other Act, act on information as to matters of fact which to the Public Trustee appear credible.

(2) The Public Trustee may allow a claim which is made before him or her on oath or upon the affidavit, declaration or statement of the claimant alone or, where the Public Trustee thinks fit to call for other evidence, upon such evidence as the Public Trustee requires.

(3) The Public Trustee may at any time require a person to make a statutory declaration or produce other sufficient evidence to support a claim and may refuse to admit the claim or to take any action to acquit the claim until the declaration or evidence is produced.

(4) Where the Public Trustee acts in good faith and in accordance with this section in acquitting or refusing to acquit a claim, the Public Trustee shall not be liable for any damage suffered by a person by reason of the acquitting or failing to acquit a claim.

74 Commissions, fees, charges and expenses

(1) Subject to the direction of the Minister, the Public Trustee may charge against an estate or trust or property under the management or control of the Public Trustee commission, fees and charges for services provided by the Public Trustee at the rate or amount determined under subsection (2) or as is agreed.

(2) The Minister may, by notice in the Gazette, determine rates or amounts of commission, fees and charges that may be charged under subsection (1).

(3) Commission, fees and charges charged under subsection (1) are in addition to:

(a) any other fees and levies charged under this Act; and

(b) any expenses properly incurred by the Public Trustee in connection with the estate, trust or property.

(4) Commission, fees, charges and expenses:

(a) may be deducted from money received or held by the Public Trustee in connection with the estate, trust or property in respect of which the services to which the commission, fees or charge relate were provided or the expenses were incurred; or

(b) may be raised (together with the costs and expenses of doing so) by the sale or mortgage of, or the giving or taking of a charge over, any property of the estate or trust in respect of which the services to which the commission or fees relate were provided or the expenses were incurred.

(5) The Public Trustee may authorise outgoings and maintenance payments from the common funds in respect of investments, including real property investments, that are under the management or control of the Public Trustee.

75 Public Trustee may sue Public Trustee acting in another capacity

(1) The Public Trustee acting in one capacity may commence proceedings against the Public Trustee acting in another capacity.

(2) Where the Public Trustee proposes to commence proceedings, under subsection (1), the Public Trustee shall apply to the Court for directions as to the manner in which the respective interests are to be represented in the action.

76 Auctions

(1) Where the Public Trustee is realizing any personal property of an estate administered by him or her and the personal property is not of greater value than $2,000 in the opinion of the Public Trustee, the Public Trustee may offer the personal property for sale by auction by an employee in the office of the Public Trustee.

77 Advertising for claims

Where the Public Trustee is administering an estate under this Act he or she may, from time to time, cause advertisements to be published in such newspapers as the Public Trustee deems fit calling upon persons who wish to claim against the estate to prove their debts or claims on or before a date fixed in the notice.

78 Intestate distributions

Where the assets of an estate under administration by the Public Trustee are insufficient to pay the liabilities in full, the Public Trustee shall apply those assets in accordance with the priorities applicable to the distribution of assets under Part II of the Fourth Schedule to the *Administration and Probate Act 1969*.

79 Balance of estates held on trust

After payment or deduction of all debts, fees, commission and expenses incidental to the collection, management and administration of an estate, the Public Trustee shall hold the residue of the estate for the person or persons lawfully entitled to the same subject to any further claim for commission or expenses that the Public Trustee may from time to time have.

81 Infants

Subject to this Act, where a beneficiary to an estate being administered by the Public Trustee is an infant, the Public Trustee shall hold the infant beneficiary's interest in the estate upon trust for the infant until he or she is sui juris.

83 Insurance premiums

Where the Public Trustee pays a premium in respect of a policy of insurance over property the subject of an estate being administered by the Public Trustee, the Public Trustee shall have a lien on the proceeds of any claim against that policy of insurance.

84 Payment of small amounts

(1) Where, under an Act, the Public Trustee is directed to make a payment upon the order of a court or Judge being obtained by a person entitled thereto, he or she may make a payment without such an order if the amount of that payment does not exceed $1,000.

(2) A payment made under subsection (1) shall be as valid as if authorized by an order of the Court or a Judge.

86 Failure to deliver, &c.

(1) If a person fails to deliver, convey, transfer or assign to the Public Trustee the property either real or personal to which the Public Trustee is entitled as executor, trustee or administrator of an estate, the Public Trustee may apply to the Court for an order requiring the delivery, conveyance, transfer or assignment by that person to the Public Trustee.

(2) The Court may, in an application by the Public Trustee under subsection (1), order that a person summoned in pursuance of that application produce to the Court all books, papers, deeds, documents and any writings whatsoever touching or concerning the property or the estate on whose behalf the Public Trustee is acting.

87 Execution under power of attorney

(1) Where the Public Trustee executes any document under a power of attorney, no person shall require him or her to furnish evidence by way of statutory declaration that no notice of revocation of the power of attorney by death or otherwise has been received by the Public Trustee.

(2) The execution by the Public Trustee of a document under a power of attorney shall be accepted by all persons as proof of the nonrevocation of the power of attorney at the time when the document had been executed.

(3) The Public Trustee acting in pursuance of a power of attorney shall not be liable for his or her actions by reason only of the fact that, at the time of the action, the person who gave the power of attorney was dead or had done some act to avoid the power of attorney, provided that this fact was not known to the Public Trustee at the time of his or her so acting.

88 Wills

(1) The Public Trustee may, either without charge or for a fee not exceeding the prescribed fee, draw and engross a will or other testamentary instrument for a person.

89 Safe custody

(1) The Public Trustee may accept for safe custody debentures or other securities and any documents of title to property and any other deeds, documents or chattels.

(2) The Public Trustee's liability for any thing lodged for safe custody under subsection (1) is that of a bailee for reward, and where no charge is made, is that of a gratuitous bailee.

(3) Any thing kept in safe custody under this section shall be kept at the direction of the Public Trustee and may be produced or parted with by the Public Trustee's authority as and when the Public Trustee thinks proper in the conduct of the business of the Public Trustee's office.

90 No inquiry by purchaser, &c., as to powers, &c.

It shall not be incumbent upon any purchaser of land or mortgagee, lessee or other person to or with whom any sale, exchange, purchase, mortgage or lease may be made to inquire as to the authority or power of the Public Trustee to make the sale, exchange, purchase, mortgage or lease.

91 No notice of trust

(1) In dealings with property the fact that the Public Trustee is the person, or one of the persons, dealt with shall not of itself constitute notice of a trust.

(2) A company shall not be entitled to object to entering the name of the Public Trustee in its register of shareholders by reason only that the Public Trustee is a trustee or is a corporation.

(3) Where the Public Trustee holds a share in a company, the company shall, at the request of the Public Trustee, record the name of the estate or person beneficially entitled to a share in that company as well as the name of the Public Trustee.

92 Public Trustee may contract with Public Trustee in another capacity

The Public Trustee, in his or her capacity as trustee or administrator of a trust or estate, may enter into a contract, deed or covenant with himself or herself in his or her capacity as trustee or administrator of another trust or estate.

93 Certain covenants void

A covenant or stipulation in a mortgage whereby the money secured by the mortgage shall become due and payable, or any power of sale or entry into possession shall become exercisable, in the event of the Public Trustee becoming entitled in any capacity to administer the estate under the control of the Public Trustee, or any other covenant, stipulation or condition adversely affecting, or tending to affect adversely, the estate or interest of the mortgagor in the event of the Public Trustee so becoming entitled to administer the estate of the mortgagor, shall be null and void.

94 Actions outside Australia

(1) Where any personal estate is payable or deliverable by the Public Trustee to a person outside Australia, the Minister may authorise the Public Trustee to pay or deliver the same to any official, consular officer or accredited agent of the country of which that person is a national.

(2) The receipt of an official, consular officer or accredited agent of personal estate payable or deliverable under subsection (1) shall be a sufficient discharge to the Public Trustee who shall not be further concerned to see to the application of the personal estate.

95 Dealings with other Public Trustees, &c.

Where the Public Trustee is administering the estate in the Territory of a person who, at the time of his or her death was domiciled outside the Territory and whose estate, in the place of domicile of the deceased, is being administered by the Public Trustee or other like official of the state of domicile, the Public Trustee may pay the proceeds of the estate in the Territory to the Public Trustee or other like official of the state of domicile without incurring any liability in regard to a claimant of the balance and without any obligation to see to the application thereof.

96 No bond required

No bond or security shall be required from the Public Trustee upon or in respect of the Public Trustee's appointment in any capacity by or under this Act or under any Act whether as administrator or

trustee or as guardian, committee, manager, receiver, agent or attorney or otherwise.

97 Liabilities, indemnities and guarantees

(1) No personal liability attaches to:

(a) the Public Trustee or an employee, agent or representative of the Public Trustee; or

(b) a member of the Investment Board,

for an act or omission in the exercise or performance, or purported exercise or performance, of a power, function or duty under this Act, or any other law in force in the Territory, if the act or omission is done or made in good faith.

(2) If a person suffers damage as a result of any act or omission in the exercise or performance, or purported exercise or performance, of a power, function or duty under this Act, or any other law in force in the Territory, done or made by:

(a) the Public Trustee or an employee, agent or representative of the Public Trustee; or

(b) a member of the Investment Board,

the person is entitled to the same remedy against the Public Trustee in his or her corporate capacity or against the Investment Board respectively as the person would be entitled to against a private person.

(3) Subsection (2) applies, in relation to the Public Trustee, to damage resulting from an act or omission done or made by a person holding an office or position acting jointly with the Public Trustee only to the extent that the Public Trustee or an employee in the office of the Public Trustee has contributed to, or could by the exercise of reasonable diligence have averted, that damage.

(4) Any liability incurred by the Public Trustee or the Investment Board may be enforced against the Public Trustee or the Investment Board respectively, or against the Territory, and is to be met by the Treasurer.

(5) The extent of the liability of the Public Trustee or the Investment Board in particular circumstances is no greater than that of a private person in similar circumstances.

(6) If the Treasurer meets a liability incurred under this section as a result of an act or omission done or made by a person other than in good faith, the Treasurer is entitled to recover the amount of that liability from that person.

(7) The Regulations may provide for one or both of the following:

(a) a guarantee of the funds under administration in a specified common fund;

(b) a guarantee of a prescribed rate of return for money held as cash in a specified common fund.

98 Service of notices

(1) Where, under this Act, notice is required to be given by the Public Trustee or by a person on behalf of the Public Trustee it shall be sufficient if the notice is sent by certified mail addressed to the person to whom the notice is to be given at his or her last known or then last known place of abode or business.

(2) Where notice is sent by post in the manner prescribed by subsection (1), it shall be deemed to have been given at the time the letter would have been delivered in the ordinary course of post.

99 Public Trustee to have the powers, &c., of natural person

Subject to this Act, where the Public Trustee is appointed in any of the capacities that he or she is permitted to be appointed by or under this Act, the Public Trustee shall have the same rights and powers and be subject to the same duties and liabilities as a natural person appointed in that capacity.

100 Execution of deeds, &c.

Where, under this Act or any other law in force in the Territory, the Public Trustee is required or empowered to execute a deed or other document under seal, the person holding the office of the Public Trustee shall affix the common seal of the Public Trustee and countersign that seal with his or her signature and in the case of a deed execution in this manner shall be sufficient at law to sign and seal the deed.

101 Regulations

The Administrator may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part 10 Transitional matter for Attorney-General and Police Legislation Amendment Act 2025

102 Application of amendment to section 8

Section 8(1A) does not apply in relation to the person holding office as the Public Trustee immediately before the commencement of section 16 of the *Attorney-General and Police Legislation Amendment Act 2025*.

Schedule 1

section 3(1)

No. and Year	Repealed Acts
8 of 1920	*Public Trustee Act 1920*
50 of 1970	*Public Trustee Act 1970*
67 of 1978	*Public Trustee Act 1978*
92 of 1978	*Public Trustee Act (No. 2) 1978*
9 of 1979	*Public Trustee Act (No. 3) 1978*

Schedule 2 South Australian Act no longer in force in the Territory

section 3(2)

No. 486 1890 *Public Trustee Act Amendment Act*

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Public Trustee Act 1979* (Act No. 84, 1979)**
Assent date 13 July 1979
Commenced 3 December 1979 (*Gaz* S25, 28 November 1979)

***Public Trustee Amendment Act 1981* (Act No. 52, 1981)**
Assent date 1 July 1981
Commenced 23 July 1981 (*Gaz* G29, 23 July 1991, p 1)

***Companies and Securities (Consequential Amendments) Act 1986* (Act No. 18, 1986)**
Assent date 30 June 1986
Commenced 1 July 1986 (s 2)

***Statute Law Revision Act 1986* (Act No. 64, 1986)**
Assent date 19 December 1986
Commenced 19 December 1986

***Public Trustee Amendment Act 1987* (Act No. 14, 1987)**
Assent date 25 June 1987
Commenced 25 June 1987

***Public Trustee Amendment Act 1988* (Act No. 16, 1988)**
Assent date 15 June 1988
Commenced 15 June 1988

***Corporations (Consequential Amendments) Act 1990* (Act No. 59, 1990)**
Assent date 14 December 1990
Commenced 1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and *Gaz* S76, 21 December 1990)

***De Facto Relationships (Miscellaneous Amendments) Act 1991* (Act No. 82, 1991)**
Assent date 24 December 1991
Commenced 1 January 1992 (s 2)

***Pastoral Land (Consequential Amendments) Act 1992* (Act No. 39, 1992)**

Assent date	25 June 1992
Commenced	26 June 1992 (s 2, s 2 *Pastoral Land Act 1992* (Act No. 17, 1992) and *Gaz* S33, 26 June 1992)

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

***Trustee (Consequential Amendments) Act 1996* (Act No. 8, 1996)**

Assent date	20 March 1996
Commenced	26 February 1996 (s 2, s 2 *Trustee Amendment Act (No. 2) 1995* (Act No. 60, 1995) and *Gaz* G7, 14 February 1996, p 2)

***Financial Institutions (Miscellaneous Amendments) Act 1997* (Act No. 23, 1997)**

Assent date	2 June 1997
Commenced	2 June 1997

***Territory Insurance Office (Miscellaneous Amendments) Act 1998* (Act No. 37, 1998)**

Assent date	27 May 1998
Commenced	27 May 1998

***Statute Law Revision Act (No. 2) 1998* (Act No. 92, 1998)**

Assent date	11 December 1998
Commenced	11 December 1998

***Public Trustee Amendment Act 1998* (Act No. 102, 1998)**

Assent date	29 December 1998
Commenced	1 July 2002 (*Gaz* G25, 26 June 2002, p 2)

***Land Title (Consequential Amendments) Act 2000* (Act No. 45, 2000)**

Assent date	12 September 2000
Commenced	1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) *Gaz* G38, 27 September 2000, p 2)

***Public Trustee Amendment Act 2000* (Act No. 62, 2000)**

Assent date	14 November 2000
Commenced	1 March 2001 (s 2, s 2 *Wills Act 2000* (Act No. 59, 2000) and *Gaz* G48, 6 December 2000, p 3)

***Corporations Reform (Consequential Amendments NT) Act 2001* (Act No. 17, 2001)**

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

***Statute Law Revision Act 2001* (Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	11 December 2001

***Public Trustee Amendment Act 2002* (Act No. 8, 2002)**

Assent date	28 March 2002
Commenced	1 July 2002 (s 2, s 2 *Administration and Probate Amendment Act 2002* and *Gaz* G25, 26 June 2002, p 2)

Statute Law Revision (Financial Provisions) Act 2002 **(Act No. 38, 2002)**

Assent date	13 September 2002
Commenced	30 October 2002 (*Gaz* G43, 30 October 2002, p 3)

Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 **(Act No. 1, 2004)**

Assent date	7 January 2004
Commenced	17 March 2004 (*Gaz* G11, 17 March 2004, p 8)

Statute Law Revision Act 2007 **(Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

Justice and Other Legislation Amendment Act 2009 **(Act No. 12, 2009)**

Assent date	26 May 2009
Commenced	24 June 2009 (*Gaz* G25, 24 June 2009, p 2)

Justice Legislation Amendment (Penalties) Act 2010 **(Act No. 12, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 **(Act No. 40, 2010)**

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

Advance Personal Planning (Consequential Amendments) Act 2013 **(Act No. 36 , 2013)**

Assent date	19 December 2013
Commenced	pt 3: 5 February 2014 (*Gaz* G5, 5 February 2014, p 2); rem: 17 March 2014 (*Gaz* S14, 17 March 2014)

Statute Law Revision Act 2014 **(Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Statute Law Revision Act 2017 **(Act No. 4, 2017)**

Assent date	10 March 2017
Commenced	12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

Justice and Other Legislation Amendment Act 2024 **(Act No. 4, 2024)**

Assent date	14 March 2024
Commenced	pt 5, div 1: 30 October 2023 (s 2(2)); pt 3, div 2: 25 March 2024 (s 2(3), s 2 *Sentencing and Other Legislation Amendment Act 2022* (Act No. 28, 2022) and *Gaz* S19, 22 March 2024; pt 4: 25 March 2024 (s 2(4), s 2 *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024; rem: 15 March 2024 (s 2(1))

Attorney-General and Police Legislation Amendment Act 2025 **(Act No. 35, 2025)**

Assent date	5 December 2025
Commenced	6 December 2025 (s 2)

***Attorney-General Legislation Amendment (Boards, Committees and Statutory Offices) Act 2026* (Act No. 21, 2026)**

Assent date 12 August 2026
Commenced 13 August 2026 (s 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 15 *Public Trustee Amendment Act 1998* (Act No. 102, 1998)
ss 4 and 5 *Public Trustee Amendment Act 2000* (Act No. 62, 2000)
s 14 and sch 2 *Public Trustee Amendment Act 2002* (Act No. 8, 2002)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 5, 30, 32, 48, 67A, 72A and 78.

5 LIST OF AMENDMENTS

pt I hdg	amd No. 21, 2026, s 27
s 5	amd No. 52, 1981, s 4; No. 64, 1986, s 2(2); No. 14, 1987, s 3; No. 28, 1993, s 3; No. 102, 1998, s 4; No. 4, 2024, s 95; No. 21, 2026, s 20
s 4A	ins No. 8, 2002, s 4
s 7	rep No. 52, 1981, s 5
pt II hdg	amd No. 21, 2026, s 27
s 8	amd No. 52, 1981, s 6; No. 102, 1998, s 14; No. 4, 2024, s 96; No. 35, 2025, s 16
s 9	amd No. 102, 1998, s 14
ss 9A – 9B	ins No. 4, 2024, s 97
s 10	amd No. 102, 1998, s 14
s 11	amd No. 102, 1998, s 14; No. 8, 2002, s 13; No. 12, 2010, s 3; No. 40, 2010, s 118
pt III hdg	amd No. 21, 2026, s 27
s 12	amd No. 102, 1998, ss 5 and 13; No. 8, 2002, s 5
s 13	amd No. 102, 1998, s 13
pt IV hdg	amd No. 21, 2026, s 27
s 14	amd No. 23, 1997, s 6; No. 37, 1998, s 4; No. 102, 1998, s 6; No. 38, 2002, s 6; No. 4, 2007, s 7; No. 12, 2009, s 13; No. 4, 2017, s 34
s 16	amd No. 23, 1997, s 6; No. 37, 1998, s 4; No. 102, 1998, s 14; No. 38, 2002, s 6; No. 4, 2017, s 34; No. 4, 2024, s 98; No. 21, 2026, s 27
s 17	amd No. 102, 1998, ss 13 and 14
s 18	amd No. 102, 1998, s 7; No. 21, 2026, s 21
s 19	amd No. 102, 1998, ss 8 and 14 sub No. 21, 2026, s 22
ss 20A – 20B	ins No. 8, 2002, s 6
pt V hdg	amd No. 102, 1998, s 9; No. 21, 2026, s 27
s 21	amd No. 52, 1981, s 7 sub No. 102, 1998, s 10
s 22	sub No. 102, 1998, s 10
s 23	amd No. 8, 1996, s 3 sub No. 102, 1998, s 10
s 24	amd No. 39, 1992, s 3; No. 8, 1996, s 3 sub No. 102, 1998, s 10

s 24A	ins No. 102, 1998, s 10 amd No. 21, 2026, s 23
s 24B	ins No. 102, 1998, s 10
s 24C	ins No. 102, 1998, s 10 amd No. 8, 2002, s 13; No. 21, 2026, s 24
s 25	amd No. 102, 1998, s 14
s 26	amd No. 102, 1998, ss 13 and 14
s 27	amd No. 23, 1997, s 6; No. 37, 1998, s 4; No. 102, 1998, ss 13 and 14; No. 38, 2002, s 6; No. 4, 2017, s 34; No. 21, 2026, s 27
s 28	amd No. 102, 1998, s 11 sub No. 8, 2002, s 7 amd No. 21, 2026, s 25
s 29	amd No. 102, 1998, ss 13 and 14
s 30	amd No. 45, 2000, s 11; No. 102, 1998, ss 13 and 14
s 31	amd No. 102, 1998, ss 13 and 14
pt VI hdg	amd No. 21, 2026, s 27
s 32	amd No. 102, 1998, s 14; No. 36, 2013, s 139
s 35	amd No. 16, 1988, s 3; No. 92, 1998, s 18; No. 102, 1998, s 14 rep No. 8, 2002, s 8
s 38	sub No. 52, 1981, s 8 amd No. 102, 1998, s 14
s 39	amd No. 102, 1998, s 14
s 43	amd No. 102, 1998, s 14
s 45	amd No. 102, 1998, s 14
ss 46 – 47	amd No. 102, 1998, s 14 rep No. 8, 2002, s 8
ss 48 – 49	amd No. 102, 1998, s 14
s 50	amd No. 102, 1998, s 14; No. 21, 2026, s 27
s 51	amd No. 8, 2002, s 9; No. 12, 2010, s 3
pt VII hdg	rep No. 8, 2002, s 10
s 53	amd No. 16, 1988, s 4; No. 92, 1998, s 18 rep No. 8, 2002, s 10
s 54	amd No. 16, 1988, s 5; No. 92, 1998, s 18 rep No. 8, 2002, s 10
s 55	rep No. 8, 2002, s 10
s 56	amd No. 52, 1981, s 9 rep No. 8, 2002, s 10
s 57	rep No. 52, 1981, s 10
pt VIII hdg	amd No. 21, 2026, s 27
s 59	amd No. 102, 1998, s 14
s 59A	ins No. 52, 1981, s 11 amd No. 62, 2001, s 15; No. 38, 2014, s 2
s 60	amd No. 52, 1981, s 12; No. 82, 1991, s 10; No. 102, 1998, ss 13 and 14; No. 1, 2004, s 62
s 63	amd No. 102, 1998, s 13
s 65	amd No. 102, 1998, ss 13 and 14; No. 4, 2007, s 7
s 66	amd No. 102, 1998, s 13; No. 4, 2007, s 7
s 67	amd No. 102, 1998, ss 13 and 14; No. 4, 2007, s 7
s 67A	ins No. 52, 1981, s 13 amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 45, 2000, s 11; No. 17, 2001, s 21; No. 102, 1998, s 13; No. 4, 2007, s 7
s 68	amd No. 102, 1998, s 14 rep No. 8, 2002, s 11
pt IX hdg	amd No. 21, 2026, s 27
ss 70 – 72	amd No. 102, 1998, s 14
s 72A	ins No. 52, 1981, s 14 amd No. 45, 2000, s 11; No. 102, 1998, s 14
s 73	amd No. 102, 1998, s 14

s 74	sub No. 102, 1998, s 12
	amd No. 8, 2002, s 13
s 76	amd No. 102, 1998, s 14
	amd No. 8, 2002, s 13
s 77	amd No. 102, 1998, s 14
s 80	amd No. 102, 1998, s 14
	rep No. 8, 2002, s 11
s 81	amd No. 102, 1998, s 14
s 82	amd No. 102, 1998, s 14
	rep No. 8, 2002, s 11
s 84	amd No. 102, 1998, s 14
s 85	rep No. 8, 2002, s 11
s 87	amd No. 102, 1998, s 14
s 88	amd No. 14, 1987, s 4
ss 88A – 88C	ins No. 14, 1987, s 5
	rep No. 62, 2000, s 3
s 92	amd No. 102, 1998, s 14
s 94	amd No. 21, 2026, s 27
s 95	amd No. 102, 1998, s 14
s 97	amd No. 102, 1998, s 14
	sub No. 8, 2002, s 12
	amd No. 21, 2026, s 26
ss 98 – 100	amd No. 102, 1998, s 14
pt X hdg	ins No. 35, 2025, s 17
	amd No. 21, 2026, s 27
s 102	ins No. 35, 2025, s 17