

# NORTHERN TERRITORY OF AUSTRALIA

## COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) ACT 1981

As in force at 7 November 2019

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 7 November 2019

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## COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) ACT 1981

**An Act to enable certain companies to act as trustees and personal representatives, and for other purposes**

### **Part 1                      Preliminary**

#### **1                      Short title**

This Act may be cited as the *Companies (Trustees and Personal Representatives) Act 1981*.

#### **2                      Commencement**

The several Parts and sections of this Act shall come into operation on such dates as are respectively fixed by the Administrator by notice in the *Gazette*.

#### **3                      Repeal**

The laws of the State of South Australia specified in Schedule 1 cease to have effect in the Northern Territory as laws of the Territory.

#### **5                      Definitions**

In this Act:

***administrator*** includes a person to whom letters of administration are granted.

***chief executive officer***, in relation to a trustee company, means the person who is primarily and directly responsible to the directors for the general and overall management of the company.

***Court*** means the Supreme Court.

***estate*** means real and personal property of whatever nature or kind.

**letters of administration** means:

- (a) letters of administration of the real and personal estate of a deceased person with or without the will, if any, annexed and whether granted for general, special or limited purposes;
- (b) exemplification of letters of administration; and
- (c) such other formal evidence of the right to administer the real and personal estate of a deceased person, purporting to be under the seal of a court of competent jurisdiction, as, in the opinion of the Court, is sufficient to authorize that administration of that estate under the law applicable in the place where the court of competent jurisdiction has jurisdiction.

**probate** has the same meaning as in the *Administration and Probate Act 1969*.

**statutory manager** means a guardian for an adult's financial matters appointed under the *Guardianship of Adults Act 2016*.

**trustee company** means a licensed trustee company as defined in section 601RAA of the Corporations Act 2001.

**will** includes a codicil to a will.

## Part 2 Trustee companies

### 14 Trustee company may act as executor

- (1) Where a trustee company is appointed expressly or by implication as the executor in the last will of a testator, it may act as the executor and may apply to the Court for a grant of probate of the will and the Court may grant probate accordingly.
- (2) Where a trustee company is appointed expressly or by implication jointly with another person as an executor in the last will of a testator, it may act as the executor and may apply to the Court for a grant of probate of the will either with leave reserved for any person to come in and prove or jointly with any other executor, and the Court may grant probate accordingly.

**15 Authorization to apply for letters of administration with will annexed**

In any case in which a natural person may apply for and obtain letters of administration with the will annexed of the estate of a deceased person, he may:

- (a) instead of himself applying, authorize a trustee company to apply to the Court for letters of administration with the will annexed, which may be granted to the company upon its own application; or
- (b) join with a trustee company in an application for letters of administration with the will annexed, which may be granted to the person and the company jointly.

**16 Trustee company may obtain administration with will annexed**

- (1) A person who is appointed expressly or by implication as an executor in the last will of a testator and who is entitled to obtain probate of the will without reserving leave to any other person to apply for probate, may authorize a trustee company to apply to the Court for letters of administration with the will annexed, which may be granted to the trustee company upon its own application unless, in the will, the testator has expressed his desire that the office of executor is not to be delegated or that the company so applying is not to act in the trusts of the will.
- (2) A person who is appointed expressly or by implication as an executor in the last will of a testator and who is entitled to obtain probate of the will jointly with any other person, may authorize a trustee company to apply to the Court for probate either alone with leave reserved for any person to come in and prove or jointly with any person entitled to apply for probate of the will, which may be granted to the company upon its own application unless, in the will, the testator has expressed his desire that the office of executor is not to be delegated or that the company so applying is not to act in the trusts of the will.

**17 Trustee company may apply for administration of the estate of an intestate**

A person entitled to obtain letters of administration of the estate of an intestate may authorize a trustee company to apply for letters of administration of the estate, which may be granted to the company upon its own application.

**18 Trustee company may act as executor or administrator**

- (1) Where a trustee company is granted probate of a will, it may exercise all the powers, perform and discharge all the duties and shall be liable to all the obligations of, an executor.
- (2) Where a trustee company is granted letters of administration with the will annexed of an estate or letters of administration of an estate of an intestate, it may exercise all the powers, perform and discharge all the duties and shall be liable to all the obligations of, an administrator.

**19 Trustee company may act under power of attorney**

- (1) A trustee company may act under a power of attorney by which it is appointed attorney by a person (including a power of attorney to apply for and obtain a grant of probate or letters of administration) as attorney for that person, and all powers conferred upon it by a power of attorney may be exercised by:
  - (a) a director of the company or its chief executive officer or secretary; or
  - (b) any other of its officers authorized in writing under the seal of the company to exercise the powers of the company as an attorney.
- (2) This section does not authorize a person to confer a power upon a trustee company which cannot be legally conferred upon a natural person.

**20 Court or person with power to appoint may appoint trustee company**

- (1) Subject to subsections (5) and (6), a court, judge or person who has power to appoint:
  - (a) a trustee;
  - (b) a receiver;
  - (c) a statutory manager; or
  - (d) a liquidator or an official liquidator,

may appoint a trustee company, either alone or jointly with any person to be a trustee, receiver, statutory manager or liquidator or official liquidator, as the case may be, and the company may act in that capacity accordingly.

- (2) Subject to subsections (5) and (6), a trustee company may be appointed, or may continue to act, as sole trustee of a trust notwithstanding any law in force in the Territory requiring the appointment of 2 or more trustees of that trust.
- (3) Subject to subsections (5) and (6), where a trustee is incapable of acting or has died, the person nominated for the purpose of appointing new trustees by the instrument creating the trust or, if there is no person willing and able 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 Territory, appoint a trustee company willing to be so appointed, to be the sole trustee of the trust.
- (4) Where a trustee company is appointed to an office or position referred to in subsection (1), it may exercise, perform and discharge all the powers and duties of, and shall be liable to all the obligations pertaining to, that office or position.
- (5) A trustee company shall not be appointed to an office or position referred to in subsection (1) where the instrument creating the trust or power forbids its appointment to that office or position.
- (6) A trustee company shall not be appointed or be entitled to act as sole trustee, where the instrument creating the trust or power expressly provides that there shall be another trustee in addition to a trustee company or that a trustee company shall not be appointed or act as sole trustee.
- (7) Notwithstanding any law in force in the Territory, a trustee, or other person having power to appoint a trustee may, without the consent of the Court, appoint a trustee company to be a trustee where he has power to appoint a new trustee.

## **21      Executor, &c., may appoint trustee company to act**

- (1) An executor or administrator acting under a probate or letters of administration, a trustee, a receiver appointed by the Court, a statutory manager, liquidator or official liquidator may, with the consent of the Court, appoint a trustee company to exercise, perform and discharge all the powers and duties of that executor, administrator, trustee, receiver, statutory manager, liquidator or official liquidator, as the case may be.
- (2) The costs of an application under subsection (1) for the consent of the Court and appearances in relation thereto are in the discretion of the Court and may be ordered to be paid out of the estate.

- (3) Where a trustee company is appointed under subsection (1), the person in whose place the company is appointed is released from all liability in respect of acts done or omitted to be done by the company acting under the appointment.

**22 Trustee company subject to same duties, &c., as a natural person**

Where a trustee company is appointed or acts as an executor, administrator, attorney, trustee, receiver, statutory manager, liquidator or official liquidator, in addition to any liability imposed by this Act, it shall be subject to all the duties and obligations to which a natural person acting in that capacity would be subject.

**23 Powers conferred by this Act are in addition**

The powers conferred on a trustee company by this Act are in addition to and not in derogation of the powers conferred on the company or on an executor, administrator, attorney, trustee, receiver, statutory manager, liquidator or official liquidator by any other law in force in the Territory.

**24 Dispensing with consents**

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

- (a) cannot be located;
- (b) refuses to consent;
- (c) has not attained the age of 18 years;
- (d) is not of full mental capacity; or
- (e) is under any other disability,

the appointment of a trustee company as administrator or trustee may be made without that consent, if the Court consents to the appointment.

**26 Investment of funds**

- (1) Where a trustee company holds moneys belonging to more than one estate, trust, property or person upon trusts which require or permit investment of those moneys, it may invest those moneys as one fund, and distribute the income arising therefrom proportionately among the several estates, trusts, properties and persons to which the moneys so invested belong.



- (2) A profit or loss arising from an investment made in pursuance of subsection (1) shall be received or borne proportionately among the several estates, trusts, properties and persons to which the moneys so invested belong.

## **28 Certificate of trustee company evidence of certain things**

- (1) Where a trustee company is executor or administrator of, or is by law authorized to administer the estate of, a deceased person, a certificate by a director of the company or its chief executive officer or secretary certifying any of the following:

- (a) the name of the deceased;
- (b) the residential address of the deceased at the time of his death;
- (c) the occupation of the deceased immediately before his death;
- (d) the nature or form of the authority by which the company 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 company became authorized to administer the estate;
- (h) the time at which the company became authorized to administer the estate,

accompanied by a photographic copy of the grant of probate, letters of administration or other order or document of appointment may, notwithstanding any law to the contrary, and without other proof, be accepted by all courts, officers and persons, whether or not acting under a law, as sufficient evidence of the respective matters so certified or stated.

- (2) Where a trustee company is acting as executor, administrator, attorney, trustee, receiver, statutory manager, liquidator or official liquidator, a certificate under its common seal certifying:
- (a) the capacity in which it is authorized to act; and
  - (b) the manner in which it became authorized to act in that capacity; and

(c) the time at which it became authorized to act in that capacity, accompanied by a photographic copy of the trust instrument, order or document of appointment may, notwithstanding any law to the contrary, and without other proof, be accepted by all courts, officers and persons, whether or not acting under a law, as sufficient evidence of the respective matters so certified or stated.

- (3) A certificate under subsection (1) or (2) accompanied by the relevant photographic copy shall be sufficient authority for registering the trustee company as proprietor of an estate or interest in land or of any shares, stock or property in any body corporate, body or association and, in respect of land, may be produced and shall be accepted as though it were probate or letters of administration, as the case requires.

## **29 Administration bond or security not required**

No order can be made requiring a trustee company:

- (a) to enter into an administration bond under the *Administration and Probate Act 1969*; or
- (b) to give any other security for the administration of an estate.

## **34 Unclaimed moneys**

- (1) A trustee company shall pay to the Treasurer all moneys of an estate which the company is administering as executor, administrator, attorney, trustee, receiver, statutory manager, liquidator or official liquidator by virtue of the powers conferred by this Act, and which remain unclaimed by the person entitled to the moneys for a period of 3 years after they have become due and payable to that person, unless an order is made by a court of competent jurisdiction restraining the payment by the company to the Treasurer.
- (2) The receipt of the Treasurer for moneys paid to him pursuant to subsection (1) shall be a good and sufficient discharge for the trustee company which shall have no further liability for those moneys.
- (3) A trustee company shall, within 14 days after 30 June in each year, deliver to the Treasurer a statement of all unclaimed moneys referred to in subsection (1) which have been held by it during the 12 months immediately preceding that date.

- (4) A statement referred to in subsection (3) shall show the several estates in respect of which the moneys have been received and the dates and amounts of the payments made under subsection (1) and, if those moneys or any part of them have not been paid to the Treasurer, shall indicate the reasons for their non-payment.
- (5) A trustee company which fails to comply with a provision of this section is guilty of an offence.

Maximum penalty: 8 penalty units for each day during which the failure to comply continues.

### **35 Treasurer may pay to lawful claimant**

Where the Treasurer is satisfied that a person is lawfully entitled to any moneys paid to the Treasurer under section 34, he may pay an amount equal to those moneys to that person.

### **49 Affidavits may be sworn by certain officers**

- (1) Where a trustee company is empowered under this Act to apply to the Court for probate of a will or letters of administration of an estate:
- (a) a director of the company or its chief executive officer or secretary; or
- (b) any other officer of the company authorized in writing under the seal of the company so to do,

may make an affidavit for the purposes of the application and the Court may receive and act upon the application accordingly.

- (2) The Court may accept as evidence of the authorization under subsection (1) of an officer, a statement of that fact in an affidavit.
- (3) A person authorized by or under this section or section 19 to make an affidavit in support of an application for probate of a will or letters of administration may sign such other documents which the Court requires in support of or resulting from that application.
- (4) Where the Court requires the attendance of a trustee company in its capacity as an executor or administrator or as an applicant for a grant of probate or letters of administration, it may require a person authorized by or under this section or section 19 to attend, and attendance by that person or, unless the Court otherwise orders, by some other person authorized by or under this section or section 19, shall be deemed to be attendance of the company.

**50 Directors and chief executive officer personally liable**

- (1) Subject to subsection (2), where a trustee company obtains probate or letters of administration, or is appointed and acts as an executor or administers the estate of, a deceased person, or is appointed and acts as an attorney, trustee, receiver, statutory manager, liquidator or official liquidator, its directors and chief executive officer shall be individually and collectively responsible to the Court and shall be personally liable by process of attachment, commitment for contempt or by other process, to all courts having jurisdiction, for the proper discharge of their duties and for obedience to the rules, orders and decrees of those courts, in the same manner and to the same extent as if the directors and chief executive officer:
  - (a) had personally obtained probate or letters of administration and had acted as executors and administrators; or
  - (b) had personally been appointed as attorney, trustee, receiver, statutory manager, liquidator or official liquidator, as the case may be, and had acted in that capacity.
- (2) Where a natural person acting in any of the capacities referred to in subsection (1) would be liable for attachment, commitment or other process, the directors and chief executive officer of a trustee company shall, where the company is acting in any of those capacities, be liable, each for his own individual act and not otherwise, to attachment, commitment or other process.

**51 Trust moneys**

- (1) All trust moneys received by a trustee company in respect of estates shall be placed in a separate trust account and shall not be mixed with the general funds of the company.
- (2) An account of moneys paid or received, and investments made and money advanced, in respect of a particular estate by a trustee company, shall be kept by the company separate from all other estate accounts.

**52 Trustee company may be removed**

- (1) Where a trustee company is appointed or acts as executor, administrator, attorney, trustee, receiver, statutory manager, liquidator or official liquidator it shall, in addition to the liabilities and restrictions imposed by this Act, be subject in all respects to the same control, and is liable to be removed in the same manner, as a natural person who acts in the same capacity.

- (2) A person claiming relief against a trustee company for an act done or assumed to have been done, or in respect of an act omitted to be done, by the company or a director or officer of the company under a power conferred by this Act, may institute proceedings in the Court against the company, the director or the officers, as the case requires.
- (3) In a proceeding under subsection (2), the Court may make such order, including as to costs, as it thinks fit.

### **53 Effect of transfer under Corporations Act 2001**

- (1) This section applies if:
  - (a) ASIC:
    - (ii) makes a determination under section 601WBA of the Corporations Act 2001 that there is to be a transfer of estate assets and liabilities from a trustee company (the **transferring company**) to another trustee company (the **receiving company**); and
    - (iii) issues a certificate under section 601WBG of that Act (a **certificate of transfer**) that the transfer is to take effect; and
  - (b) the transferring company or receiving company, or both, are registered in the Territory.
- (2) When the certificate of transfer comes into force, the receiving company becomes the successor in law in relation to the estate assets and liabilities of the transferring company, to the extent of the transfer.
- (3) Without limiting subsection (2), when the certificate of transfer comes into force:
  - (a) the following become assets and liabilities of the receiving company (in the same capacity as they were assets and liabilities of the transferring company) without any transfer, conveyance or assignment:
    - (i) if the transfer is a total transfer – all the estate assets and liabilities of the transferring company;
    - (ii) if the transfer is a partial transfer – all the estate assets and liabilities included in the list mentioned in section 601WBG(2)(c) of the Corporations Act 2001; and

- (b) the duties, obligations, immunities, rights and privileges applying to the transferring company apply to the receiving company to the extent of the transfer; and
  - (c) if a certificate of transfer includes provisions of a kind mentioned in section 601WBG(3) of the Corporations Act 2001:
    - (i) if the provisions specify that particular things are to happen or are taken to be the case – those things are taken to happen, or to be the case, in accordance with those provisions; and
    - (ii) if the provisions specify a mechanism for determining things that are to happen or are taken to be the case – things determined in accordance with the mechanism are taken to happen, or to be the case, as determined in accordance with that mechanism; and
  - (d) any appointment or nomination of the transferring company to a particular capacity (for example, as trustee, executor or administrator) in relation to transferred estate assets and liabilities is taken to be an appointment or nomination of the receiving company to that capacity in relation to those assets and liabilities.
- (4) Terms used in this section and also in Part 5D.6 of the Corporations Act 2001 have the same meanings in this section as they have in that Part.

#### **54 Exemption from tax for compulsory transfer**

- (1) Territory tax is not chargeable in relation to anything:
- (a) that occurs by operation of a compulsory transfer provision; or
  - (b) done:
    - (i) under a compulsory transfer provision; or
    - (ii) to give effect to a compulsory transfer provision; or
    - (iii) for a purpose connected with, or arising out of, giving effect to a compulsory transfer provision.

(2) In this section:

**compulsory transfer provision** means either of the following apply following the making of a compulsory transfer determination under section 601WBA(1)(a) of the Corporations Act 2001:

- (a) section 53;
- (b) Part 5D.6, Division 2 of the Corporations Act 2001.

**Territory tax** means:

- (a) stamp duty under the *Stamp Duty Act 1978*; or
- (b) any application or registration fee or other tax, duty, fee or charge imposed by any law of the Territory.

## **55 Certificates evidencing transfer**

- (1) A person authorised under subsection (3) may, in writing signed by the person, certify that a specific asset or liability has become an asset or liability of the receiving company under section 53.
- (2) For all purposes and in all proceedings a certificate issued under subsection (1) is evidence of the matters certified.
- (3) ASIC may, in writing, authorise a person who is a member of ASIC or a member of its staff to issue certificates under this section.

## **56 Registration or record of transfer**

- (1) A registering authority must, on application, register or record in an appropriate manner:
  - (a) anything:
    - (i) that occurs by operation of a transfer provision; or
    - (ii) done:
      - (A) under a transfer provision; or
      - (B) to give effect to a transfer provision; or
      - (C) for a purpose connected with, or arising out of, giving effect to a transfer provision; or
  - (b) a document relating to something mentioned in paragraph (a).

(2) The application under subsection (1) must be accompanied by a certificate issued under section 55(1) in relation to the assets or liabilities to which the application relates.

(3) In this section:

**registering authority** means the Registrar-General and any other person or body required under a law of the Territory to register or record transactions affecting assets or liabilities, or documents relating to such transactions.

**transfer provision** means:

(a) section 53; or

(b) Part 5D.6, Division 2 of the Corporations Act 2001.

### **Part 3                      Miscellaneous**

#### **57                      Only certain companies to act as executor, &c.**

A body corporate shall not obtain a grant of probate or act as an executor of the will, or trustee of the estate, of a deceased person in the Territory, either alone or jointly with another person, unless it is:

(a) a trustee company; or

(c) a body corporate that is authorized by a law in force in the Territory to obtain a grant of probate and to so act.

#### **58                      Syndics**

(1) Subject to this Act, a trustee company may be appointed a syndic to apply for a grant of letters of administration with the will annexed on behalf of an executor which is a body corporate.

(2) Nothing in this Act shall prevent the appointment of:

(a) a natural person;

(b) a trustee company; or

(c) a body corporate that is authorized under a law in force in the Territory to so act,

to be a syndic to apply for a grant of letters of administration with the will annexed on behalf of an executor which is a body corporate.



**59 Regulations**

The Administrator may make regulations under this Act.

**Part 4 Transitional matters for Companies (Trustees and Personal Representatives) (National Uniform Legislation) Implementation Act 2010**

**60 Definitions**

In this Part:

**2010 Act** means the *Companies (Trustees and Personal Representatives) (National Uniform Legislation) Implementation Act 2010*.

**commencement day** means the day on which the 2010 Act commences.

**old Act** means this Act as in force immediately before the 2010 Act commenced.

**61 Authorized company may continue to act**

- (1) This section applies if, immediately before the commencement day, a company:
  - (a) was an authorized company as defined in the old Act; and
  - (b) was acting as an executor of the will, or trustee of the estate, of a deceased person.
- (2) Despite the amendment of the old Act by the 2010 Act:
  - (a) the company may continue to act as executor or trustee until the administration of the estate of that deceased person is completed; and
  - (b) the old Act continues to apply to the company acting in that capacity.

**Schedule 1 South Australian laws**

section 3

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Year of State Act	Title of State Act
1885	Executors Company's Act, 1885
1900	Executors Company's Amendment Act, 1900
1910	Elder's Executor Company's Act, 1910
1910	Bagot's Executor Company Act, 1910

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**ENDNOTES**
**1 KEY**

Key to abbreviations

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

**2 LIST OF LEGISLATION*****Companies (Trustees and Personal Representatives) Act 1981 (Act No. 37, 1981)***

Assent date	8 April 1981
Commenced	28 September 1981 (Gaz S19, 28 September 1981)

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1981
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

***Companies (Trustees and Personal Representatives) Amendment Act 1984 (Act No. 5, 1984)***

Assent date	3 April 1984
Commenced	9 May 1984 (Gaz G18, 9 May 1984, p 5)

***Companies and Securities (Consequential Amendments) Act 1986 (Act No. 18, 1986)***

Assent date	30 June 1986
Commenced	1 July 1986 (s 2)

***Companies (Trustees and Personal Representatives) Amendment Act 1987 (Act No. 8, 1987)***

Assent date	27 May 1987
Commenced	27 May 1987

***Statute Law Revision Act 1989 (Act No. 60, 1989)***

Assent date	2 October 1989
Commenced	2 October 1989

***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)

***Real Property (Consequential Amendments) Act 1991 (Act No. 33, 1991)***

Assent date 25 June 1991  
 Commenced 1 October 1991 (Gaz S49, 1 October 1991)

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

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

***Companies (Trustees and Personal Representatives) Amendment Act 1997 (Act No. 18, 1997)***

Assent date 7 May 1997  
 Commenced 7 May 1997

***Mental Health and Related Services (Consequential Amendments) Act 1999 (Act No. 11, 1999)***

Assent date 25 March 1999  
 Commenced 1 February 2000 (s 2, s 2 *Mental Health and Related Services Act 1998* (Act No. 63, 1998) and Gaz G3, 26 January 2000, p 2)

***Statute Law Revision Act (No. 2) 1999 (Act No. 48, 1999)***

Assent date 10 November 1999  
 Commenced 10 November 1999

***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) and Gaz G38, 27 September 2000, p 2)

***Companies (Trustees and Personal Representatives) Amendment Act 2001 (Act No. 11, 2001)***

Assent date 28 June 2001  
 Commenced 28 June 2001

***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 (No. 2) 2002 (Act No. 59, 2002)***

Assent date 7 November 2002  
 Commenced 7 November 2002

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date 17 May 2007  
 Commenced s 10: 1 July 2007 (Gaz G26, 27 June 2007, p 3);  
 rem: 17 May 2007 (s 2)

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***Companies (Trustees and Personal Representatives) (National Uniform Legislation) Implementation Act 2010 (Act No. 16, 2010)***

Assent date 20 May 2010  
 Commenced 23 June 2010 (*Gaz G25*, 23 June 2010, p 2)

***Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)***

Assent date 18 November 2010  
 Commenced 1 February 2011 (*Gaz S6*, 1 February 2011)

***Justice and Other Legislation Amendment Act 2012 (Act No. 2, 2012)***

Assent date 21 March 2012  
 Commenced pts 2, 3 and 5 to 7: 1 August 2012; rem: 1 September 2012  
 (*Gaz G29*, 18 July 2012, p 7)

***Advance Personal Planning Amendment Act 2016 (Act No. 13, 2016)***

Assent date 7 June 2016  
 Commenced 28 July 2016 (s 2, s 2 *Guardianship of Adults Act 2016* (Act No. 15, 2016) and *Gaz S74*, 27 July 2016, p 1)

***Statute Law Revision and Repeals Act 2019 (Act No. 33, 2019)***

Assent date 6 November 2019  
 Commenced pts 2 and 3: nc; rem: 7 November 2019 (s 2)

### 3 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, 5, 29 and 54.

### 4 LIST OF AMENDMENTS

pt 1 hdg	amd No. 16, 2010, s 17
s 4	rep No. 16, 2010, s 4
s 5	amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 11, 1999, s 4; No. 17, 2001, s 5; No. 16, 2010, s 5; No. 13, 2016, s 35
pt 2 hdg	amd No. 16, 2010, s 17
s 6	rep No. 16, 2010, s 6
s 7	amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 48, 1999, s 3; No. 17, 2001, s 5 rep No. 16, 2010, s 6
s 8	amd No. 18, 1986, s 3; No. 8, 1987, s 3; No. 59, 1990, s 4; No. 17, 2001, s 5 rep No. 16, 2010, s 6
ss 9 – 12	rep No. 16, 2010, s 6
s 13	amd No. 5, 1984, s 4; No. 8, 1987, s 4; No. 59, 1990, s 4; No. 59, 2002, s 2 rep No. 16, 2010, s 6
s 19	amd No. 16, 2010, s 17
s 25	amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 8, 1996, s 3; No. 17, 2001, s 5 rep No. 16, 2010, s 6
s 27	rep No. 16, 2010, s 6
s 27A	ins No. 11, 2001, s 2 rep No. 16, 2010, s 6
s 28	amd No. 16, 2010, s 17
s 29	sub No. 16, 2010, s 7
s 30	amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 17, 2001, s 5 rep No. 16, 2010, s 8
ss 31 – 33	rep No. 16, 2010, s 8

## ENDNOTES

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s 34	amd No. 38, 2010, s 3
s 36	amd No. 18, 1997, s 2 sub No. 17, 2001, s 5 amd No. 59, 2002, s 2 rep No. 16, 2010, s 8
s 37	amd No. 68, 1983, s 107 rep No. 17, 2001, s 5
s 38	amd No. 7, 2007, s 4 rep No. 16, 2010, s 8
s 39	rep No. 16, 2010, s 8
pt IIA hdg	ins No. 5, 1984, s 5 rep No. 16, 2010, s 9
s 39A	ins No. 5, 1984, s 5 amd No. 17, 2001, s 5 rep No. 16, 2010, s 9
s 39B	ins No. 5, 1984, s 5 rep No. 16, 2010, s 9
s 39C	ins No. 5, 1984, s 5 amd No. 60, 1989, s 6; No. 33, 1991, s 7; No. 45, 2000, s 11 rep No. 16, 2010, s 9
pt III hdg	rep No. 16, 2010, s 9
s 40	rep No. 16, 2010, s 9
s 41	amd No. 18, 1986, s 3; No. 59, 1990, s 4, No. 48, 1999, s 3; No. 17, 2001, s 5 rep No. 16, 2010, s 9
ss 42 – 47	rep No. 16, 2010, s 9
pt IV hdg	rep No. 16, 2010, s 10
s 48	rep No. 16, 2010, s 11
ss 49 – 52	amd No. 16, 2010, s 17
s 53	sub No. 16, 2010, s 12 amd No. 2, 2012, s 6
s 54	sub No. 16, 2010, s 12 amd No. 2, 2012, s 7
ss 55 – 56	rep No. 16, 2010, s 12 ins No. 2, 2012, s 8
pt V hdg	amd No. 16, 2010, s 17
s 57	amd No. 16, 2010, s 13
s 59	sub No. 16, 2010, s 14
pt 4 hdg	ins No. 16, 2010, s 15 amd No. 33, 2019, s 49
s 60	ins No. 16, 2010, s 15 amd No. 33, 2019, s 49
s 61	ins No. 16, 2010, s 15
s 62	ins No. 16, 2010, s 15 exp No. 16, 2010, s 62(3)
sch 2	rep No. 16, 2010, s 16