



NORTHERN TERRITORY OF AUSTRALIA

No. 14 of 1987

AN ACT

to amend the *Public Trustee Act*

[Assented to on 25 June, 1987]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Public Trustee Amendment Act 1987*.

2. PRINCIPAL ACT

The *Public Trustee Act* is in this Act referred to as the Principal Act.

3. DEFINITIONS

Section 5 of the Principal Act is amended by inserting after the definition of "repealed Acts" the following:

"'will' includes a testamentary disposition of any kind."

4. WILLS

Section 88 of the Principal Act is amended by omitting subsections (2) and (3).

5. NEW SECTIONS

The Principal Act is amended by inserting after section 88 the following:

"88A. WILLS MAY BE DEPOSITED

"(1) Subject to subsection (2), a testator may deposit his will with the Public Trustee whether or not the Public Trustee is appointed executor or an executor of the will.

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"(2) The Public Trustee may refuse to accept a will to be deposited under subsection (1) unless -

- (a) it is enclosed in a sealed envelope or cover; and
- (b) the envelope or cover has written on it -
 - (i) the full name, occupation and address of the testator or some other means of readily identifying the testator;
 - (ii) the full name, occupation and address of the executor or, where there is more than one, each executor named in the will; and
 - (iii) the name, occupation and address of each witness attesting the will.

"(3) Where a testator whose will is deposited with the Public Trustee requests the Public Trustee to deliver the will to the testator or to some other person authorized in writing by the testator to receive it, the Public Trustee shall do so.

"(4) Where the Public Trustee is satisfied that a testator whose will is deposited with the Public Trustee is dead, he shall -

- (a) cause the will to be delivered to the executor or one of the executors named on the envelope or cover in which it is sealed or, if such an executor cannot be found or refuses to accept the will, to such person, if any, as the Supreme Court or a Judge directs; or
- (b) with the permission of the Supreme Court or a Judge, cause the will to be destroyed.

"(5) Before making an application to the Supreme Court for the purposes of subsection (4), the Public Trustee may open the envelope or cover in which the will is sealed, examine the will and advise any person who appears to be a beneficiary under the will that the Public Trustee intends to apply to the Supreme Court for directions.

"88B. REGISTER OF DEPOSITED WILLS

"(1) The Public Trustee shall keep an index of wills deposited with him.

"(2) As soon as practicable after a will deposited with the Public Trustee is delivered to a person, or destroyed, in pursuance of section 88A(3) or (4), the Public Trustee shall enter in the index kept under subsection (1) particulars of the date on which, and the person to whom, it was delivered or the date on which it was destroyed, as the case may be.

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"88C. SEARCHES

"A person may, during the normal business hours of the Public Trustee, search in the index kept under section 88B(1)."
