

THE NORTHERN TERRITORY OF AUSTRALIA

No. 92 of 1978

AN ACT

To amend the Public Trustee Ordinance

[Assented to 5 September 1978]

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. This Act may be cited as the Public Trustee Act (No. 2) 1978.

Short title

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

Principal Act

3. The Principal Act is amended by inserting after section 2 the following section:

"2A. In this Act, unless the contrary intention appears -

Definitions

'dwelling-house' includes -

- (a) a garden or portion of ground attached to and usually occupied with, a dwelling-house, or otherwise required for the amenity or convenience of a dwelling-house; and

(b) a part of a building occupied as a separate dwelling;

'matrimonial home' means a dwelling-house in which a widower or widow was residing at the date of his or her spouse's death;

'personal chattels' means -

- (a) articles of household or personal use or adornment, plated articles, china, glassware, pictures, prints, linen, jewellery, clothing, books, musical instruments or apparatus, scientific instruments or apparatus, wines, liquors, consumable stores and domestic animals; and

(b) motor cars and accessories,
but does not include -

(c) any chattels used exclusively for business purposes; or

(d) money and securities for money."

The Schedule

4. The Schedule to the Principal Act is repealed and the following Schedule substituted:

"THE SCHEDULE

Section 6

COMMISSION TO BE CHARGED BY AND PAYABLE TO THE PUBLIC TRUSTEE

1. COMMISSION ON CAPITAL

Upon the proceeds of assets realised, or upon moneys got in or collected, or upon the value of unrealised assets transferred in specie -

(a) up to and including \$200,000 4 per centum

(b) in excess of \$200,000 3 per centum

subject to a reduced commission at the rate of one per cent on the first \$50,000 value in the case of a transfer of a deceased's interest in the matrimonial home or his personal chattels to a surviving spouse.

2. COMMISSION ON INCOME

Upon the gross amount of income received -

(a) in respect of money paid to the Public Trustee by an order of a court 4 per centum

(b) in respect of money, other than rents, collected by an agent who is employed by and paid a commission by the Public Trustee 6 per centum

(c) in respect of such rents 3 per centum."

Application

5. The Schedule to the Principal Act as amended by this Act does not apply to or in relation to the administration of the estate of a person who died before the commencement of this Act.

THE PUBLIC TRUSTEE ACT 1933