

AUSTRALIAN CAPITAL TERRITORY

Administration and Probate (Amendment) Ordinance 1989

No. 17 of 1989

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 13 March 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

An Ordinance to amend the *Administration and Probate Ordinance 1929*

Short title

1. This Ordinance may be cited as the *Administration and Probate (Amendment) Ordinance 1989*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Administration and Probate Ordinance 1929*.²

(Ord. 88/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Insertion

3. After section 49C of the Principal Ordinance the following section is inserted:

Manner of distribution to Commonwealth

“49CA. Where, by virtue of this Ordinance, the Commonwealth is entitled to an intestate estate, the Public Trustee—

- (a) shall hold the intestate estate on trust for the Commonwealth; and
- (b) at the expiration of the period of 6 years from the date of death of the intestate—
 - (i) in respect of so much of the estate as is not money—shall sell the estate and, after deducting from the proceeds of the sale all costs and charges lawfully due to the Public Trustee or any other person, pay the balance of the proceeds of the Commonwealth; or
 - (ii) in respect of so much of the estate as is money—shall, after deducting all costs and charges lawfully due to the Public Trustee or any other person, pay the balance of the money to the Commonwealth.”.

Repeal

4. Section 107 of the Principal Ordinance is repealed.

Sixth Schedule

5. The Sixth Schedule of the Principal Ordinance is amended by omitting item 4 from Part II and substituting the following item:

“4. Where the intestate is not The Commonwealth is entitled to the intestate estate.”.
survived by issue, by a
parent or by next of kin.

Application and savings

6. (1) The amendments effected by sections 3 and 5 apply in relation to an intestate who dies after the commencement of this Ordinance.

(2) Notwithstanding the repeal of section 107 of the Principal Ordinance, that section, as in force immediately before the commencement of this Ordinance, continues to apply in relation to an intestate who died before the commencement of this Ordinance.

(3) In subsections (1) and (2), “intestate” has the same meaning as in Division 3A of Part III of the Principal Ordinance.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 March 1989.
2. No. 18, 1929 as amended by No. 11, 1930; No. 13, 1932; No. 9, 1933; Nos. 2 and 6, 1934; Nos. 3, 13 and 27, 1937; No. 35, 1938; No. 7, 1943; No. 15, 1947; No. 16, 1950; No. 5, 1953; No. 2, 1954; No. 6, 1960; No. 20, 1965; No. 9, 1967; No. 16, 1969; No. 25, 1970; Nos. 27, 43 and 47, 1974; No. 53, 1976; No. 8, 1980; No. 67, 1984; No. 9, 1985; Nos. 17 and 34, 1988.