

1992
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Trustee (Amendment) Bill 1992

**A BILL
FOR**

**An Act to amend the Trustee Act, 1925-1942, of the
State of New South Wales in its application in the
Territory**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Trustee (Amendment) Act 1992*.

5 **Principal Act**

2. In this Act, "Principal Act" means the Trustee Act, 1925-1942, of the State of New South Wales in its application in the Territory.¹

Interpretation

10 3. Section 5 of the Principal Act is amended by inserting the following definition:

“ ‘Bank’ means a bank as defined in section 5 of the *Banking Act 1959* of the Commonwealth.”.

Authorised investments

4. Section 14 of the Principal Act is amended—

- 5 (a) by omitting from subsection (1) “instrument, if any, creating the trust, may invest trust funds in his hands” and substituting “trust instrument (if any), may invest the trust funds”;
- (b) by omitting paragraph (1) (a) and substituting the following paragraph:
- 10 “(a) in Government securities of—
- (i) the Commonwealth;
 - (ii) the Territory;
 - (iii) a State;
 - (iv) another Territory;

15 (v) the United Kingdom; or

 - (vi) New Zealand;”;
- (c) by omitting from paragraph (1) (b) “Australia or of a State” and substituting “the Commonwealth, the Territory, a State or another Territory”;
- 20 (d) by omitting from subparagraph (1) (c) (i) “an Act, State Act or law of an internal Territory” and substituting “a law of the Commonwealth, the Territory, a State or another Territory”;
- (e) by omitting from paragraph (1) (e) “carrying on business in Australia”;
- 25 (f) by omitting from paragraph (1) (f) “savings bank carrying on business in Australia” and substituting “bank”;
- (g) by omitting subparagraph (1) (g) (ii) and substituting the following subparagraph:
- 30 “(ii) land held under the *Land (Planning and Environment) Act 1991*”; and
- (h) by omitting paragraph (1) (h) and substituting the following paragraphs:
- “ (h) by way of loan upon Australian securities to a body corporate declared, under paragraph 65 (1) (a) of the

Corporations Law, to be an authorised dealer in the short term money market;

- 5 (j) on deposit with a body corporate established by a law of the Commonwealth, the Territory, a State or another Territory, being a deposit the repayment of which is guaranteed by the Commonwealth, the Territory, that State or that other Territory, as the case may be;
- (k) in any bill of exchange which—
- 10 (i) at the time of acquisition, has a maturity date of not more than 200 days; and
- (ii) if purchased for value, confers on the holder in due course a right of recourse against a bank as the acceptor or indorser of the bill for an amount equal to the face value of the bill; and
- 15 (m) in a common trust fund established by a trustee company, the investment of which is restricted to investments authorised for the investment of trust funds by this subsection.”.

Interim investment

- 20 5. Section 15 of the Principal Act is amended by omitting from subsection (1) “or savings bank carrying on business in the Commonwealth,”.

Advancement

- 25 6. Section 44 of the Principal Act is amended by omitting subsection (1A).

NOTE

1. Trustee Act 1925-1942 (NSW) as applied and modified in the ACT by Ordinance No. 14, 1957 and as further modified by subsequent laws. For previous modifications see the *Trustee Act 1957* (as reprinted as at 30 June 1991).