



Queensland

Public Trustee Regulation 2012

Explanatory Notes for SL 2012 No. 145

made under the

Public Trustee Act 1978

General outline

Short title

Public Trustee Regulation 2012.

Authorising law

Sections 19, 25(3)(b), 97B and 142 of the *Public Trustee Act 1978*.

Policy objectives and the reasons for them

The *Public Trustee Act 1978* (the Act) provides for the establishment and administration of the Public Trust Office. The Act includes provisions about: the powers and functions of the Public Trustee; the management of estates of incapacitated persons; and the management of unclaimed property.

Section 142 of the Act provides that the Governor in Council may make regulations under the Act.

The *Public Trustee Regulation 2001* (the current regulation) will expire on 31 August 2012 under the *Statutory Instruments Act 1992*.

The objective of the regulation is to remake the current regulation in substantially the same form. The changes made by the regulation are of a minor nature for the purpose of ensuring consistency with the regulation making power in the Act and current drafting practice and omitting provisions that are obsolete or unnecessary. For example, the reference 'to the full extent of, but not to exceed, Parliament's legislative power' in section 11(3)(c) of the current regulation has been omitted as this matter is covered by section 9 of the *Acts Interpretation Act 1954* which applies to the regulation by virtue of section 14 and schedule 1 of the *Statutory Instruments Act 1992*.

Achievement of policy objectives

The regulation achieves its objectives by remaking the current regulation in substantially the same form.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of the Act.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the implementation of this regulation.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Public Trust Office was consulted during the development of the regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Public Trust Office.

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