

# **Court and Civil Legislation Amendment Act 2017**

Explanatory notes for SL 2017 No. 205

made under the

*Court and Civil Legislation Amendment Act 2017*

## **General Outline**

### **Short title**

Proclamation to commence a provision of the *Court and Civil Legislation Amendment Act 2017*

### **Authorising law**

Section 2(3) of the *Court and Civil Legislation Amendment Act 2017* (the Amendment Act) provides for section 252 of the Amendment Act to commence on a day to be fixed by proclamation.

### **Policy objectives and the reasons for them**

The objective of the Proclamation is to fix 24 November 2017 as the commencement date for section 252 of the Amendment Act.

Section 252 of the Amendment Act amends section 67 of the *Trusts Act 1973* to provide that a notice of a proposed distribution of trust property or an estate (included in a notice of intention to apply for a grant of probate of a will or letters of administration of the estate of a deceased person) is to be published in a publication approved by the Chief Justice of Queensland under a practice direction. Otherwise, a notice of a proposed distribution of trust property or an estate is to be published in a newspaper circulating throughout the State and sold at least once each week.

### **Achievement of policy objectives**

The policy objective is achieved by fixing 24 November 2017 as the commencement date for section 252 of the Amendment Act.

### **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the objectives of the Amendment Act.

## **Inconsistency with policy objectives of other legislation**

The Proclamation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Proclamation gives effect to amendments that streamline the notification requirements for section 67 of the *Trusts Act 1973*.

There are no costs associated with implementing the amendments.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

The Queensland Law Society was consulted as to an appropriate commencement date for section 252 of the Amendment Act.