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PUBLIC TRUSTEE ACT 1941

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## **PUBLIC TRUSTEE'S SCALE OF FEES**

**COMMENCING 1 JULY 2021**



**PUBLIC TRUSTEE ACT 1941****PUBLIC TRUSTEE'S SCALE OF FEES****Commencing 1 July 2021****CHAPTER A—PRELIMINARY****PART 1—GENERAL**

1. This Scale of Fees commences operation on 1 July 2021.
2. The Dictionary in Schedule 1 defines words and phrases used in this Scale of Fees.
3. This Scale of Fees applies when the Public Trustee is acting solely and also when the Public Trustee is acting jointly with another person or persons.
4. In addition to this Scale of Fees, the Public Trustee shall be reimbursed for all expenses that the Public Trustee properly incurs. These include, but are not limited to—
  - (1) external management fees and charges with respect to a PTIF;
  - (2) fees and disbursements of external lawyers;
  - (3) court fees;
  - (4) fees of external genealogists;
  - (5) expenses incurred in connection with purchasing or selling property;
  - (6) expenses incurred in constructing a dwelling on real property;
  - (7) expenses incurred in constructing an extension to, or modifications on, an existing dwelling;
  - (8) duties under the *Duties Act 2008*;
  - (9) charges by Landgate; and
  - (10) charges by the Registry of Births, Deaths and Marriages.
5. Pursuant to section 5 of the Act, the Public Trustee may delegate his powers or duties. This includes, but is not limited to, any of his powers or duties referred to in this Scale of Fees.
6. All fees referred to in this Scale of Fees are inclusive of any applicable GST as defined in the Commonwealth *A New Tax System (Goods and Services Tax) Act 1999*.
7. Unless otherwise indicated, all values are gross values.
8. Where a client, trust or estate (other than a deceased estate) has an interest in an asset as a joint tenant, then for the purpose of determining the value of that asset, it is deemed to be held as tenants in common in equal shares.
9. The Public Trustee commences to administer a deceased estate on the date that it accepts the estate for administration.
10. The Public Trustee establishes a testamentary trust on the date that it first transfers an asset (such as a sum of money) from the deceased estate to the testamentary trust.
11. The Public Trustee commences to establish a court trust on the date that it first receives money constituting the trust property (not the date the order is made appointing the Public Trustee as trustee).
12. For the purpose of this Scale of Fees, if the Public Trustee is exercising powers of a trustee under section 72(1) and paragraph (h) of Part B of Schedule 2 of the *Guardianship and Administration Act 1990*, the Public Trustee is deemed to be acting as a trustee of the trust.
13. The services covered in Chapter B are the Public Trustee's primary services, but are not all of the Public Trustee's services. Notwithstanding anything said in Chapter B, the Public Trustee charges fees under Chapter C where applicable.
14. Section 38B(2) of the Act provides that nothing in section 38B prevents—
  - (1) the payment of any fees that a testator in his Will has directed to be paid; or
  - (2) the payment of any fees that have been agreed on between the Public Trustee and a person for whom the Public Trustee performs a function or provides a service under this Act or any other written law,

either in addition to or instead of the fees provided for by section 38B.

These fees include, but are not limited to, fees for the Public Trustee to manage an estate pursuant to an enduring power of attorney that the Public Trustee agreed with the donor of that power.

**PART 2—TIME AND MANNER AND METHOD OF CALCULATION**

15. Subject to this Part, the Public Trustee's fees will be paid or deducted as soon as practicable, and need not be paid or deducted in the financial year in which they were incurred. They will be paid or deducted in the manner that the Public Trustee considers suitable at the time and need not be paid or deducted all at once.

16. Any or all of the fees referred to in Schedules 6 to 10 and 13 may be paid or deducted—

- (1) annually or more frequently than once a year;
- (2) on dates that the Public Trustee determines; and
- (3) according to the situation applicable at each date on which the fee is charged, which may vary during the period covered by the fee.

17. The fees referred to in Schedules 6 to 10 and 13 are calculated on a pro rata basis if—

- (1) the administration of the estate commences, or the trust is established, after 1 July 2021; and/or
- (2) the Public Trustee ceases to administer the estate or act as trustee of the trust before 30 June 2022.

**PART 3—WAIVER OF FEES**

18. Pursuant to section 38B(9) of the Act, where in a particular case the Public Trustee is satisfied that there is proper cause, the Public Trustee may waive, either wholly or in part, any fees determined under the Act.

**CHAPTER B—THE PUBLIC TRUSTEE'S PRIMARY SERVICES****PART 4—DECEASED ESTATES***Division 1—Deceased estates commenced on or before 30 June 2008*

19. This Division applies when the Public Trustee commenced to administer a deceased estate on or before 30 June 2008.

20. The fees for the services of the Public Trustee with respect to a deceased estate (including, but not limited to, postages and stationery and collecting income) are charged in accordance with the *Public Trustee Regulations 1942* as they stood on the date on which the Public Trustee commenced to administer the estate.

*Division 2—Deceased estates commenced during the period 1 July 2008 to 30 June 2009*

21. This Division applies when the Public Trustee commenced to administer a deceased estate during the period 1 July 2008 to 30 June 2009.

22. The fees under this Division for the services of the Public Trustee with respect to a deceased estate (including, but not limited to, postages and stationery and collecting income) are charged in accordance with the Division 2 of Part 4 of the Scale of Fees that was annexed to the annual agreement covering the period 1 July 2008 to 30 June 2009.

*Division 3—Deceased estates commenced during the period 1 July 2009 to 30 June 2020*

23. This Division applies when the Public Trustee commenced to administer a deceased estate during the period 1 July 2009 to 30 June 2020.

24. The fee under this Division for administering a deceased estate is calculated in accordance with the Public Trustee's Scale of Fees that was current when the Public Trustee commenced to administer the deceased estate.

*Division 4—Deceased estates commenced on or after 1 July 2021*

25. This Division applies when the Public Trustee commences to administer a deceased estate on or after 1 July 2021.

26. Subject to this Division, the fee payable for administering a deceased estate is calculated by—

- (1) applying Schedule 3 to determine the total number of standard units of effort; then
- (2) applying Schedule 4 to determine the service level and fee applicable to that total number of standard units of effort.

27. The general administrative activities and duties for acting under this Division are stated in Schedule 5.

28. The fee payable for administering a deceased estate is calculated at the hourly rate if both of the following apply—

- (1) the Public Trustee is not administering it under the *Aboriginal Affairs Planning Authority Act 1972*; and
- (2) no formal authority from a court, or authentication of authority from a court, is obtained.

**PART 5—EXECUTOR ASSIST SERVICE**

29. The fee payable to the Public Trustee for acting as agent pursuant to section 12A of the Act, other than legal services and miscellaneous services, is calculated at the hourly rate, if the Public Trustee commences this on or after 1 July 2021.

**PART 6—REPRESENTED PERSONS—WHEN ROLE IS PLENARY**

30. This Part applies when the Public Trustee is—

- (1) performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*;
- (2) an administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, vested with all of the plenary functions under section 69 of that Act; or
- (3) pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, authorised to perform all of the plenary functions of an administrator under section 69 of that Act.

31. The establishment fee for commencing to act as administrator of a represented person, or pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, is \$918. This fee does not apply if immediately prior to the Public Trustee commencing so to act, the Public Trustee was already performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, or acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*.

32. The annual fees for performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator of a represented person during the period 1 July 2021 to 30 June 2022, or acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990* during the period 1 July 2021 to 30 June 2022, are—

- (1) annual fee for personal financial administration during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 6;
- (2) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.

**PART 7—REPRESENTED PERSONS—WHEN ROLE IS LIMITED**

33. This Part applies when the Public Trustee is acting—

- (1) as administrator of a represented person pursuant to section 64 of the *Guardianship and Administration Act 1990*, but is not vested with all of the plenary functions under section 69 of that Act; or
- (2) pursuant to an order made under section 65 of that Act, which does not authorise the Public Trustee to perform all of the plenary functions of an administrator under section 69 of that Act.

34. The establishment fee for commencing to act as administrator of a represented person, or pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, is \$918. This fee does not apply if immediately prior to the Public Trustee commencing so to act, the Public Trustee was already administrator or performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, or acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*.

35. The annual fees for—

- (1) acting as administrator of a represented person during the period 1 July 2021 to 30 June 2022; or
- (2) acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990* during the period 1 July 2021 to 30 June 2022, are—
  - (a) annual fee for administering transactions during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 13;
  - (b) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
  - (c) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.

**PART 8—WORK PERFORMED IN RELATION TO ORDERS MADE UNDER THE  
GUARDIANSHIP AND ADMINISTRATION ACT 1990**

36. The fee payable for work, other than legal services and miscellaneous services, performed during the period 1 July 2021 to 30 June 2022 in order to comply with an order made under the *Guardianship and Administration Act 1990*, which does not involve performing a function described elsewhere in Chapter B, is calculated at the hourly rate.

**PART 9—ENDURING POWERS OF ATTORNEY***Division 1—Enduring powers of attorney that first came into force on or before 30 June 2009*

37. This Division applies when the Public Trustee is managing an estate pursuant to an enduring power of attorney that first came into force on or before 30 June 2009.

38. The annual fee payable under this Division for managing an estate pursuant to an enduring power of attorney during the period 1 July 2021 to 30 June 2022 is a fee not exceeding \$1,000.

39. The annual fees payable under this Division for collecting the income of an estate pursuant to an enduring power of attorney (except income from a Fund) during the period 1 July 2021 to 30 June 2022 are—

- (1) in relation to income received from rent in that period—
  - (a) where the rent is collected by the Public Trustee without an agent—such amount as expressed as a percentage or otherwise under the scale previously adopted by the body known as the Real Estate Institute of Western Australia;
  - (b) where the rent is collected through an agent who is employed and paid a commission by the Public Trustee—2.75% of that income;
- (2) in relation to income received from sources other than rent in that period—
  - (a) where the income is collected by the Public Trustee without an agent—6.6% of that income;
  - (b) where the income is collected through an agent who is employed and paid a commission by the Public Trustee—2.75% of that income.

*Division 2—Enduring powers of attorney that first come into force on or after 1 July 2009*

40. This Division applies when the Public Trustee is managing an estate pursuant to an enduring power of attorney that first comes into force on or after 1 July 2009.

41. The annual fees payable under this Division for managing an estate pursuant to an enduring power of attorney during the period 1 July 2021 to 30 June 2022 are—

- (1) annual fee for personal financial administration during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 6;
- (2) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.

**PART 10—COURT TRUSTS**

42. If the Public Trustee commenced the establishment of a court trust during the period 1 July 2020 to 30 June 2021, the fee for establishing the court trust is calculated in accordance with the Public Trustee Scale of Fees that was current when the Public Trustee commenced the establishment of the court trust.

43. The fee for establishing a court trust is calculated in accordance with Schedule 15 if the Public Trustee commences this during the period 1 July 2021 to 30 June 2022.

44. Except as provided for in this Part, the annual fees for acting as trustee of a court trust during the period 1 July 2021 to 30 June 2022 are—

- (1) annual fee for personal financial administration during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 9;
- (2) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.

45. The fee for cessation of a court trust following the death of a beneficiary during the period 1 July 2021 to 30 June 2022 is \$918.

46. If the Public Trustee commenced the cessation of a court trust during the period 1 July 2013 to 30 June 2020, the fee for cessation of the court trust is calculated in accordance with the Public Trustee's Scale of Fees that was current when the Public Trustee commenced the cessation of the court trust.

**PART 11—TESTAMENTARY TRUSTS**

47. The annual fees for acting as trustee of a testamentary trust during the period 1 July 2021 to 30 June 2022 are—

- (1) annual fee for administering transactions during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 10;
- (2) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.

48. Subject to this Part, the fee for cessation of a testamentary trust is calculated by—
- (1) applying Schedule 11 to determine the total number of standard units of effort; then
  - (2) applying Schedule 12 to determine the service level and fee applicable to that total number of standard units of effort.
49. If the Public Trustee commenced the cessation of a testamentary trust during the period 1 July 2009 to 30 June 2021, the fee for cessation of the testamentary trust is calculated in accordance with the Public Trustee's Scale of Fees that was current when the Public Trustee commenced the cessation of the testamentary trust.

#### **PART 12—MISCELLANEOUS TRUSTS**

50. The annual fees for acting as trustee of a miscellaneous trust during the period 1 July 2021 to 30 June 2022 are—
- (1) annual fee for administering transactions during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 13;
  - (2) annual fee for managing assets during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 7; and
  - (3) annual fee for managing residences and real property during the period 1 July 2021 to 30 June 2022—calculated in accordance with Schedule 8.
51. The fee for cessation of a miscellaneous trust is calculated by—
- (1) applying Schedule 11 to determine the total number of standard units of effort; then
  - (2) applying Schedule 12 to determine the service level and fee applicable to that total number of standard units of effort.
52. If the Public Trustee commenced the cessation of a miscellaneous trust during the period 1 July 2009 to 30 June 2021, the fee for cessation of the miscellaneous trust is calculated in accordance with the Public Trustee's Scale of Fees that was current when the Public Trustee commenced the cessation of the miscellaneous trust.

#### **PART 13—FROZEN OR CONFISCATED PROPERTY**

53. The annual fee payable for acting as manager of frozen or confiscated property during the period 1 July 2021 to 30 June 2022 (except for legal services, miscellaneous services and the other services referred to in this Part) is calculated at the hourly rate.
54. Unless the paragraph immediately below applies, the fee payable for arranging the disposal of frozen or confiscated property, in addition to any legal services or miscellaneous services, is an amount equal to 3% of the gross amount realised on the disposal of the property.
55. If the Director of Public Prosecutions or the Corruption and Crime Commissioner agrees to allow a mortgagee to sell confiscated property, the fee payable for the Public Trustee's work in facilitating this, in addition to any legal or miscellaneous services, is \$1,071.

#### **PART 14—PREPARATION OF WILLS AND ENDURING POWERS OF ATTORNEY AND RELATED SERVICES**

56. Schedule 14 applies.

#### **PART 15—PRIVATE ADMINISTRATORS' SUPPORT**

##### *Division 1—General*

57. In this Part, references to sections are references to sections of the *Guardianship and Administration Act 1990*.
58. In this Part, the value of the client's assets is taken as at the last date covered by the account under examination and does not include the values of the following—
- (1) household furniture, effects and chattels;
  - (2) personal jewellery;
  - (3) the principal place of residence of the client;
  - (4) the principal place of residence of a spouse, de facto partner and/or minor child of the client;
  - (5) the former principal place of residence of the client if—
    - (a) it was the principal place of residence of the client at any time in the 12 months before the last date covered by the account under examination; and
    - (b) it is not being rented to a third party;
  - (6) an accommodation bond with respect to the principal place of residence of the client;
  - (7) an accommodation bond with respect to the principal place of residence of a spouse, de facto partner and/or minor child of the client; and
  - (8) an accommodation bond with respect to the former principal place of residence of the client if—
    - (a) it was the principal place of residence of the client at any time in the 12 months before the last date covered by the account under examination; and
    - (b) the residence is not being rented to a third party.

59. No fee is payable under this Part if the value of the client's assets in Western Australia is less than \$5,000 if the Public Trustee, during the period 1 July 2016 to 30 June 2022, commences to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

*Division 2—Examinations commenced during the period 1 July 2016 to 30 June 2017*

60. This Division applies when the Public Trustee, during the period 1 July 2016 to 30 June 2017 commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

61. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at \$277 per hour, subject to a minimum fee of \$277.

*Division 3—Examinations commenced during the period 1 July 2017 to 30 June 2018*

62. This Division applies when the Public Trustee, during the period 1 July 2017 to 30 June 2018 commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

63. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at \$282 per hour, subject to a minimum fee of \$282.

*Division 4—Examinations commenced during the period 1 July 2018 to 30 June 2019*

64. This Division applies when the Public Trustee, during the period 1 July 2018 to 30 June 2019 commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

65. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at \$287 per hour, subject to a minimum fee of \$287.

*Division 5—Examinations commenced during the period 1 July 2019 to 30 June 2020*

66. This Division applies when the Public Trustee, during the period 1 July 2019 to 30 June 2020 commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

67. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at \$293 per hour, subject to a minimum fee of \$293.

*Division 6—Examinations commenced during the period 1 July 2020 to 30 June 2021*

68. This Division applies when the Public Trustee, during the period 1 July 2020 to 30 June 2021 commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

69. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at \$300 per hour, subject to a minimum fee of \$300.



*Division 7—Examinations commenced during the period 1 July 2021 to 30 June 2022*

70. This Division applies when the Public Trustee, during the period 1 July 2021 to 30 June 2022 commences to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

71. Subject to Division 1, the fee payable by the client to the Public Trustee for—

- (1) examining a set of accounts lodged under section 80(1) or delivered under section 80(2);
- (2) making a decision or determination under section 80(3);
- (3) making a decision or determination under section 80(4) (if applicable);
- (4) issuing a certificate of loss under section 80(6) (if applicable); or
- (5) attending a hearing of the State Administrative Tribunal,

is calculated at the hourly rate.

#### **PART 16—OTHER ASSET SERVICES**

72. The fee for work, other than legal services and miscellaneous services, performed in dealing with an asset in Western Australia during the period 1 July 2021 to 30 June 2022 on behalf of another Public Trustee in Australia, State Trustees Limited (Victoria), the NSW Trustee and Guardian or the Public Trustee and Guardian of the Australian Capital Territory, is calculated at the hourly rate.

73. The fee payable for managing property pursuant to section 37A of the Act during the period 1 July 2021 to 30 June 2022, is calculated at the hourly rate.

### **CHAPTER C—THE PUBLIC TRUSTEE'S OTHER SERVICES**

#### **PART 17—LEGAL SERVICES**

74. The fees payable for performing legal services during the period 1 July 2021 to 30 June 2022 are calculated as follows—

- (1) if performed by an in-house Senior Practitioner—\$514 per hour;
- (2) if performed by an in-house Junior Practitioner—\$389 per hour; and
- (3) if performed by an in-house clerk or paralegal—\$306 per hour.

75. This Part does not apply when the Public Trustee is—

- (1) executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2010;
- (2) trustee of a court trust;
- (3) trustee of moneys paid into court;
- (4) performing a function, or providing a service, pursuant to section 80 of the *Guardianship and Administration Act 1990*;
- (5) performing a function, or providing a service, covered by Part 14 and Schedule 14;
- (6) performing miscellaneous services, which are covered by Part 22 and Schedule 16; or
- (7) performing legal services during such periods in which the Public Trustee engages an external firm of solicitors to provide that service.

76. The fees for legal services may be charged and calculated in units of six minutes.

77. If the fees for legal services are charged and calculated in units of six minutes—

- (1) if the time spent providing a service is less than six minutes, then the costs payable are calculated based on a minimum charge of one unit regardless of the time actually spent; and
- (2) if more than six minutes is spent, then the calculation is made on the next highest level (meaning, for example, if 10 minutes is spent providing a service then the charges are calculated for two units, namely 12 minutes).

#### **PART 18—MANAGEMENT OF THE COMMON ACCOUNT**

78. The annual fee pursuant to section 39A(4) of the Act for managing the Common Account during the period 1 July 2021 to 30 June 2022 is a fee not exceeding 6.6% of the total interest or income earned by investment of moneys forming part of the Common Account during that period.

#### **PART 19—MANAGEMENT OF PUBLIC TRUSTEE INVESTMENT FUNDS (PTIFs)**

79. The Public Trustee shall receive, for supervising the management of a Public Trustee Investment Fund during the period 1 July 2021 to 30 June 2022, a fee not exceeding—

- (1) 2% per annum, calculated daily, of the value of the assets under management in that PTIF; minus
- (2) external management fees and charges (net of any tax credits applicable to those external management fees and charges).

**PART 20—SUPERVISION OF EXTERNAL INVESTMENTS AND COLLECTION OF INCOME**

80. This Part does not apply when the Public Trustee is—

- (1) executor or administrator of a deceased estate;
- (2) donee of an enduring power of attorney that first came into force on or before 30 June 2009; or
- (3) manager of frozen or confiscated property.

81. The annual fee payable under this Part for supervising external investments during the period 1 July 2021 to 30 June 2022 is calculated at \$306 per hour, subject to a minimum fee of \$612.

**PART 21—REAL PROPERTY SERVICES***Division 1—General*

82. This Division does not apply when the Public Trustee is—

- (1) executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2009;
- (2) donee of an enduring power of attorney that first came into force on or before 30 June 2009; or
- (3) manager of frozen or confiscated property.

83. In addition to any legal services or miscellaneous services, the fee payable under this Division for arranging the—

- (1) purchase of real property is \$1,224;
- (2) sale of real property where a real estate agent is appointed is \$2,142;
- (3) sale of real property where a real estate agent is not appointed is \$3,060;
- (4) transfer of real property without a purchase or a sale is \$1,009; and
- (5) construction of a dwelling on real property or an extension or modification to an existing dwelling is calculated at the hourly rate.

84. In addition to any legal services or miscellaneous services, the fee payable under this Division for preparing and lodging an application by survivor with respect to real property that is held as joint tenants is \$703.

85. In addition to any legal services or miscellaneous fees, the fee payable under this Division for general searches and preparation of legal instructions for lost certificates of title is \$612.

*Division 2—Enduring powers of attorney that first came into force on or before 30 June 2009*

86. This Division applies when the Public Trustee is managing an estate pursuant to an enduring power of attorney that commenced operation on or before 30 June 2009.

87. In estates under this Division where the Public Trustee—

- (1) purchases real property with an existing dwelling; or
- (2) purchases vacant real property and constructs a dwelling on it, for the use of the client,

the Public Trustee in arranging the purchase or the purchase and construction, as the case may be, in addition to any legal services or miscellaneous services, is entitled to a fee of 1.1% of the sum of the values of—

- (a) the dwelling purchased or constructed; and
- (b) the land on which that dwelling is situated.

88. In addition to any legal services or miscellaneous services, the fee payable under this Division for arranging the sale of real property is an amount equal to 1.1% of the gross amount realised on the sale of the property.

**PART 22—MISCELLANEOUS SERVICES**

89. The fees payable for miscellaneous services are stated in Schedule 16.

**PART 23—SPECIAL SERVICES**

90. This Part does not apply when the Public Trustee is—

- (1) executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2009;
- (2) trustee of moneys paid into court;
- (3) trustee of the Give2Good Foundation;
- (4) trustee of the Give2Good Charitable Foundation; or
- (5) performing a function, or providing a service, covered by Part 14 and Schedule 14.

91. This Part also does not apply to legal services or miscellaneous services, or services for which the Public Trustee is already entitled to charge at the hourly rate.

92. The fee payable for performing the following during the period 1 July 2021 to 30 June 2022 is calculated at the hourly rate—

- (1) providing instructions or other information to external lawyers, engaged by the Public Trustee, or to in-house lawyers, except when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2010;
- (2) establishing the entitlement of the client to another deceased person's estate when the Public Trustee is performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, or donee of an enduring power of attorney;
- (3) establishing the entitlements to the estate of a deceased client, when prior to the death of that client, the Public Trustee was performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, trustee of a court trust or donee of an enduring power of attorney;
- (4) dealing with or disposing of household furniture, effects and chattels (including, but not limited to, jewellery) (provided that if the Public Trustee is executor or administrator of a deceased estate, this only applies when the Public Trustee is required to resolve a dispute over these items);
- (5) taking necessary action to deal with or preserve an interest of a client or a deceased estate in a trust, private company, sole trader business and/or partnership;
- (6) collecting or paying debts owing to or by a client at the time of commencement of the Public Trustee's management or administration (other than deceased estates) when the total combined number of debts owed to and by the client exceeds 10;
- (7) attending the proceedings of a court, board, tribunal, assessor or other judicial or quasi-judicial body, concerning a client, trust or estate;
- (8) complying with a direction of a court, board, tribunal, assessor or other judicial or quasi-judicial body;
- (9) investigating the possible misappropriation of assets from a client, trust or estate;
- (10) performing a function or providing a service under section 29 of the Act after the death of a represented person;
- (11) investigating what assets, if any, exist of a deceased estate which the Public Trustee commenced to administer during the period 1 July 2011 to 30 June 2013, when the body of the deceased person is unclaimed;
- (12) investigating what assets and liabilities, if any, exist of a deceased estate which the Public Trustee commenced to administer on or after 1 July 2013, when—
  - (a) the body of the deceased person is unclaimed and/or
  - (b) there is insufficient information and beneficiaries are unable and/or unwilling to assist in providing the information;
- (13) dealing with the royalties (from books, films or music) of a deceased estate which the Public Trustee commenced to administer on or after 1 July 2011;
- (14) dealing with self-managed superannuation funds, except when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2011;
- (15) investigating and deciding how to apply the assets of a trust that is charitable or partly charitable in nature (including, but not limited to, preparing for and attending meetings and considering the submissions of an advisory person or body);
- (16) arranging the sale of jewellery and household furniture, effects and chattels, where the assets are located outside the range of the Public Trustee's relevant usual service contractor, except when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2013;
- (17) dealing with funds from liquidated companies and debts due when the general administration of a deceased estate has been completed, but only if the Public Trustee commenced to administer the estate on or after 1 July 2013;
- (18) dealing with appropriations, where beneficiaries agree to appropriate real property to a beneficiary;
- (19) arranging distribution of funds under \$20,000 that are held for estates of deceased beneficiaries; and
- (20) attending the residence of a client concerning a trust or an estate.

#### PART 24—TAXATION SERVICES

93. Pursuant to section 38B(6) of the Act, the Public Trustee may, in addition to fees chargeable under section 38B of the Act (and therefore under this Scale of Fees), charge a fee for work involved in the preparation and lodging of returns for the purpose of or in connection with assessments of any duties or taxes (other than probate, death, succession or estate duties).

94. The fee for performing any taxation services not described in section 38B(6) of the Act is charged at the hourly rate.

**Schedule 1**  
**DICTIONARY**

1. In this Scale of Fees, unless the context indicates otherwise—

- (1) **“the Act”** means the *Public Trustee Act 1941*;
- (2) **“authorised deposit-taking institution”** has the same meaning as in the *Commonwealth Banking Act 1959*;
- (3) **“Chapter”** means a Chapter under this Scale of Fees;
- (4) **“client”** has the meaning listed in Schedule 2, depending on the capacity in which the Public Trustee is acting;
- (5) **“concession holder”** means—
  - (a) the holder of one of the following cards issued by Centrelink—
    - (i) a health care card;
    - (ii) a health benefit card;
    - (iii) a pensioner concession card; or
  - (b) the holder of any card issued by the Department of Veterans’ Affairs that certifies entitlement to Commonwealth health concessions;
- (6) **“couple”** means two people who are married to each other or in a de facto relationship who the Public Trustee considers can be seen together in the one interview;
- (7) **“court trust”** means a trust established, including on an interim basis, pursuant to the order of a court, board, tribunal, assessor or other judicial or quasi-judicial body, except—
  - (a) a trust of moneys paid into court; and
  - (b) a trust established pursuant to an order made under the *Inheritance (Family and Dependants Provision) Act 1972* or *Family Provision Act 1972*;
- (8) **“dealing with”** an asset includes, but is not limited to, collecting, enquiring about and engaging in a transaction concerning that asset;
- (9) **“de facto partner”** and **“de facto relationship”** have the same meanings as in the *Interpretation Act 1984*;
- (10) **“Division”** means a Division under this Scale of Fees;
- (11) **“estate”** means any real or personal property under administration or held, managed, or controlled by the Public Trustee in any capacity whatsoever;
- (12) **“external investments”** means all assets (including, but not limited to, superannuation) except—
  - (a) accounts with authorised deposit-taking institutions;
  - (b) holdings in the Common Account;
  - (c) holdings in a PTIF;
  - (d) real property;
  - (e) retirement village units, whether held as a strata title, lease or other method of ownership;
  - (f) relocatable homes;
  - (g) mobile homes;
  - (h) caravans permanently located in a caravan park;
  - (i) motor vehicles;
  - (j) household furniture, effects and chattels; and
  - (k) personal jewellery.
- (13) **“frozen or confiscated property”** means property that is frozen or confiscated pursuant to the *Criminal Property Confiscation Act 2000*;
- (14) **“Fund”** means the Common Account or a PTIF;
- (15) **“hourly rate”** means \$306 per hour, subject to a minimum fee of \$306;
- (16) **“Junior Practitioner”** means a legal practitioner who is not a Senior Practitioner;
- (17) **“Senior Practitioner”** means a legal practitioner who has been admitted to practice in at least one Australian jurisdiction for at least five years;
- (18) **“Landgate”** means the Western Australian Land Information Authority;
- (19) **“miscellaneous services”** means the services listed in Schedule 16;
- (20) **“miscellaneous trusts”** means all trusts other than the following—
  - (a) court trusts;
  - (b) testamentary trusts;
  - (c) trusts of unclaimed moneys;
  - (d) trusts of moneys paid into court;
  - (e) the Give2Good Foundation; and
  - (f) the Give2Good Charitable Foundation.

- (21) **“motor vehicle”** means a vehicle that requires registration with the Department of Transport (or any interstate or overseas department, body or agency performing substantially the same function), except for a caravan permanently located in a caravan park;
- (22) **“Part”** means a Part under this Scale of Fees;
- (23) **“Public Trustee Investment Fund (PTIF)”** means—
- the “Cash strategic investment account” which also means the Cash strategic common account or the Public Trustee Investment Fund Cash;
  - the “Conservative strategic investment account” which also means the Conservative strategic common account or the Public Trustee Investment Fund Conservative;
  - the “Moderate strategic investment account” which also means the Moderate strategic common account or the Public Trustee Investment Fund Moderate;
  - the “Growth strategic investment account” which also means the Growth strategic common account or the Public Trustee Investment Fund Growth; and
  - the “Growth Plus strategic investment account” which also means the Growth Plus strategic common account and the Public Trustee Investment Fund Growth Plus.
- (24) **“Public Trustee Will”** means a Will in which—
- the Public Trustee is the only executor;
  - the Public Trustee is the only institute executor; or
  - the client’s spouse or de facto partner is the only institute executor and the Public Trustee is the only substitute executor;
- (25) **“represented person”** means a person in respect of whom there is in force an administration order pursuant to the *Guardianship and Administration Act 1990* or an order pursuant to section 65 of that Act, or for whose estate the Public Trustee is performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*;
- (26) **“Schedule”** means a Schedule to this Scale of Fees;
- (27) **“testamentary trust”** means a trust established from a deceased estate, whether by a Will, intestacy, order pursuant to the *Inheritance (Family and Dependants Provision) Act 1972* or *Family Provision Act 1972*, deed of family arrangement or otherwise, but only if the Public Trustee is or was the executor or administrator of the deceased estate; and
- (28) **“transaction”** means a payment to or from the Common Account for a client, trust or estate, other than—
- a payment made to or from a PTIF;
  - the crediting of an income distribution from a PTIF;
  - the debiting or crediting of Common Account interest;
  - charging or rebating of fees payable to the Public Trustee; and
  - correcting errors made by the Public Trustee.
2. Unless the context indicates otherwise—
- a department, body or agency (apart from Centrelink and the Department of Veterans’ Affairs) is Western Australian;
  - a reference to a department, body or agency includes the successors to that department, body or agency and any renamed department, body or agency;
  - a reference to legislation is a reference to Western Australian legislation; and
  - a reference to legislation includes any substituted or renamed legislation.
3. Words and phrases defined in the Act shall have the same meaning in this Scale of Fees, unless they are defined differently in this Schedule and/or the context indicates otherwise.
4. A reference to a provision of a written law shall be construed as a reference to such provision as it may from time to time be amended.

**Schedule 2**

DEFINITION OF CLIENT

<b>Public Trustee’s capacity</b>	<b>Definition of client</b>
Executor or administrator of a deceased estate	A beneficiary of the deceased estate
Agent pursuant to section 12A of the Act	Not applicable
Administrator of a represented person under section 64 of the <i>Guardianship and Administration Act 1990</i> , performer of a function or provider of a service under section 124 and Schedule 5 of the <i>Guardianship and Administration Act 1990</i> , or acting pursuant to an order made under section 65 of the <i>Guardianship and Administration Act 1990</i>	The represented person

<b>Public Trustee's capacity</b>	<b>Definition of client</b>
Performer of work performed in order to comply with an order made under the <i>Guardianship and Administration Act 1990</i> which does not involve performing a function described elsewhere in Chapter B	The person who is the subject of the order
Donee of an enduring power of attorney	The donor of the enduring power of attorney
Trustee of a court trust	The beneficiary of the court trust
Trustee of a testamentary trust	A beneficiary of the testamentary trust
Trustee of a miscellaneous trust	A beneficiary of the miscellaneous trust
Manager of frozen or confiscated property	Not applicable
Performing a function, or providing a service, covered by Part 14 and Schedule 14	The person who is making a Will and/or Enduring Power of Attorney or contemplating doing so
Examiner of an account pursuant to section 80 of the <i>Guardianship and Administration Act 1990</i>	The person in respect of whom the administration order under the <i>Guardianship and Administration Act 1990</i> was made
Provider of asset services for similar interstate departments, bodies or agencies	Not applicable
Manager of property pursuant to section 37A of the Act	The owner of the property (if applicable)

### *Schedule 3*

#### DECEASED ESTATES—STANDARD UNITS OF EFFORT

Activity	Standard units of effort
General administrative activities and duties as described in Schedule 5	90
For filing election to administer	25
For obtaining grant of probate or obtaining letters of administration	70
Identifying and establishing beneficiaries and their entitlements—for each beneficiary above 3	10
For each item or sum of money bequeathed	5
For each beneficiary resident out of Australia	15
For each real property—held as joint tenants and not an asset of the estate	20
For each real property—all or part of which is an asset of the estate—which was rented to a third party as at date of death	65
For each real property—all or part of which is an asset of the estate—which was not rented to a third party as at date of death	50
For dealing with each cheque or savings account with an authorised deposit-taking institution	20
For dealing with each superannuation fund (excluding self-managed superannuation funds), whether or not any proceeds of that superannuation fund are paid to the estate	40
For dealing with each life insurance policy	25
For dealing with each external investment, except investments and investments with Esanda Finance, IOOF, Savings Investment Bonds (UK) or RAC Investments	40
For dealing with each external investment (except superannuation) with Esanda Finance, IOOF, Savings Investment Bonds (UK) or RAC Investments	20
For dealing with each holding invested in a PTIF	20
For dealing with each fixed interest investment or term deposit with an authorised deposit-taking institution	20
For dealing with obtaining a refund of an entry contribution or accommodation bond to a nursing home, hospital, hostel or retirement village	15
For dealing with each trust account held by a nursing home, hospital, hostel or retirement village	10
For dealing with wages, holiday pay, long service leave and other pay entitlements	20
For dealing with a pension in Australia, other than from Centrelink or Department of Veterans' Affairs	15
For dealing with an overseas pension	25

Activity	Standard units of effort
For dealing with each motor vehicle, boat or trailer	20
For dealing with workers' compensation due at date of death	25
For dealing with each other award of damages due at date of death	25
For dealing with funds held by the Public Trustee in another capacity	20
For dealing with each interest in the estate of another deceased person that is not being administered by the Public Trustee	25
For dealing with each weapon	20
For dealing with each funeral benefit payable, other than from Centrelink	10
For dealing with each claim of a medical practitioner or hospital lodged for refund with a medical insurance fund	15
For dealing with farm machinery	30
For dealing with livestock	30
For dealing with each mortgage debt owing to the deceased	50
For dealing with each other debt owing to the deceased	15
For each liability of the deceased which is secured by an encumbrance over assets	25
For dealing with each unsecured liability as at date of death	5
For dealing with mining leases	60

**NOTES—**

1. For each asset (other than real property) held as joint tenants and not forming part of the estate, the relevant standard unit of effort is reduced by 50%.
2. For each asset and liability held or registered outside Australia, the standard units of effort are increased by 50%.

**Schedule 4**

## DECEASED ESTATES—FEES

Standard units of effort	Service level	Fee
1-90	1	\$ 2,754
91-110	2	\$ 3,366
111-130	3	\$ 3,978
131-150	4	\$ 4,590
151-170	5	\$ 5,202
171-190	6	\$ 5,814
191-225	7	\$ 6,885
226-265	8	\$ 8,109
266-305	9	\$ 9,333
306-345	10	\$ 10,557
346-385	11	\$ 11,781
386-450	12	\$ 13,770
451-515	13	\$ 15,759
516-615	14	\$ 18,819
616-715	15	\$ 21,879
716-815	16	\$ 24,939
816-965	17	\$ 29,529
966-1,115	18	\$ 34,119
1,116-1,315	19	\$ 40,239
OVER 1,315	20	Calculated at the hourly rate

*Schedule 5*

## DECEASED ESTATES—GENERAL ADMINISTRATIVE ACTIVITIES AND DUTIES

The general administrative activities and duties referred to in Schedule 3 include the following—

- (1) Notifying or receiving notification of death, registering initial details of the deceased person and possible beneficiaries and contacting possible beneficiaries for initial interview;
- (2) holding initial interview;
- (3) opening file;
- (4) administering a prepaid funeral account;
- (5) paying funeral expenses;
- (6) dealing with household furniture, effects, chattels or jewellery with the consent of the beneficiaries;
- (7) advertising for statutory notice to creditors, transmission applications, and next of kin or missing beneficiaries;
- (8) obtaining the deceased person's death certificate;
- (9) finalising the deceased person's Centrelink and Department of Veteran's Affairs pensions and entitlements up to date of death;
- (10) finalising and processing final refund of contributions to medical insurance funds;
- (11) processing personal cash located or held and other small value refunds;
- (12) processing income tax refunds received;
- (13) attending to searches of Australian share registries and the Registry of Births, Deaths and Marriages;
- (14) lodging documents at the Office of State Revenue;
- (15) lodging documents in Australian share registries and the Registry of Births, Deaths and Marriages;
- (16) locating certificates of title;
- (17) giving an indemnity for lost documents;
- (18) investigating and dealing with accounts with authorised deposit-taking institutions held by the deceased person as a trustee and when the Public Trustee does not become trustee of that trust;
- (19) preparing withholding tax deductions for income paid to overseas beneficiaries;
- (20) preparing statements of account;
- (21) establishing the identity and entitlement of three or less beneficiaries;
- (22) instructing genealogist for identification of next of kin for an intestate estate, unnamed class under a Will or missing beneficiary;
- (23) preparing entitlement plans;
- (24) arranging the distribution of funds to beneficiaries;
- (25) arranging the distribution of funds held for deceased beneficiaries; and
- (26) general care and consideration.

*Schedule 6*

## PERSONAL FINANCIAL ADMINISTRATION FEE

1. In this Schedule, "contact with the Public Trustee" means any contact between—

- (1) the Public Trustee or Public Trustee staff as described in section 6 of the Act; and
- (2) the client or other person who is in a close supportive relationship with the client (excluding people who work for organisations that are providing support to the client) who is not the Public Trustee, an agent of the Public Trustee or Public Trustee staff as described in section 6 of the Act.

2. The annual fee is calculated by asking the questions in item 3 and applying the combination of answers in accordance with the table in item 4.

3. The questions are as follows—

- (1) Where does the client live?
  - (a) hospital, prison or aged care facility;
  - (b) group housing facility;
  - (c) in the community with the support of a non-government organisation, or in a psychiatric hostel or boarding house; or
  - (d) independently, whether in a private residence, with family, in a retirement village or homeless.
- (2) To where is the client's main source of income paid?
  - (a) hospital or aged care facility;
  - (b) the Public Trustee;
  - (c) the client's bank account;



- (d) family member or friend; or  
 (e) Disability Services Commission or non-government organisation.
- (3) Who manages or assists the client to manage their finances on a day to day basis?  
 (a) hospital, aged care facility, Disability Services Commission or non-government organisation;  
 (b) family member or friend;  
 (c) support workers from community mental health;  
 (d) only the Public Trustee; or  
 (e) the client.
- (4) What is typically the frequency of contact with the Public Trustee with respect to the client?  
 (a) once per fortnight or less; or  
 (b) more than once per fortnight.
4. The table is as follows—

Service Level	Answer Combinations	Annual Fee
1	aaaa	\$ 1,530
2	acba, acca, acea, adca, adea, deaa	\$ 3,978
3	bbaa, bbba, bbca, bcaa, bcba, bcca, beaa, beba, beca, cbaa, ceaa	\$ 4,590
4	abaa, abba, abca, abda, abea, acda, adba, bbea, cbba, cbca, cbea, ccba, ccca, ceba, ceca, dbba, dbca, dcba, dcca, ddba, ddeca, deca, deba, deca	\$ 6,120
5	bbda, bcda, beda, cbda, ccda, ceda, dbda, dbea, dcda, ddda, deda	\$ 9,180
6	Any combination in which the answer to question (4) is b	\$ 15,912

**Schedule 7**  
**ASSET MANAGEMENT FEE**

Service Level	Minimum value of assets of client, trust or estate	Maximum value of assets of client, trust or estate	Annual fee
1	\$0	\$5,000	\$ 0
2	\$5,001	\$10,000	\$ 213
3	\$10,001	\$30,000	\$ 336
4	\$30,001	\$50,000	\$ 612
5	\$50,001	\$100,000	\$ 918
6	\$100,001	\$200,000	\$ 1,530
7	\$200,001	\$300,000	\$ 2,142
8	\$300,001	\$500,000	\$ 3,060
9	\$500,001	\$750,000	\$ 4,590
10	\$750,001	\$1,000,000	\$ 6,732
11	\$1,000,001	\$1,500,000	\$ 8,874
12	\$1,500,001	\$2,000,000	\$ 11,016
13	\$2,000,001	\$2,500,000	\$ 13,158
14	\$2,500,001	no maximum	\$ 15,300

**NOTES—**

- The values of the following are excluded from the calculation of the value of assets for determining the level of the asset management fee payable—
  - real property;
  - retirement village units, whether held as a strata title, lease or other method of ownership;
  - relocatable homes;
  - mobile homes;
  - caravans permanently located in a caravan park;
  - motor vehicles;
  - household furniture, effects and chattels; and
  - personal jewellery.
- To avoid doubt, superannuation is included in the calculation of the value of assets for determining the level of the asset management fee payable.

**Schedule 8****RESIDENCE AND REAL PROPERTY FEES**

1. Subject to items 2 to 5, the residence and real property fees are \$3,060 per each of the following owned by the client, trust or estate—

- (1) each real property;
- (2) each retirement village unit, whether held as a strata title, lease or other method of ownership;
- (3) each relocatable home;
- (4) each mobile home; and
- (5) each caravan permanently located in a caravan park.

2. If the Public Trustee is performing a function or providing a service under section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*, acting as administrator pursuant to section 64 of the *Guardianship and Administration Act 1990*, acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, or donee of an enduring power of attorney, the fee referred to in item 1 is remitted if it is with respect to—

- (1) the principal place of residence of the client;
- (2) the principal place of residence of a spouse, de facto partner and/or minor child of the client; and/or
- (3) the former principal place of residence of the client if—
  - (a) it was the principal place of residence of the client at any time in the previous 12 months; and
  - (b) it is not being rented to a third party.

3. If the Public Trustee is the trustee of a trust, the fee referred to in item 1 is remitted if it is with respect to—

- (1) the principal place of residence of a beneficiary;
- (2) the principal place of residence of a spouse, de facto partner and/or minor child of a beneficiary; and/or
- (3) the former principal place of residence of a beneficiary if—
  - (a) it was the principal place of residence of the client at any time in the previous 12 months; and
  - (b) it is not being rented to a third party.

4. In item 3, “beneficiary” means a beneficiary of the trust—

- (1) to whom the Public Trustee has the power to make advances of income and/or capital from the trust;
- (2) who the Public Trustee is permitting or has permitted to reside rent free in the residence or property that is the subject of the fee referred to in item 1; and/or
- (3) who has a contingent interest (on reaching a certain age), life interest, right of residence and/or vested interest in the trust.

5. If an asset is covered by both items 1(1) and 1(2), the fee is only charged in respect of item 1(1).

**Schedule 9****COURT TRUSTS—PERSONAL FINANCIAL ADMINISTRATION FEE**

<b>Service Level</b>	<b>Number of Transactions per annum</b>	<b>Annual fee</b>
1	1	\$ 0
2	2-5	\$ 765
3	6-10	\$ 1,377
4	11-15	\$ 1,989
5	16-20	\$ 2,142
6	21-30	\$ 2,295
7	31-40	\$ 2,601
8	41-50	\$ 2,754
9	51-80	\$ 3,213
10	81-100	\$ 3,825
11	101-150	\$ 4,437
12	151-200	\$ 5,049
13	Over 200	\$ 6,120

**Schedule 10**

## TESTAMENTARY TRUSTS—TRANSACTIONAL FEE

Service Level	Number of transactions per annum	Annual fee
1	0	\$ 0
2	1-5	\$ 74
3	6-10	\$ 459
4	11-15	\$ 918
5	16-20	\$ 2,142
6	21-30	\$ 2,601
7	31-40	\$ 3,213
8	41-50	\$ 3,672
9	Over 50	\$ 3,978

**Schedule 11**

## CESSATION OF TESTAMENTARY TRUSTS AND MISCELLANEOUS TRUSTS—STANDARD UNITS OF EFFORT

Activity	Standard units of effort
General trustee's duties in cessation of trust	25
Identifying and establishing beneficiaries and their entitlements—for each beneficiary above 3	10
For each specific bequest	5
For each beneficiary resident out of Australia	15
For each real property	20
For dealing with each cheque or savings account with an authorised deposit-taking institution	8
For dealing with each external investment	15
For dealing with each holding invested in a PTIF	20
For dealing with each fixed interest investment or term deposit with an authorised deposit-taking institution	15
For dealing with each refund of an entry contribution or accommodation bond to a nursing home, hospital, hostel or retirement village	15
For dealing with each motor vehicle, boat or trailer	10
For dealing with funds held by the Public Trustee in another capacity	15
For dealing with each interest in the estate of another deceased person that is not being administered by the Public Trustee	15
For dealing with each weapon	10
For dealing with each mortgage debt owing to the trust	25
For dealing with each other debt owing to the trust	10
For dealing with farm machinery or livestock	15

**Schedule 12**

## CESSATION OF TESTAMENTARY TRUSTS AND MISCELLANEOUS TRUSTS—FEES

Standard units of effort	Service level	Fee
1-30	1	\$ 918
31-40	2	\$ 1,224
41-50	3	\$ 1,530
51-75	4	\$ 2,295
76-90	5	\$ 2,754
91-110	6	\$ 3,366
111-130	7	\$ 3,978
131-150	8	\$ 4,590

Standard units of effort	Service level	Fee
151-170	9	\$ 5,202
171-190	10	\$ 5,814
191-225	11	\$ 6,885
226-265	12	\$ 8,109
266-305	13	\$ 9,333
306-345	14	\$ 10,557
346-385	15	\$ 11,781
386-450	16	\$ 13,770
451-515	17	\$ 15,759
516-615	18	\$ 18,819
616-715	19	\$ 21,879
716-815	20	\$ 24,939
816-965	21	\$ 29,529
966-1,115	22	\$ 34,119
1,116-1,315	23	\$ 40,239
OVER 1,315	24	Calculated at the hourly rate

**Schedule 13**

REPRESENTED PERSONS—WHEN ROLE IS LIMITED & MISCELLANEOUS TRUSTS  
TRANSACTIONAL FEE

Service Level	Number of transactions per annum	Annual fee
1	1	\$ 0
2	2-5	\$ 612
3	6-10	\$ 918
4	11-15	\$ 1,530
5	16-20	\$ 2,142
6	21-30	\$ 2,601
7	31-40	\$ 3,213
8	41-50	\$ 3,672
9	Over 50	\$ 3,978

**Schedule 14**

PREPARATION OF WILLS AND ENDURING POWERS OF ATTORNEY  
AND RELATED SERVICES

Item	Service	Fee
	Preparing a Public Trustee Will	
1	Single client—concession holder	\$50
2	Couple—at least one client is a concession holder	\$40 per client
3	Single client—no concession holder	\$360
4	Couple—neither clients are concession holders	\$240 per client
	Preparing a Will that is not a Public Trustee Will	
5	Single client	\$360
6	Couple	\$240 per client
	Providing a service under section 37C(1)(b) of the Act where no Will is prepared:	
7	Single client—concession holder	\$50
8	Couple—at least one client is a concession holder	\$40 per client
9	Single client—no concession holder	\$150

Item	Service	Fee
10	Couple—neither clients are concession holders	\$100 per client
11	Conducting an ASIC search of a company or charity in connection with a service described in items 1 to 10 above	\$32
	Preparation of an Enduring Power of Attorney	
12	Concession holder	\$50
13	Client is not a concession holder	\$118
14	Planning a service described in items 1, 3, 5, 7 and/or 9 above for a single client when the client misses the appointment	\$50
15	Planning a service described in items 2, 4, 6, 8 and/or 10 above for a couple when the couple misses the appointment	\$25 per client
16	Travelling to provide a service described in items 1, 3, 5, 7 and/or 9 above for a single client	\$29
17	Travelling to provide a service described in items 2, 4, 6, 8 and/or 10 above for a couple	\$14.50 per client

## NOTES—

1. If two clients do not meet the definition of “couple” in the Dictionary (Schedule 1), they are each charged as single clients.
2. The fees in items 1 to 6 above are for an initial interview of up to 1.5 hours for single clients, or two hours for couples. If it is not feasible for a Will to be drafted during this time due to the complexity of issues involved, and/or if further information/documents are required (including, but not limited, to information/documents concerning overseas charities), the following fees will be charged for work performed before or after the initial interview—
  - (1) if performed by a Senior Practitioner—\$514 per hour (or \$412 per hour, if at least one client is a concession holder and it is a Public Trustee Will);
  - (2) if performed by a Junior Practitioner—\$389 per hour (or \$312 per hour, if at least one client is a concession holder and it is a Public Trustee Will); and
  - (3) if performed by a clerk or paralegal—\$306 per hour (or \$245 per hour, if at least one client is a concession holder and it is a Public Trustee Will).
3. If any fees in note 2 above are charged, they may be charged and calculated in units of six minutes. If so, then
  - (1) if the time spent providing the service is less than six minutes, the costs payable are calculated based on a minimum charge of one unit regardless of the time actually spent; and
  - (2) if more than six minutes is spent, the calculation is made on the next highest level (meaning, for example, if 10 minutes is spent providing a service then the charges are calculated for two units, namely 12 minutes).
4. The total in-house fees charged under this Schedule to a client (plus any in-house fees for miscellaneous services in connection with the preparation of a Will) shall not exceed \$1,650. In addition, as stated in Part 1 of this Scale of Fees, the Public Trustee shall be reimbursed for all expenses that the Public Trustee properly incurs. As a result, disbursements payable to third parties will be charged at cost in addition to in-house fees.
5. The discounted fees in item 1 and note 2 above for a single client who is a concession holder only apply to the first Will that the Public Trustee commences to prepare for the client during a 12 month period. The fees for all subsequent Wills that the Public Trustee commences to prepare during this period are the same as those for a single client who is not a concession holder. To avoid doubt, the provision of services described in items 7 to 10 above during the 12 month period does not affect this.
6. The discounted fees in item 2 and note 2 above for a couple with at least one concession holder only apply to the first set of Wills that the Public Trustee commences to prepare for the couple during a 12 month period. The fees for all subsequent Wills that the Public Trustee commences to prepare during this period are the same as those for a couple in which neither client is a concession holder. To avoid doubt, the provision of services described in items 7 to 10 above during the 12 month period does not affect this.

**Schedule 15**

## ESTABLISHMENT OF COURT TRUSTS (INCLUDING INTERIM COURT TRUSTS)

Amount of money constituting the trust property that Public Trustee first receives	Fee
\$0 to \$5,500	\$ 0
\$5,501 to \$50,000	\$ 612
\$50,001 to \$100,000	\$ 1,530
\$100,001 to \$400,000	\$ 4,590
\$400,001 or more	\$ 7,650

**Schedule 16**

## MISCELLANEOUS SERVICES—FEES

Service	Fee
Preparing and lodging the following documents— <ul style="list-style-type: none"> <li>• Caveat</li> <li>• Withdrawal of caveat</li> <li>• Deed</li> <li>• Mortgage or charge</li> <li>• Extension of mortgage</li> <li>• Reseal of an interstate or overseas grant of probate or letters of administration</li> </ul>	\$247 \$306 \$724 \$459 \$612 \$1,088
Preparing and lodging the following documents— <ul style="list-style-type: none"> <li>• Mortgage or charge</li> <li>• Reseal of an interstate or overseas grant of probate or letters of administration</li> </ul>	\$1,088
Producing a certificate of title or Crown Lease	\$153
Producing each subsequent title in the same security and lodged at the same time	\$39
Conducting the following searches with Landgate— <ul style="list-style-type: none"> <li>• Search of Certificate of Title where number is known</li> <li>• Search of name and/or address and subsequent Certificate of Title</li> <li>• Each subsequent search of Certificate of Title after initial fee (if more than one search)</li> <li>• Search of name, location, lot index</li> <li>• Search of Plan, Diagram</li> <li>• Search of Memorial</li> <li>• Historical search</li> <li>• Search of other document</li> </ul>	\$39
Conducting the following searches with Registry of Births, Deaths and Marriages— <ul style="list-style-type: none"> <li>• Search for Birth, Death or Marriage Certificate (includes a one 10 year search)</li> <li>• Search in an index (includes a search over any period not exceeding 10 years and a Result of Search Certificate)</li> </ul>	\$39
Arranging and authorising a burial or cremation for a deceased person	\$612
Storing a Will deposited under section 54 of the Act for the life of the testator <b>NOTE:</b> This fee for storing a Will does not apply when— <ol style="list-style-type: none"> <li>1. the testator (as opposed to someone else) deposits the Will;</li> <li>2. the Will was deposited on or before 30 June 2009;</li> <li>3. the Public Trustee prepared the Will;</li> <li>4. the testator is— <ol style="list-style-type: none"> <li>(1) a represented person;</li> <li>(2) a beneficiary of a trust of which the Public Trustee is the trustee; and/or</li> <li>(3) a donor of an enduring power of attorney when the Public Trustee is the donee (or substitute donee); and/or</li> </ol> </li> <li>5. the testator (or someone on the testator's behalf) has already paid a fee to the Public Trustee for storing a previous Will of the testator under section 54 of the Act.</li> </ol>	\$195
Providing copies of documents pursuant to section 47(2) of the Act	\$1.50 per page

Service	Fee
Arranging the sale (except a trade-in) or purchase of any one of the following assets when the Public Trustee is performing a function or providing a service under section 124 and Schedule 5 of the <i>Guardianship and Administration Act 1990</i> , acting as administrator pursuant to section 64 of the <i>Guardianship and Administration Act 1990</i> , acting pursuant to an order made under section 65 of the <i>Guardianship and Administration Act 1990</i> , donee of an enduring power of attorney, or trustee of a court trust, testamentary trust or miscellaneous trust— <ul style="list-style-type: none"> <li>• motor vehicle</li> <li>• boat</li> <li>• trailer</li> </ul>	\$918 per asset
Arranging the sale (except a trade-in) of a motor vehicle located outside the range of the Public Trustee's relevant usual service contractor, when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or after 1 July 2013	\$918 per vehicle
Arranging the sale (except a trade-in) of either one of the following assets located outside the range of the Public Trustee's relevant usual service contractor, when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or after 1 July 2016— <ul style="list-style-type: none"> <li>• boat</li> <li>• trailer</li> </ul>	\$918 per asset
Arranging the sale of any one of the following assets, where the asset is located outside the range of the Public Trustee's relevant usual service contractor, except when the Public Trustee is executor or administrator of a deceased estate which the Public Trustee commenced to administer on or before 30 June 2016— <ul style="list-style-type: none"> <li>• relocatable home</li> <li>• mobile home</li> <li>• caravan permanently located in a caravan park</li> </ul>	\$918 per asset
Dealing with a private or government landlord of a residential tenancy under which the deceased was a tenant	\$612
Establishing care arrangements for a client— <ul style="list-style-type: none"> <li>• when 1—5 carers are engaged</li> <li>• when 6—10 carers are engaged</li> </ul>	\$2,142 \$3,060
Dealing with a Refundable Accommodation Deposit and entering into a Resident Agreement with respect to an aged care facility on behalf of a represented person. <b>NOTE:</b> To avoid doubt, for this fee to apply, there must be a Refundable Accommodation Deposit (though it may be paid via a Daily Accommodation Payment) and the Public Trustee must enter into the agreement on behalf of the represented person.	\$1,172
Renunciation of executor role	\$864