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PUBLIC TRUSTEE ACT 1941



**PUBLIC TRUSTEE'S
SCALE OF FEES 2011-12**

PUBLIC TRUSTEE ACT 1941**PUBLIC TRUSTEE'S SCALE OF FEES 2011-12****CHAPTER A—PRELIMINARY****PART 1—GENERAL**

1. The Dictionary in Schedule 1 defines words and phrases used in this Scale of Fees.
2. 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.
3. 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.
4. Pursuant to section 38B(6) of the Act, the Public Trustee may, in addition to fees chargeable under section 38B of the Act, 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).
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 goods and services tax 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. 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 Chapters C and D where applicable.
13. Section 38B(2) of the Act says that nothing in section 38B prevents—
 - (a) the payment of any fees that a testator in his Will has directed to be paid; or
 - (b) 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

14. 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.

15. 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.

16. 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 2011;
- (2) the Public Trustee ceases to administer the estate or act as trustee of the trust before 30 June 2012; and/or
- (3) the fees relate to a court trust which was derived from an order made during the period 1 July 2006 to 30 June 2007.

PART 3—WAIVER OF FEES

17. 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*

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

19. 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

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

21. Subject to this Division, the fee for administering a deceased estate is as follows—

- (1) where the value of an estate does not exceed \$300—\$33;
- (2) where the value of an estate exceeds \$300 but does not exceed \$2,000—11% of that value;
- (3) where the value of an estate exceeds \$2,000 but does not exceed \$4,545—\$200;
- (4) where the value of an estate exceeds \$4,545, determine the value and charge—
 - (a) 4.4% on the first \$200,000 of that value;
 - (b) 3.3% on the next \$200,000 (if applicable);
 - (c) 2.2% on the next \$200,000 (if applicable); and
 - (d) 1.1% on the amount in excess of \$600,000 of that value (if applicable).

22. The fee to cover postages and stationery of a deceased estate is—

- (1) where the value of an estate does not exceed \$10,000—\$27.50;
- (2) where the value of an estate exceeds \$10,000—\$55.00.

23. The annual fees for collecting the income of a deceased estate (except income from a Fund) 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 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.

24. The fees in this Division shall be reduced in accordance with the following—

- (1) where the estate includes—
 - (a) a residential property that was the principal place of residence of the deceased person; or
 - (b) an interest as a tenant in common in a residential property that was the principal place of residence of the deceased person,
 and that asset is transferred to the spouse, de facto partner or a child (within the meaning of the *Inheritance (Family and Dependants Provision) Act 1972*) of the deceased person, the fee payable on that part of the estate is 1.1% of the value of that asset;
- (2) where any interest in an asset of an estate is also an interest in an asset of another deceased estate administered by the Public Trustee and in respect of which the appropriate fee has already been paid, the fee payable is 1.65% of the value of the asset;
- (3) where the estate includes a lump sum payment, which is paid directly to the Public Trustee by the trustees of a superannuation fund, the fee payable on the part of the estate consisting of the lump sum payment is 1.65%; and
- (4) in time of war no fees shall be charged under this Division on the estate of any deceased seaman or any member of the Defence Forces as constituted under the *Commonwealth Defence Act 1903* where the value of the estate does not exceed \$5,000, but where the value of the estate exceeds \$5,000—
 - (a) there shall be charged on so much of the value of the estate as exceeds \$5,000 but does not exceed \$10,000, one-half of the fee chargeable under this Division; and
 - (b) there shall be charged on so much of the value of the estate as exceeds \$10,000, the fee chargeable under this Division.

25. In this Division, the reference to the spouse or de facto partner of a deceased person means a person who was the spouse or de facto partner of the deceased person immediately before the deceased person's death.

Division 3—Deceased estates commenced during the period 1 July 2009 to 30 June 2011

26. This Division applies when the Public Trustee commences to administer a deceased estate during the period 1 July 2009 to 30 June 2011.

27. 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 2011

28. This Division applies when the Public Trustee commences to administer a deceased estate on or after 1 July 2011.

29. 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.

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

31. 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 the Court is obtained.

PART 5—EXECUTOR ASSIST SERVICE

32. 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—

- (1) \$185 per hour, subject to a minimum fee of \$185, if the Public Trustee commenced this during the period 1 July 2009 to 30 June 2010;
- (2) \$188 per hour, subject to a minimum fee of \$188, if the Public Trustee commenced this during the period 1 July 2010 to 30 June 2011;
- (3) the hourly rate, if the Public Trustee commences this on or after 1 July 2011.

PART 6—REPRESENTED PERSONS—WHEN ROLE IS PLENARY

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

- (1) as manager pursuant to section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*;
- (2) as 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*, authorising the Public Trustee to perform all of the plenary functions of an administrator under section 69 of that Act.

34. The annual fees for acting as manager or administrator of a represented person during the period 1 July 2011 to 30 June 2012, or acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990* during the period 1 July 2011 to 30 June 2012, are—

- (1) annual fee for personal financial administration during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 6;
- (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

PART 7—REPRESENTED PERSONS—WHEN ROLE IS LIMITED

35. 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.

36. The annual fees for—

- (a) acting as administrator of a represented person during the period 1 July 2011 to 30 June 2012; or
- (b) acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990* during the period 1 July 2011 to 30 June 2012, are—
 - (1) annual fee for administering transactions during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 13;
 - (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
 - (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

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

37. The fee payable for work, other than legal services and miscellaneous services, performed during the period 1 July 2011 to 30 June 2012 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

38. 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.

39. The annual fee payable under this Division for managing an estate pursuant to an enduring power of attorney during the period 1 July 2011 to 30 June 2012 is a fee not exceeding \$1,000.

40. 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 2011 to 30 June 2012 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 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

41. 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.

42. The annual fees payable under this Division for managing an estate pursuant to an enduring power of attorney during the period 1 July 2011 to 30 June 2012 are—

- (1) annual fee for personal financial administration during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 6;
- (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

PART 10—COURT TRUSTS

43. The fee for establishing a court trust during the period 1 July 2011 to 30 June 2012 is calculated in accordance with Schedule 15.

44. Except as provided for in this Part, the annual fees for acting as trustee of a court trust during the period 1 July 2011 to 30 June 2012 are—

- (1) annual fee for personal financial administration during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 9;
- (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

45. The annual fees for acting as trustee of a court trust during the period 1 July 2011 to 30 June 2012—

- (1) do not apply if the court trust derives from an order made during the period 1 July 2007 to 30 June 2009; and
- (2) only apply from the fifth anniversary of the making of the order if the court trust derives from an order made during the period 1 July 2006 to 30 June 2007.

PART 11—TESTAMENTARY TRUSTS

46. The annual fees for acting as trustee of a testamentary trust during the period 1 July 2011 to 30 June 2012 are—

- (1) annual fee for administering transactions during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 10;
- (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

47. 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.

48. If the Public Trustee commenced the cessation of a testamentary trust during the period 1 July 2009 to 30 June 2011, 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

49. The annual fees for acting as trustee of a miscellaneous trust during the period 1 July 2011 to 30 June 2012 are—

- (1) annual fee for administering transactions during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 13;
- (2) annual fee for managing assets during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 7; and
- (3) annual fee for managing residences and real property during the period 1 July 2011 to 30 June 2012—calculated in accordance with Schedule 8.

50. 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.

51. If the Public Trustee commenced the cessation of a miscellaneous trust during the period 1 July 2009 to 30 June 2011, 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

52. The annual fee payable for acting as manager of frozen or confiscated property during the period 1 July 2011 to 30 June 2012 other than legal services, miscellaneous services and work connected with the disposal of the property is calculated at the hourly rate.

53. 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.

PART 14—PREPARATION OF WILLS

54. The fees payable for preparing a Will are stated in Schedule 14.

55. When fees for preparing a Will are charged on a time basis, they may be charged and calculated in units of six minutes.

56. If the fees for preparing a Will 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).

57. Nothing in this Part affects any minimum fee or fixed fee stated in Schedule 14.

PART 15—PRIVATE ADMINISTRATORS' SUPPORT*Division 1—General*

58. In this Part, references to sections are references to sections of the *Guardianship and Administration Act 1990*.

59. 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; and
- (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.

60. No fee is payable under this Part if—

- (1) the last date covered by the examination of the account is before 1 July 2009; and/or
- (2) the value of the client's assets in Western Australia is less than \$50,000.

Division 2—Examinations commenced before 1 July 2011

61. This Division applies when the Public Trustee, before 1 July 2011, commenced to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

62. 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); or
- (4) issuing a certificate of loss under section 80(6) (if applicable),

is—

- (a) if the last date covered by the examination of the account is during the period 1 July 2009 to 30 June 2010—\$185 per hour, subject to a minimum fee of \$185;
- (b) if the last date covered by the examination of the account is during the period 1 July 2010 to 30 June 2011—\$188 per hour, subject to a minimum fee of \$188.

Division 3—Examinations commenced during the period 1 July 2011 to 30 June 2012

63. This Division applies when the Public Trustee, during the period 1 July 2011 to 30 June 2012, commences to examine a set of accounts lodged under section 80(1) or delivered under section 80(2).

64. 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); or
- (4) issuing a certificate of loss under section 80(6) (if applicable),

is calculated at the hourly rate.

PART 16—ASSET SERVICES FOR SIMILAR INTERSTATE DEPARTMENTS, BODIES OR AGENCIES

65. The fee payable for work, other than miscellaneous services, performed in dealing with an asset in Western Australia during the period 1 July 2011 to 30 June 2012 on behalf of another Public Trustee in Australia, State Trustees Limited (Victoria) or the NSW Trustee and Guardian, is calculated at the hourly rate.

CHAPTER C—THE PUBLIC TRUSTEE'S OTHER SERVICES

PART 17—LEGAL SERVICES

66. The fees payable for performing legal services during the period 1 July 2011 to 30 June 2012 are calculated as follows—

- (1) if performed by an in-house senior practitioner (admitted for more than five years)—\$310 per hour;
- (2) if performed by an in-house junior practitioner (admitted for less than five years)—\$219 per hour; and
- (3) if performed by an in-house clerk or paralegal—\$194 per hour.

67. 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 pursuant to section 80 of the *Guardianship and Administration Act 1990*;
- (5) preparing a Will, which is covered by Part 14 and Schedule 14;
- (6) performing miscellaneous services, which are covered by Part 22 and Schedule 16;
- (7) performing legal services during such periods in which the Public Trustee engages an external firm of solicitors to provide that service.

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

69. 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

70. The annual fee pursuant to section 39A(4) of the Act for managing the Common Account during the period 1 July 2011 to 30 June 2012 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)

71. The Public Trustee shall receive, for supervising the management of a Public Trustee Investment Fund during the period 1 July 2011 to 30 June 2012, 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

Division 1—General

72. This Division 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;
- (3) trustee of a court trust deriving from an order made during the period 1 July 2006 to 30 June 2009; or
- (4) manager of frozen or confiscated property.

73. The annual fee payable under this Division for supervising external investments during the period 1 July 2011 to 30 June 2012 is calculated at \$194 per hour, subject to a minimum fee of \$388.

Division 2—Court trusts deriving from orders made during the period 1 July 2007 to 30 June 2009

74. This Division applies when the Public Trustee is trustee of a court trust deriving from an order made during the period 1 July 2007 to 30 June 2009.

75. The annual fees payable under this Division for collecting the income of a court trust (except income from a Fund) deriving from an order made during the period 1 July 2011 to 30 June 2012 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 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 3—Court trusts deriving from orders made during the period 1 July 2006 to 30 June 2007

76. This Division applies when the Public Trustee is trustee of a court trust deriving from an order made during the period 1 July 2006 to 30 June 2007.

77. The fees payable under this Division for collecting the income of the court trust (except income from a Fund) during the period 1 July 2011 to the day before the fifth anniversary of the making of an order from which the court trust derives 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 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.

78. The fee payable under this Division for managing external investments during the period commencing the fifth anniversary of the making of the order from which the court trust derives to 30 June 2012 is calculated at \$194 per hour, subject to a minimum fee of \$388.

PART 21—REAL PROPERTY SERVICES

Division 1—General

79. 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;
- (3) trustee of a court trust deriving from an order made during the period 1 July 2006 to 30 June 2009; or
- (4) manager of frozen or confiscated property.

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

- (1) purchase of real property is \$582;
- (2) sale of real property is \$1,358;
- (3) transfer of real property without a purchase or a sale is \$582; and
- (4) construction of a dwelling on real property or an extension or modification to an existing dwelling is calculated at the hourly rate.

81. 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 \$388.

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

82. 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.

83. In estates under this Division where the Public Trustee will—

- (1) purchase real property with an existing dwelling; or
- (2) purchase vacant real property and construct 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—

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

84. 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.

Division 3—Court trusts deriving from an order made during the period 1 July 2007 to 30 June 2009

85. This Division applies when the Public Trustee is trustee of a court trust deriving from an order made during the period 1 July 2007 to 30 June 2009.

86. In court trusts under this Division where the Public Trustee will—

- (1) purchase real property with an existing dwelling; or
- (2) purchase vacant real property and construct 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—

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

Division 4—Court trusts deriving from an order made during the period 1 July 2006 to 30 June 2007

87. This Division applies when the Public Trustee is trustee of a court trust deriving from an order made during the period 1 July 2006 to 30 June 2007.

88. In court trusts under this Division where the Public Trustee will—

- (1) purchase real property with an existing dwelling; or
- (2) purchase vacant real property and construct 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—

- (3) the dwelling purchased or constructed; and
- (4) the land on which that dwelling is situated,

but only if the Public Trustee commences this before the fifth anniversary of the making of the order from which the court trust derives.

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

- (1) purchase of real property is \$582;
- (2) sale of real property is \$1,358;
- (3) transfer of real property without a purchase or a sale is \$582; and
- (4) construction of a dwelling on real property or an extension or modification to an existing dwelling is calculated at the hourly rate,

but only if the Public Trustee commences this on or after the fifth anniversary of the making of the order from which the court trust derives.

PART 22—MISCELLANEOUS SERVICES

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

PART 23—SPECIAL SERVICES

91. 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 a court trust deriving from an order made during the period 1 July 2007 to 30 June 2009;
- (3) trustee of a court trust deriving from an order made during the period 1 July 2006 to 30 June 2007 if it is before the fifth anniversary of the making of that order;
- (4) trustee of moneys paid into Court; or
- (5) preparing a Will.

92. 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.

93. The fee payable for performing the following during the period 1 July 2011 to 30 June 2012 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 acting as administrator or manager of a represented person, 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 acting as administrator or manager of a represented person, 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, chattels and 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 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) disposing of personal property under section 29(5) of the Act upon the death of a represented person;
- (11) arranging the sale of motor vehicles, boats and trailers when the Public Trustee is acting as administrator or manager of a represented person, acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, donee of an enduring power of attorney, or trustee of a court trust, testamentary trust or miscellaneous trust;
- (12) investigating what assets, if any, exist of a deceased estate when the body of the deceased person is unclaimed, 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;
- (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; or
- (15) investigating and deciding how to apply the assets of a miscellaneous 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).

CHAPTER D—OTHER FEES

PART 24—OTHER FUNCTIONS OR SERVICES

94. For any function or service not provided for in this Scale of Fees, the fees of the Public Trustee shall be such as are agreed or in the absence of agreement such as are fixed by the Public Trustee.

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) “**complex Will**” means a Will in which one or more of the following applies—
 - (a) the Will contains provision for a—
 - (i) life interest;
 - (ii) right to reside;
 - (iii) protective trust;
 - (iv) option to purchase an asset;

- (v) perpetual charitable trust;
 - (vi) gift to an overseas charity and/or organisation;
 - (vii) subdivision of property;
 - (viii) payment of pecuniary legacies from parts of residue; and/or
 - (ix) continuation or winding up of a family trust;
- (b) the Public Trustee, in its opinion, is required to undertake further investigations, including but not limited to obtaining and considering documentation, in respect of one or more of the following—
- (i) life insurance policy;
 - (ii) superannuation policy;
 - (iii) private company;
 - (iv) sole trader business;
 - (v) trust deed;
 - (vi) partnership;
 - (vii) farm;
 - (viii) lease;
 - (ix) mortgage; and/or
 - (x) any other agreement that the client is either a party to or affected by;
- (c) the client owes, or is owed, more than \$1,000 under a loan for which there is no professionally prepared documentation and instructs the Public Trustee to include a provision in the Will relating to this loan.
- (6) **“couple”** means two people who are married to each other or in a de facto relationship who each make substantially similar Wills;
- (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 Dependents 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 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 \$194 per hour, subject to a minimum fee of \$194;
- (16) **“junior practitioner”** and **“senior practitioner”** have the same meanings as in the *Legal Practitioners (Supreme Court) (Contentious Business) Determination 2010*;
- (17) **“Landgate”** means the Western Australian Land Information Authority;
- (18) **“miscellaneous services”** means the services listed in Schedule 16;
- (19) **“miscellaneous trusts”** means all trusts other than the following—
- (a) court trusts;
 - (b) testamentary trusts;
 - (c) trusts of unclaimed moneys; and
 - (d) trusts of moneys paid into Court.

- (20) “**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;
- (21) “**Part**” means a Part under this Scale of Fees;
- (22) “**pensioner**” 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;
 - (iv) a Commonwealth seniors health card; or
 - (b) the holder of any other card issued by Centrelink or the Department of Veterans’ Affairs that certifies entitlement to Commonwealth health concessions;
- (23) “**Public Trustee Investment Fund (PTIF)**” means—
- (a) the “Cash strategic investment account” which also means the Cash strategic common account or the Public Trustee Investment Fund Cash;
 - (b) the “Conservative strategic investment account” which also means the Conservative strategic common account or the Public Trustee Investment Fund Conservative;
 - (c) the “Growth strategic investment account” which also means the Growth strategic common account or the Public Trustee Investment Fund Growth; and
 - (d) the “Growth Plus strategic investment account” which also means the Growth Plus strategic common account and the Public Trustee Investment Fund Growth Plus.
- (24) “**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 whom the Public Trustee is manager pursuant to section 124 and Schedule 5 of the *Guardianship and Administration Act 1990*;
- (25) “**Schedule**” means a Schedule to this Scale of Fees;
- (26) “**simple Will**” means a Will that is not a complex Will;
- (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*, 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) a payment made to or from a PTIF;
 - (b) the debiting or crediting of Common Account interest;
 - (c) charging or rebating of fees payable to the Public Trustee; and
 - (d) correcting errors made by the Public Trustee.

2. Unless the context indicates otherwise—

- (1) words and phrases defined in the Act shall have the same meaning in this Scale of Fees;
- (2) a department, body or agency (apart from Centrelink and the Department of Veterans’ Affairs) is Western Australian;
- (3) a reference to a department, body or agency includes the successors to that department, body or agency and any renamed department, body or agency;
- (4) a reference to legislation is a reference to Western Australian legislation; and
- (5) a reference to legislation includes any substituted or renamed legislation.

SCHEDULE 2
DEFINITION OF CLIENT

Public Trustee’s capacity	Definition of client
Executor or administrator of a deceased estate	A beneficiary of the deceased estate
Agent pursuant to section 12A of the Act	Not applicable
Administrator or manager of a represented person or acting pursuant to an order made under section 65 of the <i>Guardianship and Administration Act 1990</i>	The represented person
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

Public Trustee's capacity	Definition of client
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
Preparer of a Will	The testator
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

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	35
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)	40
For dealing with each life insurance policy	25
For dealing with each external investment, except investments with Esanda Finance, IOOF, Savings Investment Bonds (UK) or RAC Debentures	40
For dealing with each external investment with Esanda Finance, IOOF, Savings Investment Bonds (UK) or RAC Debentures	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 the Department of Veterans' Affairs	15
For dealing with an overseas pension	25
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

Activity	Standard units of effort
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 in excess of five	5

NOTE 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%.

NOTE 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	\$1,746
91-110	2	\$2,134
111-130	3	\$2,522
131-150	4	\$2,910
151-170	5	\$3,298
171-190	6	\$3,686
191-225	7	\$4,365
226-265	8	\$5,141
266-305	9	\$5,917
306-345	10	\$6,693
346-385	11	\$7,469
386-450	12	\$8,730
451-515	13	\$9,991
516-615	14	\$11,931
616-715	15	\$13,871
716-815	16	\$15,811
816-965	17	\$18,721
966-1,115	18	\$21,631
1,116-1,315	19	\$25,511
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) paying five or less unsecured liabilities outstanding at date of death;
- (7) dealing with household furniture, effects, chattels or jewellery with the consent of the beneficiaries;
- (8) advertising for statutory notice to creditors, transmission applications, and next of kin or missing beneficiaries;

- (9) obtaining the deceased person's death certificate;
- (10) finalising the deceased person's Centrelink or Department of Veterans' Affairs pensions and entitlements up to date of death;
- (11) arranging transfer of or finalising final accounts for telephone, electricity, gas, and other relevant services;
- (12) finalising and processing final refund of contributions to medical insurance funds;
- (13) processing personal cash located or held and other small value refunds;
- (14) processing income tax refunds received;
- (15) attending to searches of Australian share registries and the Registry of Births, Deaths and Marriages;
- (16) lodging documents at the Office of State Revenue;
- (17) lodging documents in Australian share registries and the Registry of Births, Deaths and Marriages;
- (18) locating certificates of title;
- (19) giving an indemnity for lost documents;
- (20) 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;
- (21) preparing withholding tax deductions for income paid to overseas beneficiaries;
- (22) preparing statements of account;
- (23) establishing the identity and entitlement of three or less beneficiaries;
- (24) instructing genealogist for identification of next of kin for an intestate estate, unnamed class under a Will or missing beneficiary;
- (25) preparing entitlement plans;
- (26) arranging the distribution of funds to beneficiaries;
- (27) arranging the distribution of funds held for deceased beneficiaries; and
- (28) 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 or aged care facility;
 - (b) Disability Services Commission 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 his or her 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 or a non government organisation;
 - (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	\$970
2	abaa, abba, abca, abda, abea, acba, acca, acda, acea, adba, adca, adea	\$1,940
3	bbba, bbca, bbea, bcaa, bcba, bcca, beaa, beba, beca, cbaa, ceaa, deaa	\$2,328
4	cbba, cbca, cbea, ccba, ccca, ceba, ceca, dbba, dbca, dcba, dcca, ddba, ddca, ddea, deba, deca	\$3,298
5	bbda, bcda, beda, cbda, ccda, ceda, dbda, dbea, dcda, ddda, deda	\$5,820
6	Any combination in which the answer to question (4) is b	\$10,088

5. For ease of reference, if typically the frequency of contact with the Public Trustee with respect to the client is more than once per fortnight, the annual fee is \$10,088.

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	Nil
2	\$5,001	\$10,000	\$143
3	\$10,001	\$30,000	\$213
4	\$30,001	\$50,000	\$428
5	\$50,001	\$100,000	\$573
6	\$100,001	\$200,000	\$927
7	\$200,001	\$300,000	\$1,425
8	\$300,001	\$500,000	\$1,997
9	\$500,001	\$750,000	\$2,853
10	\$750,001	\$1,000,000	\$4,278
11	\$1,000,001	\$1,500,000	\$5,562
12	\$1,500,001	\$2,000,000	\$6,918
13	\$2,000,001	\$2,500,000	\$8,343
14	\$2,500,001	no maximum	\$9,700

Note: 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—

- (a) real property;
- (b) retirement village units, whether held as a strata title, lease or other method of ownership;
- (c) relocatable homes;
- (d) mobile homes;
- (e) caravans permanently located in a caravan park;
- (f) motor vehicles;
- (g) household furniture, effects and chattels; and
- (h) personal jewellery.

SCHEDULE 8 RESIDENCE AND REAL PROPERTY FEES

1. Subject to items 2 to 5, the residence and real property fees are \$1,552 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 administrator or manager of a represented person, acting pursuant to an order made under section 65 of the *Guardianship and Administration Act 1990*, or done of an enduring power of attorney, the \$1,552 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 \$1,552 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 a beneficiary if—
 - (a) it was the principal place of residence of a beneficiary 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 \$1,552 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**

Service Level	Number of Transactions per annum	Annual fee
1	0	Nil
2	1—5	\$485
3	6—10	\$873
4	11—15	\$1,261
5	16—20	\$1,358
6	21—30	\$1,455
7	31—40	\$1,649
8	41—50	\$1,746
9	51—80	\$2,037
10	81—100	\$2,425
11	101—150	\$2,813
12	151—200	\$3,201
13	Over 200	\$3,880

**SCHEDULE 10
TESTAMENTARY TRUSTS—TRANSACTIONAL FEE**

Service Level	Number of transactions per annum	Annual fee
1	0	Nil
2	1-5	\$49
3	6-10	\$291
4	11-15	\$582
5	16-20	\$1,358
6	21-30	\$1,649
7	31-40	\$2,037
8	41-50	\$2,328
9	Over 50	\$2,522

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 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	\$582
31-40	2	\$776
41-50	3	\$970
51-75	4	\$1,455
76-90	5	\$1,746
91-110	6	\$2,134
111-130	7	\$2,522
131-150	8	\$2,910
151-170	9	\$3,298
171-190	10	\$3,686
191-225	11	\$4,365
226-265	12	\$5,141
266-305	13	\$5,917
306-345	14	\$6,693
346-385	15	\$7,469
386-450	16	\$8,730
451-515	17	\$9,991
516-615	18	\$11,931
616-715	19	\$13,871
716-815	20	\$15,811
816-965	21	\$18,721
966-1,115	22	\$21,631
1,116-1,315	23	\$25,511
OVER 1,315	24	Calculated at the hourly rate

SCHEDULE 13
REPRESENTED PERSONS—WHEN ROLE IS LIMITED
AND
MISCELLANEOUS TRUSTS TRANSACTIONAL FEE

Service Level	Number of transactions per annum	Annual fee
1	0	Nil
2	1-5	\$388
3	6-10	\$582
4	11-15	\$970
5	16-20	\$1,358
6	21-30	\$1,649
7	31-40	\$2,037
8	41-50	\$2,328
9	Over 50	\$2,522

SCHEDULE 14
PREPARATION OF WILLS—FEES

Service	Fee
<i>Simple Wills in which—</i>	
<ul style="list-style-type: none"> • <i>the Public Trustee is the only executor;</i> <i>or</i> • <i>the client's spouse or de facto partner is the only institute executor and the Public Trustee is the only substitute executor;</i> 	
Single client—pensioner	\$40
Couple—at least one client is a pensioner	\$65
Single client—not a pensioner	\$50
Couple—neither clients are pensioners	\$80
<i>Complex Wills in which—</i>	
<ul style="list-style-type: none"> • <i>the Public Trustee is the only executor;</i> <i>or</i> • <i>the client's spouse or de facto partner is the only institute executor and the Public Trustee is the only substitute executor;</i> 	
Single client—pensioner	\$156 per hour, subject to a minimum fee of \$40
Couple—at least one client is a pensioner	\$156 per hour, subject to a minimum fee of \$65
Single client—not a pensioner	\$194 per hour, subject to a minimum fee of \$50
Couple—neither clients are pensioners	\$194 per hour, subject to a minimum fee of \$80
<i>All other simple Wills:</i>	
Single client—pensioner	\$299
Couple—at least one client is a pensioner	\$417
Single client—not a pensioner	\$374
Couple—neither clients are pensioners	\$521
<i>All other complex Wills:</i>	
Single client—pensioner	\$156 per hour, subject to a minimum fee of \$314
Couple—at least one client is a pensioner	\$156 per hour, subject to a minimum fee of \$404
Single client—not a pensioner	\$194 per hour, subject to a minimum fee of \$393
Couple—neither clients are pensioners	\$194 per hour, subject to a minimum fee of \$505

Note: To be treated as a couple, the Wills need to be substantially similar, otherwise the clients are each charged separately.

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	Nil
\$5,501 to \$50,000	\$388
\$50,001 to \$100,000	\$970
\$100,001 to \$400,000	\$2,910
\$400,001 or more	\$4,850

SCHEDULE 16
MISCELLANEOUS SERVICES—FEES

Service	Fee
Preparing and lodging the following documents—	\$116
<ul style="list-style-type: none"> • Caveat • Withdrawal of caveat • Deed • Mortgage or charge • Extension of mortgage • Reseal of an interstate or overseas grant of probate or letters of administration 	\$106
	\$347
	\$231
	\$368
	\$526
Preparing a discharge of a mortgage or charge and registering it or attending at settlement, as the case may be	\$388
Producing a certificate of title or Crown Lease	\$97
Producing each subsequent title in the same security and lodged at the same time	\$6
Conducting the following searches with Landgate—	\$12
<ul style="list-style-type: none"> • Search of Certificate of Title where number is known • Search of name and/or address and subsequent Certificate of Title • Each subsequent search of Certificate of Title after initial fee (if more than one search) • Search of name, location, lot index • Check search • Search of other document 	\$15
	\$12
	\$15
	\$12
	\$12
	\$12
Conducting the following searches with Registry of Births, Deaths and Marriages—	\$15
<ul style="list-style-type: none"> • Search for Birth, Death or Marriage Certificate Includes a one 10 year search	\$15
<ul style="list-style-type: none"> • Search in an index Includes a search over any period not exceeding 10 years and a Result of Search Certificate	\$15
Arranging and authorising a funeral or cremation for a deceased person	\$65
Storing a Will deposited under section 54 of the Act for the life of the testator—	\$160
<ul style="list-style-type: none"> • if the testator is a pensioner when the Will is deposited • if the testator is not a pensioner when the Will was deposited 	\$200
NOTE: This fee for storing a Will does not apply when—	
(a) the testator (as opposed to someone else) deposits the Will;	
(b) the Will was deposited on or before 30 June 2009;	
(c) the Public Trustee prepared the Will;	
(d) the testator is—	
<ul style="list-style-type: none"> (i) a represented person; (ii) a beneficiary of a trust of which the Public Trustee is the trustee; and/or (iii) a donor of an enduring power of attorney when 	

Service	Fee
the Public Trustee is the donee (or substitute donee); and/or (e) 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.	