



Western Australia

## **Public Trustee Regulations 1942**

Compare between:

[19 Apr 2005, 03-f0-05] and [17 Mar 2006, 04-a0-02]





Western Australia

Reprinted under the  
Reprints Act 1984 as  
at 17 March 2006

Public ~~Trustees~~Trustee Act\_1941

## Public Trustee Regulations 1942

### 1. Citation and ~~Interpretation~~interpretation

- (1) These regulations may be cited as the *Public Trustee Regulations 1942* <sup>1</sup>.
- (2) In these regulations unless the contrary intention appears —  
“~~Estate~~estate” includes trusts, estates and property which the Public Trustee as trustee, executor, administrator, guardian, next friend, committee, manager, receiver, attorney or otherwise is entitled under the Act to control, manage, administer or deal with.

*[Regulation 1 inserted in Gazette 28 ~~September~~Sep 1984 p. 3158.]*

### 2. Public Trust Office

The Public Trust Office shall be situate in the city of Perth. Any premises which the Public Trustee from time to time occupies for the purpose of carrying on the business of the Public Trust Office shall be the Public Trust Office for the purpose of the Act and these regulations.

*[Regulation 2 amended in Gazette 19 May 1944 p. 388.]*

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**3. Common Seal**

- (i) The common seal of the Public Trustee shall bear the words “The Common Seal of the Public Trustee, Western Australia<sup>22</sup>”.
- (ii) The common seal shall be kept in the custody of the Public Trustee, or such other officer as is authorised by him.

**4. Form of claim**

Every claim upon the Public Trustee shall be made in the form required by the Public Trustee.

**5. Forms**

The several forms in the First Schedule shall be used for the purposes to which they are respectively applicable, with such variations as may be required.

*[Regulation 5 amended in Gazette 30 June/Jun 1972 p. 2169.]*

**6. Fees**

Subject to regulation 6AA the fees to be charged by the Public Trustee shall be those set out in the Second Schedule ~~to these regulations~~.

*[Regulation 6 inserted in Gazette 30 June/Jun 1972 p. 2169; amended in Gazette 20 July/Jul 1993 p. 3962.]*

**6AA. Certain costs payable by Public Trustee**

Where the Public Trustee employs a solicitor, in accordance with section 53 of the Act, to obtain a grant of probate or grants of administration in relation to the estate of a deceased person, the Public Trustee shall —

- (a) pay the solicitor’s costs to the solicitor from moneys in the estate; and
- (b) reduce the fees charged under item-1(1)(a) of the Second Schedule by either —

- (i) the fee charged by the solicitor for obtaining the grant; or
- (ii) the fee which would have been payable to the solicitor under any relevant legal costs determination within the meaning of the *Legal Practice Act 2003*,

whichever is the lesser.

*[Regulation 6AA inserted in Gazette 20 Jul 1993 p. 3962-3; amended in Gazette 19 Apr 2005 p. 1298.]*

**6A. Allowances payable to agents**

Agents of the Public Trustee may be paid an allowance for estates secured by them and administered by the Public Trustee in accordance with the following scale, such allowance to be a charge against the revenue of the Public Trustee:-

Value of <del>Estate</del> estate	Allowance
Up to \$100.00	Nil
Over \$100.00 and not exceeding \$1 000	\$5.00
Over \$1 000 and not exceeding \$2 000	\$7.50
Over \$2 000 and not exceeding \$5 000	\$10.00
Over \$5 000	\$20.00

*[Regulation 6A inserted in Gazette 9 Jul 1943 p. 665; amended in Gazette 18 Aug 1978 p. 3063.]*

**7. Moneys to be paid to consolidated revenue**

All moneys received by the Public Trustee by way of commission fees and charges shall be paid to consolidated revenue.

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[8. ~~Revoked~~Repealed in Gazette 12 ~~December~~Dec 1947 p. 2255.]

[9. ~~Revoked~~Repealed in Gazette 1 May 1969 p. 1347.]

**10. Public Trustee next friend of represented person**

Where the Public Trustee is the administrator or joint administrator of the estate of a represented person any proceeding by the Public Trustee with respect to any property of the represented person or any property in which he is interested or for the recovery of damages for conversion of or injury to that property shall be taken in the name of the represented person by the Public Trustee as his next friend.

[Regulation 10 inserted in Gazette 20 ~~July~~Jul 1993 p. 3963.]

**10A. Prescribed amount — s.-45(2)**

The prescribed amount referred to in section 45(2) of the Act is \$500.

[Regulation 10A inserted in Gazette 5 ~~September~~Sep 1986 p. 3272; amended in Gazette 6 ~~September~~Sep 1991 p. 4714.]

**11. Procedure**

In case of doubt as to the mode of procedure to be adopted by the Public Trustee in any particular case, the procedure to be adopted shall be such as the Court directs.

**First Schedule**

(Reg. 5)

[Heading inserted in Gazette 30 Jun 1972 p. 2169.]

**Form No. 1**

NOTICE TO CREDITORS AND CLAIMANTS

~~[Heading amended in Gazette 30 June 1972 p. 2169.]~~

In the Supreme Court of Western Australia — Probate Jurisdiction.

NOTICE is hereby given that all persons having claims or demands against the estates of the undermentioned deceased persons (orders to administer whose estates were granted to me by the said Court under the *Public Trustee Act 1941*) are hereby required to send particulars of such claims to me in writing on or before the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, after which date I will proceed to distribute the assets of the said deceased persons among those entitled thereto, having regard only to those claims of which I shall then have had notice.

Dated at Perth the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

J. H. GLYNN,  
Public Trustee.  
~~Public Trustee.~~

Name.	Date of Death.	Date of Order.	Address.	Occupation.

**Form No. 2**

Public Trust Office,

Perth, .....  
..... 20 .....

The Manager,

.....  
.....  
*re.* .....  
.....  
.....

*re.*..... deceased.

PLEASE have the notice to creditors and claimants as shown hereunder inserted once in your next issue and forward to this office the account, with a copy of the paper in which the advertisement appears.

J. H. GLYNN,  
Public Trustee,  
Perth.  
~~Public Trustee,~~  
~~Perth.~~

**NOTICE TO CREDITORS AND CLAIMANTS**

*Re.* .....

..... late of .....

~~-Re.~~ .....

..... late of ..... deceased.

ALL persons having claims or demands against the estate of the abovenamed are required to send particulars thereof in writing to the undersigned before the

..... day of ..... 20 ....., ..... day  
of ..... 20..... otherwise they will be excluded from  
participating in the distribution of the assets.

Dated this ..... day of ..... 20.....



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**First Schedule**

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J. H. GLYNN,  
Public Trustee.

Public Trustee.

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**Form No. 3**

(Section 14(1))

**ELECTION BY PUBLIC TRUSTEE TO ADMINISTER AN  
INTESTATE ESTATE**

In the Supreme Court of Western Australia — Probate Jurisdiction.

~~In the matter of the Estate of .....~~  
~~.....~~  
~~.....~~  
~~..... deceased, intestate.~~

In the matter of the Estate of .....  
.....  
.....  
..... deceased, intestate.

WHEREAS the abovenamed deceased died at .....  
..... on the ..... day  
of ..... 20....., intestate,  
leaving estate within the State of Western Australia the gross value of which as  
estimated by the Public Trustee does not now exceed \$10 000, and no person  
has taken out administration of the said estate:

AND WHEREAS the Public Trustee is entitled to an Order to administer such  
estate:

NOW this is to notify all whom it may concern that in pursuance of  
section 14(1) of the *Public Trustee Act 1941*, the Public Trustee hereby elects to  
administer such estate.

So far as now known to the Public Trustee the name, address, and  
occupation of the said deceased at the date of his death are as set out above and  
the total value of the estate is under \$ ..... of  
which \$ ..... is real estate and \$ .....  
..... personal estate.

Dated this ..... day of .....  
..... 20.....



**Form No. 3A**

(Section 14(1))

**ELECTION BY THE PUBLIC TRUSTEE TO  
ADMINISTER A TESTATE ESTATE**

In the Supreme Court of Western Australia — Probate Jurisdiction.

~~In the matter of the Will of~~ .....

.....

.....

.....

In the matter of the Will of .....

.....

.....

.....

WHEREAS the abovenamed ..... deceased died at ..... on the ..... day of ..... 20..... leaving estate within the State of Western Australia the gross value of which as estimated by the Public Trustee does not exceed \$10 000 and no person has taken out probate or administration of the said estate in Western Australia.

AND WHEREAS the said deceased made ..... last Will and Testament bearing date the ..... day of ..... 20.....; a certified copy of the Will is hereunto annexed and signed by the Public Trustee.

AND WHEREAS the Public Trustee is entitled to a Grant of Probate of the Will of the said deceased.

NOW this is to notify all whom it may concern that in pursuance of section 14(1) of the *Public Trustee Act 1941* the Public Trustee hereby elects to administer with the Will the estate of the said deceased.

SO far as now known to the Public Trustee the name address and occupation of the said deceased at the date of death are set out above and the total value of the

**Public Trustee Regulations 1942**  
**First Schedule**

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said estate is ..... of which ..... is real estate and  
..... is personal estate.

DATED this ..... day of .....  
..... 20 .....

Public Trustee.

.....  
*[Form No. 3A inserted in Gazette 18 Aug 1978 p. 3063.]*

**Form No. 3B**

**ELECTION BY THE PUBLIC TRUSTEE TO  
ADMINISTER A TESTATE ESTATE**

In the Supreme Court of Western Australia — Probate Jurisdiction.

In the matter of the Will and Estate of .....

.....

.....

.....

In the matter of the Will and Estate of .....

.....

.....

.....

WHEREAS the abovenamed .....  
..... deceased died at .....  
..... on the ..... day of .....  
..... 20..... leaving estate within the State of Western  
Australia the gross value of which as estimated by the Public Trustee does not  
now exceed \$10 000 and no person has taken out probate or administration of  
the said estate in Western Australia.

AND WHEREAS the said deceased made .....  
..... last Will and Testament bearing date the .....  
..... day of ..... 20..... a  
certified copy of the Will is hereunto annexed and signed by the Public Trustee.

AND WHEREAS the Public Trustee is entitled to an Order to Administer with  
the Will the estate of the said deceased.

NOW this is to notify all whom it may concern that in pursuance of  
section 14(1) of the *Public Trustee Act 1941* the Public Trustee hereby elects to  
administer with the Will the estate of the said deceased.

SO far as now known to the Public Trustee the name address and occupation of  
the said deceased at the date of death are set out above and the total value of the  
said estate is ..... of which .....  
..... is real estate and ..... is personal estate.

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**First Schedule**

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DATED this ..... day of ..... 20.....

Public Trustee.

=====  
*[Form No. 3B inserted in Gazette 18 Aug 1978 p. 3063.]*

**Form No. 4**

**MEMORANDUM REVOKING AN ELECTION  
BY THE PUBLIC TRUSTEE**

In the Supreme Court of Western Australia — Probate Jurisdiction.

~~In the matter of the Estate of .....~~  
~~.....~~  
~~....., deceased.~~

In the matter of the Estate of .....

.....

....., deceased.

WITH reference to the election by the Public Trustee, filed in this Honourable Court in this matter on the ..... day of ..... 20..... the Public Trustee now finds that the gross value of the property to be administered exceeds the sum of \$10-000 (or that the deceased died possessed of property outside the State) and the said election is hereby revoked.

DATED the ..... day of ..... 20.....

Public Trustee.

.....  
*[Form No. 4 inserted in Gazette 18 Aug 1978 p. 3064.]*



**Form No. 5**

(Section 59)

CERTIFICATE OF APPOINTMENT (OR AUTHORITY) OF  
THE PUBLIC TRUSTEE

In the matter of .....

In the matter of .....

THE Public Trustee hereby certifies that his appointment (or authority, as the case may be) in relation to the abovementioned in course of administration is (here set out the nature of the appointment or authority and the facts on the happening of which such authority was made or granted).

Dated the ..... day of .....  
20.....

Public Trustee.

[SEAL.]

[Form No. 6 deleted in Gazette 18 AugustAug 1978 p. 3064.]

**Form No. 7**

(Section 44(6))

**CERTIFICATE OF AMOUNT OF ADVANCE FROM  
COMMON FUND**

THE Public Trustee hereby certifies that the amount owing by .....

.....

for advances out of the Public Trustee Common Fund and interest thereon at the  
..... day of ..... 20..... is ..... dollars  
..... cents.

.....

~~for advances out of the Public Trustee Common Fund and interest thereon at the  
..... day of ..... 20..... is ..... dollars  
..... cents.~~

~~Dated the ..... day of ..... 20.....~~

Dated the ..... day of ..... 20.....

Public Trustee.

[SEAL.]

~~[First Schedule amended in Gazette 18 August 1978 pp.3063-4.]~~

## Second Schedule

### Public Trustee's fees

*[Heading inserted in Gazette 30 Jun 1972 p. 2169.]*

*[Parts A and B deleted in Gazette 18 Aug 1978 p. 3064.]*

*[Part C heading deleted in Gazette 18 Aug 1978 p. 3064.]*

#### 1. Fees chargeable for duties and services of Public Trustee

~~1.~~

- (1) Subject to this item the following fees shall be charged in respect of the duties and services of the Public Trustee, acting alone or jointly, with respect to the estate of a deceased person (in addition to all moneys properly expended in respect of the estate) —
- (a) as to the gross capital value of an estate —
    - (i) where that value does not exceed \$300, \$33;
    - (ii) where that value exceeds \$300 but does not exceed \$2 000, 11% of that value;
    - (iii) where that value exceeds \$2 000, according to the scale — 4.4% on the first \$200 000 of that value, subject to a minimum of \$200;  
3.3% on the next \$200 000 of that value;  
2.2% on the next \$200 000 of that value; and  
1.1% on the amount in excess of \$600 000 of that value;
  - (b) as to the income of any estate —
    - (i) in relation to income derived from rent —
      - (I) 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;

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- (II) where the rent is collected through an agent who is employed and paid a commission by the Public Trustee, such amount as equals 2.75% of that income;
  - (ii) in relation to income derived from sources other than rent —
    - (I) where the income is collected by the Public Trustee without an agent, 6.6% of that income;
    - (II) where the income is collected through an agent who is employed and paid a commission by the Public Trustee, such amount as equals 2.75% of that income.
- (1a) The fees to be charged under subitem (1)(a) shall be reduced in accordance with the following provisions —
  - (a) where the estate includes —
    - (i) a residential property that was the principal place of residence of the deceased person; or
    - (ii) an interest as a tenant in common in a residential property of the kind described in subparagraph (i),  
and that asset is transferred to the spouse, de facto partner or a child (within the meaning of the *Inheritance (Family and Dependents Provision) Act 1972*) of the deceased person, the fee payable on that part of the estate is 1.1% of the gross capital value of that asset;
  - (b) where any property in an estate is an asset in another estate administered by the Public Trustee and in respect of which the appropriate fee in this Schedule has already been paid the fee payable shall be 1.65% of the gross capital value of the asset;
  - (c) where the property in an estate consists of the proceeds of an asset which the Public Trustee receives as principal administrator from outside the State of Western Australia the fee payable shall be 1.65% of those proceeds; and
  - (d) 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 shall be 1.65%.

- (1b) In subitem (1a)(a) the reference to the spouse or de facto partner of the deceased person means a person who was the spouse or de facto partner of the person immediately before the person's death.
- (2) In time of war no fees shall be charged under this item on the estate of any deceased seaman or any member of the Defence Forces as constituted under the *Defence Act 1903* of the Parliament of the Commonwealth and any Act amending or in substitution for that Act where the gross value of the assets of the estate does not exceed \$5 000, but where the gross value of the estate exceeds \$5 000 —
  - (a) there shall be charged on so much of the gross value of the estate as exceeds \$5 000 but does not exceed \$10 000, one-half of the fee chargeable under subitem (1); and
  - (b) there shall be charged on so much of the gross value of the estate as exceeds \$10 000, the fees chargeable under subitem (1).

~~2.~~

*[Item 1 inserted in Gazette 18 Aug 1978 p. 3064-5; amended in Gazette 23 May 1980 p. 1552; 31 Oct 1986 p. 4040; 6 Oct 1989 p. 3726; 17 Mar 1992 p. 1227; 11 Mar 1997 p. 1480-1; 30 Jun 2000 p. 3429-30; 29 Dec 2000 p. 7929; 12 Oct 2001 p. 5563; 17 Jan 2003 p. 115.]*

**2. Fee payable on assets realised or moneys collected**

- (1) Subject to this item, the fee payable on the gross capital value of assets realised or moneys collected by the Public Trustee in relation to the estate of a represented person is 4.4% of that value.
  - (1a) Where the assets realised by the Public Trustee include the principal place of residence of the represented person, the fee payable in respect of that asset is 2.2% of its gross capital value.
  - (1b) The fee prescribed under subitem (1) does not apply to moneys withdrawn by the Public Trustee from a cheque account or savings account held with a bank or other financial institution.

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- (2) Where the estate is that of an incapacitated member of the Defence Forces as constituted under the *Defence Act 1903* of the Parliament of the Commonwealth and any Act amending or in substitution for that Act and the incapacity has been accepted by the prescribed authority under the *Repatriation Act 1920* of the Parliament of the Commonwealth and any Act amending or in substitution for that Act as the result of war service, the fees payable under this item shall be reduced by half.

~~3.~~

*[Item 2 inserted in Gazette 18 Aug 1978 p. 3065; amended in Gazette 20 Jul 1993 p. 3963; 21 Apr 1995 p. 1404; 11 Mar 1997 p. 1481; 30 Jun 2000 p. 3430; 29 Dec 2000 p. 7929.]*

**3. Fee chargeable on moneys received for investment**

On moneys received for investment under section 37(1) of the Act (other than moneys paid into court by a party to an action or proceedings), the fee chargeable is 1.25% of the amount of those moneys.

*[Item 3 inserted in Gazette 6 Sep 1991 p. 4715; amended in Gazette 20 Jul 1993 p. 3963; 30 Jun 2000 p. 3430; 12 Oct 2001 p. 5563.]*

**3A. Fee payable in respect of investment outside Common Fund**

- (1) Subject to subitem (2), on income earned, or on a distribution to an estate, from an investment outside the Common Fund under section 37(1) of the Act, the fee payable is 6.6% of the income earned or amount distributed, as the case may be.
- (2) The fee prescribed under subitem (1) does not apply to any capital gain resulting from the realisation of an investment referred to in that subitem.

*[Item 3A inserted in Gazette 11 Mar 1997 p. 1481; amended in Gazette 29 Dec 2000 p. 7929.]*

**3B. Fee payable for administration of certain trusts**

Where the Public Trustee has completed duties as the executor or administrator of an estate but continues to hold assets of the estate as

trustee (including as trustee of a perpetual charitable trust), the fee payable for work performed in connection with the administration of the trust is \$110 per hour (or part of an hour).

[\[Item 3B inserted in Gazette 11 Mar 1997 p. 1482; amended in Gazette 30 Jun 2000 p. 3430.\]](#)

**4. Fees payable on income received**

- (1) Subject to subitem (2), the fees payable on income received by the Public Trustee in respect of any fund or property held by the Public Trustee, alone or jointly, are the same as the fees referred to in item 1(1)(b).
- (2) The fee payable on income consisting of receipts of pensions or benefits in respect of unemployment, age, sickness, invalidity or war service received by the Public Trustee in respect of any fund held by the Public Trustee, alone or jointly, is 3.3% of the amount received, where the fund has a balance of \$2 000 or more or the person on whose behalf the fund is held has other funds or investments with a total value of \$2 000 or more.

~~5.~~

[\[Item 4 inserted in Gazette 21 Apr 1995 p. 1404; amended in Gazette 11 Mar 1997 p. 1482; 30 Jun 2000 p. 3430.\]](#)

**5. Fee payable for acting as agent or attorney**

Where the Public Trustee acts as agent or attorney his fee or charge shall be as is agreed on, and in the absence of agreements, shall be 3.85% on the gross proceeds of the assets realised and 6.6% on the income received except that in respect of rental received by the Public Trustee the fee shall be as fixed from time to time by the body known as the Real Estate Institute of Western Australia.

~~6.~~

[\[Item 5 inserted in Gazette 28 Sep 1984 p. 3158; amended in Gazette 30 Jun 2000 p. 3430; 29 Dec 2000 p. 7929.\]](#)

**6. Fee payable for purchase or construction of dwelling house**

In any estate or trust where it is considered desirable to —

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- (a) purchase a dwelling house; or
- (b) purchase vacant land and construct a dwelling house on that land,

— for the use of any beneficiary under the estate or trust, the Public Trustee in arranging the purchase or the purchase and construction, as the case may be, is entitled to a fee of 1.1% of the sum of the values of —

- (c) the dwelling house purchased or constructed; and
  - (d) the land on which that dwelling house is situated,
- in addition to any expenses incurred in connection with the purchase or the purchase and construction.

~~7.~~

*[Item 6 inserted in Gazette 6 Sep 1991 p. 4715; amended in Gazette 30 Jun 2000 p. 3430.]*

**7. Charge for postage and stationery**

When the Public Trustee administers the estate of a deceased person moneys properly expended in respect of the estate shall include a charge to cover postages and stationery in accordance with the following scale —

On estates not exceeding \$10 000 in gross value	.....	\$27.50
.....		
On estates exceeding \$10 000 in gross value	.....	\$55
.....		

~~8.~~

*[Item 7 inserted in Gazette 18 Aug 1978 p. 3065; amended in Gazette 24 Feb 1989 p. 593; 6 Sep 1991 p. 4715; 30 Jun 2000 p. 3430.]*

**8. Remuneration of advisory trustees**

The remuneration of advisory trustees shall, subject to any provisions of the trust instrument, be such as is fixed for each estate by the Public Trustee with the concurrence of the advisory trustees or, if they do not agree, such as is fixed by the Minister.



[\[Item 8 inserted as item 4 in Gazette 30 Jun 1972 p. 2170; renumbered as item 8 in Gazette 18 Aug 1978 p. 3065.\]](#)

**9. Other fees**

For any matter or service not in this Schedule provided for, 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.

[\[Item 9 inserted as item 5 in Gazette 30 Jun 1972 p. 2170; renumbered as item 9 in Gazette 18 Aug 1978 p. 3065; amended in Gazette 11 Mar 1997 p. 1483.\]](#)

**9A. Fees payable in respect of frozen or confiscated property under the *Criminal Property Confiscation Act 2000***

The fees payable to the Public Trustee for performing functions under the *Criminal Property Confiscation Act 2000* in relation to frozen or confiscated property where the gross capital value of the property exceeds \$2 000 are as follows —

- (a) an amount calculated at the rate of \$113 for each hour (or part of an hour) of work performed in relation to the property, other than work connected with the disposal of the property; and
- (b) where the Public Trustee disposes of the property, an amount equal to 2.75% of the gross amount realised on the disposal of the property.

[\[Item 9A inserted in Gazette 8 Jun 2004 p. 1977-8.\]](#)

**9B. Fees payable to the Public Trustee for examination of accounts**

- (1) In this item —  
“value” means the gross capital value of the estate at the date of the examination.
- (2) The fees specified in the Table to this subitem are payable to the Public Trustee for the annual examination of the accounts of the estate of a represented person.

**Table**

Value of estate	Fee
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**Second Schedule** Public Trustee's fees

**cl. 9C**

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\$	\$
1 000 — 10 000	22
10 001 — 20 000	55
20 001 upwards	66 per hour (or part thereof) spent examining the accounts

[\[Item 9B inserted in Gazette 20 Jul 1993 p. 3963-4; amended in Gazette 21 Apr 1995 p. 1404; 30 Jun 2000 p. 3430.\]](#)

**9C. Fee payable for management of represented person's estate**

- (1) In this item, unless the contrary intention appears —  
“value” means gross capital value on 30 June in the financial year in respect of which the fee is payable.
- (2) Subject to subitems (3) and (4), the annual fee payable to the Public Trustee for management of the estate of a represented person is the amount specified in the Table to this subitem corresponding to the value of those assets of the estate that are under the day to day care of the Public Trustee.

**Table**

Value of estate	Fee
\$	\$
Not more than 5 000	55
5 001 to 15 000	110
15 001 to 25 000	165
25 001 to 50 000	220
50 001 to 100 000	330
100 001 to 500 000	550
500 001 to 1 000 000	1 100
More than 1 000 000	2 750

- (3) The annual fee referred to in subitem (2) is to be calculated on a pro rata basis for the first financial year in respect of which the fee is payable, unless administration of the estate commences on 1 July in that year.

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- (4) If the Public Trustee ceases to administer the estate of a represented person on a day other than 30 June in a particular financial year —
- (a) the annual fee referred to in subitem (2) is to be calculated on a pro rata basis for that year; and
  - (b) for that purpose the value of the assets referred to in subitem (2) is their gross capital value on the day on which administration of the estate ceases.

[\[Item 9C inserted in Gazette 11 Mar 1997 p. 1482-3; amended in Gazette 30 Jun 2000 p. 3431.\]](#)

**9D. Fee payable for work done in relation to orders made under the Guardianship and Administration Act 1990**

The fees calculated in accordance with the Table to this item are payable to the Public Trustee for work done in order to comply with an order made under the *Guardianship and Administration Act 1990* in respect of an estate, where the Public Trustee is not an executor, trustee or administrator of the estate.

**Table**

<b>Officer carrying out work</b>	<b>Fee</b>
Clerical officer	\$77 per hour (or part thereof)
Professional officer	\$110 per hour (or part thereof)

[\[Item 9D inserted in Gazette 21 Apr 1995 p. 1405; amended in Gazette 30 Jun 2000 p. 3431.\]](#)

**9E. Next of kin searches**

- (1) Subject to subitem (2), the fee payable to the Public Trustee in respect of work done for the purpose of establishing the next of kin of a deceased person is to be calculated at the rate of \$20 for every search of records conducted, or certificate, certified copy or other document obtained, whether in this State or elsewhere.
- (2) The minimum fee payable under this item is \$200.

[\[Item 9E inserted in Gazette 11 Mar 1997 p. 1483.\]](#)

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**Second Schedule** Public Trustee's fees

**cl. 9F**

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**9F. Fee payable for site visits**

A fee of \$27.50 per visit is payable to the Public Trustee where it is necessary in managing an estate to visit any property or building that is part of the estate.

*[Item 9F inserted in Gazette 21 Apr 1995 p. 1405; amended in Gazette 30 Jun 2000 p. 3431.]*

**9G. Fees payable for certain services**

The following fees are payable to the Public Trustee for services provided in the management of an estate —

- (a) \$110 per hour (or part of an hour) for the preparation of a tax return by an officer who is a registered tax agent under the *Income Tax Assessment Act 1936* of the Commonwealth;
- (b) \$110 for the arrangement of a lease in respect of land or premises that form part of the estate.

**10.**

*[Item 9G inserted in Gazette 11 Mar 1997 p. 1483; amended in Gazette 30 Jun 2000 p. 3431.]*

**10. Schedule is subject to section 38**

This Schedule is subject to section 38.

~~*[Second Schedule inserted in Gazette 30 June 1972 pp.2169-70; amended in Gazette 28 December 1973 p.4747; 18 August 1978 pp.3064-5; 23 May 1980 p.1551; 28 September 1984 p.3158; 31 October 1986 p.4040; 24 February 1989 p.593; 6 October 1989 pp.3726-7; 6 September 1991 p.4715; 17 March 1992 p.1227; 20 July 1993 pp.3963-4; 21 April 1995 pp.1404-5; 11 March 1997 pp.1480-3; 30 June 2000 pp.3429-31; 29 December 2000 pp.7927-9; 12 October 2001 p. 5563; 17 Jan 2003 p. 115; 8 June 2004 pp.1977-8.]*~~

*[Item 10 inserted in Gazette 28 Sep 1984 p. 3158.]*

## Public Trustee Regulations 1942

### Notes

- <sup>1</sup> This [reprint](#) is a compilation [as at 17 March 2006](#) of the *Public Trustee Regulations 1942* and includes the amendments made by the other written laws referred to in the following table. [The table also contains information about any reprint.](#)

### Compilation table

Citation	Gazettal	Commencement
<a href="#">Public Trustee Regulations 1942</a> <sup>1</sup> <a href="#">Untitled regulations</a> <sup>2</sup>	26 Jun-1942 <del>pp</del> -p. 692-5	26 Jun-1942
<a href="#">Untitled regulations</a>	20-Nov-1942 p. <del>388</del> <a href="#">1182-3</a>	20-Nov-1942
<a href="#">Untitled regulations</a>	9-Jul-1943 p. <del>655</del> <a href="#">665</a>	9-Jul-1943
<a href="#">Untitled regulations</a>	<a href="#">21 Jan 1944 p. 25</a>	<a href="#">21 Jan 1944</a>
<a href="#">Untitled regulations</a>	19-May-1944 p.388	19-May-1944
<a href="#">Untitled regulations</a>	12-Dec-1947 p.2255	12-Dec-1947
<a href="#">Untitled regulations</a>	<a href="#">21 May 1948 p. 1097</a>	<a href="#">21 May 1948</a>
<a href="#">Untitled regulations</a>	<a href="#">24 Apr 1952 p. 1055</a>	<a href="#">24 Apr 1952</a>
<a href="#">Untitled regulations</a>	<a href="#">19 Feb 1954 p. 267</a>	<a href="#">19 Feb 1954</a>
<a href="#">Untitled regulations</a>	<a href="#">3 May 1955 p. 781</a>	<a href="#">3 May 1955</a>
<a href="#">Reprint authorised 28 Jun 1956 in Gazette 5 Jul 1956 p. 1659-65 (includes amendments listed above)</a>		
<a href="#">Untitled regulations</a>	1-May-1969 p.1347	1-May-1969
<a href="#">Untitled regulations</a>	30-Jun-1972 p.2169-70	<del>30 Jun-1 Jul</del> 1972
<a href="#">Untitled regulations</a>	28-Dec-1973 p.4747	1-Jan-1974 (see <a href="#">regulation-1_2</a> )
<a href="#">Untitled regulations</a>	18-Aug-1978 <del>pp</del> <del>3063</del> -p. 3062-5	18-Aug-1978

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Citation	Gazettal	Commencement
	<del>17 Jan 1979 pp.103-10</del> <a href="#">Reprint authorised 10 Jan 1979 in Gazette 17 Jan 1979 p. 103-10</a> (includes amendments listed above)	<del>17 Jan 1979</del>
<a href="#">Untitled regulations</a>	23 May_1980 <del>pp-p_</del> 1551-2	23-May-1980
<i>Public Trustee Amendment Regulations-1984</i>	28 Sep_1984 p_3158	1-Oct-1984 (see <del>regulation-r_2</del> )
<i>Public Trustee Amendment Regulations-1986</i>	5 Sep_1986 <del>pp-p_</del> 3271-2	5 Sep 1986 (see <del>regulation-r_2</del> and <i>Gazette</i> 5 Sep 1986 p_3265)
<i>Public Trustee Amendment Regulations (No.-2)-1986</i>	31 Oct_1986 <del>pp-p_</del> 4039-40	31-Oct-1986
<i>Public Trustee Amendment Regulations-1989</i>	24 Feb_1989 p_593	24 Feb_1989
<i>Public Trustee Amendment Regulations (No.-2)-1989</i>	6 Oct_1989 <del>pp-p_</del> 3726-7	6-Oct-1989
<i>Public Trustee Amendment Regulations-1991</i>	6 Sep_1991 <del>pp-p_</del> 4714- <del>5</del> 15	6-Sep-1991
<i>Public Trustee Amendment Regulations-1992</i>	17 Mar_1992 <del>pp-p_</del> 1226-7	17-Mar-1992
<i>Public Trustee Amendment Regulations-1993</i>	20 Jul_1993 <del>pp-p_</del> 3962-4	20-Jul-1993
<i>Public Trustee Amendment Regulations-1995</i>	21 Apr_1995 <del>pp-p_</del> 1403-5	21 Apr-1995
<i>Public Trustee Amendment Regulations-1997</i>	11 Mar_1997 <del>pp-p_</del> 1480-3	11 Mar-1997

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Citation	Gazettal	Commencement
<i>Public Trustee Amendment Regulations 2000</i>	30-Jun-2000 <del>pp-p.</del> 3429-31	1-Jul-2000 (see <del>regulation</del> <a href="#">r. 2</a> )
<a href="#">Reprint of the Public Trustee Regulations 1942 as at 3 Oct 2000 (includes amendments listed above)</a>		
<i>Public Trustee (Amendment) Regulations (No. 2) 2000</i> <sup>2</sup>	29-Dec-2000 <del>pp-p.</del> 7927-8	1-Jan-2001 (see <del>regulation</del> <a href="#">r. 2</a> and <i>Gazette</i> 29 Dec-2000 p. 7903)
<i>Public Trustee Amendment Regulations (No. 3) 2000</i>	29-Dec-2000 <del>pp-p.</del> 7928-9	1-Jan-2001 (see <del>regulation</del> <a href="#">r. 2</a> )
<i>Public Trustee Amendment Regulations 2001</i>	12 Oct 2001 p. 5563	12 Oct 2001
<i>Public Trustee Amendment Regulations 2002</i>	17 Jan-2003 p. 115	17 Jan-2003
<i>Public Trustee Amendment Regulations 2004</i>	8 Jun-2004 p. 1977-8	8 Jun-2004
<i>Courts and Legal Practice (Consequential Amendments) Regulations 2005</i> r. 10	19 Apr 2005 p. 1294-302	19 Apr 2005
<a href="#">Reprint 4: The Public Trustee Regulations 1942 as at 17 Mar 2006 (includes amendments listed above)</a>		
<sup>2</sup> <del>Regulation 5 of the</del> Now known as the <i>Public Trustee Regulations 1942</i> ; citation changed (see note under r. 1).		
<sup>3</sup> <del>The</del> <i>Public Trustee (Amendment) Regulations (No. 2) 2000</i> <a href="#">r. 5</a> reads as follows—		
:		
“		
5. <b>Fees payable — <del>savings</del></b>		
Despite the amendment effected by <del>regulation-4</del> , the <i>Public Trustee Regulations-1942</i> as in force before the commencement		

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of these regulations continue to apply after that commencement in relation to —

- (a) property that was in the Public Trustee's control under the *Crimes (Confiscation of Profits) Act 1988* immediately before the commencement of these regulations; and
- (b) property of which the Public Trustee has care or control under the *Crimes (Confiscation of Profits) Act 1988* as a result of the operation of the *Criminal Property Confiscation (Consequential Provisions) Act 2000*.

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