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PERTH: THURSDAY, 5th JULY.

[1956

Crown Law Department,
Perth, 28th June, 1956.

THE undermentioned Regulations made under the provisions of the Public Trustee Act, 1941, and amended from time to time prior to the 11th April, 1956, are reprinted, as so amended, pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

PUBLIC TRUSTEE ACT, 1941.

Regulations.

Published in the *Government Gazette* on the 26th June, 1942, and incorporating the amendments thereto published in the *Gazette* on the 20th November, 1942; 9th July, 1943; 21st January, 1944; 19th May, 1944; 12th November, 1947; 21st May, 1948; 24th April, 1952; 19th February, 1954 and 3rd May, 1955, and reprinted pursuant to the Reprinting of Regulations Act, 1954.)

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1. In these Regulations, if not inconsistent with the context—
“The Act” means the Public Trustee Act, 1941¹.

“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.

Reg. 2 am.
by G.G.
19/5/44, p.
388.

2. 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.

3. (i) The common seal of the Public Trustee shall bear the words “The Common Seal of the Public Trustee, Western Australia.”

(ii) The common seal shall be kept in the custody of the Public Trustee, or such other officer as is authorised by him.

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

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

Reg. 6
inserted by
G.G. 20/11/42,
p. 1182; am.
by
G.G. 9/7/43,
p. 665; G.G.
21/1/44, p. 25;
G.G. 12/12/47,
p. 2255;
G.G. 21/5/48,
p. 1097;
G.G. 24/4/52,
p. 1055;
G.G. 19/2/54,
p. 267;
G.G. 3/5/55,
p. 781.

6. (a) The Public Trustee shall take and retain a commission as to the gross capital of an estate which—

- (1) does not exceed one hundred pounds—the sum of five pounds;
(2) exceeds one hundred pounds—the sum of ten pounds or two and one-half per centum, whichever is the greater,

and five per centum on the income received in and with respect to every estate: Provided that in the case of the estate of an insane patient or incapable person—

- (i) the gross capital commission shall be two and one half per centum and shall be charged only upon the gross proceeds of the assets realised;
(ii) if the Public Trustee shall withdraw money from a current account or fixed deposit in a Savings Bank or Trading Bank, no commission shall be charged on the amount so withdrawn;
(iii) where the estate is that of an incapacitated member of the Defence Force as constituted under the Defence Act, 1903-1939², and the incapacity has been accepted by the prescribed authority under the Australian Soldiers Repatriation Act as the result of war service, the rates of commission payable to the Public Trustee shall be reduced by half.

¹ Now Public Trustee Act, 1941-1953: See Act No. 19 of 1953, s. 1 (3).

² See Commonwealth Acts.

In time of war no commission shall be charged on the estate of any deceased seaman or any member of the Defence Force as constituted under the Defence Act, 1903-1939,¹ where the gross value of the assets of such estate does not exceed five hundred pounds, but where the gross value of such estate exceeds five hundred pounds but does not exceed one thousand pounds, there shall be charged one half of the then ruling rate or rates, and where the gross value of such estate exceeds one thousand pounds there shall be charged the full rate or rates then applicable.

(b) Rents or other income collected by agents and on which an agent's commission is charged shall be charged a rate or commission of two and one-half per centum.

(c) Where assets outside of the State of Western Australia are received by the Public Trustee as principal administrator, the Public Trustee shall take and retain a commission of one and one-half per centum on the capital received or realised.

(d) Where the Public Trustee is co-trustee or custodian trustee, his rate or rates of commission shall be reduced by half, in cases where the private trustees claim and receive commission under an Order of the Court.

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

(f) For any matter or service not hereinbefore provided the charge of the Public Trustee shall be such as is agreed on or as in the absence of agreement the Public Trustee fixes.

(g) There shall be a charge to cover postages in all estates where the Public Trustee obtains probate or letters of administration or an order to administer, in accordance with the following scale:—

Value of Estate.	£	s.	d.	
Not exceeding £100	0	15	0	New Scale substituted by G.G. 24/4/52, p. 1055.
Exceeding £100, not exceeding £300	1	0	0	
Exceeding £300, not exceeding £500	1	10	0	
Exceeding £500, not exceeding £1,000	2	0	0	
Exceeding £1,000	3	0	0	

(h) Where the Public Trustee acts as agent or attorney his commission or charge shall be such as is agreed on, and, in the absence of agreement, shall be 2½ per cent. on the gross proceeds of the assets realised and 5 per cent. on the income received.

Para. (h) inserted by G.G. 9/7/43, p. 665.

(i) The Public Trustee shall take and retain a commission of one per centum on all moneys received for investment under the provisions of section 37 (1) and (2) of the Act.

Para. (i) inserted by G.G. 3/5/55, p. 781.

6A. 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:—

Reg. 6A added by G.G. 9/7/43, p. 665.

	£	s.	d.
Up to £10			Nil.
Over £10 and not exceeding £50	0	5	0
Over £50 and not exceeding £100	0	10	0
Over £100 and not exceeding £200	0	15	0
Over £200 and not exceeding £500	1	5	0
Over £500 and not exceeding £1,000	2	0	0
Over £1,000	3	0	0

¹ See Commonwealth Acts.

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

8. [*Regulation 8 repealed by G.G. 12/12/47, p. 2255.*]

9. Wherever an insane patient or an incapable person is received into any hospital for the insane, reception house, licensed house, or other place appointed under the Lunacy Act, the superintendent of such hospital for the insane, reception house or other place, or the proprietor of such licensed house, shall forthwith send or cause to be sent to the Public Trustee notice in writing of the reception, removal, absence on trial or for other cause, return, escape, recapture, discharge, or death of any patient in such institution.

10. Proceedings by the Public Trustee with respect to any property of an insane patient or incapable person or any property in which he is interested or for the recovery of damages for the conversion or injury thereto shall be taken in the name of such person by the Public Trustee as his next friend. For the purposes of this and the preceding regulation "incapable person" means an incapable person of whose estate the Public Trustee has undertaken the care and management.

11. 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.

SCHEDULE.

Form No. 1.

Reg. 5.

NOTICE TO CREDITORS AND CLAIMANTS.

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 19 , 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 19 .

J. H. GLYNN,
Public Trustee.

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

Form No 2

Public Trust Office,
Perth,..... 19...

The Manager,
.....
.....

re.....deceased.

PLEASE have the notice to creditors and claimants as shown here-
under 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.

NOTICE TO CREDITORS AND CLAIMANTS.

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 theday of19.....,
otherwise they will be excluded from participating in the distribution
of the assets.

Dated thisday of.....19.....

J. H. GLYNN,
Public Trustee.

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.

WHEREAS the abovenamed deceased died at
on the day of.....19...., intestate,
leaving estate within the State of Western Australia the gross
value of which as estimated by the Public Trustee does not now
exceed £500, 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 thisday of19.....

Public Trustee.

Form No. 4. (Section 14 (4), (5).)

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.

WITH reference to the election by the Public Trustee, filed in this Honourable Court in this matter on the day of19....., the Public Trustee now finds that the gross value of the property to be administered exceeds the sum of five hundred pounds (or that the abovenamed deceased died testate) and the said election is hereby revoked.

Dated the.....day of.....19.....

Public Trustee.

Form No. 5.

(Section 59.)

CERTIFICATE OF APPOINTMENT (OR AUTHORITY) OF THE PUBLIC TRUSTEE.

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.....19.....

Public Trustee.

[SEAL.]

Form No. 6.

(Section 37 (5).)

CERTIFICATE OF RECEIPT OF COMPENSATION MONEYS.

THE Public Trustee hereby certifies that he received from..... on the.....day of.....19....., the sum of..... (£ : :) being the amount of compensation money due in respect of the death of..... lately employed as a worker by.....

Dated the.....day of.....19.....

Public Trustee.

[SEAL.]

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 theday of.....19..... is
poundsshillings.....pence.

Dated the.....day of.....19.....

Public Trustee.

[SEAL.]
