Australian Capital Territory

Public Trustee and Guardian (Fees) Determination 2021

**Disallowable instrument DI2021-85**

made under the

Public Trustee and Guardian Act 1985, s 75 (Determination of fees and charges)

**1 Name of instrument**

This instrument is the *Public Trustee and Guardian (Fees) Determination 2021*.

**2 Commencement**

This instrument commences on the day after its notification day.

**3 Determination of fees**

(1) The maximum fee payable for a matter stated in an item in the schedule, column 2 is the fee stated in the schedule, column 3 for that matter.

(2) The fee for a matter stated in an item in the schedule, column 2 is payable by the person requesting the service.

**4 Payment of fees**

The fee payable for a matter stated in an item in the schedule, column 2 is payable to the Public Trustee and Guardian.

**5 Revocation—DI2020–151**

This instrument revokes the *Public Trustee and Guardian (Fees) Determination 2020* DI2020‑151*.*

Shane Rattenbury MLA

Attorney-General

24 May 2021

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| **SCHEDULE** – **FEES AND CHARGES TO BE PAID**   | Column 1  Item | Column 2  Matter in respect of which fee or charge is payable | | Column 3  Amount Payable | | | --- | --- | --- | --- | --- | | ***MISCELLANEOUS CHARGES*** | | | |  | |  | |  | |  | | 64 | | For any service not dealt within any other Public Trustee and Guardian items in this determination. | |  | |  | | Where property is involved | | 1.10 % (including 10% GST) of moneys received and/or the standard fee as per the scale chargeable for estate administration (or such lesser fee as is agreed between the recipient of the service and the Public Trustee and Guardian).\* | |  | | Where property is not involved | | $293.00 (including 10% GST) per hour.\* | |  | | Where unclaimed money is administered | | $77.00 (including 10% GST).\* | |  | | Provided that, where unclaimed money is administered, the Public Trustee and Guardian may exempt the payment of the fee by class or specific sum  *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fees rate was the same.* | |  | |  | | For any other service not dealt within any other Public Trustee and Guardian items in this determination, where the matter is complex  *Explanatory Note:* *This is a new fee introduced as part of this instrument.* | | $450.00 (including GST) per hour | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***ACTING AS AGENT, ATTORNEY OR FINANCIAL MANAGER*** | | | |  | |  | |  | |  | | 65 | | BLANK | |  | | 66 | | Acting as an agent, attorney or financial manager in administering or managing property. | | 1.10% of moneys received and/or the standard fee as per the scale chargeable for estate administration, on non monetary assets (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee rate was the same.* | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | |  | |  | |  | | ***COLLECTION OF INCOME*** | | | |  | |  | |  | |  | | 67 | | Income commission on all gross income and on common fund or managed fund distributions, including realized capital gains and tax-free components received by the Public Trustee and Guardian acting in any capacity. | |  | |  | | Where the Public Trustee and Guardian receives income | | 6.60 % (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees and charges from 1 July 2020 until the commencement of this instrument, the percentage commission was 5.50%.* | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***ESTATE ADMINISTRATION*** | | | |  | |  | |  | |  | | 68 | | Obtaining a grant of representation and/or administering the estate of a deceased person. The fee is based on the gross capital value of the estate excluding the value of the land, being the family home of the deceased and the beneficiary where the home is transferred to the partner. For the sake of clarity, no fee will be charged on the transfer of that land where the land, being the family home, is transferred to the partner. | | 4.40 % of the first $300,000 (including 10% GST); | |  | |  | | 3.30 % of the next $300,000 (including 10% GST); | |  | |  | | 2.20 % of the next $300,000 (including 10% GST); | |  | |  | | 1.10 % of the amount greater than $900,000 (including 10% GST); | |  | |  | | with a minimum of $2,880.00 (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee rates were 4.40%, 3.30%, 2.20% and 1.10% respectively with a minimum of $2,618.00 (including 10% GST). The asset value has been increased from increments of $200,000 to increments of $300,000. The minimum estate administration fee has been increased from $2,618.00 (including 10% GST) to $2,880.00 (including 10% GST).* | |  | | 69 | | Transferring or conveying the land being the home (as defined in the first Public Trustee and Guardian item above) and/or assets held as joint tenants to the surviving partner. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 70 | | Where a fee is not payable under the first Public Trustee and Guardian item above and where administration of an estate is commenced by the Public Trustee and Guardian but completed by another executor or administrator or person other than at the initiative of the Public Trustee and Guardian. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 71 | | BLANK | |  | | ***Note:***  ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | |  |  | | ***FUNDS MANAGEMENT*** | | | | |  |  | | 72 | | Rate of management fee for the administration of moneys held in the Common Funds. | | 1.10 % per annum of the gross value (including 10% GST).\* | |  | | *Explanatory Note: Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the rate was the same.* | |  | | 73 | | Rate of management fee for the administration of moneys held in the Common Fund Guarantee and Reserve Account. | | 1.10 % per annum of the gross value (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the rate was the same.* | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***OTHER CHARGES (Charges are made for the following services, in addition to estate and trust fees otherwise determined)*** | | | | | |  | |  | |  | | 74 | | BLANK | |  | |  | |  | |  | | 75 | | Attendance by the Public Trustee and Guardian or an officer of the Public Trustee and Guardian or for any other purposes not being for normal administration purposes. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 76 | | Arranging the purchase, extension, alteration or modification of property (real or personal) for the use of any beneficiary or person legally entitled. | | 1.10 % of the gross value of the purchase, extension, alteration of modification (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the rate was the same.* | |  | | 77 | | Managing assets invested outside the Public Trustee and Guardian Common Funds, excluding principal residence | | 1.10 % of the gross value of the asset (including 10% GST).\* | |  | | Services charged on an hourly basis: | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the rate and the fee were the same.* | |  | | 78 | | Genealogy matters | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 79 | | Life assurance or superannuation claims (where proceeds are not paid to the estate) | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 80 | | Preparing deeds, renunciations and releases. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 81 | | Replacing lost title deeds. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 82 | | Conveyancing fees. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 83 | | Property inspections. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 84 | | Home visits. | | $293.00 (including 10% GST) per hour with a minimum of 1 hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | 85 | | Storage and Warehousing. | | $59.00 (including 10% GST) per cubic metre per month.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***TAXATION SERVICES*** | | | |  | | 86 | | All taxation services including assessment of tax status, advice and returns. | | $293.00 (including 10% GST) per hour.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | |  | | Where the provision of taxation services including tax status, advice and returns is complex  *Explanatory Note:* *This is a new fee introduced as part of this instrument.* | | $450.00 (including 10% GST) per hour.\* | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***TRUST ADMINISTRATION*** | | | |  | |  | |  | |  | | 87 | | Administration, as trustee, under Statute, Court award or other instrument. | | 1.10 % of moneys received and/or the standard fee as per the scale chargeable for estate administration, on non monetary assets (including 10% GST).\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee rates were 4.4%, 3.3%, 2.2% and 1.1% respectively with a minimum of $2,618.00 (including 10% GST).The asset value has been increased from increments of $200,000 to $300,000.* | |  | | 88 | | Administration fee for continuing trusts. | | $125.00 (including 10% GST) per annum and upon completion.\* | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee was the same.* | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | | ***WILL PREPARATION*** | | | |  | |  | |  | |  | | 89 | | Preparing wills   * For non-complex Wills * For complex Wills | | The hourly rate applies to a maximum $ 2,250.00 (including 10% GST).\*  $293 (including 10% GST) per hour.  $450 (including 10% GST) per hour. | |  | | *Explanatory Note:* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the fee for a Will was a maximum of $654.00 (including 10% GST) per hour. This instrument introduces a new rate of $450 (including GST) per hour for complex Wills and a maximum fee of 2,250.00 for all Wills. The fee of $293 per hour for non-complex Wills remains consistent with previous year’s practice.* | |  | | 90 | | BLANK | |  | | ***Note:*** | |  | |  | | ***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.*** | | | | | | |  | | | | | | | | |  |
| ***CONFISCATION OF CRIMINAL ASSETS*** | | | |  |
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| 432 | Fees due to the Public Trustee and Guardian under S.132 (1) (d) & (e) of the *Confiscation of Criminal Assets Act 2003*. |  |
|  | Receiving money or on converting assets to cash | 1.1% (including 10% GST).\* |
|  | Where the Public Trustee and Guardian receives income | 6.6% (including 10% GST).\* |
|  | *Explanatory Note: :* *Under the Public Trustee and Guardian (Fees) Determination 2020 DI2020-151, which set the fees from 1 July 2020 until the commencement of this instrument, the income commission was 5.5% and the fee for receiving money or on converting assets to cash fee remains the same.* |  |

***Note:***

***\* All amounts for Fees and Charges listed under the Public Trustee and Guardian Act 1985 are maximum amounts. Lower amounts may be charged at the discretion of the Public Trustee and Guardian.***