

Australian Capital Territory

Public Trustee and Guardian (Fees) Determination 2023

Disallowable instrument DI2023-178

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 2023*.

2 Commencement

This instrument commences on 1 July 2023.

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—DI2022-199

This instrument revokes the *Public Trustee and Guardian (Fees) Determination 2022 (No 2) DI2022-199*.

Shane Rattenbury MLA
Attorney-General
29 June 2023

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 \$3,138.00 (including 10% GST).*

Explanatory Note: Last Financial Year were 4.4%, 3.3%, 2.2% and 1.1% respectively with a minimum estate administration fee was \$3,025.00 (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.

\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*

Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).

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.

\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*

Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).

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: Last Financial Year the fee 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: Last Financial Year 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.**

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 for any other purposes not being for normal administration purposes. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
76	Arranging the purchase, extension, alteration or modification of property (real or personal) for the use of any beneficiary or person legally entitled. <i>Explanatory Note: Last Financial Year the fee rate was the same.</i>	1.10 % of the gross value of the purchase, extension, alteration or modification (including 10% GST).*
77	Managing assets invested outside the Public Trustee and Guardian Common Funds, excluding principal residence Services charged on an hourly basis: <i>Explanatory Note: Last Financial Year the fees were 1.1% and \$307.00 (including 10% GST).</i>	1.10 % of the gross value of the asset (including 10% GST).* \$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
78	Genealogy matters <i>Explanatory Note: Last Financial Year the fees was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
79	Life assurance or superannuation claims (where proceeds are not paid to the estate) <i>Explanatory Note: Last Financial Year the fees was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
80	Preparing deeds, renunciations and releases. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
81	Replacing lost title deeds. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
82	Conveyancing fees. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
83	Property inspections. <i>Explanatory Note Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
84	Home visits. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour with a minimum of 1 hour.*
85	Storage and Warehousing. <i>Explanatory Note: Last Financial Year the fee was \$61.00 (including 10% GST).</i>	\$63.00 (including 10% GST) per cubic metre per month.*

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. <i>Explanatory Note: Last Financial Year the fee was \$307.00 (including 10% GST).</i>	\$318.00 (including 10% GST) per hour.*
	Where the provision of taxation services including tax status, advice and returns is complex <i>Explanatory Note: Last Financial Year the fee rate was \$471.00 (including 10% GST).</i>	\$488.00 (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. <i>Explanatory Note: Last Financial Year the fee rate was the same.</i>	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).*
88	Administration fee for continuing trusts. <i>Explanatory Note: Last Financial Year the fee was \$131.00 (including 10% GST).</i>	\$135.00 (including 10% GST) per annum and upon completion.*

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	The hourly rate applies to a maximum \$ 2,451.00 (including 10% GST).*
	- For non-complex Wills	\$318.00 (including 10% GST) per hour.
	- For complex Wills	\$488.00 (including 10% GST) per hour.
	<i>Explanatory Note: Last Financial Year the fees were \$307.00 (including 10% GST) for non-complex Wills and \$471.00 (including 10% GST) for complex Wills and the maximum fee for all Wills was \$2,363.00(including 10% GST).</i>	

WILL REGISTER

90	Will Register	\$207.00 (including 10% GST)
	- For requesting deposit of a Will with PTG	\$155.00 (including 10% GST)
	- For requesting withdrawal of a Will held by PTG	\$20.00 (including 10% GST)
	- To request a search for a Will held by PTG	\$41.00 (including 10% GST)
	- To request a certified copy of a will deposited with PTG	\$20.00 (including 10% GST)
	<i>Explanatory Note: Last Financial Year the fees were \$200.00 (including 10% GST), \$150.00 (including 10% GST), \$20.00 (including 10% GST) and \$40.00 (including 10% GST) respectively.</i>	

*** 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

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: Last Financial Year the fee rates were 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.**