

AUSTRALIAN CAPITAL TERRITORY
PUBLIC TRUSTEE ACT 1985
DETERMINATION OF FEES AND CHARGES
DETERMINATION NO 43 OF 1990

UNDER Section 75 of the Public Trustee Act 1985, I REVOKE the Determination of fees and charges for the purposes of the Act made by instrument published in the Commonwealth Gazette No GN5 dated 17 February 1988 AND I DETERMINE that the fees and charges payable for a matter set out in Column 1 of the attached Schedule shall be the amount ascertained in accordance with Column 2 of the Schedule in relation to that matter.

DATED this *Twenty-seventh* day of *July* 1990

Bernard Collaery
BERNARD JOSEPH EDWARD COLLAERY
ATTORNEY-GENERAL

THIS IS PAGE 1 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE ATTORNEY-GENERAL UNDER THE PUBLIC TRUSTEE ACT 1985 ON THE 27th DAY OF July 1990.

COLUMN 1
Description

COLUMN 2
(\$)

1. Obtaining a grant of probate or administration or order to collect and administer and administering the estate of a deceased person (whether or not a grant or order is obtained). Where the gross capital value of the estate excluding the value of the matrimonial home (being the house and curtilage that was used as the principal matrimonial home by the deceased and his or her spouse immediately before the death of the deceased):

- . does not exceed \$250,000
- . exceeds \$250,000

270.00 or 4% of that value whichever is the greater.

4% of the first 270,000.00 of that value, 3.75% on the next 270,000 of that value, 2.75% on the next 270,000 of that value and 1.75% on amounts in excess of 810,000

2. Where during the administration of an estate the matrimonial home (being the house and curtilage that was used as the principal matrimonial home by the deceased and his or her spouse immediately before the death of the deceased) is transferred or conveyed by the Public Trustee to the surviving spouse

270.00

3. Where administration of an estate is commenced by the Public Trustee but completed by another executor or administrator or person other than at the initiative of the Public Trustee

540.00

Authorised by the ACT Parliamentary Counsel - also accessible at www.legislation.act.gov.au

THIS IS PAGE 2 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE ATTORNEY-GENERAL UNDER THE PUBLIC TRUSTEE ACT 1985 ON THE 27th DAY OF July 1990.

COLUMN 1
Description

4. Administration of a trust inter vivos (other than a trust within item 6 below)

5. Acting as a receiver of property

6. Administration, as trustee, of money held for a person under disability following Court proceedings

7. Management of property under Part V of the Public Trustee Act 1985

8. Work done as an agent or attorney in administering or releasing property

COLUMN 2
(\$)

Where the trust property does not or does not wholly, consist of money, 4% of the gross value fixed by the Public Trustee of the property that does not consist of money; and 1% of the trust property that consists of money

4% of the gross value, fixed by the Public Trustee, of the property subject to the receivership.

1% of moneys received for investment

4% of the gross value, fixed by the Public Trustee, of the property or 270.00 whichever is the greater

As is agreed on with the principal or donor and in the absence of agreement, 3.5% of the gross proceeds of the assets collected or realised

THIS IS PAGE 3 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE ATTORNEY-GENERAL UNDER THE PUBLIC TRUSTEE ACT 1985 ON THE 27th DAY OF July 1990.

COLUMN 1
Description

COLUMN 2
(\$)

9. Administration of assets by the Public Trustee as a manager or guardian of the property of any incapable or protected person or patient or a person suffering mental or physical impairment	1% of moneys received by the Public Trustee and 4% of the gross value, fixed by the Public Trustee, or all other assets realised collected by the Public Trustee
10. Administration, realisation or collection of any assets or property by the Public Trustee in any capacity not covered by any of the above	1% of moneys received by the Public Trustee and 4% of the gross value, fixed by the Public Trustee, of all other assets realised or collected by the Public Trustee
11. Income on all gross income received by the Public Trustee acting in any capacity:	
. Where the Public Trustee receives income which is not subject to any agency charge	5%
. Where the Public Trustee receives income which is subject to any agency charge for collection	2.5%
12. Accepting and holding document in safe custody	10.00
13. Preparation of wills	110.00



THIS IS PAGE 4 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE ATTORNEY-GENERAL UNDER THE PUBLIC TRUSTEE ACT 1985 ON THE 27th DAY OF July 1990.

COLUMN 1
Description

COLUMN 2
(\$)

14. Preparations of income tax returns:	
. for simple return	35.00
. for complex return	65.00 or 54.00 per hour or part thereof whichever is the greater
15. Annual audit fee for continuing trusts	27.00
16. Final audit fee on winding up a trust	27.00
17. Production of any title, deed or document for the purpose of registration, evidence or notation.	27.00
18. Attendance by the Public Trustee or an officer of the Public Trustee to give evidence or for any other purposes not being for normal administration purposes	32.00 per hour or part thereof including travelling and waiting time
19. For releasing a grant of probate or administration made outside the Territory	2% of the gross value, fixed by the Public Trustee, of the property collected, realised or transferred by the Public Trustee
20. In any estate, trust or agency where it is considered desirable to purchase a dwelling house for the use of any beneficiary or other person legally entitled the Public Trustee shall be entitled to a fee in addition to any expenses incurred in connection with the purchase	Fee of 1% of the gross value of the dwelling house purchased


THIS IS PAGE 5 OF THE SCHEDULE TO THE DETERMINATION MADE BY THE ATTORNEY-GENERAL UNDER THE PUBLIC TRUSTEE ACT 1985 ON THE 27th DAY OF July 1990.

21. For auditing any accounts in any matter not under the direct control of the Public Trustee

54.00 per hour or part thereof

22. For any service or matter not otherwise mentioned

Such charge as is agreed upon between the recipient of the service and the Public Trustee, or in the absence of agreement the reasonable expenses incurred by the Public Trustee in rendering the service.



ATTORNEY-GENERAL'S INITIALS

