

South Australia

Public Trustee (Fees) Variation Regulations 2013

under the *Public Trustee Act 1995*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Trustee (Fees) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 July 2013.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Public Trustee Regulations 2010*

4—Variation of Schedule 2—Commission and fees

- (1) Schedule 2, Part 1, clause 1(1)—delete the table and substitute:

Maximum rate of commission

Rates on capital amount or value of estate:

4% up to \$200 000 plus

3% on the amount from \$200 001 to \$400 000 plus

2% on the amount from \$400 001 to \$600 000 plus

1% on the amount over \$600 000

- (2) Schedule 2, Part 1, clause 2—delete the clause
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(3) Schedule 2, Part 2, clause 12—delete clause 12 and substitute:

12	The fees set out in the table are maximum fees.	
1	For the preparation of—	
	(a) a contract for the sale of estate property	\$199.09
	(b) a tenancy agreement	\$199.09
	(c) a deed	\$199.09
2	For the preparation of a document for the purposes of the <i>Real Property Act 1886</i> (other than a document referred to in item 1)	\$180.00
3	For the production of a certificate of title	\$152.73
4	For the preparation of a certificate of interest or any other certificate	\$60.91
5	Annual administration and audit fee for each trust estate or fund administered by the Public Trustee	\$133.64
6	For undertaking work in relation to taxation (per hour, or part of an hour)	\$181.82
7	For the preparation of an affidavit required to satisfy the requirements of the Registrar of Probates (other than an executor's or administrator's oath)	\$209.09
8	For securing, prior to the sale of real or leasehold estate, such information as is necessary to comply with all legal requirements	\$209.09
	Note—	
	The fee referred to in item 8 will not be charged where an agent or auctioneer employed by the Public Trustee in connection with the sale charges agent's commission.	
9	For replacing lost documents (per document)	\$306.36
10	For—	
	(a) a detailed inspection and report on a building (per hour, or part of an hour)	\$135.45
	(b) an inspection of any other property (per hour, or part of an hour)	\$135.45
11	For services in connection with processing an application for a loan that is to be secured by a mortgage over property—	
	(a) application fee	\$500.00
	(b) fee for valuation of property	\$1 000.00

Notes—

- 1 With respect to a service, or action taken, by the Public Trustee and not otherwise dealt with in these regulations, a fee may be charged as agreed with the person appointing the Public Trustee or requesting the Public Trustee to perform the service or take the action.
- 2 In all cases, the Public Trustee's fees are payable in addition to commission and expenses paid to auctioneers or agents, legal costs and cash disbursed for postage, advertising, surveys, valuation, travelling expenses and other disbursements properly incurred in the administration, management or control of the estate, trust, fund or property to which the charge relates.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 6 June 2013

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