

TABLING NOTE FOR SUBORDINATE LEGISLATION
SUBORDINATE LEGISLATION NO. 10 OF 2017

ADMINISTRATION AND PROBATE AMENDMENT REGULATIONS 2017

Purpose

To amend the fees prescribed for administration of a small estate by professional personal representatives under regulation 2C of the *Administration and Probate Regulations* to link the maximum fee that the Public Trustee and solicitors can charge for administration of small estates to the fees and charges established under section 74(2) of the *Public Trustee Act* and confirm the fees that a trustee company may charge are those established in accordance with the *Corporations Act 2001*(Cth).

Summary of key provisions

Clauses 3 and 4 of the *Administration and Probate Amendment Regulations 2017* insert headings to distinguish between preliminary matters covered by regulations 1 and 1A and substantive matters covered by regulations 2 through 3.

Clause 5 of the Regulations amends regulation 2C, setting out how the maximum fees chargeable by a professional personal representative under section 110D of the *Administration and Probate Act* is to be determined.

Clause 6 of Regulations provides for transitional arrangements whereby the amended maximum fees only apply to estates where administration commenced after commencement of the amendments.

Legislative Authority

Section 152A of the *Administration and Probate Act*.

NORTHERN TERRITORY OF AUSTRALIA

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 10 of 2017*

Administration and Probate Amendment Regulations 2017

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Administration and Probate Act*.

Dated 15 May 2017

J. L. HARDY
Administrator

By His Honour's Command

G. F. McCARTHY
Minister for Housing and Community Development
acting for
Attorney-General and Minister for Justice

* Notified in the *Northern Territory Government Gazette* on 24 May 2017.

1 Citation

These Regulations may be cited as the *Administration and Probate Amendment Regulations 2017*.

2 Regulations amended

These Regulations amend the *Administration and Probate Regulations*.

3 Part 1 heading inserted

Before regulation 1

insert

Part 1 Preliminary matters

4 Part 2 heading inserted

After regulation 1A

insert

Part 2 General matters

5 Regulation 2C replaced

Regulation 2C

repeal, insert

2C Maximum fee chargeable by professional personal representative

For section 110D(2) of the Act, the maximum fee that a professional personal representative may charge is as follows:

- (a) for a professional personal representative other than a trustee company – a fee equal to the amount determined under section 74(2) of the *Public Trustee Act* that the Public Trustee may charge;
- (b) for a trustee company – the fee that the company may charge under Part 5D.3 of the Corporations Act 2001.

6 Part 3 inserted

After regulation 3

insert

Part 3 Transitional matters for Administration and Probate Amendment Regulations 2017**4 Application of regulation 2C**

- (1) Regulation 2C, as amended by the amending Regulations, applies only in relation to the administration of an estate that commences after the commencement.
- (2) Regulation 2C, as in force immediately before the commencement, continues to apply in relation to the administration of an estate that commenced before the commencement.
- (3) In this regulation:

amending Regulations means the *Administration and Probate Amendment Regulations 2017*.

commencement means the commencement of the amending Regulations.

7 Expiry of Regulations

These Regulations expire on the day after they commence.