



New South Wales

Succession Regulation 2025

under the

Succession Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Succession Act 2006*.

MICHAEL DALEY, MP
Attorney General

Explanatory note

The object of this regulation is to repeal and remake, with minor changes, the *Succession Regulation 2020*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation prescribes the fee that must accompany a will deposited with the Registrar under the *Succession Act 2006*, section 51.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely, matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Contents

	Page
1 Name of regulation	3
2 Commencement	3
3 Definitions	3
4 Fee for deposit of a will—the Act, s 51	3
5 Repeal and savings	3
Schedule 1 Fee unit	4

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1 Name of regulation

This regulation is the *Succession Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Succession Regulation 2020*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

CPI number, for Schedule 1—see Schedule 1, section 1.

fee unit—see Schedule 1, section 2(1).

financial year, for Schedule 1—see Schedule 1, section 1.

the Act means the *Succession Act 2006*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Fee for deposit of a will—the Act, s 51

- (1) For the Act, section 51(3), the prescribed fee is 1.37 fee units.
- (2) The amount of a fee unit must be adjusted for inflation in accordance with Schedule 1.

5 Repeal and savings

- (1) The *Succession Regulation 2020* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Succession Regulation 2020*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Fee unit

section 4(2)

1 Definitions

In this schedule—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for regulation

(1) In this regulation, a **fee unit** is—

- (a) in the financial year 2025–2026—\$118.39, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit must be rounded to the nearest cent and an amount of 0.5 cent must be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit must be rounded to the nearest dollar and an amount of 50 cents must be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary of the Department of Communities and Justice must—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this schedule.
- (2) This schedule operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this section.