



New South Wales

# Protected Estates Amendment (Fees) Regulation 2000

under the

Protected Estates Act 1983

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protected Estates Act 1983*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General

## Explanatory note

The *Protected Estates Regulation 1995* prescribes the fees that may be charged in respect of the exercise of the functions of the Protective Commissioner. The object of this Regulation is to allow the Protective Commissioner to increase those fees in order to cover any GST payable on the service for which the fee is payable.

This Regulation is made under the *Protected Estates Act 1983*, including section 8 and section 81 (the general regulation-making power).

## **2000 No 301**

Clause 1                      Protected Estates Amendment (Fees) Regulation 2000

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# **Protected Estates Amendment (Fees) Regulation 2000**

## **1    Name of Regulation**

This Regulation is the *Protected Estates Amendment (Fees) Regulation 2000*.

## **2    Commencement**

This Regulation commences on 1 July 2000.

## **3    Amendment of Protected Estates Regulation 1995**

The *Protected Estates Regulation 1995* is amended as set out in Schedule 1.

## **4    Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendment

(Clause 3)

### Clause 4 Fees payable to the Protective Commissioner: sec 8

Insert after clause 4 (2):

- (3) The Protective Commissioner may, in addition to any fee prescribed under subclause (1), charge the amount of any GST payable in respect of the service for which the fee is payable.
- (4) Subclause (3) does not permit the Protective Commissioner to charge an amount that is greater than:
  - (a) 10 per cent of the maximum amount payable to the Protective Commissioner apart from that subclause, or
  - (b) the amount permitted under the New Tax System Price Exploitation law,whichever is the lesser.

- (5) In this clause:

***GST*** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

***New Tax System Price Exploitation law*** means:

- (a) the *New Tax System Price Exploitation Code*, as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*, or
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.