



Public Trustee Amendment Regulation 2000

under the

Public Trustee Act 1913

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Trustee Act 1913*.

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

Explanatory note

The *Public Trustee Regulation 1999* prescribes the fees, commission and charges payable in connection with the administration of estates by the Public Trustee. The object of this Regulation is to allow the Public Trustee to increase those fees, commission and charges in order to cover any GST payable on the service for which the fee, commission or charge is payable.

This Regulation is made under the *Public Trustee Act 1913*, including section 59 (the general regulation-making power).

2000 No 263

Clause 1 Public Trustee Amendment Regulation 2000

Public Trustee Amendment Regulation 2000

1 Name of Regulation

This Regulation is the *Public Trustee Amendment Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of Public Trustee Regulation 1999

The *Public Trustee Regulation 1999* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clause 28A

Insert after clause 28:

28A GST may be added to fees, commission or charges

- (1) The Public Trustee may, in addition to any fee, commission or charge payable under this Regulation, charge the amount of any GST payable in respect of the service for which the fee, commission or charge is payable.
- (2) Subclause (1) does not permit the Public Trustee to charge an amount that is greater than:
 - (a) 10% of the maximum amount payable to the Public Trustee apart from that subclause, or
 - (b) the amount permitted under the New Tax System Price Exploitation law,whichever is the lesser.
- (3) This clause has effect despite any other provision of this Regulation limiting an amount that may be charged by the Public Trustee.
- (4) 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.