



New South Wales

Protected Estates Amendment (Missing Persons) Regulation 2004

under the

Protected Estates Act 1983

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The *Protected Estates Amendment (Missing Persons) Act 2004* extends the functions of the Protective Commissioner under the *Protected Estates Act 1983* to the management of the property and affairs of certain protected missing persons.

The object of this Regulation is to amend the *Protected Estates Regulation 2003* to prescribe the fees that may be charged upon and payable out of the estate of a protected missing person under section 8 of the *Protected Estates Act 1983*. That section allows fees to be charged in respect of the exercise of the functions of the Protective Commissioner.

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

2004 No 844

Clause 1 Protected Estates Amendment (Missing Persons) Regulation 2004

Protected Estates Amendment (Missing Persons) Regulation 2004

under the

Protected Estates Act 1983

1 Name of Regulation

This Regulation is the *Protected Estates Amendment (Missing Persons) Regulation 2004*.

2 Commencement

This Regulation commences on 17 December 2004.

3 Amendment of Protected Estates Regulation 2003

The *Protected Estates Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fees payable to the Protective Commissioner: section 8

Insert “or protected missing person’s estate” after “protected person’s estate” in clause 4 (1) (a).

[2] Clause 4 (1) (b), (c) and (e)

Insert “or protected missing person” after “protected person” wherever occurring.

[3] Clause 4 (5), definition of “value”

Omit the definition. Insert instead:

value means:

- (a) in relation to a protected person’s estate, the gross amount of the value of the assets (whether real or personal) of the estate without deduction of debts or liabilities secured or unsecured, but does not include the value of the protected person’s principal place of residence, or
- (b) in relation to a protected missing person’s estate, the gross amount of the value of the assets (whether real or personal) of the estate without deduction of debts or liabilities secured or unsecured, but does not include the value of the protected missing person’s last known principal place of residence.