



New South Wales

NSW Trustee and Guardian Amendment (Fees) Regulation 2021

under the

NSW Trustee and Guardian Act 2009

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *NSW Trustee and Guardian Act 2009*.

MARK SPEAKMAN, MP

Attorney General, and Minister for Prevention of Domestic and Sexual Violence

Explanatory note

The object of this Regulation is to amend the *NSW Trustee and Guardian Regulation 2017* to update the fees payable to the NSW Trustee for the following—

- (a) managing the affairs of persons incapable of managing their own affairs,
- (b) managing estates,
- (c) professional services in connection with preparing the following—
 - (i) wills,
 - (ii) enduring guardianship appointments,
 - (iii) powers of attorney.

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1 Name of Regulation

This Regulation is the *NSW Trustee and Guardian Amendment (Fees) Regulation 2021*.

2 Commencement

This Regulation commences on 1 January 2022 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of NSW Trustee and Guardian Regulation 2017

[1] Clause 11 Fee for management of common fund

Omit “0.1%” wherever occurring in clause 11(2). Insert instead “0.35%”.

[2] Clause 28

Omit the clause. Insert instead—

28 Fees for drafting wills, powers of attorney and enduring guardianship appointments

(1) NSW Trustee may charge the following fees for carrying out professional services in connection with—

- (a) preparing, revising or revoking a will—a maximum of \$6,000,
- (b) preparing, revising or revoking an enduring guardianship appointment—\$300,
- (c) preparing, revising or revoking a power of attorney—\$500.

Note— The Act, section 111(3) provides the NSW Trustee with a discretion to waive, remit or reduce fees.

(2) NSW Trustee may recover from a person to whom a service under subclause (1) is provided an amount equal to the disbursements made in providing the service.