

# Supreme Court of Victoria - Probate Office Fees

Effective from 30 September 2018



Filing fees and services prescribed by Schedule 1 of the *Supreme Court (Fees) Regulations 2018* (herein referred to as the "Regulations") payable to the Probate Office.

Generally, fees will increase annually.

Explanatory notes are contained within the attached schedule. The item numbers listed align with those described in the *Regulations*.

PROBATE OFFICE FEES				
Item no.	Item Description	Corporate	Standard	Concession
4.1	<b>Online Advertisement</b> For posting on the Court's website a notice of intention to - (a) Apply for a grant of representation (b) Apply for a reseal of probate, letters of administration or grant (c) Administer an estate by State Trustees under section 79 of the <i>Administration and Probate Act 1958</i>		\$26.00 \$26.00 \$26.00	
4.2	<b>Application for a Grant of Representation</b> ( <i>calculated on the gross value of Victorian assets only</i> ) On filing a grant of representation (including an application for reseal) or an originating motion under Rule 7.04(1) of Chapter III, whereby - (a) The gross value of the estate is less than \$500,000 (b) The gross value of the estate is \$500,000 or more but less than \$1,000,000 (c) The gross value of the estate is \$1,000,000 or more but less than \$2,000,000 (d) The gross value of the estate is \$2,000,000 or more but less than \$3,000,000 (e) The gross value of the estate is \$3,000,000 or more		\$60.70 \$325.10 \$606.90 \$1,329.40 \$2,051.90	
4.3	On filing a caveat in the Probate jurisdiction		\$295.80	
4.4	On filing a notice of appointment of the Incorporated Nominal Defendant as Administrator <i>ad litem</i> under the <i>Transport Accident Act 1986</i> On filing a notice requiring notification of a grant of representation On filing a request for notification of application for executor's commission		\$26.00 \$26.00 \$26.00	
4.5	For preparation by the Registrar of Probates or Assistant Registrar of Probates of an application in relation to a small estate		\$222.50	
4.6	For authenticating an order amending parchment		\$18.80	
4.7	Certificate of Registrar of Probates verifying copy document ( <i>where not done in the usual course of an application for grant of representation</i> )		\$18.80	
4.8	Exemplification ( <i>where not done in the usual course of an application for grant of representation</i> )		\$26.00	
4.9	Office copy of parchment and Will		\$18.80	
	For depositing a Will under section 5A of the <i>Administration and Probate Act 1958</i> ( <i>except in accordance with sub-section (3)</i> )		\$23.10	
	For delivery of a Will under section 5C of the <i>Administration and Probate Act 1958</i>		\$39.00	

**MISCELLANEOUS COURT FEES**

<b>Item no.</b>	<b>Item Description</b>	<b>Corporate</b>	<b>Standard</b>	<b>Concession</b>
	<b>Common Law Management</b>			
2.3	Matters lodged with the Probate Office and referred by the Registrar of Probates to the Common Law Division	\$1,447.90	\$723.90	\$299.10
2.4	In the Probate jurisdiction, upon filing a -			
	(a) Summons under Rule 8.07(3) of Chapter III ( <i>caveats</i> )	\$1,447.90	\$723.90	\$299.10
	(b) Summons under Rule 10.02 of Chapter III ( <i>commission</i> )	\$1,447.90	\$723.90	\$299.10
	(c) Summons under Rule 11.02 of Chapter II ( <i>revocation of a grant</i> )	\$1,447.90	\$723.90	\$299.10
	(d) Summons under Rule 12.02 of Chapter II ( <i>rectification of a will</i> )	\$1,447.90	\$723.90	\$299.10
2.5	Filing an interlocutory application ( <i>other than one referred to in item 2.4</i> )	\$1,122.80	\$562.10	\$280.30
	<b>Late Filing Fees</b>			
6.1	If an office of the Court is opened to provide a service outside the hours of 9.30am to 4.00pm -			
	(a) Within half an hour before the prescribed opening time or within half an hour after the prescribed closing time;	\$78.00	\$39.00	\$18.80
	(b) At any other time, other than ordinary opening hours	\$1,560.00	\$780.30	\$299.10
	<b>Searching a Court file or record</b>			
6.3	Searching a database or register, retrieving a document or accessing any material lodged, produced to or held by the Court, for each request	\$70.80	\$34.70	\$17.30
6.4	If the search, retrieval or accessing of material referred to above involves the retrieval of files held offsite, an additional fee per file of	\$31.80	\$15.90	\$8.70
6.5	For photocopying or printing any document		\$0.60	

## SCHEDULE

### FEE CATEGORIES AND DEFINITIONS

A **standard fee payer** means (a) a natural person other than a natural person acting in the capacity of statutory office holder; (b) an entity which is a not-for-profit organisation that - (i) operates exclusively for charitable, civil or other social purposes; and (ii) does not share or allocate the funds or profits of the organisation with the owners, shareholders or executives of the organisation; (c) any entity that has a turnover of less than \$200,000 in the financial year before the financial year in which a fee needs to be paid; (d) the executor or administrator of a deceased estate.

A **concession fee payer** means a person who holds a current health care card within the meaning of the *Social Security Act 1991* at the time a fee is payable.

A **corporate fee payer** means an entity other than a standard fee payer or a concession fee payer.

A **small estate** means, for the purpose of item 4.5, a value calculated in accordance with section 71 of the *Administration and Probate Act 1958*.

Note, where a fee is sought to be paid by or on behalf of **two or more** applicants, then - (a) if one or more of the parties making the request is a corporate fee payer, the fee applicable to a corporate fee payer is to be paid; or (b) if *none* of the parties making the request is a corporate fee payer and one or more of the parties making the request is a standard fee payer, the fee applicable to a standard fee payer is to be paid.

#### Evidence requirements:

If the party is a **standard fee payer** (aside from a natural person, per section (a)) or a **concession fee payer**, the applicant (or their authorised legal representative) will be required to complete an **'Application for standard or concession court fees'**. A copy of this form may be obtained from the Probate Office or downloaded from [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au).

#### WAIVER OF FEES (section 14 of the Regulations)

A fee may be waived, if, at the time the fee is payable, the person or other entity - (a) is legally represented in the proceeding under a pro bono scheme administered by or on behalf of the Victorian Bar, the Law Institute of Victoria or Justice Connect; (b) is legally represented in the proceeding on a pro bono basis by a member of the Federation of Community Legal Centres; (c) has been granted legal aid for the proceeding; (d) is serving a sentence of imprisonment or is otherwise detained in a detention facility; (e) is a person under the age of 18 years.

A fee under item 6.1, 6.3, 6.4 or 6.5 is not waived, unless it is waived in accordance with section 129(3) of the *Supreme Court Act 1986*.

#### Evidence requirements:

If the party wishes to apply for a waiver of fees, based on the above or on the alternate grounds of financial hardship (pursuant to section 129(3) of the *Supreme Court Act 1986*) the applicant (or their authorised legal representative, if appropriate) will be required to complete an **'Application for waiver of court fees'**. A copy of this form may be obtained from the Probate Office or downloaded from [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au).