



NOTICE TO THE PROFESSION

CHANGES TO THE PROBATE OFFICE

AFFIDAVITS OF SEARCHES, APPLICATIONS TO BE SENT BY POST AND DELAYED COMMENCEMENT OF REDCREST-PROBATE

The Court is introducing a suite of changes to its processes and procedures in response to the COVID-19 coronavirus pandemic.

Please take note of the following information in relation to the Probate Office:

1. **Applications for probate and administration – changes to process:**
 - a) The *Supreme Court (Administration and Probate) Rules 2014 (Probate Rules)* currently require affidavits of searches to be sworn or affirmed on the same day that an application for probate or administration is lodged with the Probate Office.
 - b) To minimise the number of in-person visits to the Probate Office, the Chief Justice has made an order under r 2.04 of the *Supreme Court (General Civil Procedure) Rules 2015* dispensing with the requirement under rr 2.05 and 4.05 of the Probate Rules to file an affidavit of searches in support of applications for probate or administration.¹
 - c) From 30 March 2020 there will no longer be a requirement to file an affidavit of searches in support of applications for probate or administration.
 - d) From 30 March 2020 applications for probate and administration (and all documents filed in the Probate Office) must be sent via post to Registrar of Probates, Supreme Court of Victoria, PO Box 13331, Law Courts, Victoria, 8010. It is recommended all applications that include original wills be sent via registered post.
 - e) Once the Probate Office receives an application for probate or administration, Probate Office staff will conduct all searches in respect of the application that formerly would have been conducted by or on behalf of the applicant when preparing an affidavit of searches.

¹ Effective 15 April 2020 the Probate Rules will be amended to dispense with the requirement to file an affidavit of searches upon applying for a grant of probate or administration.

- f) Probate Office staff will make a manual note on the relevant file confirming that the searches have been conducted and the results of those searches (if any).

2. **RedCrest-Probate – delay in commencement:**

- a) On 17 December 2019 the Court announced the launch of RedCrest-Probate from 15 April 2020.
- b) RedCrest-Probate was to enable the electronic filing of all applications for probate and administration under the Probate Rules.
- c) All grants issued after 15 April 2020 were to be issued electronically, with applications and supporting documentation no longer to be accepted in-person or by post.
- d) In light of the COVID-19 coronavirus pandemic, the Court has postponed the launch of RedCrest-Probate indefinitely.
- e) The Court will provide further updates on the launch of RedCrest-Probate as they become available.