



The Hon. Sonya Kilkenny MP

Attorney-General

GPO Box 4356
Melbourne Victoria 3000
Telephone: +61 3 8684 1111

Administration and Probate Act 1958

The Administration and Probate (Deposit of Wills) (Fees) Regulations 2026

RECOMMENDATION

It is recommended to the Governor in Council that, under section 5B of the **Administration and Probate Act 1958**, the Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 be made.

Advice from the Chief Parliamentary Counsel is submitted as required by section 13 of the **Subordinate Legislation Act 1994**.

A Regulatory Impact Statement for these Regulations has not been prepared. As the Minister responsible for the administration of the **Administration and Probate Act 1958**, I have issued an exemption certificate under section 8 of the **Subordinate Legislation Act 1994**, and it is attached.

Under my hand, the following, additional, certificates are attached:

- (a) a composite certificate of consultation and exemption under section 12B(2) of the **Subordinate Legislation Act 1994** incorporating the certificates required by sections 6 and 8 of the **Subordinate Legislation Act 1994**; and
- (b) a human rights exception certificate under section 12A(3) of the **Subordinate Legislation Act 1994**.

Dated: 14 / 05 / 2026

Sonya Kilkenny
Attorney-General





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Attorney-General

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Subordinate Legislation Act 1994

HUMAN RIGHTS EXEMPTION CERTIFICATE

(Section 12A(3))

The Administration and Probate (Deposit of Wills) (Fees) Regulations 2026

I, Sonya Kilkenny, Attorney-General and Minister responsible for administering the **Administration and Probate Act 1958**, certify under section 12A(3) of the **Subordinate Legislation Act 1994** that, in my opinion, the proposed Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 relate only to a court or tribunal or the procedure, practice or costs of a court or tribunal and is therefore exempt from the requirement to prepare a human rights certificate under section 12A(1) of that Act.

Dated: 14 / 0 5 / 2026

Sonya Kilkenny
Attorney-General





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Subordinate Legislation Act 1994

COMPOSITE CERTIFICATE

(Section 12B(2))

CONSULTATION CERTIFICATE and EXEMPTION CERTIFICATE

(Sections 6 and 8)

ADMINISTRATION AND PROBATE (DEPOSIT OF WILLS) (FEES) REGULATIONS 2026

I, Sonya Kilkeny, Attorney-General and Minister responsible for administering the **Administration and Probate Act 1958**, certify under the **Subordinate Legislation Act 1994** that:

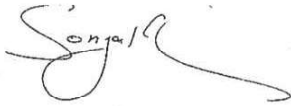
- (a) under section 6 of that Act:
- (i) the matters to be dealt with under the proposed Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 do not impinge upon or unduly affect the area of responsibility of any other Minister, and there is no overlap or conflict with any other existing or proposed statutory rule, legislation or stated government policy; and
 - (ii) there has been consultation in accordance with the guidelines made under the Act with the parties listed below so that the need for and the scope of the proposed Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 have been considered. The parties that have been consulted are the Supreme Court of Victoria, Court Services Victoria, State Trustees, and the Law Institute of Victoria.
- (b) under section 8(1)(a) of that Act in my opinion the proposed Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 are exempt from the requirement to prepare a regulatory impact statement under section 7 of that Act as the proposed regulations would not impose a significant economic or social burden on a sector of the public.



The reasons for forming this opinion are that the proposed Administration and Probate (Deposit of Wills) (Fees) Regulations 2026 prescribe fees payable for depositing a will with the registrar and for delivery of a deposited will by the registrar. As such, the proposed regulations do not impose an economic or social burden on a sector of the public.

Accordingly, a Regulatory Impact Statement is not required for these Regulations.

Dated: 14 / 05 / 2026



Sonya Kilkenny
Attorney-General





PARLIAMENTARY COUNSEL VICTORIA

Your Reference: 26043629

Parliamentary Counsel's Chambers
Level 2, 1 Macarthur Street, Melbourne, VIC 3002
Tel: (03) 9651 2103 Fax: (03) 9651 2107

Our Reference: 24039 26-025: SB/JA

SUBORDINATE LEGISLATION ACT 1994 SECTION 13 CERTIFICATE

Proposed statutory rule : **Administration and Probate (Deposit of Wills) (Fees) Regulations 2026**

Authorising Act : **Administration and Probate Act 1958**

Date of print of proposed statutory rule : **24 April 2026**

A proposed statutory rule that is to be made by, or with the consent or approval of, the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel specifying whether the proposed statutory rule —

- | | |
|---|--|
| <i>(a) appears to be within the powers conferred by the authorising Act;</i> | <i>(a) so appears;</i> |
| <i>(b) appears without clear and express authority being conferred by the authorising Act —</i> | <i>(b)</i> |
| <i>(i) to have a retrospective effect; or</i> | <i>(i) if made on or before 1 July 2026, does not so appear;</i> |
| <i>(ii) to impose a tax, fee, fine, imprisonment or other penalty; or</i> | <i>(ii) does not so appear;</i> |
| <i>(iii) to shift the legal burden of proof to a person accused of an offence; or</i> | <i>(iii) does not so appear;</i> |
| <i>(iv) to sub-delegate powers delegated by the authorising Act;</i> | <i>(iv) does not so appear;</i> |
| <i>(c) appears to be consistent with the general objectives of the authorising Act;</i> | <i>(c) so appears;</i> |



- (d) *appears to be consistent with and to achieve the objectives set out in the proposed statutory rule and, if the proposed statutory rule is to amend an existing statutory rule, appears to be consistent with the objectives set out in the existing statutory rule;* (d) so appears;
- (e) *appears to be inconsistent with principles of justice and fairness;* (e) does not so appear;
- (f) *appears significantly or substantially to overlap or conflict with any other statutory rule or legislation;* (f) does not so appear;
- (g) *is expressed as clearly and unambiguously as is reasonably possible.* (g) is so expressed.

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JAYNE ATKINS

Chief Parliamentary Counsel

Date : 24 April 2026

This certificate relates to the circumstances as at the date of the certificate.

**Administration and Probate (Deposit of Wills)
(Fees) Regulations 2026**

S.R. No. 57

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STATUTORY RULES 2026

S.R. No. 57

Administration and Probate Act 1958

**Administration and Probate (Deposit of Wills)
(Fees) Regulations 2026**

The Governor in Council makes the following Regulations:

Dated: - 2 JUN 2026

Responsible Minister:

SONYA KILKENNY
Attorney-General


Clerk of the Executive Council

1 Objective

The objective of these Regulations is to prescribe fees payable to the registrar of probates under Division 1A of Part I of the **Administration and Probate Act 1958**.

2 Authorising provision

These Regulations are made under section 5B of the **Administration and Probate Act 1958**.

3 Commencement

These Regulations come into operation on 1 July 2026.

4 Revocation

The Administration and Probate (Deposit of Wills) (Fees) Regulations 2016¹ are **revoked**.

**5 Fees under Division 1A of Part I of the
Administration and Probate Act 1958**

- (1) For the purpose of section 5A(2) of the **Administration and Probate Act 1958**, the prescribed fee payable for depositing a will with the registrar is 1·6 fee units.

Note

Section 5A(3) of the **Administration and Probate Act 1958** provides that no fee is payable in respect of any will deposited with the registrar if the deposit is made because a legal practitioner has died, or has ceased, or is about to cease, practising in Victoria.

- (2) For the purpose of section 5C(1) of the **Administration and Probate Act 1958**, the prescribed fee payable for delivery of a deposited will by the registrar is 2·7 fee units.
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Endnotes

¹ Reg. 4: S.R. No. 83/2016.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**. The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2025 is \$16.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.