



Impact of probate filing fee increases for deceased estates and estate planning

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Significant Probate Office fee increases in Victoria will have an impact on executors and estate planning. This blog explores the recent increases in probate fees and how they may impact estates in Victoria. Executors of a deceased estate need to familiarise themselves with these new fees and processes.

For a general overview of Probate Office fees, you can read our earlier blog, [“Probate office fees in Victoria”](#).

On Monday, 4 November 2024, the Victorian State Government announced changes to probate filing fees charged by the Supreme Court of Victoria. These changes are effective from 18 November 2024. The fee increase follows the making of the [Supreme Court \(Fees\) Amendment Regulations 2024](#).

It is important to be aware of the changes to the probate fees associated with applying for a [Grant of Probate](#) or [Letters of Administration](#) if you are planning on obtaining a [grant of representation](#) in the Supreme Court of Victoria, whether you are an executor of a Will or seeking to become an administrator of an estate where there is no Will.

What is probate?

Probate is the process of certifying that a Will is valid and provides authority to the executor, or where there is no Will, the administrator to deal with and manage the deceased person's estate.

An application for probate must be made to the Probate Office of the Supreme Court of Victoria (the Court). The Probate Office manages these applications and charges fees for the services it provides.

Probate and Letters of Administration filing fees

As in the case with the previous probate filing fees, the filing fee for an application for a Grant of Representation depends on the gross value of the Victorian assets comprising the estate.

The below table compares the probate office filing fees prior to 18 November 2024 and the new fees. As you can see, there are some significant increases which will impact executors, administrators, beneficiaries and family members of the deceased generally.

Value of Estate	Previous fee	New Fee
Where gross value of estate is less than \$250,000	\$68.60	NIL
Where gross value of estate is \$250,000 or more but less than \$500,000	\$68.60	\$514.40
Where gross value of estate is \$500,000 or more but less than \$1,000,000	\$367.40	\$1,028.80
Where gross value of estate is \$1,000,000 or more but less than \$2,000,000	\$685.90	\$2,400.50
Where gross value of estate is \$2,000,000 or more but less than \$3,000,000	\$1,502.40	\$4,801.00
Where gross value of estate is \$3,000,000 or more but less than \$5,000,000	\$2,318.90	\$7,185.20
Where gross value of estate is \$5,000,000 or more but less than \$7,000,000	\$2,318.90	\$12,002.60
Where gross value of estate is \$7,000,000 or more	\$2,318.90	\$16,803.60

A comprehensive list of the new probate office fees can be found in the [probate office fees list on the Court website](#).

Impact of increased costs and probate fees on applications for probate or Letters of Administration?

The Victorian State Government has stated that the objectives of the fee increases include improving the financial stability of the Court and the Probate Office and to charge fees that reflect the cost of services from the Probate Office.

The significant fee increase has substantial implications for executors and administrators when dealing with an estate. Whilst the changes included the removal of the filing fee for estates valued at less than \$250,000, for estates valued at over \$250,000, many members of the legal community have described the increases as excessive, with **some fee increases of over 600%**.

The estates most affected by the increase are estates valued at over \$7,000,000, attracting a **new filing fee of \$16,803**. This is a substantial increase from the previous fee for these estates, which was \$2,318.90.

Executors to be out-of-pocket

The significant increase in fees will place an additional burden on executors and cause hardship for families of deceased persons in many cases.

Generally, the assets of a deceased estate, such as a bank account, cannot be accessed until a Grant of Probate or Letters of Administration has been made. However, the probate filing fees are required to be paid at the time the application for a grant is filed.

This means that in many cases, executors as well as persons proposing to become estate administrators where there is no Will, will need to outlay the probate fees upfront prior to the grant being made.

Executors will need to find the necessary funds independently, as there are currently no provisions which allow payment of the Court filing fee directly from estate assets. In many instances, executors or administrators will need to pay the probate fees from their own personal funds and reimburse themselves once the assets are available.

Consider the implications on an estate of high value.

As a result, this may lead to limited access to justice, as it may discourage family members or other trusted persons to take on executor appointments or deter executors from obtaining probate and [administering an estate](#) after the death of a Will-maker. Ultimately, a deceased person may not have their final wishes carried out, and beneficiaries may not receive their entitlements under a Will. The [administration of an estate may also be significantly delayed](#).

Probate filing fee increases impact on estate planning

Probate filing fees are only calculated on assets comprising a deceased person's estate. The significant increase in probate filing fees may lead many to structure their assets in such a way as to completely avoid or reduce the total value of their estate.

In order to lessen or reduce the fees associated with probate, people making Wills or considering their estate planning may transfer or acquire assets outside of their estate. This may lead to situations not intended by the Will-maker and outcomes which do not ultimately accord with their wishes.

Get help from a probate lawyer

Smith Family Law can assist you with your application for a Grant of Probate or Letters of Administration of a deceased estate and ensure you are informed about the impacts of the changes to the Probate Office fee structure and processes. Our deceased's estates team can [discuss your matter in a free initial appointment](#), as well as explain the process and fees associated with probate.

Contacting Smith Family Law

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