

permanent State official; he is always available to answer for any acts or defaults on the part of himself or his employees; furthermore, the integrity and fidelity of the Public Trustee and all his officers are guaranteed by the State.

It has been urged in some quarters that the increased powers and facilities conferred on the Public Trustee should be made available to all trustees. This is a matter which does not directly concern the Public Trustee. It may, however, be pointed out that whilst it may be safe to grant extended powers to an officer such as the Public Trustee, whose unique position provides special safeguards and assurances, it would plainly be inadvisable to make such powers available to private trustees, when by so doing the well-recognized safeguards would be removed without providing any adequate protection in their place. Moreover, the undertaking of trusteeships is purely voluntary on the part of private trustees, but such is the principal object for which the Public Trustee was created, and by reason of his position and from the operation of numerous statutes he is forced to undertake all classes of estates and to perform numbers of services of a miscellaneous nature. This does not apply to private trustees, and makes it desirable that facilities should be afforded to the Public Trustee which are not justified in the case of other persons carrying on a similar class of work.

Finally, I desire to refer briefly to the assertion that is sometimes made that the full effect of the additional special powers conferred upon the Public Trustee was not realized by the Legislature at the time when the amending Act of 1921 was passed. A suggestion of this nature is, upon the face of it, of doubtful force. Before taking effect as law, drafts of the Bill which subsequently became the Public Trust Office Amendment Act, 1921-22, were closely examined by the highest disinterested legal authorities, acting independently of the Public Trustee, and were scrutinized also by the Statutes Revision Committee. Both Houses of Parliament also had ample opportunity of discussing the Bill before it became law, and any criticism such as is made in some quarters, that the powers were conferred by the Legislature carelessly or in ignorance as to their effect, clearly lacks substantiation.

OFFICE CHARGES FOR ADMINISTERING SMALL ESTATES.

5. A criticism of Office administration which is sometimes encountered is to the effect that the Office charges for administering small estates are unduly high in comparison with the charges for administering large estates, the inference, of course, being that the larger estates are being administered cheaply at the expense of the smaller estates. This idea is erroneous, and is based upon a misconception of the true position. The Office charges for administration are levied upon a sliding scale which is designed from experience extending over half a century to return a reasonable remuneration in each case for the work occasioned by the administration. It is found in practice that in the bulk of cases the scale operates satisfactorily. Where in an unusual combination of circumstances the scale rates of commission do not represent a reasonable charge for the work involved the Office meets the position by reducing the scale charges of commission.

It is true that as a result of the operation of the sliding scale of charges the average rate of commission charged for the administration of a comparatively small estate will probably be a little higher than the average rate charged in respect of a larger estate; but this fact alone does not justify the inference to which I have referred. With the exception of extremely small estates, there are in all estates certain duties to perform which do not vary greatly in extent whether the estate is large or small; for example, a grant of administration must be taken out, stamp accounts filed, debts ascertained and paid, and other similar duties performed. This important factor must be taken into consideration in fixing the charges to be levied. Moreover, it must be remembered that it does not necessarily follow that the larger an estate is the work involved in its administration increases proportionately.

It can be confidently stated that the Office scale of charges is satisfactory in its operations, and does not favour one class of estate at the expense of another.