

# Frequently Asked Questions

## General

### 1. Where can I get legal assistance?

The Law Society of Tasmania can recommend solicitors, in your local area, who have expertise in this area of law.

The Society can be contacted on (03) 6234 4133 or you can visit their website <http://lst.org.au>.

### 2. How do I find a Justice of the Peace?

You can locate a Justice of the Peace by contacting the Legal Aid Commission on 1300 366 611 or alternatively by visiting <http://www.tsjpi.asn.au/find.html>.

Please note that a Justice of the Peace will often be available at the Probate Registry or at other Supreme Court Registries around the state.

### 3. Where do I lodge my application?

Applications must be filed with the Probate Registry which is located at the Hobart Supreme Court.

Applications can be filed in person, by attending at the Probate Registry at the Hobart Supreme Court (or at the Civil Registry in either Launceston or Burnie). Alternatively your application may be posted to:

Probate Registry  
Supreme Court of Tasmania  
GPO Box 167  
HOBART TAS 7001

Posting an application is at the applicant's risk. The Probate Registry recommends sending applications via registered post.

### 4. Is a fee payable to the Probate Registry? When must I pay the fee? How can I pay the fee?

Court filing fees apply to all applications in the Probate Registry.

The filing fee you must pay is based on the gross value of the estate. To find out what fee is payable on your application visit the [Probate Fees](#) page.

The filing fee may be paid either:

- a. at the time of making your application; or alternatively
- b. once the Grant has been signed by the Registrar. The Registry will simply send you a letter requesting payment.

It is only once payment has been received by the Registry that the Grant will be posted to you.

Payment may be made by:

Cash

Please ensure that cash is hand delivered.

Money order or cheque (made payable to the Supreme Court of Tasmania)

Please ensure that money orders or cheques are either hand delivered or posted to:

Probate Registry  
Supreme Court of Tasmania  
GPO Box 167  
HOBART TAS 7001

Credit card

Please attend at the Probate Registry to pay by credit card or alternatively return the payment slip attached to the letter that you will receive from the Registry requesting payment.

**5. How will I receive my grant?**

If a lawyer lodged the application on your behalf then the Grant will be sent to your lawyer, upon receipt of payment.

If you lodged the application yourself then the Grant will be sent to you via registered post, upon receipt of payment.

Alternatively, you may collect the Grant from the Probate Registry at the Hobart Supreme Court, when you attend to pay the filing fee.

Please note that the Probate Registry will only release the Grant to the Executor or Administrator named in the Grant so be sure to bring photographic identification with you.

**6. What documents do I need to lodge with my application?**

The documents you will need to file with your application are listed in our Information Kits. Please visit our [Information Kit](#) page for a copy of the relevant information kit.

**7. Can I provide a certified copy of the Record of Death instead of the original?**

No. The Probate Registry requires the original Record of Death.

Please also note that the original Record of Death will be retained by the Probate Registry as part of its official records. The Registry recommends that you arrange for certified copies to be made before filing.

## 8. What should I do if the details in the Record of Death are incorrect?

If there is a difference between the information in the Record of Death and the information in your application documents (including the Oath and Short Form Affidavit), the Probate Registry will send you a requisition asking you to explain the difference.

Please check the Record of Death and your application documents carefully to ensure all information is correct and consistent (this includes the spelling of names and addresses).

If there is an error in the Record of Death you may:

- a. return the Record of Death to the Department of Births, Deaths and Marriages and request the errors be corrected.
  
- b. explain the error in your application documents.

For example:

- if the deceased was a widow, but the Record of Death states that she was divorced, in the application documents you would need to state, where the marital status of the deceased appears: *“widow (incorrectly noted as ‘divorced’ in the Record of Death)”*.
  
- if the deceased’s address was Freemasons Home Lindisfarne Tasmania but the Record of Death states 5 Citizen Street Hobart Tasmania, in the application documents you would need to state, where the address of the deceased appears: *“Jane Doe of Freemasons Home Lindisfarne Tasmania (incorrectly stated as ‘5 Citizen Street Hobart Tasmania in the Record of Death)”*.