

Let's talk about **Wills**



“ A Will is a living document that accompanies you on your life's journey. ”

100
YEARS
since 1916



Our vision

The independent trustee for Queenslanders providing security and peace of mind.

Our purpose

Lead the evolution and delivery of trustee, estate and administration services that make a positive difference in the lives of Queenslanders.

About the Public Trustee

We deliver a range of specialist services to the Queensland community including:

- Enduring Powers of Attorney
- Deceased Estate Administration
- Executor Services
- Will making
- Financial Administration for people with incapacity.



What is a Will?

A Will is a legal document that outlines how you would like your assets (estate) distributed when you die and appoints the person who will be responsible for the administration of your estate.

The people who receive your estate are referred to as your beneficiaries.

What if I die without a valid Will?

If you die without a Will, you are said to have died intestate. The Queensland laws of intestacy are outlined in Part 3 of the *Succession Act, 1981*. This Act sets out the rules for distributing your assets.

Dying without a Will can mean:

- your estate may not be distributed to your beneficiaries in the way that you would wish
- you may not have left clear provisions for your loved ones and you may be placing an extra burden on them at a time of stress, grief and loss
- there may be potential for conflict between the beneficiaries of your estate
- it may take more time and money to finalise your deceased estate.

For more information refer to our *Let's talk about Intestacy* brochure.

Who needs a Will?

Everyone over 18 who has capacity to make a Will, should make one.

Regardless of the size of your estate, it's important to have a valid Will.

A Will is a living document that accompanies you on your life's journey. Important life stages for updating your Will are:

- marriage
- separation or divorce
- entering a de facto relationship
- birth of a child or grandchild
- a change to your assets or financial circumstances
- death of a spouse or partner
- a change to a beneficiary (a beneficiary is someone who you would like to have a share of your estate)
- retirement
- natural disasters
- entering into a civil partnership
- changing residence e.g. moving from one state to another or from one country to another.



A **Will** also provides you with the **opportunity to:**

- name guardians for your children
- establish a trust to provide for children
- establish a trust for a person with a disability
- ensure preservation of assets
- give money to charity and philanthropic organisations such as the Queensland Community Foundation. For more information visit www.qcf.org.au

Benefits of making your **Will** for free with **the Public Trustee:**

- we're the largest Will making service in Queensland
- we're experienced and have been serving Queensland since 1916
- we provide free and safe document storage
- we have regional offices conveniently located across Queensland
- we have a network of QGAP agents, Centrelink offices and courthouses that can assist you on our behalf.



How do I make a **Will** with the **Public Trustee?**

Our Will making service is 100% free and it's as easy as making an appointment at one of our 16 offices.

If you don't live in a region where we have an office, there may be a local QGAP agent, courthouse or Centrelink office that can assist you.

We have a range of outreach services across the state. **Phone 1300 360 044 for more information.**

Please let us know when making your appointment of any requirements for assistance such as an interpreter.

What do I bring to my Will appointment?

- You must bring some current identification to your Will making appointment.
- It's not mandatory, but we recommend you list details of any assets such as addresses of property, bank account details or shares held.
- Names and addresses (if known) of your beneficiaries.

What is an **Executor**?

Your Executor is responsible for administering your estate once you die. It's an important role that requires a variety of skills.

Duties of an Executor may include collecting assets, paying the debts of the estate, preparing tax returns and distributing the estate. For more information refer to our *Let's talk about Executor Services* brochure.

Considerations when nominating your **Executor**?

Choosing the Executor of your Will is almost as important as the Will itself. Some things to consider:

- Does your Executor have the necessary skills and are they willing and able to administer your estate?
- If you appoint a family member or loved one as your Executor, you may place an extra burden on them at a time of stress, grief and loss.
- If it's likely your choice of Executor may result in conflict between them and your beneficiaries, it's wise to appoint an independent Executor.
- If something goes wrong with the administration of your estate, your Executor may be personally liable for it.
- Will your Executor be there when needed?

Benefits of appointing **the Public Trustee** as your Executor:

- we offer independent impartial advice
- we are experienced in administering deceased estates
- we charge a competitive fee for service, not a percentage to finalise your estate
- we are skilled in managing deceased estates during times of grief and family conflict.

The Public Trustee can also be appointed to **administer** an **estate** when:

- the Executor renounces their appointment
- the Executor is not a resident in Queensland, has died or is not able to act
- there is no Will and the Public Trustee is requested to do so by the next of kin.

For more information about the role of an Executor and our Executor services, refer to our *Let's talk about Executor Services* brochure.



What is **probate**?

Probate is official recognition that a Will is legally valid. This proof allows the Executor of a deceased estate to take control of the estate's assets.



The process for obtaining probate can be complicated.

Acquiring probate requires advertising, completion of various legal documents and having them filed with the Supreme Court.

When Executors are administering an estate, they often require some legal assistance to meet the technicalities of applying to the Supreme Court to obtain probate.

How can the Public Trustee **assist me with probate**?

At a competitive cost, the Public Trustee can provide professional assistance to ensure that your duties as Executor are carried out effectively.

Contact your local office for more information about how we can help you.

Protecting your **privacy**

The Public Trustee collects and manages personal information in the course of performing its activities, functions and duties in accordance with the *Public Trustee Act 1978* (QLD).

We respect the privacy of the personal information held by us. The way in which the Public Trustee manages personal information is governed by the *Information Privacy Act 2009* (QLD).

This means there are restrictions on how we can use, and when we can disclose, your personal information. When you supply us with your personal information as part of providing us with feedback or lodging a complaint, we will generally use this information only to assist us to address your concerns.

We generally do not disclose your personal information outside of the Public Trustee unless we are required to do so by law or unless you have given us your consent to such disclosure.

If you would like to read our Privacy Statement, please visit our website at **www.pt.qld.gov.au**



Contact us

The Public Trustee

Phone 1300 360 044

Web www.pt.qld.gov.au

GPO Box 1449, Brisbane QLD 4001

Your nearest Public Trust Office

Brendale

Brisbane

Bundaberg

Cairns

Gladstone

Ipswich

Mackay

Maryborough

Mount Isa

Nambour

Redcliffe

Rockhampton

Southport

Sunshine Coast

Toowoomba

Townsville

We also offer a range of outreach services in other areas of Queensland. Phone us to find out about your nearest service centre.

1300 360 044

www.pt.qld.gov.au

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