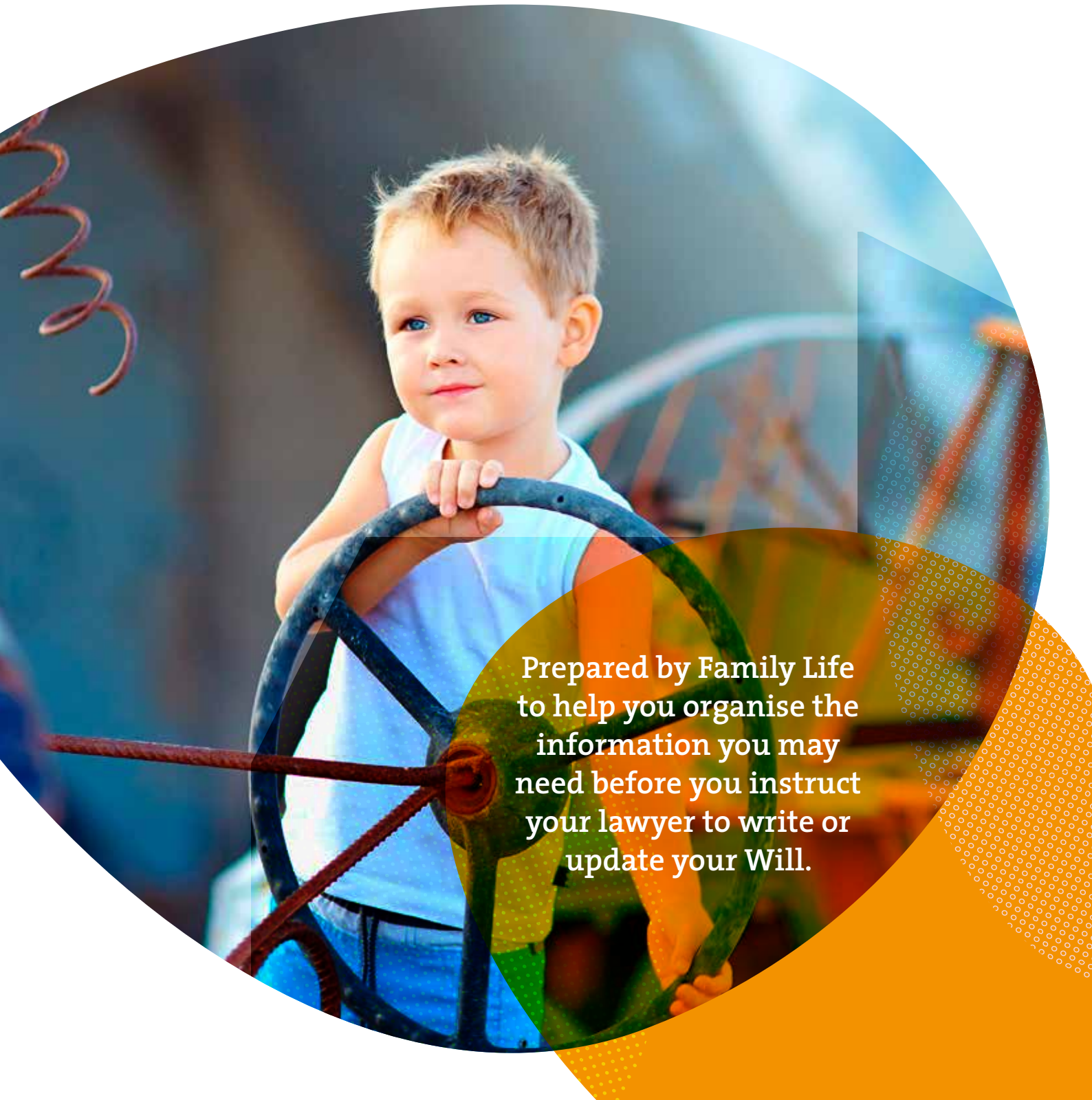


# My Personal Information and Will Preparation Kit



*Transforming  
lives for stronger  
communities*



Prepared by Family Life  
to help you organise the  
information you may  
need before you instruct  
your lawyer to write or  
update your Will.

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# Introduction

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This booklet is designed to help you gather your important information – all in one place.

You can take this information to your lawyer when you are writing or updating your Will.

The information in this booklet can also help anyone who has the responsibility of managing your affairs.

This booklet has been prepared by Family Life for general information purposes only to help you get organised; *it is not legal advice and should not be relied on as (or in substitution for) legal, accounting, financial or other professional advice.*

For legal advice please see your lawyer, preferably one who is experienced with Wills.

The Law Institute of Victoria can provide you with a list of names of lawyers.

[www.liv.asn.au](http://www.liv.asn.au)

(03) 9607 9311

We invite you to consider creating a brighter future for vulnerable children and families by making a provision for Family Life in your Will.

Keep this booklet in a safe place.



# My personal information

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## My Details:

My Name \_\_\_\_\_

Address \_\_\_\_\_

Suburb \_\_\_\_\_ State \_\_\_\_\_ Postcode \_\_\_\_\_

Telephone home \_\_\_\_\_

Telephone mobile \_\_\_\_\_

Email \_\_\_\_\_

Date of Birth \_\_\_\_\_

Religion \_\_\_\_\_

Occupation \_\_\_\_\_

Previous occupations \_\_\_\_\_

Centrelink number \_\_\_\_\_

Veterans Affairs number \_\_\_\_\_

Overseas pension details \_\_\_\_\_

Drivers Licence number \_\_\_\_\_

Passport number \_\_\_\_\_

Medicare number \_\_\_\_\_

Private Health Insurance Company \_\_\_\_\_

Customer Number \_\_\_\_\_



**My Executors.**

(see page 26 for information about the role of an Executor)  
It is prudent to have at least one alternate executor in case your primary executor/s die before you or are otherwise unable to act in this role.

**Primary executor:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Primary executor:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Alternate executor:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Alternate executor:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

# My personal information (cont.)

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## My family tree and significant relationships.

### My Spouse / Domestic Partner:

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

### My Former Spouses / Former Domestic Partners:

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Date of divorce / separation \_\_\_\_\_

Are proceedings underway under the *Family Law Act 1975*? yes / no \_\_\_\_\_

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Date of divorce / separation \_\_\_\_\_

Are proceedings underway under the *Family Law Act 1975*? yes / no \_\_\_\_\_



**My Children:**

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Full time student yes / no      Disability yes / no

Name of my child's spouse or domestic partner (if applicable) \_\_\_\_\_

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Full time student yes / no      Disability yes / no

Name of my child's spouse or domestic partner (if applicable) \_\_\_\_\_

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Full time student yes / no      Disability yes / no

Name of my child's spouse or domestic partner (if applicable) \_\_\_\_\_

Name \_\_\_\_\_ Date of birth \_\_\_\_\_

Contact details \_\_\_\_\_

Full time student yes / no      Disability yes / no

Name of my child's spouse or domestic partner (if applicable) \_\_\_\_\_

Some laws recognise and treat step-children in different ways to biological, adopted or children born through in vitro fertilisation (IVF) or surrogacy arrangements.

Are any of the children listed above step children? \_\_\_\_\_

# My personal information (cont.)



## My Grandchildren:

Name

---

Date of birth

---

Contact details

---

Full time student    yes / no            Disability    yes / no

---

Name

---

Date of birth

---

Contact details

---

Full time student    yes / no            Disability    yes / no

---

Name

---

Date of birth

---

Contact details

---

Full time student    yes / no            Disability    yes / no

---





**Other Important People.**

Is there anyone else who might expect to be provided for in your Will due to the nature of your relationship e.g. a member of your household, someone dependent on you for maintenance and support, an estranged child etc.?

Other important or significant people in my life (Provide full name, address, contact details)	Relationship to you (e.g. child, step-child, grandchild, spouse, parent, niece or nephew, friend etc.)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# My personal information (cont.)

## My Bequests to Charities:

I would like to make provision for these charities in my Will:

For example, Family Life: (Family Life Limited trading as Family Life ABN 37 712 782 209)

(see page 16 for further details)

## My Assets: (Please keep this booklet in a private and secure place)

Bank Account

Name/s on account

Bank

BSB

Account Number

Bank Account

Name/s on account

Bank

BSB

Account Number



**Shares and bonds:**

Company name \_\_\_\_\_

Reference number \_\_\_\_\_

**Real Estate:**

Address of property \_\_\_\_\_

The title is stored in/at \_\_\_\_\_

Name/s on title \_\_\_\_\_

Tenants in Common or Joint Tenants \_\_\_\_\_

Address of property \_\_\_\_\_

The title is stored in/at \_\_\_\_\_

Name/s on title \_\_\_\_\_

Tenants in Common or Joint Tenants \_\_\_\_\_

**Life Insurance:**

Company \_\_\_\_\_

Policy Number \_\_\_\_\_

**Superannuation:**

Company \_\_\_\_\_

Policy Number \_\_\_\_\_

Binding nominations made? Yes or no? \_\_\_\_\_

Lapsing or non-lapsing? \_\_\_\_\_

# My personal information (cont.)



My Security Box is stored:

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Other assets:

Car

Make

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Model

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Registration number

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**Collections** eg stamps, coins, ephemera

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**My Digital assets:**

Making a list of your digital assets will help you to bequeath them as you wish and will also help your Executors to access them according to your wishes.

**Examples of Digital Assets:** emails, blogs, websites, social media accounts on Facebook, Instagram and Twitter, digital text, graphics, animations, audio, videos on the internet e.g. YouTube, music files and play lists e.g. iTunes photos uploaded on to websites e.g. Facebook, Instagram and Twitter, online gaming characters, files in cloud storage, Drop Box or iCloud, books stored in Kindle, online accounts with money e.g. PayPal and Bitcoin. (Please note, your ownership of some of this information is subject to the terms and conditions of the provider of the service.)

Passwords to my smartphome, iPad, tablet device and computer.

**Details of Account names and Passwords:**

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It may be difficult to keep the list up-to-date and there may be security issues with keeping such a list.

You might like to consider digital storage of your passwords using a specialised secure website. One legal firm advertising this service is 'Aitken Partners'. <https://legalvault.com.au/>

# My personal information (cont.)

---

## My Involvement with Other Entities:

Director or shareholder of companies.

Details:

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---

I am a trustee or beneficiary or appointor of the following Trusts.

Details:

---

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## My lawyer:

Name

---

Contact details

---

## My Accountant:

Name

---

Contact details

---

## My Financial Adviser:

Name

---

Contact details

---

Where my Will is stored:

---

Where copies of my Will are stored:

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**My Powers of Attorney forms:**

Enduring Financial yes / no \_\_\_\_\_

Where this document is stored \_\_\_\_\_

Medical yes / no \_\_\_\_\_

Where this document is stored \_\_\_\_\_

Personal Attorney yes / no (the old Enduring Power of Guardianship) \_\_\_\_\_

Where this document is stored \_\_\_\_\_

**Organ Donor:**

I am a registered organ donor yes / no \_\_\_\_\_

**My Funeral Instructions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name of funeral fund:**

**Other details about me:**

Achievements \_\_\_\_\_

Schools I went to \_\_\_\_\_

Organisations I belonged to \_\_\_\_\_

# Information about making a provision for Family Life in your Will

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## How to make a provision for Family Life in your Will

This can be done by a codicil to your Will when you update your Will or when you write a new Will.

To ensure your gift is legally binding, please seek legal advice.

Sample wording:

*'I bequeath to Family Life Limited ABN 37 712 782 209 (specified sum), or (specified item), or the (residue of my estate) free of all duties, and the receipt of the Treasurer or other authorised officer for the time being shall be complete and sufficient discharge for the executor(s).'*

Note: Codicils are discouraged these days given the ease of amending/redrafting a Will in the digital age. The risk that something is done incorrectly (e.g. something missed or a wrong clause number referred to, or that a codicil is made but not kept with the Will and therefore not complied with) is greater than if a Will is simply redrawn.

## Benefits of making a bequest to Family Life

- Your name and legacy will be remembered and have lasting impact
- Your bequest will be used to help prevent serious social issues such as family violence, child abuse and unemployment.
- Possible tax benefits for your estate – depending on your financial situation (please seek professional advice)

- Your hard work during your life time will help people who need a hand
- You will inspire others to do the same
- You will be a role model to your family and friends

## Your bequest has the power to change lives

You do not need to be wealthy to make a bequest – whatever you are able to give after first taking care of family and loved ones will make a difference to the lives of children and families in need.

## What can I leave to Family Life?

Items you can bequeath include:

- A specific amount of money (It does not have to be a large amount of money)
- A % of your estate
- The residue of your estate
- Property
- Shares
- Specific items such as furniture and jewellery



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## Mrs. June Rose Taylor – \$20,000. Specific Sum Bequest

June Taylor and her family spent much time caring for disadvantaged children. June's \$20,000 (specific sum) bequest to Family Life has been invested in a Family Life service that enables a parent who has a Court Order to spend time with their children, in a safe, supervised community house. This service enables children to build and maintain crucial bonds with their parent. Family Life has honoured Mrs. Taylor on the signage at the Community House.



June Taylor in the early 1940s.



June with her husband Peter Taylor.

# Information about making a provision for Family Life in your Will (cont.)

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**Mrs. Evelyn Lord – \$56,879**

## **Residuary Bequest**

Mrs. Lord was passionate about the welfare of children so Family Life invested her bequest in our high-impact programs helping vulnerable babies and young people. Evelyn's great niece is a volunteer at the Social Enterprise in Chelsea. What a wonderful family!



Evelyn Lord on her wedding day.



Evelyn Lord (centre) aged 99.

---

## Mr. David Allison and Mrs. Alice Allison Specific Sum Bequests

Together with their sister-in-law Pam Allison, David and Alice were founders of Family Life. David and Alice each made a provision for Family Life in their Will. On her passing, Pam's family made a financial donation to Family Life.

Thanks to this family's generosity Family Life can continue the good work it has been doing since 1970.



David and Alice Allison.



Pam Allison.

## Information about making a provision for Family Life in your Will (cont.)

---

### Why Dr. Kerry Hegarty and Mr. Glenn Duddy made a provision for Family Life in their Wills

“We chose to bequeath a portion of our estate to Family Life because of our strong appreciation of their sustained commitment to the community.

Family Life has a long and distinguished history in supporting our community; the benefits to vulnerable people are tangible and measurable.”



Dr Kerry Hegarty and Mr Glenn Duddy.

### Why Len Gill made a provision for Family Life in his Will

“As a voluntary member of the Family Life Board since 2008, every day I see the benefits Family Life delivers to the community which is why I have made provision for Family Life in my Will.”



Mr Len Gill, Chairperson, Family Life.



## Elenore Videion

“As I have great faith that any money I bequest will be well spent, I will be leaving a generous amount to Family Life in my will with my daughter’s support and encouragement.”



Elenore and her daughter.

## Judith Latta

“After making provision for my family in my Will, I have made a bequest to Family Life. My association with Family Life began in 2001 and since that time I have seen vulnerable babies, children, teenagers and families have the chance of a brighter a future thanks to Family Life. I believe in the work Family Life does.”



Judith Latta.

# Prevention and early intervention

---

## Your investment could:

- Help enable a vulnerable baby to live safely in the care of its family with the support of the community
  - Saving: \$47,000<sup>1</sup> per baby, per year in welfare costs
- Help prevent a young person from developing mental illness
  - Saving: \$58,000<sup>2</sup> per person, per year in avoided mental health treatment services
- Help unemployed young people to get work-ready
  - Saving: \$12,700<sup>3</sup> per person, per year who would otherwise be on Newstart Benefits.
- Help a young person get secure housing and avoid being homeless
  - Saving: \$700,000+ in life-time costs of related services including police, welfare, justice and mental health.

Founded in 1970, Family Life is a registered non-profit community service organisation with tax deductibility status.

## Giving a brighter future

Your bequest of \$100,000 could help:

- Family Life to replicate its highly successful Community Bubs program for one more high-need community

Your bequest of \$20,000 could help:

- A group of disadvantaged teenagers with mental health problems to receive support and help

Your bequest of \$5,000 could help:

- A young mother move away from a violent relationship and have a new start with her children

Your bequest of \$500 could help:

- An unemployed person get work-readiness training

<sup>1</sup>\* FACS Out-of-Home Care Program Placement Service Specifications NSW

<sup>2</sup> <http://www.dpc.nsw.gov.au>

<sup>3</sup> Centrelink

# Stories of brighter futures

---

## A Brighter future for a baby boy and his little sister

A young mum and dad with a 2 year old daughter and a 7 month old baby boy were referred to Family Life for help.

The mum was struggling with depression and there was family violence in the home. Family Life's professional staff and trained volunteers stepped in with practical help, advice, referrals, education and support – for 12 months - by which time the baby and toddler were achieving their milestones. Mum received the help she needed to manage her depression. With Family Life's help, Mum and dad were getting along and communicating effectively and there was no sign of family violence; wonderful long-term outcomes for the children, parents and the community.



## Children stay connected to their estranged parent

Baby Harry was only 7 months old when his parents, Sophie and Simon separated. Soon after, Sophie moved in with her new partner and Simon ceased his visits with Harry. Attempts at mediation failed, so Simon took the matter to Court. The Court made Orders allowing Simon to see baby Harry, provided the meeting was held under professional supervision. Thanks to Family Life's Children's Contact Centre, Simon and Harry can catch-up for a 'playdate' every Saturday. Harry now has a chance to bond with his dad in a safe, supervised home-like environment. Things are looking up for this little boy and his dad, thanks to the caring support of members of the community who help fund the Children's Contact Centre.



# What does Family Life do?

---

Founded in 1970, Family Life is a registered non-profit community service organisation with tax deductibility status.

Family Life helps struggling and vulnerable children and families to get the support, skills and knowledge they need to have happier, healthier and more fulfilling lives... with flow-on savings and benefits for the whole community.

Family Life's prevention and early-intervention services include counselling, mediation, mental health, home visits, employment-pathways programs, volunteering, research, advocacy and Children's Contact Centres.

**With the generous financial support of the government and the community, Family Life helps:**

Children to have improved mental health	Children, young people, mums, dads and carers to get information and support at therapeutic group sessions	Families access integrated suites of support services
Families to resolve disputes	<b>How would you like your gift to be used?</b>	Vulnerable babies to be able to live safely in the care of their families with the support of the community.
Young people with disabilities to get job-ready	People to deal with personal problems such as family violence, grief, loss and poverty	Build strong communities so families living in high-need neighbourhoods can enjoy happier healthier lives.



# Useful information about Wills

---

Extracted and summarised from:

- The Law Institute of Victoria.
- *Wills Act 1997* (Vic)
- *Administration and Probate Act 1958* (Vic)

## Why make a Will?

A Will is a legal document that sets out how you want your assets to be distributed when you die. It gives you the opportunity to provide for your family and friends. If you do not leave a Will, your estate will be distributed according to a formula set out in legislation. In some circumstances, dying without a Will can have unintended consequences for your family and loved ones. Having a lawyer prepare your Will can help you ensure your assets are distributed according to your wishes.

## Who can make a Will?

Any person over the age of 18 who has the mental capacity to understand what they are doing can make a Will. In limited circumstances, the Court can approve a Will made by a minor or a person who is mentally incapable of making a Will themselves.

## What if there is no Will?

When there is no Will or no valid Will, you are said to have died 'intestate'. The *Administration and Probate Act 1958* (Vic) sets out a formula (rules of intestacy) for how your estate will be distributed and to whom.

## Disadvantages of not having a Will

- You have no control over the distribution of your estate
- The rules of intestacy may not accord with your wishes. (NOTE in particular where there are husband/wife and children, the statutory laws of intestacy provide that not everything is left to the surviving spouse!)
- There may be a forced sale of the family home or car to cover other beneficiaries' shares of the estate
- You will not have nominated a preferred guardian for your minor children. (Note: this is determined by the Courts, although unless the person named in the Will is grossly inappropriate e.g. has been charged with sexual offences against children, it is unusual for them to determine a guardian contrary to your wishes.)
- Your children or grandchildren may not receive the financial protection you would have wanted, or may receive their inheritance at an age earlier than you think appropriate
- Partners, stepchildren, friends and favourite charities may miss out
- Your estate may be administered by someone you would not appoint

\*\*Please note this information is for general information purposes only and has been prepared to assist you when you meet with your lawyer and is NOT legal advice. It should not be relied on as (or in substitution for) legal, accounting, financial or other professional advice. This information refers to the current law in Victoria. Separate legislation is enacted in other States and the laws may be different.

# Useful information about Wills (cont.)

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## Why should I revise my Will?

A Will should reflect your current domestic and financial situation. As circumstances in life change, so should your Will. Review your Will at least every five years or earlier upon a significant life event taking place such as marriage, the birth of a child, or the death of an executor or family member, or a substantial change in your asset position or structure.

You should also be aware that certain events, such as marriage and divorce, will still affect your Will. Generally speaking:

- Marriage will automatically revoke a Will (unless it was made in contemplation of the marriage)
- Divorce, (but not separation) from a spouse will affect your Will
- Any gifts to your spouse or their appointment as your executor are automatically revoked on divorce.

## Executor of the estate

When you make a Will, you appoint an executor. Your executor will be your legal personal representative responsible for applying for probate, calling in your estate, and distributing your estate in accordance with your Will.

The executor performs important duties in relation to the deceased and the estate. These include:

1. Attending to funeral arrangements
2. Notifying any financial institutions and other relevant organisations of the deceased's death
3. Ascertaining the size of the estate and taking control of all assets
4. Identifying the beneficiaries and their entitlements
5. Obtaining the grant of probate or letters of administration
6. Resolving all estate liabilities and disputes
7. Distributing assets to beneficiaries
8. Investing funds or managing the assets of the estate on behalf of beneficiaries who are minors, life interests or those whose share is to be held on trust
9. Keeping property held in trust for the life of beneficiaries in good repair, insured and covered for rates and taxes or ensuring that a life tenant attends to the same if the Will so requires
10. Acting impartially, in accordance with the terms of the Will and in the best interests of all beneficiaries

When choosing your Executor, consider if they are likely to have the capacity to fulfil these duties and are they an appropriate age if the Will involves trusts that may run for some years.

It is also prudent to appoint one or more alternate executors in case your primary executor dies before you or is unable to undertake the role.

## Your estate

Your estate includes money, houses, land, cars, shares, clothes, jewellery and any other goods owned by you.

### Superannuation

Your estate does not necessarily include superannuation. If you have a valid Binding Death Benefits Nomination in place, the trustee of your superannuation fund will be obliged to distribute your superannuation death benefits in accordance with that nomination. Otherwise, it will be up to the trustee to act in accordance with the superannuation trust deed and decide whether to distribute your superannuation death benefits to your superannuation dependents or to your legal personal representative (your estate).

### Jointly owned assets

Any assets or property owned as joint proprietors with someone else (as opposed to as tenants in common) will not form part of your estate. The rules of survivorship apply to jointly owned assets, such that when the first of the joint owners dies, the deceased person's share automatically passes to the surviving owner. When the surviving owner dies, the asset will then form part of his or her estate. It is quite common for a married couple to own property jointly (such as their home, bank accounts etc.).

## Probate and letters of administration

When a person dies leaving a Will, a *Grant of Probate* must be obtained from the Registrar of Probates in the Supreme Court. A *grant of probate* is a Court Order confirming the validity of the Will.

When a person dies without a Will, or there is a Will but an executor has not been appointed, an application for *Letters of Administration* must be made to the Registrar of Probates in the Supreme Court.

A Grant of Probate or Letters of Administration is required to collect the assets of the estate for the benefit of the beneficiaries. Grants of Probate and Letters of Administration will be required for:

- Access to the deceased's bank accounts
- Obtaining the title of the deceased's property
- The collection, administration and protection of the deceased's property

A Grant of Probate or Letters of Administration provides protection for the executor and the beneficiaries. It ensures the named beneficiaries are the only ones who receive the deceased's property in accordance with the will, unless the will is successfully challenged in Court.

# Useful information about Wills (cont.)

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## The rights of beneficiaries

Beneficiaries who are left a specific gift of land, money or goods are not entitled to obtain general information about the estate. They are however entitled to reasonable diligence from the executors. They may also search the public court records.

Beneficiaries entitled to a share in the residuary estate, which is the estate left after specific gifts, are entitled to:

- A copy of the statement of assets and liabilities
- A copy of annual accounts
- Inspection of share certificates, bank books, land titles, art works, jewellery etc. and to see any valuation of these assets
- A copy of the Will

Beneficiaries who have particular wishes about funeral arrangements should consult the executor to establish whether there are specific funeral directions in the Will.

A gift of income-earning property, such as rented land or shares, carries with it the income earned from the date of death. The beneficiaries will also have to bear all costs of maintaining the asset after the date of death

## Contesting a Will

A Will can be contested or challenged when it is alleged:

- The Will was incorrectly executed or was tampered with
- The Will was executed under pressure from others or the Will maker was incapable of making a Will
- The meaning of the Will is unclear

Further ...

The Court also has power to make a family provision order out of the estate where insufficient or no provision has been made in the Will for an eligible claimant. Potential eligible claimants include domestic partners, spouses, children, stepchildren, grandchildren, a registered caring partner, or a member of the deceased's household.

There are a range of factors that the Court will take into account, but basically the applicant must show that the deceased had a responsibility to make adequate provision for them in the Will for their proper maintenance and support and did not do so.

Applications must be commenced within six months of probate being granted.

Challenging a Will is complicated, expensive and time-consuming and legal advice should always be sought. A lawyer can advise you about potential challenges to a Will and the best ways to avoid them to mitigate the likelihood when making your Will.

---

## Costs

There are various costs associated with managing and distributing an estate that need to be considered and, where necessary, professional advice should be obtained.

**Legal fees:** Lawyers' costs for assisting the executor are set in accordance with a scale relating to the size of the estate and the complexity of its management. Your lawyer will advise you of these costs.

**Executor's commission:** An executor is generally entitled to claim all costs and expenses incurred in administering the estate. An executor is not normally entitled

to be paid for carrying out his or her executorial duties. However, they can be paid if authorised by the Will, with the consent of the beneficiaries, or upon application to the Court. This will often be the case if you have appointed a professional practitioner as an executor (such as a lawyer or accountant).

**Trustee companies:** Trustee companies are entitled to charge a commission of up to 5.5% of the total value of the estate for administering the estate. They can charge up to 6.6% on all income received by the estate. Trustee companies normally publish their standard rates on their websites.









*Transforming  
lives for stronger  
communities*

**Making a provision for  
Family Life in your Will, will  
help future generations of  
families and children to thrive.**

**Family Life: Contact Details**

CEO

Family Life

197 Bluff Road

Sandringham VIC 3191

Phone: 03 8599 5433

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ABN 37 712 782 209

Donations of \$2 or more are tax deductible

**With thanks to:**

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