The Public Trustee's services fall into two main categories:

- Services that assist Western Australians with Wills and deceased estate administration
- Services that protect the financial interests of elderly, vulnerable and mentally impaired Western Australians.

The Public Trustee has provided trustee services to Western Australians for 75 years and has developed a wealth of experience in dealing with the many varied and complex issues that arise in this area. This is why many Western Australians choose to appoint the Public Trustee as their executor, administrator or trustee.

The Public Trustee charges fees for its services. Fees are reviewed annually and are subject to ministerial limits and the scrutiny of the Parliament of Western Australia. As part of its community service obligations, the Public Trustee rebates the cost of some of its services to people who have genuine difficulty paying for them.

This booklet provides information about the services of the Public Trustee and explains how these services might help you. Please read through this information and contact us if you have any questions, would like information about our fees or would like to discuss your needs with one of our friendly staff.

What does the Public Trustee do?

The Public Trustee provides a range of legal, financial and asset management services, including:

- Writing and updating Wills
- Safely storing Wills in the WA Will Bank
- Administering deceased estates when acting as executor or administrator
- Assisting people who are nominated as an executor to perform their duties
- Preparing Enduring Powers of Attorney and acting as Donee (the person appointed to manage your financial affairs under an EPA)
- Managing the financial affairs of people who are unable to manage their own (e.g. due to dementia or mental illness), when appointed as their administrator by the State Administrative Tribunal
- Providing advice and support and examining the accounts of people who are appointed as an administrator for another person by the State Administrative Tribunal
- Acting as trustee for damages awarded by a court, tribunal or assessor
- Acting as trustee of a fund established in a Will or Deed for the benefit of a minor (person under 18) or of a charitable trust.
- Investing our clients’ funds and providing legal advice or representation when required.
Why do I need to make a Will?

Protect your loved ones
Most of your life is spent working to build up assets. A home, car, boat, superannuation, insurance policies, shares and other investments to provide the lifestyle and security you want for yourself and your family.

Making a Will is the best way to ensure that your lifetime’s work is passed on to the people you choose. It means security for those you love and those for whom you are responsible.

Secure your children’s future
If your children are under the age of 18, you may choose to nominate guardians for them and make arrangements for their maintenance and education.

Marriage
It is not commonly known that marriage may revoke (cancel) a previous Will. So if you made a Will before you married and still want to provide for the beneficiaries you nominated, or if you’d like to make arrangements to cater for your new circumstances, you should review your Will and make a new Will if necessary.

Divorce
Due to changes in legislation, divorce may now also revoke (cancel) a Will in Western Australia. Depending on your circumstances, a divorced former spouse could still inherit your estate under a previous Will unless you make a new one.

De facto relationships
If you die without a Will, your de facto partner might not automatically be entitled to your estate. He or she might stand to lose the assets and treasured mementos that you want them to have.

Early distribution of your estate
A professionally written and executed Will makes it easier and more cost-efficient to distribute your assets. Many lengthy delays and court cases over Wills occur because the Will was written without professional advice.

You decide who benefits
If you die intestate – that is, without leaving a Will – your estate is divided according to the laws of intestacy. This means you will have no say in how your assets are distributed.

You choose the executor
When you make a Will, you appoint an executor whose job it is to look after your estate and distribute your assets according to the instructions in your Will. Most people choose a relative, but due to the complexity and time consuming nature of the task, potential mistrust or family bias, this is not always the best course of action to take.
Can I change my Will at any time?

Your Will needs to be altered as your circumstances change. A marriage, the birth of a child, the acquisition of new assets or the death of a beneficiary are just some of the events that may cause you to want to change your Will.

The Public Trustee offers expert advice and practical help when it comes to making alterations to your Will.

Who can dispute my Will?

The following people are entitled to claim under the Family Provisions Act for provision from your estate:

- Spouse
- Children
- Parents
- De facto partner

In certain cases, grandchildren, step children, former spouses and former de facto partners are also entitled to claim.

If a claim is made, it is up to the Supreme Court to decide whether the Will (or if there is no Will, the law relating to intestacy) has made adequate provision for the person making the claim. If not, the Court may order that provision be made out of the estate. Many cases are settled before they get to that stage.

A clause containing your reasons may be included in the Will or a separate signed statement can be placed with the Will. That way, in the event of a claim, the Court will consider your views when making its decision. However, the Court’s powers in such cases are in part discretionary.

If you appoint the Public Trustee as your executor, we will take a neutral role and leave it to the court to make a decision. It is the usual practice to make the beneficiaries parties to the action. They are then given the opportunity to oppose the claim.

Claims must be made within six months from the date administration or probate is granted. In some circumstances the Court may accept an application outside the six months. Wills can also be disputed on other grounds, such as, by claiming the person did not have the mental capacity to make it. The people who can challenge on these other grounds can vary according to the circumstances.
Can the Public Trustee write my Will?

Yes. The Public Trustee’s Wills lawyers and paralegals provide a Will drafting service to the Western Australian community. We are familiar with the many and sometimes complex issues that can arise when deciding how to divide your estate.

Wills nominating the Public Trustee as executor

Many Western Australians choose to nominate the Public Trustee as the independent executor of their Will, ensuring complete impartiality when those wishes are carried out. We can draft Wills that nominate the Public Trustee as your executor and our expert team of estate managers provide a professional, reliable and impartial service when carrying out this important role.

Private Executor Wills

The Public Trustee also drafts Wills for people nominating a family member or friend as their executor. Will drafting services are offered at competitively priced commercial rates.

Where do I store my Will?

Your Will is an important document that should be kept safe but be easy to locate after you’ve passed away. The Public Trustee’s WA Will Bank is a community service that keeps Wills in safe custody for all Western Australians. The WA Will Bank stores Wills in its purpose-built, fire-proof vault keeping them safe from loss, theft or damage. Original Wills are stored in the vault and also scanned and electronically stored for added security.

There is no charge for people who deposit their own Wills in the WA Will Bank, however, a fee may apply when a third party deposits a Will on behalf of another person. While alive, normally only the testator or their lawyer can retrieve the Will. After death, only the executor (or other authorised person) can access the Will – a copy of the death certificate and approved identification (or written legal authorisation) is normally required.

We recommend that you do not bind your Will using plastic binders or covers as these tend to degrade the pages over time. We advise that you simply staple your Will several times along the left hand spine. This will also ensure that it fits neatly in our storage envelopes.

If you’d like to store your Will in the WA Will Bank, please complete the lodgement form at the rear of this booklet (also available on our website or by calling 1300 746 116) and bring it along with your original signed Will and approved identification to the Public Trustee.

Please note: The Public Trustee will not check the content of Wills that are simply lodged in the WA Will Bank for safe keeping, and therefore takes no responsibility for their validity or interpretation.

Give2Good Foundation

The Give2Good Foundation is a Western Australian Community Foundation administered by the Public Trustee.

People wanting to give to charity, either during their lifetime, or after they pass away, can make donations or bequests to Give2Good in the form of endowed funds, which are invested and the income returned to the community in the form of annual grants.

“How do you find out when I’ve died?”

We check deaths registered in Western Australia against wills held in our WA Will Bank to see if we have the Will of the deceased.

WA Will Bank
Case Study:

Jack and Olive, a middle-aged couple, visited the Public Trustee to update their Wills after their recent re-marriage. Jack had two children from his previous marriage and Olive had three children from her previous relationship.

Jack and Olive wanted to leave everything to each other, and failing that, Jack was to leave his estate to his children and Olive to leave her estate to her children.

The Wills Lawyer who interviewed Jack and Olive asked a number of routine questions, and found out that their recently purchased home was in their names as ‘joint tenants’.

He let Jack and Olive know that if one of them died, their new home would go to the surviving spouse. The final result would be that the survivor’s family could end up with the entire house, not just the half purchased by their parent. This would disadvantage the family of the spouse who died first.

Several options were offered to Jack and Olive, including:

- Changing the ownership of the house to ‘tenants in common’, and then creating a life tenancy in the Will for each surviving spouse. In this way the surviving spouse could live in the house until they also died, at which point the house would be divided between Jack’s children and Olive’s children;

- Keeping the house as ‘joint tenants’ and leaving everything to the surviving spouse, with the estate to be divided between all five of the children on the death of the surviving spouse. This option may also prevent the children of the person who died first from making Family Provisions Act claim, and relies on each spouse maintaining the terms of the Will.

The first option was favoured by Jack and Olive, and they reorganised their ownership of the house as ‘tenants in common’. A subsequent visit to the Public Trustee resulted in Wills being drawn to protect and ensure the inheritance of both families.
What does an executor do?

An executor is the person appointed in your Will to administer or divide your estate according to the terms set out in your Will. Even in the simplest cases, executors can be required to provide the following services themselves, or by arranging for them to be completed by a professional.

Notify beneficiaries

When a person dies, the executor locates the Will and immediately contacts the beneficiaries and any relevant business associates.

Look after the estate

It is important that the executor makes sure that all assets are secure and arranges insurance protection when needed.

If the deceased has left property, a business or investments that need managing, it is the executor’s job to arrange for them to be looked after.

The immediate needs of the family must also be assessed and steps taken to ensure they do not suffer any unnecessary financial hardship.

Value the estate

The executor must identify all assets and liabilities and obtain written confirmation of its existence and value from the relevant authority. This may include banks, financial institutions, insurance companies, share registries, titles offices and creditors.

Obtain Grant of Probate

Before an estate can be finalised, the executor may need to apply to the Supreme Court of Western Australia for Grant of Probate to prove that the document appointing the executor is the last valid Will.

Complete income tax returns

Before an estate can be administered, it is necessary to obtain a clearance from the Australian Taxation Office. This means that the executor will have to give details of all income earned during the current financial year, as well as past years if the deceased has failed to lodge a tax return for that year. In many cases, the calculation of capital gains tax is involved.

Pay all debts

Creditors, funeral expenses, income tax, fees for administering the estate and out-of-pocket expenses must all be paid. This often requires the executor to sell some assets. Beneficiaries may choose to provide funds to cover these expenses to keep the assets intact.

Divide the estate

When all debts have been paid, the executor is then free to distribute the remaining assets according to the directions laid down in the Will, unless there is a challenge.

Establish trusts

Executors are responsible for setting up trusts for beneficiaries. Trusts might be required if the beneficiary is under 18 years of age or has a mental disability, or if there are specific instructions in the Will. Such trusts need ongoing administration, often over many years. The Public Trustee manages hundreds of long-term trusts of this nature.
The duties of an executor/administrator

Notify Beneficiaries

Value estate, secure and insure assets

- Property and vehicles
- Valuables and personal effects
- Securities and bank accounts
- Debts owed
  - Business interests
  - Safeguard income

Apply for Authority

- Grant of Probate
- Letters of administration

Deal with assets

- TRANSFER/SELL Property, shares, vehicle, business
- COLLECT Cash, bank accounts
- SELL/DISTRIBUTE Valuables, personal effects

Wind up Estate

- Finalise Tax matters
- Pay debts
- Distribute estate in accordance with Will/legislation
- Establish Trusts

Please note that some of the items listed above are subject to deadlines imposed by third parties which are not under the control of the Public Trustee.
Why is it important to have an independent executor?

There is a common misconception that it is a compliment to appoint a friend or relative as your executor and that it is a position of privilege. Many people believe that appointing a friend also means significant savings in the cost of administering the estate.

Sometimes this may be true, although the duties expected of an executor can be difficult, demanding and time-consuming. In some cases, being an executor is a daunting task.

In most cases, an executor will require representation or advice, which involves costs and liabilities to the estate. He or she should be aware of the legal responsibilities and have some understanding of accounting, business practices and taxation, particularly where capital gains tax is applicable.

A Question of Trust

While most people would like to think of their relatives as being extremely trustworthy, it is precisely at the time of a loved one’s death that this trust can be most severely tested.

“**When selling a house of a deceased person, do you sell it for any price you can get?**”

Real estate properties are sometimes transferred to the beneficiaries. If they request us to sell it, or even if they don’t request it, a sworn valuation is obtained as a guide before it is placed on the open market.

Family squabbles and jealousies can sometimes come into play, resulting in accusations of favouritism towards some family members over others. This adds unnecessary pressure, which could result in questionable judgements, especially during a period of grief.

For these reasons it can be wise to appoint an independent executor who is impartial to all parties and is familiar with, and experienced in, all aspects of administering a deceased estate.

The Public Trustee administers around 700 new deceased estates every year in its role as an independent executor.

What about help for private executors?

The Public Trustee can be approached to administer a deceased estate if the executor is unable or unwilling to fulfill his/her duty, or if the deceased died intestate (without a will). The Public Trustee is under no obligation to accept these requests.
Do I need an Enduring Power of Attorney?

Enduring Power of Attorney might be an expression you’ve heard from time to time without knowing exactly what it means. Accidents, sudden illness or disability can occur at any time and may seriously disrupt your lifestyle. At these times, you may need someone to help manage your financial and property affairs.

What is an Enduring Power of Attorney?

An Enduring Power of Attorney enables you to give another person or organisation (the Donee) the legal authority to make financial decisions on your behalf. However, you can only make an Enduring Power of Attorney while you are still capable of making those decisions yourself.

It can take effect immediately or at a later time, and continues in force after a person loses mental capacity, hence the term ‘enduring’.

What services does the Public Trustee provide under an Enduring Power of Attorney?

As Donee under an Enduring Power of Attorney, the Public Trustee can pay your rates and taxes, hospital, medical and other personal and household accounts, look after your banking and manage your real estate and investments, as well as a range of other tasks.

- **Collection of income**
  As required, the Public Trustee will collect and account for all income, including dividends from shares, rents, pensions, entitlements and interest from bonds, debentures and investments in the Public Trustee’s Common Account, one of its Investment or superannuation Funds or any other source.

- **Payment of accounts and bills**
  The Public Trustee methodically attends to the payment of all bills, including accommodation, rents, rates, insurance, repairs to properties, gas, phone, electricity, medical, hospital and nursing home charges.

- **Real estate management**
  Where required, the Public Trustee will instruct its agents to value, manage and/or sell real estate placed in its care.

- **Preparation of taxation documents**
  The administration of financial affairs sometimes requires specialised knowledge of law and accounting, especially as it relates to taxation. With many years of experience, the Public Trustee’s qualified staff will complete all necessary taxation documents, including income tax and other returns.

- **Provision of legal services**
  You may require and be eligible to access to the Public Trustee’s legal services. There might be some charge to the estate if legal work is required.

- **Investment management**
  The Public Trustee may arrange suitable financial planning advice and will purchase and sell investments on your behalf, depending upon the size of your estate and your future needs.
Why sign an Enduring Power of Attorney?

The time to think about an Enduring Power of Attorney is when you are healthy, aware and in full control. Remember, apart from old age, most situations where you might need an Enduring Power of Attorney happen quickly and without warning.

An Enduring Power of Attorney must be signed while you still have legal capacity and will remain effective even though you may subsequently suffer loss of capacity due to disability or illness.

Once you lose capacity through disability or illness, an Enduring Power of Attorney cannot be signed.

When does an EPA begin to operate?

If you wish, you can choose for the EPA to take effect immediately, relieving you from the burden of collecting any income, managing assets and paying your accounts. Otherwise, the EPA will only take effect after the State Administrative Tribunal (SAT) has declared that you are unable to manage your own financial affairs. A hearing is conducted before SAT makes this decision, which is subject to appeal or review.

Why should you appoint the Public Trustee as your Donee?

The Public Trustee has been administering and safeguarding the financial assets of Western Australians since 1942.

Appointing the Public Trustee to handle your financial affairs gives you the peace of mind that they are being handled with proven experience, sound judgement and with your best interests at heart. We act independently and impartially and our permanence ensures continuity of our services. Financial administration fees apply.

Our financial administrators maintain close contact with organisations whose activities affect our clients’ well being, including state and local government departments, banks, financial institutions, investment houses and other commercial organisations.

What about people who are unable to manage their own finances?

Some people are unable to make the important decisions that life often demands. This could be due to age, illness or disability. In these cases the Public Trustee is available to act, as an administrator for a represented person, or as a trustee of a court trust, a charitable trust or a trust for a minor (person under 18).

Many people are fortunate enough to be able to call upon family members or friends to assist them in these matters. However, this is not always possible as their family may not be able to properly fulfil these duties due to location, time constraints or other issues. It could be that elderly parents or carers can no longer take on the responsibility that such a role can create.

Without help, these vulnerable people can end up making incorrect or poor decisions, which could result in substantial losses. Worse yet, these situations can give rise to the possibility of exploitation by...
people who may take advantage of the situation.

The Public Trustee has a number of qualified staff with many years of experience in managing the financial affairs of the most vulnerable members of our community. They have a responsibility to ensure that the person’s estate is properly managed and maintained.

Most importantly, the Public Trustee ensures that decisions relating to a person’s financial stability are made in their best interests, without any bias or favour towards anyone else.

The Public Trustee’s main services as a Donee, trustee or administrator include:

- Receipt of income and benefits to which the person is entitled;
- Paying any accounts for which the client is liable (including accommodation expenses);
- Taking care of taxation, Centrelink and investment matters;
- Financial maintenance of the person, and dependants;
- The sale or purchase of property;
- Organising and managing investments; and
- Providing security and the comforts of life.

What happens with Court Trusts?

A court trust is established when a court, tribunal or assessor awards damages to a person (called the beneficiary) who is injured, and that person is unable to manage the money themselves. In these cases a trustee is appointed to manage the money on behalf of the beneficiary and make sure it is used in accordance with the law and in the beneficiary’s best interests. Such payments might be made, for example, after a personal injuries or criminal injuries compensation claim. In many instances, the term of the trust will be for the life of the beneficiary of the award, in others, until they are 18 years of age or a nominated period.

The Public Trustee administers over 1,600 court trusts. In this role it is the responsibility of the trustee to balance the needs of making sure the money lasts as long as possible, providing the beneficiary with the day-to-day care they need and maintaining a good quality of life.

There are many responsibilities of a trustee of a court trust. It may be that the beneficiary will require a purpose built house, so the trustee will organise for the design and building or purchase of such. It may be that a modified motor vehicle is required and the trustee will purchase that vehicle for the beneficiary. All assets are purchased in the name of the trustee to ensure that the asset is protected.

The trustee has a responsibility to protect the trust and is accountable by requesting quotes and receipts for purchases made by the beneficiary or the beneficiary’s primary carers or family.
**Case Study:**

“Cherie” and her parents were referred to the Public Trustee by their lawyer just before Cherie received a substantial award for a car accident in which she was permanently injured. At only nine years of age, Cherie is wheelchair-bound for the rest of her life, and will never be able to attend school.

The Public Trustee was appointed as trustee of the award and had already met with Cherie’s parents to discuss how to make sure Cherie receives the care she needs, both now and in the future when her parents are no longer able to care for her.

Once the award was received and the trust established, the Public Trustee quickly took control of the situation, taking the following actions:

- Because the award was not paid within the specified time, the Public Trustee successfully claimed for interest and received an extra $9,000, which was added to the trust.
- Cherie’s parents had purchased a home, hoping to make renovations to suit Cherie’s special access needs. The Public Trustee took the place of Cherie’s parents, thus ensuring that the trust owned the home so that Cherie would be entitled to live in the home for the rest of her life.
- Cherie’s parents were then repaid the value of the home, allowing them to settle their personal debts. As Cherie’s parents were of modest means, this released them from a great burden.
- The Public Trustee noticed that Cherie’s parents had paid full stamp duty on the purchase of the home and successfully sought the discretion of the Commissioner to apply a minimal rate of duty for the purchase, saving the trust thousands of dollars.
- The Public Trustee also successfully applied for a First Home Buyers Grant of $7,000, which was a saving to the trust.
- After consultation with medical advisers, the Public Trustee purchased a new vehicle specifically modified to suit Cherie’s transportation needs.
- The Public Trustee established accounts for Cherie with a chemist, petrol station and other local suppliers so that Cherie’s parents were not ‘out of pocket’ for authorised trust expenditure.
- The Public Trustee arranged for Cherie’s parents to be employed by the trust as full-time carers. Through salary packaging and superannuation, both parents are entitled to substantial taxation savings.
- Once these matters had been attended to, the Public Trustee conducted an audit of Cherie’s expenses prior to the creation of the trust. Several companies had supplied Cherie’s parents with goods and services at substantial cost. After the Public Trustee’s audit, the expenses were reduced by $17,000, as some of the suppliers could not properly substantiate their charges. Again, this saving was retained in the trust for Cherie’s benefit later in life.
- The Public Trustee’s Trust Manager and Investments Manager had already estimated Cherie’s capital requirements and established a budget for ongoing expenditure. They then proceeded to develop an investment plan using a reputable financial planner, taking into account Cherie’s anticipated cash requirements, life expectancy, future capital needs, inflation and other matters, so that Cherie’s investments will grow and provide a continuous income flow for the rest of her life.
• The amount budgeted for cash requirements was retained in the Public Trustee’s Common Account, which earns a very competitive rate of interest for cash ‘on call’ and is backed by the State Government.

• Cherie’s details were also noted by the Public Trustee’s Taxation Manager, who will take responsibility for the lodgement of annual tax returns, which are expected to be quite complex given the trust’s investment portfolio.

The renovations to Cherie’s home have been completed to the delight of Cherie’s parents. The Public Trustee was also able to use some of the money it had saved the trust to construct a swimming pool for Cherie’s exercise and therapy.
What is a State Administrative Tribunal appointment?

The State Administrative Tribunal is the body responsible for appointing people or organisations as the administrator for people who are unable to manage their own financial affairs (represented persons), and may appoint the Public Trustee. The extent of the Public Trustee’s authority is at the discretion of the State Administrative Tribunal and may be all encompassing (plenary administrator) or limited to one or more specific matters (limited administrator). The appointment is always subject to review according to legislation.

Any major decision required to assist the represented person is only made by the Public Trustee after consultation with concerned parties and may take into account the person’s financial resources, lifestyle, obligations and any commitments made prior to becoming incapacitated, including any intention expressed in a Will.

The State Administrative Tribunal may also appoint a guardian who is responsible for making ‘lifestyle’ decisions for the represented person, such as decisions about medical procedures, education or housing.

The Public Trustee may rely on the recommendations of a legally appointed guardian when considering requests for expenditure. In the absence of a legally appointed guardian, the trust manager will consult with parents and/or family members, or with the individual most involved in the care of the represented person.

With over 70 years experience and government-backed security, the service provided by the Public Trustee is efficient, reliable, independent and cost effective.

What if I am appointed as an administrator for someone?

If you are appointed by the State Administrative Tribunal as a private administrator for someone who is unable to manage their own financial affairs then you have been given the authority to make financial decisions on that person’s behalf. This is an important responsibility and involves both being responsible in making spending and investment decisions and managing that person’s money to maximise their quality of life.

The Public Trustee’s Private Administrator Support (PAS) team is the team of people at the Public Trustee who provide guidance and support to private administrators and who examine the accounts prepared on behalf of the represented person. In its examination, the PAS team assesses:

- whether the accounts should be allowed, an amount should be disallowed, an amount or asset has been omitted and/or a loss has been incurred;
- whether there has been an overall loss to or diminution of the estate; and

“Why do private administrators need to report their annual accounts?”

The law requires reporting because it is a major step to take away a person’s control over his or her affairs. Therefore it’s important that administrators be accountable.
The Public Trustee was appointed as plenary administrator of Mr William’s estate.

Upon our appointment, the Public Trustee set about examining Mr William’s financial situation to determine what action, if any, needed to be carried out to protect and preserve Mr William’s financial property.

Upon investigation it was revealed that Mr William’s assets included three investment properties and a residential property.

One of the investment properties had been sold prior to the Public Trustee’s appointment and was due to be settled soon after the Public Trustee was appointed. The Trust Manager’s investigations revealed that there were two outstanding Supreme Court judgment debts against the property as well as two caveats lodged on the property. The Public Trustee proceeded to deal with these matters. The caveats were removed, the judgment debts were settled, an extension of the settlement date was obtained without any penalty interest being incurred and a valuation was obtained to ensure the property was being sold for a realistic amount. The Trust Manager also obtained medical evidence confirming that Mr William had capacity to enter into the sale contract in the first place.

The residential property that Mr William had been living in had a work order placed on it by the local council. The Public Trustee proceeded to comply with the terms of the order including removing years of accumulated rubbish from the house and gardens.

Due to our investigations we were also able to locate a substantial sum of money hidden away in a bank account that belonged to Mr William.

As a result of a life threatening illness Mr William was admitted to hospital. The Public Trustee arranged for a registered nurse and carer to take Mr William out of the hospital on excursions. The Trust Manager also arranged for the purchase of some suitable furniture for use by Mr William to make his life more comfortable.

Unfortunately Mr William passed away as a consequence of his illness. As Mr William did not have any known immediate family the Public Trustee conducted investigations to locate relatives to enable them to make some decisions about the administration of Mr William’s estate.

Case Study:
Mr William is an elderly gentleman who was deemed incapable of handling his own affairs by the State Administrative Tribunal.

The Public Trustee was appointed as plenary administrator of Mr William’s estate.

Upon our appointment, the Public Trustee set about examining Mr William’s financial situation to determine what action, if any, needed to be carried out to protect and preserve Mr William’s financial property.

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Why should I consider appointing the Public Trustee?

If you appoint the Public Trustee as the executor of your Will, Donee, trustee or administrator of your affairs, you are assured the estate or trust will be administered by an experienced, professional and independent organisation.

**Experience**
The Public Trustee has over 70 years experience in the administration of estates and trusts. Every year the Public Trustee administers around one in five of all deceased estates in Western Australia where a formal grant of administration is obtained. The Public Trustee holds more than 100,000 Wills in safe custody and acts as administrator or trustee for around 5,500 people.

**Efficiency**
The Public Trustee specialises in deceased estate administration, trust management and the preparation of Wills. Our staff includes experienced senior management, highly trained trust and estate managers, solicitors and accountants. All necessary administration procedures are constantly being streamlined to ensure that matters are settled in the shortest possible time.

**Independence**
As the Public Trustee is an independent body established by Parliament, it has no personal beneficial interest in the estates or trusts administered.

**Accessibility**
Public Trustee staff are always available to discuss estate matters and to provide information. Customers are provided with direct telephone line access to the trust or estate manager looking after their accounts. More information can be obtained by visiting our website at www.publictrustee.wa.gov.au or telephoning 1300 746 116.

**Sympathetic administration**
Where possible beneficiaries are consulted about the disposal of estate assets before anything is sold or transferred, to ensure they understand the consequences and have the opportunity to purchase at a fair price.
When acting as administrator appointed by the State Administrative Tribunal, the Public Trustee will take into consideration as far as possible the issues of the represented person and their closest next of kin.

**Minor beneficiaries**
The Public Trustee holds all funds for minor beneficiaries (under 18 years). All reasonable requests for advances for maintenance, education and advancement of the minor are considered.

**Confidentiality**
All information that is received by the Public Trustee is confidential, subject to the confidentiality provisions of the relevant legislation. Some information may be available to people such as the closest next of kin, with regard to estate administration, and the beneficiaries.

**Reliability**
By appointing the Public Trustee you can be certain that your chosen executor or administrator will be available at all times to act upon your wishes where possible.
An individual or family member executor on the other hand, may be unable to act for a variety of reasons such as health problems, availability of time or location. This could result in additional expense and may cause delay in the administration of an estate.

**Trust**
As a totally impartial body, the Public Trustee administers your estate or trust without the slightest hint of family fear or favour. At all times its business ethic is beyond reproach.
WA Will Bank Deposit Form

To deposit a Will for safekeeping in the Public Trustee’s WA Will Bank, please fill out this form and bring it, along with your original Will and two forms of current identification, to:

Public Trustee, 553 Hay St, Perth WA 6000
Open: 8:30am – 4:30pm (Mon to Fri). Call 1300 746 116.

Alternatively, please send all required documentation with certified copies of approved ID documents. You may be contacted to verify your identity.

Please do not attach/staple this form or any other document to your original Will.
You may wish to tell your executor/s of the location of your Will.

Testator details (circle):  Mr, Mrs, Ms, Miss, Dr
Surname:  
Middle name/s:  
Given name:  
Address:  
Suburb:  
State:  
Postcode:  
Suburb:  
State:  
Postcode:  
PO Box:  
Telephone: Home:
Work:
Mobile:
Fax:
Email address:

Date of Birth:  
Date of Will:  

Is this your current Will?  □ Yes  □ No

Executor details:
□ Public Trustee WA  □ Other (please specify):
Mr, Mrs, Ms, Miss, Dr
Surname:  
Middle name/s:  
Given name:  
Address:  
Suburb:  
State:  
Postcode:  
Home telephone:
Mobile:
Email address:

Date of birth:  

WA Will Bank Deposit Form
Previous Wills:
Do you have any previous Wills?  
☐ Yes  ☐ No

Date of last previous Will (if known):  / / 

Execution check list

Is the Will:

Dated?
☐ Yes  ☐ No  ☐

Signed by the testator?
☐ Yes  ☐ No  ☐

Witnessed by two people?
☐ Yes  ☐ No  ☐

If the answer to any of the above questions is "No", this might cause a problem. The Public Trustee will accept the document, but suggests that you seek legal advice.

Will condition check list

Does the Will have:

Any pages missing?
☐ Yes  ☐ No  ☐

Alterations on it?
☐ Yes  ☐ No  ☐

Exposed pin holes?
☐ Yes  ☐ No  ☐

Other documents attached to it?
☐ Yes  ☐ No  ☐

Clip marks on it?
☐ Yes  ☐ No  ☐

Any loose pages?
☐ Yes  ☐ No  ☐

If the answer to any of the above questions is "Yes", this might cause a problem. The Public Trustee will accept the document, but suggests that you seek legal advice.

Lodgment declarations:

By signing this document, I acknowledge that:

● The information in this form is to the best of my knowledge true and correct.

● My Will is going to be scanned and an electronic copy kept so that a copy can be recovered in the unlikely event of a disaster.

● By accepting this Will for storage, the Public Trustee does not make any comment as to its wording or validity.

● It is my responsibility to keep my Will and the contact details I provide to the Public Trustee up-to-date if my circumstances change.

● My personal details will be used in data matching so that my death can be confirmed and executor contacted.

● If the Public Trustee is named as executor in my Will, it has the right to renounce.

● The Public Trustee does not provide copies of your Will. Please make a copy before depositing your will but do not unbind or unstaple it when doing so.

Testator Signature: ________________________________

Date:  / / 

To deposit, you will need to bring:

☐ Original Will

☐ Two (2) forms of current identification for the testator (including passport, drivers licence or other approved photo ID). If documents are sent by registered mail, certified copies of ID are required.

Third party deposits (if applicable)

Additional declarations (check boxes):

☐ I confirm that the testator is alive at the time of lodging this Will, and has signed the declaration.

☐ I understand that a lodgment and storage fee of $195 per Will may apply for third party deposits.

Third party depositors will require:

● Original Will

● Two (2) forms of current ID for both depositor and testator (including passport, drivers licence or other approved photo ID).

Please note: If testator is not present, certified copies of their ID are required.

Insert Full Name of Depositor:

Depositor Signature: ________________________________

Date:  / / 

OFFICE USE ONLY:

Lodgment Date:  / / 

Testator ID 1 sighted: ☐ Yes  ☐ Attached  
Testator ID 2 sighted: ☐ Yes  ☐ Attached

Depositor ID 1 sighted: ☐ Yes  ☐ No  ☐ N/A  
Depositor ID 2 sighted: ☐ Yes  ☐ No  ☐ N/A

If any answer on the execution and Will condition check lists is not accurate, has the depositor been advised?  ☐ Yes  ☐ No

If needed, give details
Any questions?

This booklet has been designed to inform you about the broad areas of responsibility of the Public Trustee. It is not designed to show every step involved in finalising a deceased estate or managing a trust.

If you would like the Public Trustee to prepare a new Will or update your existing Will, please make an appointment with one of our Wills professionals. You will be required to complete and return a client information form prior to your appointment.

If you have any questions about our services or would like to discuss appointing the Public Trustee, please call our office on:

1300 746 116
(Wills, Enduring Powers of Attorney, Executor Services, Deceased Estates)

1300 746 212
(Trusts and Represented Persons)

Or visit our website at www.publictrustee.wa.gov.au

Key terms

All documents prepared by the Public Trustee are written in plain, easy-to-understand English. There are, however, a few key terms that are explained below.

**Administrator:** The person or entity appointed by the State Administrative Tribunal to manage the financial affairs of another person and to act in the best interests of that represented person. The title can also refer to a person, other than an executor, who administers a deceased estate.

**Beneficiary:** Any person or organisation (such as a charity) left something in a Will, or a person who benefits from a trust. The title can also refer to a person other than an executor who administers a deceased estate.

**Court Trusts:** A trust established when a court, tribunal or assessor awards damages to a person (called the beneficiary) who is injured, and that person is unable to manage the money themselves. A trustee is appointed to manage the money on behalf of the beneficiary. Such payments might be made, for example, after a personal injuries or criminal injuries compensation claim.

**Donee:** The person appointed to manage your financial affairs under an Enduring Power of Attorney.

**Enduring Power of Attorney:** A legal document that enables you to give another person or organisation the legal authority to make financial and property decisions on your behalf.

**Estate:** A person’s assets and liabilities.

**Executor:** The person or organisation nominated to manage and distribute a deceased estate in the manner described in a Will.

**Trustee:** A person or organisation given the responsibility of holding the assets of an estate in trust for distribution to the beneficiaries.

**Will:** A document that describes how you want your assets (and other belongings) to be dealt with after your death.