Public Trustee

Your Last Will and Testament

Information about the Public Trustee's Will drafting services and safe storage in the **WA Will Bank**

The Public Trustee provides quality Will-drafting, trustee and asset management services to all Western Australians. We can assist you or your loved ones with:

- Wills and Will Storage
- Deceased Estate Administration
- Trustee Services
- Financial Administration
- Give2Good Foundation

Can the Public Trustee write my Will?

Yes. Our solicitors and paralegals can prepare your Will and know about issues that can arise when deciding how to divide your estate. Depending on your circumstances, you may be referred to a specialist for complex legal, taxation or family law advice that is outside the scope of our Wills service.

Wills nominating the Public Trustee as Executor

The Public Trustee drafts Wills that nominate the Public Trustee as your executor. Our expert team of estate managers provide a professional, reliable and impartial service when carrying out this important role.

Wills nominating a Private Executor

The Public Trustee also drafts Wills for people who nominate someone else, such as a family member or friend, as their executor.

Our Executor Assist service is also available to assist private executors with certain parts of their role, such as obtaining the grant of probate. Telephone the Public Trustee on 1300 746 116 to find out more about executor services and Executor Assist.

What are the fees?

Will drafting fees are calculated based on whether the Public Trustee, or someone else, is named as the executor. Discounts apply to one Will per 12 month period for some concession card holders.

Straightforward Wills can often be completed and signed during the initial consultation. Fees for the initial consultation are:

	Public Trustee as executor	Private executor
Concession holders	$50	$334
Non concession holders	$334	$334
Couple (at least one is a concession holder)	$38.50 (each)	$223 (each)
Couple (non-concession holders)	$223 (each)	$223 (each)

If subsequent work is required, it will be charged at our standard hourly legal rate. Total fees will not exceed $1650. Additional incidental charges for disbursements and other out-of-pocket expenses incurred by the Public Trustee on your behalf may also be payable. (e.g. Landgate & charity search fees)

Note: To be treated as a couple, your individual circumstances and intended Wills need to be substantially similar. "Public Trustee as executor" includes couple Wills when spouses nominate each other as executor and then the Public Trustee is nominated as a substitute executor.

In exceptional circumstances, such as where a hospital or home visit is made for a Will appointing the Public Trustee as Executor, a travelling fee of $28 will apply. Subsequent visits (including travel time) will be charged at our standard hourly legal rate.

Cancellation fees of $50 may also apply.

** Refer to our 2016-17 Scale of Fees for a comprehensive list of our fees and charges.*

What is the process?

Arrange an appointment by calling 1300 746 116. If you live outside the metropolitan area your appointment can be conducted by telephone. Please plan and prepare for your scheduled appointment as we have long waiting lists and changing an appointment can significantly add to your waiting time.

You will receive a Will Application Form that needs to be completed and returned to the Public Trustee

Fees and charges are subject to change from time to time without notice. Other fees and charges may also apply. For detailed information regarding our fees, please refer to our Scale of Fees. The information contained in this brochure is to be used as a guide only. It has been prepared without consideration of any specific client and does not constitute legal advice. To the maximum extent permitted by law, the Public Trustee disclaims all liability and responsibility for any direct or indirect loss or damage that may be suffered by any reader through relying on information contained in or omitted from this brochure.

before your appointment. When you arrive for your appointment, one of our professionals will discuss your wishes and provide advice on the best way to deal with these in your Will.

Note: We regret that we are unable to accommodate requests for a specific Officer.

You will need to provide at least two approved identification documents and a list of your assets, as well as the full names, dates of birth and addresses of your beneficiaries.

Your Will will be prepared, signed, witnessed and retained by the Public Trustee in the **WA Will Bank**. You will be provided with a copy of your Will.

Independent translators are available for non-English speaking people and assistance can be provided for those with a hearing impairment or accessibility problems.

Trusts

Your Will might specify that a trust be established (for example a trust that holds assets for a child, disabled beneficiary or gives a beneficiary a life interest in all or part of your estate). You may wish to name the Public Trustee as trustee of that trust. Fees for acting as trustee of these types of trusts include an annual transaction fee, an annual asset management fee and may also include an annual residence and property management fee.

A fee for the cessation of the trust will also apply. These fees will be further explained during your appointment. You can also refer to the Public Trustee's Scale of Fees for more information.

Where do I store my Will?

The Public Trustee's **WA Will Bank** is a community service that keeps Western Australian Wills safe from loss, theft or damage. Original Wills are stored in a purpose-built, fireproof 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**. While alive, only the testator or their lawyer can retrieve the original Will. After death, only the executor (or other authorised person) can access the Will and a copy of the death certificate and approved identification (or written legal authorisation) is required to do so. There are no charges to retrieve the Will but all requests for Wills must be made in writing.

If you would like to store your Will in the **WA Will Bank**, please complete the lodgement form (available on our website or by calling 1300 746 116) and bring it with your original signed Will and approved identification to the Public Trustee. You do not need to complete a lodgement form if the Public Trustee prepares your Will.

Note: The Public Trustee does not give legal advice related to privately prepared Wills or on Deceased Estates where the Public Trustee is not the administrator.

Investments

If necessary, for example when managing a trust set up under a Will, the Public Trustee may choose to place the trust funds in one of the four Public Trustee Investment Funds as well as in the Common Account or superannuation. Management fees are applicable but these are deducted from the funds before interest payments are credited back to the trust account. Individual fees are not charged. Money held in the Common Account earns interest calculated daily and is credited to the trust account on a twice-yearly basis. The Public Trustee Investment Funds are sometimes also called Strategic Investment Accounts, which are strategic common accounts under the *Public Trustee Act 1941*.

Public Trustee

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