



Deceased Estate Administration



The Public Trustee provides quality Will-drafting, and trustee and asset management services to Western Australians.

We can assist you or your loved ones with:

- Wills
- Enduring Powers of Attorney
- Deceased Estate Administration
- Trustee Services
- Financial Administration
- Charitable Giving - Give2Good Foundation

How can we help with a deceased estate?

The Public Trustee can help administer a deceased estate by:

- Being appointed as executor (or substitute executor) in a person's Will.
- Taking on the role of administrator if there is no Will.
- Taking on the role of administrator if there is a Will, but the executor has died, doesn't want to do it, can't do it or is unsuitable.

What is an executor?

An executor is a person/s or organisation appointed in a Will to manage and distribute the deceased person's estate. Choosing an executor is a big decision as the role carries serious responsibilities. The duties expected of an executor can be time consuming and difficult, especially when the executor is grieving or there is family friction.

If the Public Trustee is appointed as executor or administrator, the Public Trustee will undertake the full administration of the deceased's estate.

Visit publictrustee.wa.gov.au to find out more about the Public Trustee's role as executor.

The Public Trustee can also help draft your Will. This includes Wills that nominate the Public Trustee as your one and only executor, or Wills that nominate your spouse (or de facto partner) as your first executor and the Public Trustee as your substitute executor. To learn more about our Will-drafting service please visit publictrustee.wa.gov.au.

What is the process when the Public Trustee is executor?

If a loved one dies and you believe the Public Trustee may be storing their Will or be appointed executor of their deceased estate, please contact our reception and provide their name and date of death, so that we can confirm whether we hold their Will and/or are named as their executor.

Our staff also cross-check death notices from the Registry of Births, Deaths and Marriages, against our records and, if we hold a deceased's Will, contact will be made with the executor or beneficiaries.

If the Public Trustee is executor of the Will, an Estate Manager will contact beneficiaries to discuss the process for dividing the deceased estate and provide an estimate of administration costs, which were agreed by the testator when making their Will.

This estimate is subject to change if additional assets or liabilities are found or if important information provided by beneficiaries through the process, changes.

How long does it take to administer a deceased estate?

A straightforward estate typically takes 9 to 15 months to administer. The process may take longer if disputes or difficulties arise, such as if there are disputed court proceedings.



Deceased Estate Administration

There may be many parties involved when administering a deceased estate other than the beneficiaries e.g. Supreme Court, financial institutions, superannuation and insurance companies, government agencies such as Centrelink, ATO, Landgate, Department of Transport and utility companies. Each will have different policies, procedures and timeframes to navigate.

How are fees calculated?

Public Trustee fees are set out in the Public Trustee's Scale of Fees, which can be found on the Public Trustee website.

For new deceased estates, the Public Trustee no longer charges percentage commissions. Rather, fees are calculated by:

- Using a standard schedule to determine the number and types of tasks that need to be completed to administer the deceased estate. An estate involving many and/or complex tasks may cost more to administer than a simple estate that requires fewer and/or simpler tasks to administer.
- Adding fees for other in-house services such as:
 - Legal services provided by in-house lawyers.
 - Real Property Services (eg. transferring a house to the beneficiaries).
 - Special services (eg. dealing with disputes over household effects).
 - Preparing and lodging tax returns.
 - Miscellaneous services.
- Adding any amounts charged by external organisations (eg. selling agents, genealogists).

When are fees charged?

Fees are charged to the estate prior to distributions being made.

Trusts

A Will might specify that a trust is to be established (for example, a trust that holds assets for a child, beneficiary with a disability or gives a beneficiary a life tenancy in a property). If the Public Trustee is named as trustee of that trust, fees will apply for managing the trust for its duration.

Investments

If managing a trust set up under a Will, the Public Trustee may choose to invest the trust's funds in one of the Public Trustee Investment Funds, the 'Common Account' or superannuation. Management fees are applicable but are deducted from the funds before interest payments are credited back to the trust's account. Individual fees are not charged. Common Account investments earn interest calculated daily and credited to the trust on a twice-yearly basis.

Examples of fees charged

Costs will differ depending on individual circumstances. For example:

Jill's estate

Comprises of the following:

- savings account
- superannuation fund
- car
- 3 beneficiaries

Fee after 1 July 2022: \$8,295

Note: Jill also owned a house with her surviving husband. As the house was jointly owned, it did not form part of the deceased estate.

Andrew's estate

Comprises of the following:

- investment property (Andrew was the sole owner of the property to be sold by the Public Trustee through a real estate agent)
- 2 savings accounts
- superannuation fund
- car
- wages and pay entitlements
- share portfolio (including shares in 10 different companies)
- 6 beneficiaries, one of which lived overseas

Fee after 1 July 2022: \$27,702



Public Trustee

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