

Queensland Public Trustee

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# Deceased estate services guide for beneficiaries

Helpful information for beneficiaries of an estate  
being administered by Queensland Public Trustee.



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## About this guide

This guide provides information to beneficiaries of deceased estates being administered by Queensland Public Trustee (QPT). It contains information about the steps we take to administer an estate and how we involve beneficiaries in the process.

### Our deceased estate services

We administer a deceased estate when someone has appointed us to be Executor in their Will, an Executor renounces their role and QPT accepts the role, or when someone passes away without a valid Will (intestate) and QPT accepts the role.

#### We may also accept administration of an estate if the:

- executor chooses not to do it or does not act within three months
- executor is not a resident in Queensland
- executor has died since the Will was made
- person who died did not have a Will and Queensland Public Trustee is requested to do so by the next of kin.

We manage around 2,000 deceased estates across Queensland at any given time and provide personal, professional and impartial services to carry out the wishes expressed in a Will. If there is no valid Will, we distribute assets according to the laws of intestacy.

### Deceased estate services we provide

#### We work closely with beneficiaries of an estate to:

- guide you through the process of administering the estate
- listen to your views, consult with you and keep you informed
- protect and manage your inheritance until it can be passed on to you
- settle issues or disputes with impartiality.

#### To administer an estate we:

- confirm the Will is valid
- contact the beneficiaries
- confirm beneficiary entitlements
- prepare an administration plan on how the estate will be managed
- obtain legal authority from the court to administer the estate
- write to banks and organisations to obtain asset details
- arrange asset valuations and inventories
- consult with beneficiaries and keep you informed along the way
- establish and pay debts
- review and finalise any outstanding taxation matters
- manage the sale or transfer of assets
- disperse assets to beneficiaries
- prepare a final statement of the account
- store estate records.

### Choosing an alternative Executor

Some beneficiaries may prefer to use a different service provider to manage the estate. Others would prefer to administer the estate themselves, particularly for more straightforward estates. In some cases, it may be possible for us to renounce our role as Executor of the estate and we can provide you with this advice based on your circumstances.



Support services for Executors

We can also provide professional support services to Executors who would like to administer the estate themselves, but are seeking assistance with certain tasks such as:

- applying for Probate or Letters of Administration
- legal documentation to transfer property assets
- carrying out the taxation requirements of the estate.

For further information on how we can assist, or the costs involved with these individual tasks, please contact us on **1300 360 044**.

Timeframes

The time it takes to administer an estate varies depending on the complexity of the estate. Most deceased estates take an average of 12 months to finalise. However, some estates can take less or more time to resolve due to several factors including how long it takes to sell assets such as real estate, if anyone contests the Will, and locating beneficiaries.

Our deceased estates team will provide you with initial advice around anticipated timeframes and keep you informed along the way if there are any unexpected delays.

Fees

The cost to administer an estate varies depending on the complexity of the estate. Our services are charged on a fee for service model, which means you pay only for the services required to administer the estate.

We provide all beneficiaries with a confirmation letter outlining the initial fee estimate based on our early understanding of the estate. Once we have confirmed all assets and liabilities, we provide an updated fee quote, which is usually provided in the first three months of commencing the administration process. We keep you informed if there are any changes in circumstances that impact the fee quote.

In addition to our service fees, there may be other expenses incurred by the estate from other providers. These are called ‘outlays’ and can include:

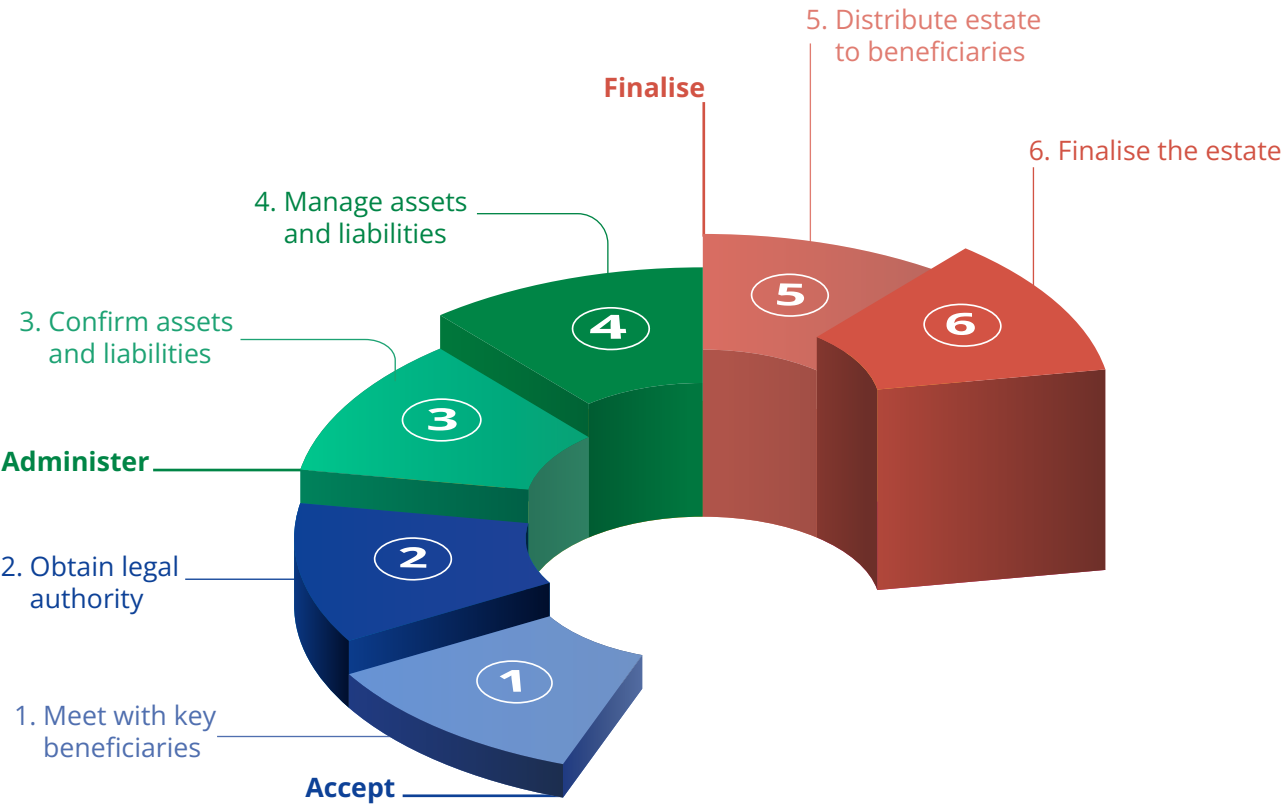
- professional fees of tax agents, valuers and stockbrokers
- transfer fees for a property title or motor vehicle registration
- filing fees by the Supreme Court
- transport costs for moving a motor vehicle
- property expenses including rates, utilities, maintenance and clear out costs.



Our Fee Estimator Tool is available on our website.  
Scan to see our fees or visit [www.pt.qld.gov.au/customers](http://www.pt.qld.gov.au/customers)

Steps to administer an estate

Our role starts when we learn of a person’s passing and ends when everything has been distributed to all beneficiaries. Our estate administration process includes the following key steps.



Step 1 — Meet with key beneficiaries

The first step is to talk to a key beneficiary about the assets, liabilities and beneficiaries of the estate to determine if a formal administration is required. We provide a Customer Profile Form to be completed and request key documents to help us confirm the details of the estate.

Once this information has been provided, we arrange a meeting with the key beneficiary either in person, over the phone or via a video conference call. Other beneficiaries may also attend this meeting, which is an opportunity for us to:

- advise beneficiaries of their entitlements under the terms of the Will
- explain what’s involved in the estate administration process
- discuss any issues that may affect the estate
- confirm how best to communicate with each beneficiary throughout the process.

Where the assets are minimal — or the majority are jointly held — a formal administration may not be required, and we can explain what to do next. If administration is required, we gather the required information and discuss the administration process with the beneficiaries.

Once we accept administration of the estate, we contact all beneficiaries to explain the next steps and any issues that may affect the estate.

## Step 2 — Obtain legal authority

If required, we will apply to the Supreme Court for authority to administer the estate. There are three main grant types:

- Grant of Probate — where a valid Will was written, and an Executor named in the Will is applying.
- Letters of Administration (with a Will) — Where a valid Will was written and someone other than an Executor named in the Will is applying (the authorised person will be an administrator)
- Letters of Administration (without a Will) — where no valid Will was written, and the authorised person will be an Administrator. The estate is administered according to the intestacy rules.

## Step 3 — Confirm assets and liabilities

We work with beneficiaries and organisations to obtain key documents and information to confirm the nature and value of the estate assets and liabilities including:

- cash
- personal effects such as furniture and jewellery
- vehicles and real estate property
- shareholdings and investments
- business interests
- debts due.

## Step 4 — Manage assets and liabilities

We act to ensure the wishes expressed in the Will are carried out, and where possible seek your views about how we should handle the estate assets as permitted in the terms of the Will.

At this stage we do the following:

- close bank accounts
- sell assets such as real estate
- pay liabilities including telephone, electricity accounts and rates
- collect income
- complete tax returns.

Where appropriate, we arrange for assets to be insured and will manage them until the estate is finalised. If the assets are to be held in trust, we may be responsible for their management for some time. Any funds secured for the estate will be held in our Common Fund until they are ready for distribution to beneficiaries.

## Step 5 — Distribute estate to beneficiaries

Providing there are no disputes to be resolved, we distribute the estate assets as follows:

- pay any cash legacies under the Will
- arrange special gifts of personal or real property to be passed to the named beneficiaries
- transfer assets to beneficiaries
- distribute cash to beneficiaries.

## Step 6 — Finalise the estate

When we have finalised the estate, we write to all beneficiaries to provide a final statement of transactions that includes details of all the assets and how they were distributed, debts paid and all costs and expenses.

# General information

## Your privacy

We take all necessary steps to protect the privacy and confidentiality of our customers. That includes the privacy and confidentiality of individuals we interact with in relation to the estate including the beneficiaries. Any personal information we collect from you is only accessed by authorised officers within the Queensland Public Trustee and will not be disclosed to any other third party without your consent except where required by law.

## Making a complaint

We take your feedback seriously as part of our ongoing commitment to provide professional and customer-focused services. We manage all customer complaints in line with our customer complaints management policy, which all staff must understand and follow. The easiest way to make a complaint is to contact a staff member who will help you. Other ways to make a complaint:

- use our complaints form — visit [www.pt.qld.gov.au](http://www.pt.qld.gov.au) and search 'complaints'
- call our complaints line on **1800 014 536** (Monday – Friday, 9am – 4pm)
- email us at [complaints@pt.qld.gov.au](mailto:complaints@pt.qld.gov.au)
- write to us at: **Complaints Office, Queensland Public Trustee, GPO Box 1449, BRISBANE QLD 4001**

## Feedback and suggestions

To help us continually improve our services we regularly undertake surveys to seek feedback from our customers. Some surveys are gathered by an independent research company and are treated as confidential, whilst other surveys are conducted by QPT. You are under no obligation to participate, but we are very appreciative if you do as it allows us to keep improving our services.

# Frequently asked questions

## Why might there be delays finalising the estate?

Some of the common issues for delays include:

- difficulty locating beneficiaries
- capacity issues of the person at the time of making the Will
- disputes between beneficiaries or challenges to the Will
- difficulty selling assets or complex asset structures
- complex tax requirements.

## Do I pay tax on my inheritance?

While there is no inheritance tax in Australia, you may need to pay tax on any income you earn from an inheritance. This might include rental income from a property you have inherited. We recommend seeking professional advice from an accountant to ensure you meet your tax requirements.

## Does Queensland Public Trustee automatically sell all assets in a deceased estate?

We consult with beneficiaries before any asset is sold. Estate assets include the family home or a vehicle, which may also be transferred directly to beneficiaries.

## What happens if you can't locate beneficiaries named in the Will?

We have an Intestacy Entitlement Unit, which specialises in researching family trees and tracing beneficiaries in Australia and overseas. If the beneficiary is unable to be located, their benefit will be held as unclaimed money so that it can be recovered by the beneficiary in the future.

# Key terms

The following are explanations of terms used in this Guide. They are not intended as legal definitions.

<b>Administrator</b>	A person appointed by the court to manage and distribute the estate of a deceased person where there is no valid Will or when the appointed executor is unable or unwilling to act.
<b>Beneficiary</b>	Any person or organisation, such as a charity, that receives a gift or benefit from a deceased person's estate.
<b>Distribution</b>	This is the transfer of the net assets of the estate to beneficiaries, following settlement of all debts on the estate.
<b>Estate</b>	An estate includes all the assets a person had, such as money or a property they owned. The estate also includes any debts the person had, such as loans.
<b>Entitlement</b>	Is the income or assets the beneficiary is entitled to receive under the terms of the Will.
<b>Executor</b>	The person or trustee named in a person's will who is responsible for administering the estate and carrying out the terms of the Will. They follow the instructions in the will and make sure that the person's final wishes are carried out.
<b>Family Provision Claim</b>	Certain people can make an application to the Court if they are not left any of the estate or may be entitled to more.
<b>Grant of Administration or Grant of Probate</b>	This is the authority provided by the Supreme Court for the Executor to administer the estate.
<b>Intestate</b>	If a person dies without making a valid Will, this is called dying 'intestate'.
<b>Letters of Administration</b>	If a person dies without a Will and there is no executor to administer the estate, it is usually the next of kin who will apply for a document called 'Letters of Administration'. This is the Court's approval for someone to administer the estate of a person who dies without a Will.
<b>Will</b>	A legal document in which a person specifies how they would like their estate to be dealt with after their death.



## Contact us

For more information about our deceased estate services:

- visit [www.pt.qld.gov.au/customers](http://www.pt.qld.gov.au/customers)
- call us on **1300 360 044**