



**PUBLIC TRUSTEE
AND GUARDIAN**

FREQUENTLY ASKED QUESTIONS

The Public Trustee and Guardian makes Wills for people who reside in the ACT and wish to appoint the Public Trustee and Guardian as Executor.

Our fees and charges are reasonable and competitive. We promote value over price in delivering our services.

We are a self-supporting Territory Authority and our revenue is derived substantially from fees and charges.

We can not decline to handle a matter on the basis of low value only.

Our fees and commissions are fixed by the ACT Attorney General and are adjusted annually in accordance with the WPI.

Before you engage us, or any other provider of trustee services, we encourage you to discuss our fees with us, as we believe that price comparisons should be made in full knowledge of the services provided.

Fees for our estate administration services are based upon a capital commission based charge on a descending scale down to 1.1%.

For an appointment please ring our Customer Service Officers on (02) 6207 9800.

Q1. What happens if I die without leaving a Will?

A. Your assets will be distributed according to a formula commonly referred to as the Laws of Intestacy, and not necessarily in accordance with your wishes.

Q2. How old do I have to be to make a Will?

A. You are legally able to make a Will after you have attained 18 years of age.

Q3. If I get married after I have made my Will, is that Will still valid?

A. No. Marriage revokes a Will, unless the Will has been made in contemplation of marriage.

Q4. Will my spouse automatically receive my assets if I leave no Will?

A. No. The assets may also be shared with your children.



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Q5. If I divorce my spouse and die without updating my Will will he or she receive any of my estate?

A. No. Divorce revokes any provision made under your Will for your ex-spouse.

Q6. What if I die without a Will and I'm living in a defacto relationship?

A. A defacto partner of two years or more may be entitled to share in your estate

Q7. Is a hand written Will valid?

A. Yes, if made in compliance with the Wills Act 1968.

Q8. If I die without a Will and have no family, who gets my assets?

A. If you leave no spouse or children and have no next of kin extending as far as cousins or their children, the ACT Government is entitled to the estate.

Q9. What happens if the person who witnesses my Will is a beneficiary?

A. That beneficiary may be excluded from benefiting under your Will.

Q10. Who may witness my Will?

A. Any two persons together at the same time who are not beneficiaries or related to beneficiaries are valid witnesses for your Will.

One pen should be used to avoid questions of validity.