



WHAT TO BRING TO YOUR ESTATE PLANNING APPOINTMENT

This guide is designed to help you with the basics before your appointment. It will assist you in starting to think about important decisions and collecting the details you will be asked for during your meeting. Please note that this list is not exhaustive and may vary depending on your specific circumstances. If you have any questions, please contact our office for clarification.

Will Appointment

A will is a legal document that sets out how you want your assets to be distributed after your death. It also allows you to appoint guardians for your children and specify any other wishes.

What You Need to Provide:

- **Executors:**
 - The executor is the person responsible for carrying out the instructions in your will. They will manage your estate, pay any debts, and distribute your assets.
 - You can appoint multiple people to act jointly.
 - Provide the full name (including middle name) and contact details of your executor and your alternate executor (a backup in case your first choice cannot act).
- **Superannuation:**
 - If you are a member of a retail superannuation fund, bring your account or member number.
- **Specific Gifts:**
 - Details of any specific items you wish to gift (e.g., jewellery, artwork, vehicles, or properties).
 - Full names (including middle names) of the individuals to whom these gifts will be given.
- **Guardianship:**
 - If you have children under 18, you can appoint a guardian to care for them. Provide the full name (including middle name) of the person you are appointing.
 - You can also appoint an alternative guardian, to care for your children if the first guardian has died, lost capacity or is otherwise unable to care for your children.

- **General Information:**

- Any other instructions or details you wish to include in your will, such as burial/cremation/funeral wishes or charitable donations.

Things to Think About:

- Choose someone you trust and who is capable of managing financial and legal matters as your executor.
- Consider whether your chosen guardian has the capacity and willingness to care for your children.
- Think about whether you want to include any conditions on gifts (e.g., age restrictions for children inheriting assets).
- Review your assets and ensure you have a clear understanding of what you own and how you want it distributed.
- For your superannuation, consider how you want to structure your superannuation benefit nomination:
 - **To your legal personal representative (LPR):** This means the superannuation proceeds will be paid to your estate and distributed according to your will.
 - **Directly to a beneficiary:** This means the superannuation proceeds will bypass your estate and go directly to the nominated beneficiary.

Family Trusts

A family trust is a legal arrangement where a trustee holds and manages assets for the benefit of beneficiaries. If you are involved in a family trust, it is important to consider how it fits into your estate planning.

What You Need to Provide:

- A copy of the trust deed and any amendments.
- Information about the current trustees, appointors, and beneficiaries.

Things to Think About:

- Consider whether you need to appoint a new trustee or update the list of beneficiaries.
- Think about how the trust will operate after your death and whether it aligns with your estate planning goals.

Companies

If you are a director or shareholder of a company, your estate planning should address what happens to your shares and responsibilities, especially if the company of the trustee of a family trustee of the trustee of your self managed super fund.

What You Need to Provide:

- A copy of the company statement.
- Information about other directors and shareholders.

Things to Think About:

- Consider who will inherit your shares.
- Review any shareholder agreements to understand restrictions on transferring shares.

- Think about appointing a successor to take over your role as a director, if applicable and whether they will have the skills to manage the company.
- Think about who will make decisions for your company if you lose capacity and whether you need to make a corporate power of attorney.

Self-Managed Superannuation Fund (SMSF)

An SMSF is a private superannuation fund that you manage yourself. It is important to ensure your SMSF is structured to align with your estate planning.

What You Need to Provide:

- A copy of the SMSF trust deed and any amendments.
- Details of the fund's trustee where a corporate trustee is being used.
- Information about any binding death benefit nominations or reversionary pension arrangements.

Things to Think About:

- Review your binding death benefit nominations to ensure they reflect your current wishes.
- Consider how the SMSF will be managed after your death and whether a new trustee will need to be appointed.

Enduring Power of Attorney (EPA) Appointment

An Enduring Power of Attorney is a legal document that allows you to appoint someone to make decisions on your behalf if you are unable to do so. This can include financial, personal, and health matters.

What You Need to Provide:

- **Attorneys:**
 - The attorney is the person or people you appoint to make decisions on your behalf. They must be over 18 years of age.
 - Provide the full name, postal address, residential address, email address, and phone number of your attorney(s).
- **Scope of Authority:**
 - Specify who will act as your attorney for financial matters (e.g. managing your bank accounts, paying bills, or selling property).
 - Specify who will act as your attorney for health matters (e.g. making medical decisions or choosing care arrangements).
 - Indicate whether the same person will act for both financial and health matters.
- **Commencement of Authority:**
 - Decide whether the attorney(s) will act immediately or only upon your loss of capacity.

Things to Think About:

- Choose someone you trust implicitly, as they will have significant control over your affairs.
- Consider whether your attorney has the skills and availability to manage your financial and health matters.
- Consider how your attorneys should act. You can appointment multiple attorneys and specify how they will act:
 - Jointly: all attorney must agree on all decisions.
 - Severally: Each attorney can act independently.
 - As a majority: Decision are made by a majority of the attorneys.
 - In Succession: Attorneys act one after the other, in the order you specify.
- Discuss your wishes with your attorney(s) to ensure they understand your preferences.

Advance Health Directive (AHD) Appointment

An Advance Health Directive is a legal document that allows you to outline your preferences for medical treatment and health care in case you are unable to make decisions for yourself in the future. You will be required to see your doctor to fill in some sections in this document.

What You Need to discuss with your doctor:

- **Your Preferences:**
 - Details of the types of medical treatment you would or would not want in specific circumstances (e.g., life-sustaining measures, resuscitation, or organ donation).
 - Any specific instructions about your care, such as preferences for palliative care or pain management.
- **Health Conditions:**
 - Information about any existing medical conditions that may affect your future care.

Things to Think About:

- Reflect on your values and beliefs regarding medical treatment and end-of-life care.
- Discuss your preferences with your family and attorneys to ensure they understand your wishes.

General

For all appointments, it is helpful to bring the following:

- A copy of your current will, if we do not hold the original.
- A copy of any existing Enduring Power of Attorney or Advance Health Directive, if we do not hold the originals.
- Identification documents (e.g., driver's licence or passport).
- Any other documents or information relevant to your estate planning needs