



WOLLERMAN SHACKLOCK

Lawyers

Your voice through our values of equality, respect and integrity

NEWSLETTER

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LETTERS OF ADMINISTRATION V GRANT OF PROBATE



After a person dies, their assets, debts and finances must be managed.

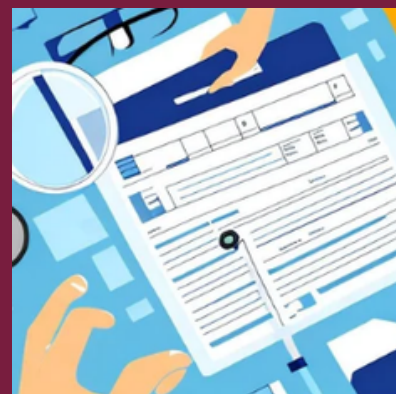
Depending on the estate, a Grant of Representation from the Supreme Court of Victoria may be required to authorise the executor or administrator to deal with the deceased's assets.

Click the image above for more information on Grants of Representation.

Greetings from the
Wollerman Shacklock
Team!

Probate is often one of the first legal steps required after a person's death, but the process can feel unfamiliar and administratively demanding for families and executors. This newsletter outlines key aspects of probate in Victoria, including when a grant is required, what the application involves, and common issues that may arise during estate administration.

WHAT IS A PROBATE REQUISITION?



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THE RISKS OF ADMINISTERING A DECEASED ESTATE WITHOUT LEGAL ADVICE IN VICTORIA

We are seeing a rise in Executors or Administrators wanting to administer a deceased estate without legal assistance. People think this may save on legal fees, but what does it really cost you?



VACANT RESIDENTIAL LAND TAX ON DECEASED ESTATES



If someone dies and they owned residential land, ***careful consideration*** must be given to VRLT.

TAXATION CONSIDERATIONS FOR DECEASED ESTATES

Are you the Executor or Administrator of a Deceased Estate?



Administering the Estate goes beyond calling in the Estate assets and distributing them to beneficiaries. The role of Executor or Administrator requires understanding and consideration of the different taxation implications of the Estate's income and assets to ensure that maximum entitlement is distributed to beneficiaries. Not doing so could leave you open to claims against you as an Executor.



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WOLLERMAN SHACKLOCK

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- Property Law & Conveyancing
- Wills, Powers of Attorney & Deceased Estates
- Commercial Law & Business Law

Property Law & Conveyancing

- Adverse Possessions, Easements & Covenants
- Lease Agreements, Renewals, Disputes & Variations
- SMSF Sale & Purchases
- Property Sale, Purchase and Transfers
- Subdivisions & Consolidations
- Loan Agreements & Mortgages

Wills, Powers of Attorney & Estates

- Will Disputes
- Probate & Letters of Administration
- Estate Planning
- Applications by Personal Representative & Surviving Proprietor
- Wills, Powers of Attorney

Commercial & Business

- Business Sale & Purchases
- Franchise, Shareholders & Partnership Agreements
- Advice on business structures for your needs (e.g. joint ventures)
- Companies & Trusts
- Business Disputes
- Bank Guarantees/Solicitors Certificates

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New Anti-Money Laundering and Counter-Terrorism Financing Laws

What you need to know

New laws have been introduced by the Federal Government to help detect and disrupt money laundering and the funding of terrorism. These are the new anti-money laundering and counter-terrorism financing laws (AML/CTF). The changes are contained in the *Anti-Money Laundering and Counter Terrorism Financing Act 2024 (C'th)*.

These laws oblige lawyers to obtain information from clients about their identity and source of wealth when acting for them. These obligations apply to all lawyers in Australia and they may impact how we handle your matter.



What we will need to know from you

We will need to ask you:

- ✓ To verify your identity
- ✓ To provide us with information about your source of wealth and of any funds that are used in the matter about which we are advising you
- ✓ Whether you are a politically exposed person (PEP) or family member of a PEP. A PEP is someone who holds a prominent public position such as in government, the courts or military.

We may also need to:

- ✓ Seek information about you from third party data suppliers – for example, obtain a company search and identification details of directors and shareholders where a company is involved.
- ✓ Obtain information about the ultimate beneficial owner or owners – such as any individual who controls a company, trust or partnership, where we are asked to act for the company, trust or partnership or where such company, trust, or partnership owns the corporate client.
- ✓ We will give you full details of the information you need to provide us during our onboarding process.

What happens to the information that you provide?

Any information provided to us for this purpose will only be used for that purpose. It will be kept by us in accordance with the AML/CTF laws, the *Privacy Act 1988 (C'th)* and other applicable laws.

We must keep any records we obtain for AML/CTF law purposes for seven years and also complete an annual report to the Australian Transaction Reports and Analysis Centre (AUSTRAC). The annual report includes details about how we have met our AML/CTF obligations.

You should be aware that the AML/CTF law requires us to report certain matters, such as any suspected money-laundering, to AUSTRAC and the law also prohibits us from informing you that we have done so.

All lawyers in Australia who provide services caught by the AML/CTF laws are under the same obligations.

Would I need to provide additional information?

You may need to provide further information. We are required by the AML/CTF law to monitor certain client transactions on an ongoing basis to ensure we have up-to-date information about our clients.

We will inform you if and when we would require further information.

Do I need to pay?

You will need to pay for the necessary due diligence required to be undertaken by us in accordance with the AML/CTF laws. For example, a fee may be payable:

- ✓ To any third party that we engage to undertake a verification of your identity.
- ✓ To obtain company searches of any corporate clients.



What happens if I cannot provide the information?

If we do not receive or are unable to verify the information we are required to obtain about you in order to comply with our AML/CTF obligations, we may be unable to act for you.

We may also have to cease acting for you if by continuing to act we breach our ethical obligations.

Would you like more information?

Please contact our office if you have any questions. All our lawyers and other relevant staff are provided with ongoing training on their AML/CTF law compliance obligations. We have appointed a compliance officer and senior manager to oversee our AML/CTF law programs and compliance.

You can find more information on the Austrac website here: www.austrac.gov.au/individuals

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