

MAKING A WILL

Provide for your preferred beneficiaries as you see fit

INFORMATION SHEET

FEBRUARY 2020

Making a will helps ensure that your assets go to the people you choose, gives you peace of mind and helps avoid disputes after your death.

Do I really need a will?

If you own property and have possessions, you should have a will.

If you don't have a will, your assets will be distributed according to a statutory legal formula that differs from state to state and may not provide for family and friends as you would wish.

A legally valid will enables you to specify how you would like to distribute your property in the event of your death.

What exactly is a will?

A will is a legal document that states how you want your assets to be distributed after your death. It also allows you to choose an executor – an individual or institution responsible for making sure your wishes are met.

A will would normally include the name of your executor, clear instructions about how you want your assets to be divided, what should happen if someone you name dies before you, and your signature. It may also include the name of a guardian to care for young children if you have any.

Do I need a lawyer to prepare a will?

You can buy do-it-yourself will kits, but preparing a will can involve complex issues like tax, trusts and different rules for your superannuation monies.

There are risks associated with the do-it-yourself approach. If your will is poorly drafted, your wishes may be unclear or the will itself could be invalid. This could lead to possible legal disputes and expose your assets to creditors or unintended tax consequences.

If you do choose to go it alone, it may be a good idea to at least have a solicitor check your work.

The safest option is to have a solicitor — and preferably a probate specialist — prepare your will.

A solicitor can be particularly helpful where you have:

- young or dependent children
- previous marriages
- assets in other jurisdictions
- joint assets.

An expert can point out legal and tax issues which you may overlook if you go it alone. They can also set up a testamentary trust — a trust created by a will — which allows you to establish some rules about how your assets and money are to be used and may also have tax benefits.

What about super?

Super is not *automatically* an asset of your estate, which means it generally falls under a different set of rules to your other assets and is not automatically dealt with by your will.

It is possible to distribute your super as per your will by instructing the trustee of your super fund to pay your death benefit to your estate. This should preferably be effected by using a **binding nomination**.

When you die, your super benefit — including any insurance benefit in your *Accumulation account* — will be handled in different ways depending on the instructions you have given to NGS Super.

You can tell us the names of your preferred beneficiaries. A **beneficiary** generally is the person you nominate to receive your benefits if you die while you're a member of NGS Super. You can nominate more than one beneficiary and your nomination may be:

- a **non-binding nomination**, which leaves the trustee to investigate your situation and make the final decision on who receives your benefit
- a **binding nomination**, which if valid, means the trustee must pay according to your nomination. You have the option of making either a lapsing or non-lapsing binding nomination.
 - **Lapsing binding nominations** must be confirmed or updated every three years.
 - **Non-lapsing binding nominations** do not have an expiration date and do not have to be confirmed or updated.

It's important to regularly review who will receive your superannuation benefit in the event of your death, particularly if you have a binding nomination as it may have become invalid due to changes in circumstances.

If you do not make a beneficiary nomination, the trustee will investigate your situation and make the final decision on who receives your benefit.

There are specific rules about who you can nominate to be a beneficiary of your super. (Please refer to our fact sheet **Nominate your beneficiaries** for more information).

Looking after your will

Once you've got a will in place, it's critical that you keep it up to date. Births, deaths, marriages, divorces and inheritances can all change your intentions. You may also need to review your choice of executor periodically.

Store your latest will in a safe place where it will be found after your death. You can leave it with your solicitor, a trustee company, a bank or even a registration service. There may be costs for this. Giving a copy of your will (in a sealed envelope if you so desire) to your executor is also a good idea.

Can we help?

NGS Super does not offer a wills service but our telephone and face-to-face planners can help you to:

- ensure you have enough death cover, and
- organise to nominate the appropriate beneficiaries.

More information?

Contact us

You can contact us at ngssuper.com.au/contact-us or call us on **1300 133 177** between 8.00am and 8.00pm (AEST or AEDT), Monday to Friday.

Phone number for callers outside Australia **+61 3 8687 1818**

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Important information

The detail provided in this information sheet is general information only and does not take into account your objectives, financial situation or needs. Before making a financial decision, please assess the appropriateness of the information to your individual circumstances and consider seeking professional advice.

NGS Financial Planning Pty Ltd, ABN 89 134 620 518, is a corporate authorised representative #394909 of Guideway Financial Services Pty Ltd, ABN 46 156 498 538, AFSL #420367 and offers financial planning services on behalf of NGS Super ABN 73 549 180 515.

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