

Death certificate

When someone passes away a doctor must sign a 'Doctor's Certificate of Cause of Death' to confirm that the person has passed away. Once this has been completed the funeral company can then take the deceased person into their care. The funeral director will then collect all the necessary documentation and information required to register that person's death with Births, Deaths and Marriages (BDM). BDM will then issue a death certificate approximately 4 weeks after all the necessary paperwork has been received.

Funeral arrangement & payment of funeral bills

Funeral arrangements are made by the next of kin or executor of the will. In some cases the deceased person will have left expressions of their wishes for funeral arrangements in the will. In other cases, the deceased person may have pre-arranged their funeral service with a funeral director prior to their death.

If there the funeral service has not been prepaid, the bank holding account(s) for the deceased person will usually release the money required to pay for the funeral. You will need to provide the bank with an invoice from the funeral home, identity documents for yourself, and any other documents the bank may require.

Who do I notify?

You will need to notify all organisations who the deceased person dealt with in order to wind up the estate. Once you have notified the organisation they can inform you as to what documents they require in order to finalise any accounts or dealings they had with the deceased person.

The follow is a list of organisations you may need to contact:

- Australian Tax Office
- Banks/Credit Unions
- Centrelink
- Child support agencies or services
- Clubs
- Organisations where the deceased held debts (eg. Credit card, loans)
- Department of Veterans' Affairs
- Australian Electoral Commission
- Employers
- Executor of the will
- Family and friends
- Foreign pension authority
- Funeral bond holder/pre-paid funeral
- Insurance companies
- Institutions where the deceased held accounts (eg. Pharmacy, trade supplier)
- Health benefits fund
- Health and other professionals
- Superannuation company
- Share companies
- Landlord/tenants
- Local council
- Medicare
- Local post office
- Public Services (eg. Library)
- Utility/telephone companies
- Vehicle registration and licensing authorities

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What paperwork do I need?

What you will need in order to wind up the deceased estate will depend on the requirements of each organisation. For example you may only need a copy of the death certificate and identification for yourself.

If the deceased person owed a house, or had a significant amount of money in a bank account you may also need to apply to the Supreme Court for Probate or Letters of Administration in order to deal with those assets.

Probate

If a person has passed away and left a will, the executor of the will may need to apply for probate. Probate is the legal certification of a will, in other words proof that the will is legally valid. If probate is required to wind up a deceased person's estate the executor named in the will must take the following steps:

Advertise the executor's intention to apply for probate

The executor must advertise their intention to apply for probate. This can be done online through the Probate Office link on the Supreme Court website. There is a fee for the advertisement.

The purpose of the advertisement is to ensure that only one application for probate is made.

After the advertisement has been published, the executor must wait 14 days before he/she can apply to the Supreme Court for probate.

Complete the documents required to apply for probate

All the necessary documents can be found online at <http://www.supremecourt.vic.gov.au/home/practice+and+procedure/probate+office/obtaining+a+grant/>

If the executor requires assistance with the forms and/or administering the estate, he/she can engage a solicitor. The solicitor's fees will generally be paid for by the estate.

If the estate of the deceased is small, the executor can receive assistance from the Small Estates Officer or the Registrar of a regional court. There is a fee payable for this assistance.

All the necessary documents must be lodged at the Supreme Court in Melbourne personally with the application fee. You must also provide a 'backing sheet' for the grant of probate, and the grant of probate must be printed on specific parchment paper.

The Affidavit of Searches must be completed by the person lodging the documents and the searched must be conducted on the same day that the documents are lodged.

Grant of Probate issued to executor

If there are no issues with the documents which have been lodged, the executor will be issued with the Grant of Probate. Effectively this is the original will which is stapled into the backing sheet with the parchment paper on the front, and a wax seal of the Supreme Court affixed to the parchment. The executor will now be able to use the Grant of Probate to finalise and wind up the deceased person's estate.

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Who can help?

Letters of Administration

If a person dies without a will, they are described as dying intestate. Letters of administration are needed to give the authority to a person to administer these kinds of estates. The process to apply for Letters of Administration is the same as for a Grant of Probate. In the first instance it is the closest next of kin to the deceased person who applies for Letters of Administration.

Australian Centre for Grief and Bereavement
– 1800 642 066

Centrelink
– 132 300

Law Institute of Victoria
– Find a lawyer referral service
<http://www.liv.asn.au/Referral>

Central Highlands Community Legal Centre
– 5331 5999



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