

Checklist for when someone dies

When someone dies it may be an overwhelming and distressing experience. This fact sheet provides guidance on the practical and legal tasks that may need to be completed following a death, particularly in cases involving road related incidents, but it may also be helpful in other situations where someone has died unexpectedly.

When a loved one dies unexpectedly it can be an overwhelming and distressing experience. For this reason, most people find it difficult to face the practical and legal tasks required to deal with the person's estate. It is often a good idea to ask for help from a friend or family member. Legal advice may also be required.

This fact sheet is designed to help you get started with the estate administration process and deal with the things that need doing in the days and months following the death.

What do I need to do first?

There are a few things that you need to do in the days immediately following the death. They are:

1. Locate the Will

The Will tells you who the executor is. The Will may also contain useful information about the funeral, whether the person wanted to be buried or cremated and whether they're an organ or tissue donor.

If there is no valid Will, the closest next of kin will usually be responsible for finalising the estate.

Be aware that sometimes there is a letter of instruction from the person who has died, and this will be held with the Will.

2. Understand your Transport Accident Commission (TAC) entitlements

If a transport incident contributed to the death, there is a range of financial benefits that may be available from the TAC. These include death benefits, counselling support and payment of funeral expenses. Further information is provided over the page.

3. Contact the TAC Family Benefits team

Call 03 5225 6200 and lodge a claim to access benefits for immediate financial support.

4. Make funeral arrangements

If you are the executor, then you will need to contact a funeral director and make funeral arrangements.

If there is no Will, then the immediate family will usually deal with the funeral director and make funeral arrangements.

After the funeral

After the funeral, information about the assets and liabilities of the estate needs to be gathered and organisations need to be notified of the death.

Many organisations will ask you to present a certified copy of the death certificate, a certified copy of the grant of Probate/Letter of Administration and a certified copy of photo ID of the executor/next of kin.

A certified document is one that is verified as a true copy by a Justice of the Peace.

Over the page we have compiled further information with respect to arranging a death certificate and a grant Probate/Letter of Administration.

The best way to contact organisations is by letter or email.

It is a good idea to keep a copy of all correspondence including reference numbers, contact names, email addresses and telephone numbers in one place.

It is also a good idea to keep a record of all of the responses received in one place.

It may be beneficial to ask a friend or family member to help you notify family, friends, employers and organisations of your loved ones death.

Who to notify?

We have compiled a comprehensive checklist of some of the most common people/organisations to notify. It is included at the back of this brochure.

We encourage use of the checklist to help keep track of this overwhelming task. Not all on the list will be relevant, and there will probably be others found as the relevant paperwork is worked through.

The organisations to contact first include:

- ☐ **Lawyer holding the Will.**
- ☐ **TAC for immediate financial support.**
- ☐ **Births, Deaths and Marriages to obtain the death certificate.**
- ☐ **Coroner where relevant.**
- ☐ **Lawyer/Supreme Court to arrange administration of the estate.**
- ☐ **Services Australia.**
- ☐ **Accountant and/or financial planner/advisor.**
- ☐ **Banks, superannuation funds and other investment providers.**
- ☐ **Insurance companies (life, health and property).**

Death certificate

The death certificate is issued by the Registry at Births, Deaths and Marriages. The funeral director usually registers the death and makes arrangements for the death certificate to be issued.

The death certificate is usually sent to you in the mail and this can be distressing. It may be helpful to have someone with you when you open it.

If there is a delay due to coronial proceedings, you may need to apply for an interim death certificate from the Registry so that estate administration can commence.

It is a good idea to make multiple copies of the Death Certificate and have them certified by a Justice of the Peace.

Probate/letters of administration

It is the Supreme Court that deals with all matters involving Wills and estates.

It may be necessary to obtain Probate of the Will from the Supreme Court to enable the assets of the estate to be collected.

Probate is an application that seeks an order from the Court that the Will is valid. Not every Will needs Probate. It depends on the nature and extent of the assets of the estate.

If there is no Will or the Will is held to be invalid, the person is said to have died intestate. In this case, an application for Letters of Administration is made to the Supreme Court to appoint an administrator (instead of an application for Probate).

The administrator does the same job as an executor.

Where there is an intestacy, the estate is distributed in accordance with a statutory formula.

If you have any concerns in relation to the estate, including the role of executor/administrator, you should seek legal advice or contact the Probate Office.

Community Legal Centres are also another source of information in relation to estates.

A Justice of the Peace should be asked to certify copies of the grant of Probate/Letter of Administration.

Coroner

To assist with coronial proceedings, you will be allocated a Coroner contact person and a court reference number which will help you when you contact the Coroner's Court for any details regarding the deceased.

TAC entitlements

If a transport incident contributed to the death, there is a range of financial benefits that may be available from the TAC.

1. Funeral expenses

The reasonable costs of funeral expenses (up to \$19,330 including GST) can be claimed from the TAC.

Travel and accommodation expenses for funeral services can also be claimed in some instances.

2. Death benefits

If a transport incident has contributed to the death of a loved one who was an earner, the dependents of the deceased person can claim benefits.

3. Counselling

If a loved one has died or suffered a severe injury as a result of a transport incident, the TAC can provide some family counselling support.

It is important to note that if the incident/road trauma has caused a mental injury beyond grief to a loved one left behind, that individual may be able to lodge a separate (their own) TAC claim.

There are a number of people and organisations that will need to be notified about the death. This helps to finalise the person's affairs and may assist you to get the help you need.

Superannuation

Superannuation is not automatically covered by a Will and is often handled separately.

The superannuation of a deceased person is distributed according to the fund's rules and in accordance with any valid beneficiary nominations.

A superannuation death benefit payment includes the account balance (less any relevant charges or taxes), along with any death insurance cover they had.

A good place to start to determine if your loved one had a superannuation account and any insurance is by making enquiries with their accountant/financial advisor and/or by perusing their financial records such as bank statements and tax records.

If you're stuck, former employers may be able to assist, or you can contact the Australian Taxation Office.

If options are presented to you with respect to the payment of a superannuation death benefit, you should consider seeking advice from an independent financial advisor.

Checklist of people/organisations to notify

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| <input type="checkbox"/> Accident insurance | <input type="checkbox"/> Financial institutions or loan companies | <input type="checkbox"/> Motor vehicle insurance |
| <input type="checkbox"/> Accountant | <input type="checkbox"/> Foreign Pension Authority – if details unknown contact Centrelink’s International Services | <input type="checkbox"/> Obituary preparation |
| <input type="checkbox"/> Ambulance service | <input type="checkbox"/> Funeral directors – personal possessions | <input type="checkbox"/> Office of public prosecutions (social workers) |
| <input type="checkbox"/> Australia Post/PO Box | <input type="checkbox"/> Funeral insurance companies | <input type="checkbox"/> Optometrist |
| <input type="checkbox"/> Australian Bereavement Register – stop unwanted direct mail | <input type="checkbox"/> Gardening service | <input type="checkbox"/> Organ donation |
| <input type="checkbox"/> Australian Death Notification Service – notify multiple government services | <input type="checkbox"/> Gas company | <input type="checkbox"/> Passport |
| <input type="checkbox"/> Australian Electoral Commission (AEC) 13 23 26 | <input type="checkbox"/> Gym, fitness or sporting club | <input type="checkbox"/> Physiotherapist |
| <input type="checkbox"/> Australian Taxation Office 13 28 61 | <input type="checkbox"/> Health benefits fund | <input type="checkbox"/> Podiatrist |
| <input type="checkbox"/> Banks and/or building societies | <input type="checkbox"/> Health professionals such as doctor, physiotherapist, dentist, podiatrist, optometrist | <input type="checkbox"/> Private health Insurance |
| <input type="checkbox"/> Cemetery | <input type="checkbox"/> Hearing centres/hearing aids | <input type="checkbox"/> Rates |
| <input type="checkbox"/> Centrelink 13 62 40/age pension | <input type="checkbox"/> Hire purchases providers | <input type="checkbox"/> Real estate agent (rent) |
| <input type="checkbox"/> Centrelink bereavement allowance | <input type="checkbox"/> Home appliances or rental company | <input type="checkbox"/> Services Australia |
| <input type="checkbox"/> Charities and similar organisations | <input type="checkbox"/> Home and contents insurance | <input type="checkbox"/> Social Worker |
| <input type="checkbox"/> Chemist | <input type="checkbox"/> Home delivery services – newspaper, food | <input type="checkbox"/> Solicitor or the Public Trustees Office |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Home nursing or care service | <input type="checkbox"/> Superannuation company, life insurance and death benefit |
| <input type="checkbox"/> Church or religious organisations | <input type="checkbox"/> Hospital/Specialists | <input type="checkbox"/> Transport Accident Commission (TAC) – financial support |
| <input type="checkbox"/> Cleaning service | <input type="checkbox"/> Household help | <input type="checkbox"/> Telephone or internet service provider |
| <input type="checkbox"/> Clubs, sporting organisations and other associations such as the Returned and Service League | <input type="checkbox"/> House insurance | <input type="checkbox"/> Trade union |
| <input type="checkbox"/> Credit card (if different from banks) | <input type="checkbox"/> Landlord or tenant | <input type="checkbox"/> Veterinary clinic |
| <input type="checkbox"/> Credit unions | <input type="checkbox"/> Lay-bys | <input type="checkbox"/> VicRoads, licence and registration |
| <input type="checkbox"/> Councillor/psychologist/psychiatrist | <input type="checkbox"/> Lawyer – probate/letters of administration if applicable | <input type="checkbox"/> Vehicle insurance |
| <input type="checkbox"/> Coroners Court (death certificate) | <input type="checkbox"/> Life insurance company | <input type="checkbox"/> Victorian Electoral office (VEC) |
| <input type="checkbox"/> Dentist | <input type="checkbox"/> Local council or local government | <input type="checkbox"/> Victoria Police |
| <input type="checkbox"/> Drivers license (VicRoads) | <input type="checkbox"/> Local library | <input type="checkbox"/> Victims of crime |
| <input type="checkbox"/> Department of Veterans Affairs 1800 838 372 | <input type="checkbox"/> Local post office | <input type="checkbox"/> Volunteer organisations supported |
| <input type="checkbox"/> Doctor | <input type="checkbox"/> Long service leave company | <input type="checkbox"/> Water company |
| <input type="checkbox"/> Education provider such as school, TAFE or university (fees) | <input type="checkbox"/> Loyalty programs | |
| <input type="checkbox"/> Electricity/power company | <input type="checkbox"/> Magazine and newspaper subscriptions | |
| <input type="checkbox"/> Employer or former employer company | <input type="checkbox"/> Meals on wheels | |
| <input type="checkbox"/> Executor of Will | <input type="checkbox"/> Medicare | |
| | <input type="checkbox"/> Mobile phone and internet provider | |
| | <input type="checkbox"/> My Aged Care | |

People to notify

- ☐ **Family** (interstate & overseas)
- ☐ **Friends** (interstate & overseas)
- ☐ **Employers**
- ☐ **Neighbours**
- ☐ **Social media** (Facebook/LinkedIn/Instagram/Twitter/Snapchat/Chatrooms)

Helpful contact numbers

Amber Community

1300 367 797

Beyond Blue

1300 224 636

Compassionate Friends Victoria

1300 064 068

Court Network Support

1800 571 239

Federation of Community Legal Centres (free legal help to clients facing economic and social disadvantage)

1300 792 387

Grief Australia

03 9265 2100

GriefLine

1300 845 745

GriefLink (industrial deaths and support advocacy)

03 9654 3353

Kids Helpline

1800 551 800

Lifeline (24 hour)

13 11 14

Mensline (24 hour)

1300 789 978

National relay service for people with impairments in speech

133 677

Office of Public Prosecution

03 9603 7666

Registry of Birth, Deaths and Marriages

1300 369 367

Speak and Listen

1300 555 727

State Trustees

1300 138 672

Support after Suicide (24 hour)

1300 659 467

Supreme Court of Victoria

03 8600 2006

Translating and Interpreters Service

131 450

Transport Accident Commission

1300 654 329

Victims of Crime

1800 819 817

Victoria Legal Aid

1300 792 387

Victorian Aboriginal Legal Services

1800 064 865

Amber Community

We provide free-of-charge counselling, support and information to more than 3,000 Victorians impacted by road trauma every year.

Counselling is provided to people impacted by road trauma irrespective of when the collision occurred.

Clients include bereaved families, friends and colleagues; injured people and their carers; drivers and passengers; cyclists and pedestrians; witnesses and emergency service workers.

You do not need a referral to access our services. We are open Monday to Friday 9am to 5pm. To make an appointment with one of our counsellors, please call **1300 367 797**. To find out more about Amber Community visit our website ambercommunity.org.au.

This information was compiled with the help of Arnold Dallas McPherson Injury Lawyers. We are grateful for their assistance.

