



How do I organise the funeral?

After the post-mortem examination of your loved one, the Coroner will usually authorise the release of the body. The post-mortem examination does not usually interfere with the viewing of your loved one at the funeral if you so wish, however you can discuss this with the funeral director. You may use the funeral director of your choice and you can arrange this as soon as you feel able; the funeral director will guide you through what you need to do. It may be a good idea to talk with family members and delegate one person who is able to liaise with the funeral director to make the necessary arrangements.

Things to remember for funeral planning:

- Choose a funeral director;
- Decide if you would like your loved one buried or cremated;
- An appropriate or accessible location for the service;
- Decide on the date and time of the service;
- Decide if you would like to view your loved one;
- Possible wording for the funeral notice;
- Decide on whether you would like your loved one to retain any sentimental items such as jewellery;
- Select any special clothing for your loved one's burial;
- Select a scripture or literature for the service;
- Decide the presentation of the eulogy;
- Select music or hymns;
- Decide on floral arrangements;
- Decide if you would like floral or charity donation tributes;
- Arrange a location and refreshments for after the service;
- Thank you cards for those who attended.

How is the funeral to be paid for?

When someone is murdered in Queensland, the Department of Justice and Attorney General will cover the costs of the funeral up to the sum of \$8,000. It is possible that the funeral director will be unaware of this process of payment, and in this case, you are most welcome to contact QHVSOG, staff can explain to the funeral director the method of payment.

The Department of Justice & Attorney General (DJAG) and/or QHVSOG can provide you or your funeral director, with an application form for the payment of funeral expenses. This is a

relatively simple form that will need the signature of a family member authorising the account to be paid by DJAG. There are a number of ways this can be done which include:

QHVSG can send the application form direct to the funeral director – he/she can assist you with completing the form and the funeral director can then return the form to the DJAG for processing, or

You or a delegated family member can complete the form and return it to the DJAG for processing. If this is your choice, the funeral director will need to be notified of your plan and they may send the account direct to the department.

If you have already paid for your loved one's funeral, you may complete the DJAG form – attach the paid receipt to the completed form, and send it into the DJAG for reimbursement of payment.

Administering the Estate

Administration of an estate can only commence once the Death Certificate has been issued. A Death Certificate in normal circumstances issues six weeks after the death, but with a murder, the police investigation and a coroner's investigation has to be completed so the exact findings can be noted on the Death Certificate.

If you find that you are in need of some form of confirmation, (for banks etc.) before the Death Certificate is issued, you can apply for an 'Extinction of Death Certificate,' which the doctor who pronounces the death, issues to the funeral home. This Extinction of Death Certificate is always completed by a doctor before the funeral home can collect a body.

When a Will Exists

The first thing to do is to ascertain if in fact a will exists. The immediate family of the deceased should search through all personal documents the deceased may have had in their possession. Once a will has been located and the name of the executor is known, then the executor of the will should attend to the following matters:

1. Death Certificate – when the original Death Certificate issues from the Registrar of Births, Deaths and Marriages, then several copies should be made of the original document and certified by a Justice of the Peace;
2. The executor should find out where the deceased did his or her banking. A letter should then be forwarded to this bank, enclosing a certified copy of the will and the Death Certificate, and a request asking the bank to supply a list of the information the bank requires before access can be gained to the funds held in the name of the deceased.

All banks have an 'Estates Section' and it is up to the bank whether or not they will require probate to be issued by the Supreme Court. Probate is the official recognition by the Supreme Court that the will made by the deceased, is a valid will. Probate is always required when the deceased had large sums of money in bank accounts and investments.

Banks however, do have discretion to allow a certain amount of money to be released from the deceased person's bank account before probate is obtained.

If the bank requires probate, then the executors should engage a law firm near them to administer the estate. The law firm will have to advertise in 3 separate publications (i.e. local newspaper, Government Gazette etc.) stating that within 14 days from the date of the advertisement they will be applying for probate. The law firm will prepare probate documents for the executor to sign and they will file the documents in the Supreme Court. As long as there is no Caveat, (an objection to probate being issued), lodged against the Probate Application to the Supreme Court, probate should issue within 30 days of lodging.

Once probate has been obtained, the lawyers will write to the various banks, super funds and life insurance companies to call in all funds for distribution to the beneficiaries of the estate. If the deceased owned a property with another person as Joint Tenants, then the lawyers will lodge a Request to Record Death form at the Titles Office, so the property can then transfer to the remaining Joint Tenant (i.e. husband dies and owns a house with his wife, then the Request to Record Death is filed, and the property will then be in the name of the wife).

NB There are laws in place which may prohibit a person profiting from a crime. For example, if a person is found guilty of murdering their spouse, and they owned a home jointly, this may affect whether the deceased's share of the property is transferred to the spouse, or rather is transferred into their children's name for example. We encourage you to speak to the QHVSG or Legal Aid Queensland if you are concerned that the perpetrator in your case will profit from the deceased's estate.

When all funds have been transferred into the lawyers trust account from the various bank accounts, super funds, and life insurance accounts, all debts still owed by the deceased will be paid, and the balance held will then be distributed to the beneficiaries. It is not recommended that relatives or executors attempt to administer an estate on their own. Before a lawyer is engaged, ask them the hourly rate charged and what timeframe they would expect before the estate could be wound up. Depending on the size of the estate, administration could take months, so please discuss this with your lawyer.

3. The executor should advise the following government departments and other organisations of the death of the deceased: - Centrelink, Medicare, private health fund, Electoral Office, superannuation fund, life insurance company, all banks and credit card companies the deceased had accounts with. The executor should check with the private health fund to find out whether any funeral benefits are payable under his or her fund cover.

If No Will Exists

If no will exists for a deceased person and the deceased held investment assets, funds in banks, property etc., then Letters of Administration must be obtained from the Supreme Court. The deceased person's family should appoint a lawyer to obtain Letters of Administration. The lawyer will carry out the same work as if applying for probate.

If the deceased had no assets, and no large sums of money

Probate is not required if the deceased did not hold any assets and there was no life insurance, superannuation or savings accounts. In that case, the immediate family would

simply notify the deceased person's bank, Centrelink, Medicare, Electoral Office and any other organisation the deceased belonged to, by forwarding a certified copy of the Death Certificate. Centrelink will make an extra payment after the death of a pensioner to assist with the funeral payment. The family would then deal with the deceased person's personal belongings.

Notifying the relevant authorities

Very few people are prepared when a death occurs within a family. Following a death, we advise notifying all relevant bodies and authorities. Firstly, this helps with managing a loved one's estate, and secondly, it takes a loved one's name off mailing lists, and slows down the constant reminder arriving each day in the mail. The following is a list of organisations and people you may need to contact:

- Accountant
- Australian Tax Office
- Banks and other financial institutions
- Centrelink
- Clubs and other organisations
- Doctor
- Electoral Office
- Employer
- Executor of the will
- Family members and close friends
- Home Care Services
- Insurance organisations
- Medicare
- Motor vehicle registry
- Private Health Funds
- Solicitor
- Superannuation Fund/s
- Veteran's Affairs

You may find that most agencies will require something in writing. The following letter may help give you an idea of what can be sent (don't forget to enclose a copy of the death certificate)

Example letter for agencies.

Date

Attention of (if known)

Their Name and address

Dear CONTACT NAME,

I wish to advise you of the recent death of LOVED ONE'S NAME, which occurred on the DATE. Please find attached death certificate as evidence of this.

May I ask you to close down LOVED ONE'S NAME 's account held with you, and forward any outstanding correspondence to EITHER NEXT OF KIN, THE DECEASED PERSON;S LAWYER OR EXECUTOR AND THEIR ADDRESS.

I also wish for all correspondence to LOVED ONE'S NAME to cease from today.

Please don't hesitate to contact me on YOUR CONTACT NUMBER if you have queries.

Thank you

YOUR SIGNATURE

Your contact details.