

UNDERSTANDING ESTATE ADMINISTRATION IN QUEENSLAND

A Guide from the Wills, Estates, Planning + Structuring Team at Clifford Gouldson Lawyers

What is Estate Administration?

Estate administration is the process of managing and finalising the financial and legal affairs of someone who has passed away. This includes:

- Identifying and protecting assets
- Paying debts and taxes
- Distributing the estate according to the Will or laws of intestacy

Key Stages of the Estate Administration Process

1. Initial Consultation & Information Gathering

We begin by meeting with you to:

- Review the Will (if one exists) and identify any issues or concerns
- Review the death certificate and identify any issues or concerns
- Identify the executor and beneficiaries
- Discuss the estate's known assets and liabilities
- Collect key documents (death certificate, bank details, property records)
- Formal engagement of solicitor

2. Notice of Intention to Apply for Probate or Administration

- Publish a Notice of Intention to Apply in the Queensland Law Reporter
- Notify the Public Trustee of Queensland
- Wait at least 14 days after publication and 7 days after notification before proceeding to stage 3

3. Court Application for Probate or Letters of Administration

- Prepare and file required court forms
- File application with the Supreme Court of Queensland
- Typical grant timeframe once lodged with the court: 4–8 weeks

4. Asset Collection & Liability Assessment (after the issue of the grant of probate)

- Notify financial institutions, super funds, insurers and collect in assets
- Organise valuations of estate assets as required
- Identify debts, estate costs, taxes

5. Debt & Creditor Resolution (after the issue of the Grant)

- Pay valid debts for estate
- Open estate bank account, obtain TFN, resolve any creditor claims

6. Interim Distribution (Optional, After ~6 Months)

- After 6 months if no notice of a claim has been presented then interim distributions may occur if the estate is solvent and has sufficient funds to make a distribution. These can occur only once any liabilities have been accounted for

7. Final Distribution & Estate Closure (~6–12+ months assuming no claim has been made upon the estate)

- Liaise with accountant to attend to final ATO returns
- Prepare final estate accounts
- Distribute assets
- Close estate accounts and end administration

Estimated Timeline Summary

STAGE	TYPICAL DURATION
Locate Will & Initial Planning	1–4 weeks
Await death certificate	1-4 weeks after funeral
Notice of intention to apply for Grant & Public Trustee Notification	2–4 weeks
Advertising period	2 weeks after publication of Notice of intention to apply for Grant
Court Application and Grant	4–8 weeks post application lodgement
Asset & Liability Management	1–12 months depending on asset
Debt, Tax & Creditor Resolution	1–12 months dependent upon third party requirements
(Optional) Interim Distribution	After 6 months if no claim made against estate
Final Distribution & Closure	6–12+ months

Practical Tips

- Prepare thoroughly and gather all documents early
- Maintain communication with beneficiaries
- Track important deadlines (e.g. 14-day notice, 6-months, 9-months)
- Seek expert help for asset transfer and management, tax, valuations, or disputes

Frequently Asked Questions

Q: Do I always need probate?

A: Not necessarily. If the estate is small, or if most assets are held jointly (such as a shared home or bank account), a formal grant of probate may not be needed. We can assess your situation and let you know what's required.

Q: How long does it take?

A: Most simple estates are finalised within 6–9 months. However, delays can occur if the estate includes property that needs to be sold, if there are disputes between beneficiaries, or if additional documentation is required.

Q: Can I be paid as an executor?

A: Yes. Executors are entitled to reimbursement for reasonable expenses, such as travel or legal fees. In some cases, they can also apply for commission — either as outlined in the Will or approved by the Supreme Court of Queensland.

Q: What if the will names multiple executors?

A: All named executors must act together unless the Will says otherwise. If one executor is unwilling or unable to act, they can formally renounce their role. We can help with this documentation and guide the remaining executor(s) through the process.

Q: Can a beneficiary also be an executor?

A: Absolutely. It's quite common. That said, executors who are also beneficiaries should be mindful of perceived conflicts of interest — especially where estate assets need to be valued or divided. We help ensure these situations are managed fairly and transparently.

Q: What happens if there is no will?

A: When someone dies without a valid Will, they are considered to have died intestate. The law determines who can apply to manage the estate and who inherits. Our team helps clients apply for Letters of Administration and identify the rightful beneficiaries.

Q: Do I need a lawyer to administer an estate?

A: No, it's not compulsory — but it's strongly recommended. Estate administration can be complex, and executors can be held personally liable for mistakes. Having a lawyer ensures the process is legally sound, efficient, and that risks are properly managed.

Get in Touch

If you've been appointed as an executor or need help with estate matters, the Clifford Gouldson Wills, Estates, Planning + Structuring Team is ready to support you.

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