



## **ENGAGEMENT LETTER**

Assistance from Citizens Advice Bureau Legal Service for Drafting Wills, Enduring Powers of Attorney and/or Enduring Powers of Guardianship

Thank you for making an appointment with the Citizens Advice Bureau (“**CAB**”) for assistance in drafting your Will, Enduring Power of Attorney and/or Enduring Power of Guardianship.

The purpose of this letter is to answer some questions you may have in regard to your Will and to obtain information from you, necessary for drafting the documents you have requested. Please ensure you take the time to read the whole of this letter, as it sets out our conditions for drafting documents on your behalf.

### **What does it cost?**

CAB is able to draft simple Wills, Enduring Powers of Attorney and Enduring Powers of Guardianship. The costs for these services are **\$160** for Wills, **\$30** for Enduring Powers of Attorney and **\$30** for Enduring Powers of Guardianship.

### **You will be required to pay for your documents in full following your appointment.**

In addition to the document fee, you will be charged **\$40** (\$30.00 with eligible concession card) for a 20 minute appointment. If you do not attend an appointment and fail to cancel it beforehand, you will be charged for the appointment.

### **What do we need?**

If you are happy with the terms set out in this letter, you will be asked to sign the Engagement Acceptance (page 8) at your appointment. By signing this document, you will be formally engaging CAB to draft the requested documents and expressly consenting to the terms set out in this letter.

Please also complete the enclosed Information Sheets to the best of your ability and bring them with you to your appointment. Having completed the instruction sheet beforehand will help you to provide us with instructions to draft the documents on your behalf.

Remember your appointment is only 20 minutes, so please do your best to complete as much information as you can prior to your appointment. Please also ensure all names and addresses are provided in full and all spelling is correct. If the Information Sheet is not completed, we may not have sufficient time to take your instructions during your appointment, and a further appointment (at our standard appointment charge) may be needed.

### **How long will it take?**

Documents drafted by CAB are generally finalised within 8 weeks. This is dependent on whether you have provided full and accurate information. If you provide us with incorrect information and amendments are required after they have been completed, you may be charged an additional fee for the amendments.

### **Confidentiality**

All information you provide about yourself and your estate is confidential. Upon completion of instructions, we will retain a copy of your documents on file for our records.

### **Nature of our service**

CAB offers a low cost service for the drafting of **simple** Wills. Due to the nature of our service, CAB is not able to draft Wills which are complex. Therefore, CAB cannot draft complex Wills, including those which contain:

- (a) Testamentary trusts;
- (b) Rights to Reside;
- (c) Life Tenancy; or
- (d) Substantial amounts of specific gifts.

When you meet with your lawyer, you will be advised if we can or cannot assist you. If we cannot assist you, we will provide you with referrals to the Law Society to obtain names of lawyers who may be able to assist you. It would then be up to you to make your own choice of lawyer and to make the arrangements necessary for your engagement of that lawyer.

### **Execution of Documents**

CAB **does not** assist with the execution of documents. Once you have collected your documents, it will be your responsibility to ensure they are executed properly. Your lawyer will explain the execution requirements to you during your appointment and will also provide you with written instructions with your completed documents.

**We do not retain your original or signed Will.**

### **Your relationship with Citizens Advice Bureau**

CAB, at the discretion of its Principal Legal Officer, may discontinue acting for you if:

- we believe we can no longer assist you;
- we believe we have already provided the service you initially sought;
- we feel your instructions are more complex than was originally indicated to us;
- you have failed to promptly provide the information or documents we have sought;
- you do not heed our advice;
- we believe a dispute exists or may exist between interested persons (a “conflict of interest”);  
or
- if circumstances arise which allow us to terminate the engagement pursuant to the *Legal Professional Conduct Rules*.

If any of the above circumstances apply, our service will be immediately discontinued by giving you written notice to that effect.

### **Appointment**

At your appointment, your lawyer will meet with you to discuss your instructions. Your lawyer will meet with you **on your own**, without any third party being present (this includes your spouse, de facto partner, or child). This is normal practice to ensure your Will properly reflects your instructions, and that you have the opportunity to discuss any queries in confidence with your lawyer.

**There is no exception to this.**

### **Next Steps**

We confirm you have an appointment scheduled at our office. If you are happy with the terms set out in this correspondence, you will need to sign the Engagement Acceptance at your appointment. You will also need to bring the completed, enclosed Information Sheets.



## Wills - Information

### Your Estate

Your estate is all of the things which you own. It includes all your assets and liabilities at the time of death.

### Executors/Trustees

You need to appoint someone to collect all your assets, pay all your debts, and then distribute your estate according to the terms of your Will. This person is known as the 'Executor' or 'Trustee' of your Will. If you are considering appointing someone as your executor, you should discuss this with them, and ensure they are able and willing to act. You should also consider appointing a substitute or 'backup' executor just in case your initial choice is unable to act.

### Beneficiaries

Beneficiaries are persons to whom you distribute your estate.

### Gifts

You may wish to make specific gifts, such as jewellery or family heirlooms, to particular beneficiaries. If you wish to include any specific gifts, please describe these items carefully so they can be identified later. As a guide, we usually draft **up to three specific gifts in each Will**. You do not have to make specific gifts and you may give your whole estate to one or more beneficiaries.

### Residue

The residue of your estate is what is left after your executor has paid your debts and distributed the specific gifts. Basically, it is the balance of your estate.

### What if someone dies before you?

It is important to consider what you want to happen to a specific gift, or the residue of your estate, if a beneficiary should die before you. For example, if you wish to give the whole of your estate to your spouse, and your spouse predeceases you, how would you like your estate to be divided?

### Do Life Insurance and Superannuation Policies form part of my estate?

Sometimes upon one's death, there is a payout from superannuation and life insurance policies. It is not always the case that these payouts form part of your estate. Often, you are able to make a "non-binding death nomination" or a "binding death nomination" during your lifetime.

A binding death nomination allows these payouts to be paid directly to the person you have nominated. This means the payout will not make up part of your estate and therefore will not be divided according to your Will. Rather, the person nominated will receive the payout before your estate is even divided up.

Some superannuation trustees have a discretion as to how they pay benefits, even when there is nomination. You should obtain information about what would happen to your superannuation and/or life insurance policies by contacting your superannuation or life insurance company.

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**INFORMATION REQUIRED FOR YOUR WILL, EPA and EPG**

This form **MUST** be completed before the appointment.

**Please note** that your documents will be prepared based on the instructions you provide the lawyer.

**We ask you to complete this section so that you give some thought as to how you want your documents drafted.**

**The information in this document will also be used as guide for the correct spelling of peoples' names and addresses.**

**Your personal details (Please complete for ALL documents)**

Full Name: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Gender: MALE / FEMALE (Please CIRCLE one)

DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ (dd/mm/yyyy)

Occupation: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Phone numbers: \_\_\_\_\_

Email: \_\_\_\_\_

Marital status: SINGLE/MARRIED/DIVORCED/DE FACTO/WIDOWED/SEPARATED  
(Please CIRCLE one)

Are you contemplating **MARRIAGE** or **DIVORCE**? (please circle)

If yes, to or from whom? \_\_\_\_\_

How many children do you have? \_\_\_\_\_

**Details for your Will**

<b>PRIMARY EXECUTORS/TRUSTEES</b>		RESIDENTIAL ADDRESS REQUIRED	AGREED TO ACT
FULL NAME (PLEASE PRINT / CAPITAL LETTERS)			
1	_____		YES / NO
	RELATIONSHIP TO ME _____		
2	_____		YES / NO
	RELATIONSHIP TO ME _____		

<b>SUBSTITUTE EXECUTORS/TRUSTEES</b>		RESIDENTIAL ADDRESS REQUIRED	AGREED TO ACT
FULL NAME (PLEASE PRINT / CAPITAL LETTERS)			
1	_____		YES / NO
	RELATIONSHIP TO ME _____		
2	_____		YES / NO
	RELATIONSHIP TO ME _____		

**BENEFICIARIES**  
 FULL NAME (PLEASE PRINT / CAPITAL LETTERS)

ADDRESS REQUIRED IF FRIEND

Under  
 18  
 Circle

1			YES / NO
	RELATIONSHIP TO ME		
2			YES / NO
	RELATIONSHIP TO ME		
3			YES / NO
	RELATIONSHIP TO ME		
4			YES / NO
	RELATIONSHIP TO ME		
5			YES / NO
	RELATIONSHIP TO ME		
6			YES / NO
	RELATIONSHIP TO ME		
7			YES / NO
	RELATIONSHIP TO ME		

(If more than 7 beneficiaries, please attach list)

Do you wish to include a directive in your will to be BURIED/CREMATED? (circle one)

**List any specific gifts you wish to make in your Will (maximum of three gifts)**

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**To whom would you give your remaining assets after the gifts, if any?**

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**What should happen if any of your beneficiaries die before you?**

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**If you wish to appoint a guardian of your minor child/ren, please provide their full name, address and their relationship to you.**

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## INFORMATION SHEET – EPA and EPG

<u>Enduring power of attorney (if applicable)</u>	<u>Enduring Power of Guardianship (if applicable)</u>
<p><u>Who do you wish to appoint as your attorney/s?</u> Full Name: _____</p> <p>Residential Address: _____ _____ _____</p> <p>Full Name: _____</p> <p>Residential Address: _____ _____ _____</p>	<p><u>Who do you wish to appoint as your guardian/s?</u> Full Name: _____</p> <p>Residential Address: _____ _____ _____</p> <p>Full Name: _____</p> <p>Residential Address: _____ _____ _____</p>
<p><u>Substitute Attorney/s (if applicable)</u> Full Name: _____</p> <p>Residential Address: _____ _____ _____</p> <p>Full Name: _____</p> <p>Residential Address: _____ _____ _____</p>	<p><u>Substitute Guardian/s (if applicable)</u> Full Name: _____</p> <p>Residential Address: _____ _____ _____</p> <p>Full Name: _____</p> <p>Residential Address: _____ _____ _____</p>
<p><b>Office Use Only</b></p> <p>Deferred            <input type="checkbox"/> Operate on loss of capacity            Immediate        <input type="checkbox"/> Operate immediately</p> <p><u>Primary Attorney</u></p> <p>Sole                    <input type="checkbox"/>            Joint                   <input type="checkbox"/>            Joint and Several   <input type="checkbox"/></p> <p><u>Substitute Attorney</u></p> <p>Sole                    <input type="checkbox"/>            Joint                   <input type="checkbox"/>            - Survivor to act   <input type="checkbox"/>            Joint and Several   <input type="checkbox"/></p>	<p><b>Office Use Only</b></p> <p><u>Primary Guardian</u></p> <p>Sole                    <input type="checkbox"/>            Joint                   <input type="checkbox"/>            - Survivor to act   <input type="checkbox"/></p> <p><u>Substitute Attorney</u></p> <p>Sole                    <input type="checkbox"/>            Joint                   <input type="checkbox"/>            - Survivor to act   <input type="checkbox"/>            Default 4A?         <input type="checkbox"/></p>



## Engagement Acceptance

I .....

request that Citizens Advice Bureau (CAB) draft for me a Will/EPG/EPA (*Please cross out any that do not apply*) and accept the terms and conditions set out in the Engagement Letter.

In particular, I confirm that:

1. I have been advised by CAB that it will take approximately six weeks to produce my Will. I understand that for the duration of this period I may not have a valid Will and will not hold CAB responsible for the failure to produce a Will before the estimated time;
2. I agree to pay the set costs outlined above on the day of my appointment;
3. I have been advised that CAB does not assist with the execution of documents and that I instruct CAB to draft my documents in full knowledge of this fact; and
4. my lawyer has explained the signing requirements for my Will/EPA/EPG to me.

Signed by the client: .....

Dated: .....