

## RESIDUARY CLAUSE?

### PAYMENT INSTALMENT PLANS

We understand that the current economic climate is difficult but we also know the importance of ensuring that your Will and Powers of Attorney are up-to-date.

To ease the costs of Estate Planning at this time, Duncan.Legal is providing the option of Payment Instalment Plans.

Instalments can be made **weekly, fortnightly or monthly** by arrangement, at a rate that you can comfortably manage.

Don't delay your Estate Planning any longer.

Call us today to get started.

Tel: 9077 7731  
Or Email:  
reception@duncanlegal.com.au

Every properly drawn Will should include a **residuary clause**.

This is a clause that sets out what happens to your Estate if all of your nominated beneficiaries (usually your family members) do not survive you.

Whilst it is very unlikely that all of your beneficiaries will predecease you, it can and does happen. Whether it be a natural disaster, act of terrorism, or a terrible accident, you do not want your Will to fail for want of a beneficiary. This is because if there are no living persons or entities to distribute to when you die, your Estate goes to the Crown.

It is very common in a residuary clause to nominate several charities, not-for-profit organisations or educational institutions with which you have had a connection.

This newsletter may be coming to you via such an organisations that you feel strong gratitude towards for the support that had been available to yourself, or your disabled or vulnerable family member.

Naming such organisations as residual beneficiaries in your Will is a way to give back – to ensure that if the worst happens to your family, that your Estate can be meaningfully applied to a cause you are passionate about. Many such organisations are reliant upon bequests and donations for their continued operations.

If you are making a Will, Duncan.Legal can assist you to ensure such organisations are included in your residuary clause.

### Christmas Closure Dates

Duncan.Legal will be shut for the Christmas break from close of business on  
**Friday, December 18** & reopen on  
**Monday, January 4.**



## Determining Eligibility for an Special Disability Trust (SDT)

Before an SDT can be established, a person with a severe disability needs to be assessed by Services Australia (formerly Centrelink) as being an “eligible beneficiary”.

Prior to the introduction of JobSeeker, it was possible to call the SDT hotline (**1800 734 750**) and speak directly with highly trained staff working within the SDT Unit in Canberra.

However, due to the loss of employment by many thousands of people as a consequence of COVID 19 restrictions, and the massive demand on Services Australia personnel to register for support, Services Australia has set up a centralised call centre for all inquiries. As a result, all calls made to the SDT hotline since late March are now diverted through the Call Centre.

Many clients have reported extreme difficulty initiating an assessment for eligibility for an SDT. This is largely because many of the Services Australia personnel manning the phones do not know what an SDT is.

Many callers are being told to complete a “**SDT MOD**” form that can be download online to start the process. **This information is NOT correct.** (The STD MOD form applies to a step later in the SDT set up process.)

If you are wanting to initiate an eligibility assessment, **please be persistent** on the telephone in what you require, and don't be fobbed off. You need to push for an eligibility assessment to be initiated by a “Complex Assessments Officer”, connected with the SDT Unit. If the person you are speaking to doesn't know about SDT's, ask to be connected with an Officer that does.

If you are asked to wait for a call back from Services Australia, make sure you **get a reference number**.

Getting the Assessment for SDT Eligibility underway may require you to make several calls to Services Australia. If you are unhappy with the progress of your request, the following link sets out the process for lodging a complaint:

<https://www.servicesaustralia.gov.au/individuals/contact-us/complaints-and-feedback>

(Services Australia complaints must be responded to within 10 days of receipt.)

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## Estate Planning & COVID-19 Measures

Duncan.Legal is open and operating within the current mandated COVID-19 parameters.

Appointments continue to be held via video conferencing technologies (Zoom/Facetime/Skype) however if you prefer to have a face-to-face conference, limited appointment are now available.

We have a large conference room that is limited to 5 people under social distancing guidelines. Hand sanitiser, masks and gloves are also available for your comfort and the conference room is sanitised prior to every appointment.

Located in a quiet suburban street, parking is readily available and our premises are disability friendly.

If we can be of service at this uncertain time, please do not hesitate to make contact.

Stay well!



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