

Grants of probate and letters of administration

CSC's guide to help customers

LOA20 | 01/26

Who should read this guide?

- The executor or administrator of a deceased estate with an estimated death benefit from CSC of \$100,000 or more, before the benefit is paid.
- A person assisting the executor or administrator of a deceased estate.

Why does CSC need a grant of probate or letters of administration?

Where it is estimated that there will be \$100,000 or more payable to an estate, either a grant of probate or letters of administration must be provided. Even though superannuation funds are held in trust rather than being part of the estate, in cases where:

- the member left no valid binding nomination, or
 - the fund's trust deed & governing rules require it
- super funds often require a grant of probate or letters of administration before paying out death benefits.

What are grants of probate and letters of administration?

Grant of probate

A court-issued document that confirms the executor named in a valid will has legal authority to manage the deceased estate, including superannuation benefits.

Letters of administration (LOA)

Issued by a Supreme Court when someone dies without a valid will, or with a will but no executor. It grants authority to an administrator (typically the next of kin) to manage estate assets.

Which do I need to apply for?



If **Valid will** and an amount to be paid is **over \$100,000** → **Grant of probate**

If **No valid will** and an amount to be paid is **over \$100,000** → **Letters of administration**

Document Requirements

Grant of Probate

- Certified copy of the will
- Death certificate
- Inventory of assets (may include estimated super balance)
- Affidavit by the executor.

Letters of Administration

- Death certificate
- Application forms (varies by state)
- List of next-of-kin
- Valuation/inventory of the estate's assets (including super)
- Affidavit of entitlement, statements, and proofs.

The information provided in this factsheet is general advice only and has been prepared without taking account of your personal objectives, financial situation or needs. Before acting on any such general advice, you should consider the appropriateness of the advice, having regard to your own objectives, financial situation and needs. You may wish to consult a licensed financial advisor. You should obtain a copy of the relevant Product Disclosure Statement (PDS) and consider its contents before making any decision regarding your super.

Commonwealth Superannuation Corporation (CSC) ABN: 48 882 817 243 AFSL: 238069 RSEL: L0001397

How do I apply or get further information?

For further information, we refer you to the relevant state or territory's court website that will provide you with more information on this process.

You will need to contact the court of the state or territory where the deceased held assets.

ACT Supreme Court:

www.courts.act.gov.au/supreme/forms/wills-and-probate-forms

NSW Supreme Court:

www.supremecourt.justice.nsw.gov.au/Pages/sco2_probate/sco2_filing_instructions/applying_for_probate.aspx

or

www.supremecourt.justice.nsw.gov.au/Pages/sco2_probate/sco2_filing_instructions/applying_for_letters_of_administration.aspx

NT Supreme Court:

supremecourt.nt.gov.au/about/registry/wills-and-probate

QLD Supreme Court:

www.courts.qld.gov.au/services/wills-and-probate/applying-for-a-grant; or

www.courts.qld.gov.au/services/wills-and-probate/applying-for-a-grant/letters-of-administration-without-a-will

SA Supreme Court:

www.courts.sa.gov.au/RepresentYourself/ProbateRegistry/Pages/ApplyingForGrant.aspx

TAS Supreme Court:

www.supremecourt.tas.gov.au/probate/grants-and-procedure/

VIC Supreme Court:

www.supremecourt.vic.gov.au/wills-and-probate

WA Supreme Court:

supremecourt.wa.gov.au/W/wills_probate.aspx



You may wish to seek independent legal advice for assistance with applying for a grant of probate or letters of administration.



For more information and relevant contact details visit our website at csc.gov.au