

NEWSFLASH: Impact of recent legislative changes on your succession planning

Changes to intestacy laws: the partner of a person who died without a Will after 1 November 2017 will be entitled to the deceased's entire estate if the partner is the sole partner and any children of the deceased are also the children of the partner. If a deceased leaves a partner and children who are not the children of the partner, the partner will be entitled to \$451,909 (increased annually by reference to CPI) and one half of the balance of the estate, the children will be entitled to the other half. If a deceased leaves more than one partner, the partners share the partner's statutory legacy unless they enter into a distribution agreement or a distribution order is made by the court.

The statutory intestacy scheme is not a substitute for a Will. A Will not only sets out the distribution of the estate but also appoints an executor, deals with funeral wishes and includes extensive powers and directions. We recommend that you consider making a Will if you do not already have one.



The same-sex-marriage bill passed the Senate on 29 November 2017. Assuming the majority of members of parliament in the House of Representatives will vote in favour of the bill, the Marriage Act will shortly be changed to allow same-sex couples to marry.

Anyone who is getting married should be aware that marriage revokes a previous Will unless it has been made in contemplation of that marriage. If you are thinking of getting married, we recommend that you seek legal advice to ensure that your Will and Enduring Powers of Attorney continue to carry out your wishes.



The Assisted Dying Legislation has passed both houses of the Victorian State Parliament and will now go to the Governor for royal assent. It is expected that the new Act will come into effect in mid-2019. The law requires anyone with a terminal illness to comply with strict requirements before being able to legally end their life.

Anyone who is concerned about medical treatment decisions at any stage of life should consider making an Enduring Power of Attorney (Medical Treatment) and complete an Advanced Care Directive which is an instructional directive about future medical treatment and values. Advanced Care Directives will become legally binding when new laws governing Powers of Attorney (Medical Treatment) come into effect on 12 March 2018.

Contact Us

If you wish to discuss any of the material above, please contact **Ines Kallweit**.

Ines is an accredited specialist in Wills & Estates and has been listed as a Preeminent Wills & Estates Litigation Lawyer for Victoria in Doyles' 2015, 2016 and 2017 Guide to the Australian Legal Profession.

Ines Kallweit

Partner – Wills & Estates
Accredited Specialist in Wills & Estates

T (03) 8621 2808

E ines.kallweit@mckeanpark.com.au

Expert advice. Practical solutions. Personal service.

Level 11, 575 Bourke Street, Melbourne Vic 3000 Australia | GPO Box 38, Melbourne 3001 | DX 400

T 03 8621 2888 **F** 03 9614 0880 | www.mckeanpark.com.au