

Families and generational asset transfers: Making and challenging wills in contemporary Australia

**Outcomes from a national prevalence survey of
will making**

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Executive Summary

Background

This paper reports data from a national prevalence survey conducted as the first component of the ARC funded project *Families and generational asset transfers: Making and challenging wills in contemporary Australia*. The purpose of this stage of the project was to:

- develop a comprehensive national database on the prevalence of will making in Australia
- identify who is most likely to draw up a will and who is not
- better understand where will makers go for advice and guidance
- explore the way in which assets are typically distributed through wills.

This research will provide foundational data against which the impact of initiatives relating to increasing and improving will making can be evaluated.

Outcomes from the national survey provide evidence of intentions, practices, knowledge and expectations of those who do and do not make wills across populations groups in Australia.

Method and sample

The survey was administered by telephone between August and September 2012. It collected data about:

- demographics (age, gender, relationship status, dependents, highest level of education, degree of ethnic diversity, estimated value of the estate)
- will making intentions, motivations, and triggers
- information and advice sought about the purpose and process of preparing a will
- prior experience with other people's wills; and
- content of current will.

The sample comprises 2,405 Australian adults (18 years or older). The sample was age stratified with half of the respondents aged 18 - 45 years and half aged 46 and over. The oldest respondent was 98 years. Smaller jurisdictions, the Australian Capital Territory (ACT), Tasmania (TAS) and Northern Territory (NT), were oversampled to ensure that sufficient numbers were interviewed to allow for statistical analyses.

Prevalence of having a will

Sixty per cent of the Australian adult population has a valid will. Within the states and territories this proportion varies between one half and two-thirds of all adults (Fig 1, p. 12). The interstate differences are not statistically significant.¹

The research also examined the prevalence of people having documents that describe their intentions should they lose capacity to make financial, personal and health care decisions (e.g., Enduring Power of Attorney (EPA), Advance Directive (AD)). Less than one third of respondents had prepared an EPA (30%) and even fewer had prepared an AD (14%). Only eleven per cent of respondents had prepared both types of documents.

¹ This means the differences observed are likely to be a function of the sample and do not reflect true differences between states and territories.

The distribution of respondents across jurisdictions who report having prepared an EPA is generally consistent with the national sample, although it is somewhat higher in Queensland (39%) and South Australia (37%) and lower in Western Australia (24%) and the Northern Territory (20%). Across all jurisdictions, less than one fifth of respondents had prepared an AD (Table 2, p. 13).

While differences in the percentage distribution of EPAs and ADs across state and territory jurisdictions were statistically significant, this may be a function of the sample size. On further examination there was only a moderate association between state and territory jurisdiction and having an EPA or AD. Interstate differences should therefore be treated cautiously.

Predictors of having a will

In the national sample the two strongest predictors of having a will were age and estimated value of the estate. Will makers tended to be older and to own estates of higher value when compared to non-will makers. Other demographic characteristics, such as gender and relationship status, were less strongly associated with will making behaviour.

Age and estimated value of the estate remained the strongest predictors of having a will across most states and territories. Estate value was the strongest predictor of will making in the Northern Territory. In Western Australia and the Australian Capital Territory estate value was not a significant predictor of having a will. There is also state-level variation in the strength of relationship between other demographic characteristics (gender, relationship status and ethnically diverse background) and will making behaviour (Table 3, p. 16).

Age, estimated value of the estate and other demographic characteristics were not very good at predicting preparation of an EPA or AD. Will making was, however, associated with the preparation of such documents. In particular, will makers were more likely than non-will makers to have prepared an EPA or AD. It is not clear what influenced respondents' decisions to prepare an EPA or AD. Given the close association with will making, triggers may include an intention to "get organised", recommendations by the lawyer who prepared the will, or advice from other professionals (e.g., financial planners).

Planners and procrastinators: what triggers will making

More than half of all will makers (53%) believed efforts to get organised ultimately motivated them to prepare a will. Fewer than one fifth of all will makers identified specific changes in their personal circumstances (e.g., having children) which they believed prompted will making in the first instance. Furthermore, most will makers (82%) did not attribute their decision to prepare a will to advertising instead believing they had made this decision on their own. This suggests that the appropriate timing and methods of targeting Australians to encourage making the initial will needs to be considered in more detail.

On the other hand making changes to an existing will was more likely to be triggered by changes in personal circumstances. The most commonly identified event was having children (33%). Making the effort to get organised was not commonly reported as having triggered changes to existing wills. Almost half of all will makers (46%) had made changes to their will at least once and more than half of these (51%) more than once. Changes were most likely to address changes in asset distribution (66%) and beneficiaries (57%) and least likely to reflect alterations to instructions regarding funeral, guardianship or health care arrangements. Those who made changes to a will were in general older

and of higher net worth than those who had not yet made changes (p. 21-22). The need to make changes to a will over a lifetime is a significant issue that is rarely addressed. It may well be the case that the issues around will contestation relate to the failure to change a will to reflect intentions following changes to family circumstances and relationships, assets and pre provisioning through gifting or lending money, assets or articles of value to beneficiaries.

Among non-will makers, procrastination, rather than a strong resistance to will making, appears to explain why they do not have a will. More than half of all non-will makers (54%) intended to prepare a will and most reported that they did not have a will because they had just not got around to it (50%) or had not thought about it (28%). Only seven out of 980 non-will makers included in the sample specifically stated that they had not prepared a will because they believed intestacy laws would divide their assets appropriately.

Knowledge of intestacy

Non-will makers were asked what they believed would happen to an individual's assets if they died intestate. More than one third (39%) of respondents believed family members would divide the assets and more than one quarter (27%) believed the law set out how assets would be divided between family members. Around 16 per cent believed the courts would divide the assets between family members and 14 per cent believed the government would receive the estate. Very few respondents (3%) stated they did not know what would happen to assets of an intestate estate. A high degree of variability in responses was reflected at both the national and state level.

While beliefs about intestacy were not associated with key demographic differences between respondents, they were related to respondents' intentions to prepare a will. In particular, non-will makers who intended to prepare a will were significantly more likely to believe the government would receive an intestate estate, while those who did not intend to prepare a will were significantly more likely to believe family members would divide the assets (Fig 7, p. 31).

Provision, division and instruction

The survey also collected information on who respondents provided for in their wills, what they took into account when deciding how to divide their assets, and what additional instructions they had included in their wills.

For most will makers, it was important to ensure their partner was provided for, their children or others would receive an inheritance and they would protect their assets from claims by those they did not wish to provide for (Table, 18, p.33). When providing for children, almost all (93%) will makers reported dividing their assets equally.

That said, almost two thirds (62%) of will makers believed it was important to provide for their dependents while alive rather than wait until death and almost three quarters (74%) of will makers believed it was important to use their savings to live comfortably, even if it meant not leaving an inheritance.

When deciding how to distribute their assets, most respondents did not believe it was important to leave a bequest to charity, follow their cultural or religious practices, or recognise support, companionship or assistance provided by friends and organisations (Table 18, p. 33; Table 23, 24, p. 39).

Only a small proportion of will makers included instructions other than the distribution of assets in their wills. For example, just under one quarter (24%) of all will makers had included funeral instructions and very few will makers (17%) had included a specific trust. An exception was the inclusion of guardianship instructions as more than two thirds (69%) of respondents with financial dependents had included guardianship instructions. This finding does suggest, however, that one third of respondents with financial dependents were yet to update their wills to provide for the ongoing care of their dependents.

Advice about the distribution of assets was most likely to be sought from partners and solicitors (p. 27). This was true of individuals preparing their first will and those making changes to an existing will. It is interesting to note, however, that not all will makers sought advice about the division of assets prior to preparing their most recent will and there were some jurisdictional differences in the proportion of will makers who had sought advice (Table 15, p. 28).

Cumulatively, these findings are consistent with previous research which has shown wills typically equally distribute material assets to immediate family members. Very few respondents use their wills to leave additional instructions or call attention to important relationships outside their nuclear family. There was some evidence to suggest that living comfortably in old age and retirement and providing for dependents while alive is as important as leaving an inheritance.

Professional will drafters should discuss the implications of pre-provisioning to beneficiaries through inter-vivo gifts or support. Often such financial assistance (e.g. to purchase a house, assist with a business, pay a grandchild's school fees) or practical support (accommodation, child care) provided to adult children is not equally distributed between future beneficiaries and may impact on the principles underlying asset distribution in a will. It is important that in these contexts the approach used in asset distribution be discussed at the time of drawing up or revising a will.

Public/State trustee clients

Ten per cent of respondents had engaged the Public/State Trustee when preparing their most recent will. This finding was consistent across both national and state jurisdictions (Table 10, p. 25). In comparison, almost three quarters (73%) of will makers had their will drawn up by a private solicitor.

Respondents who had engaged a Public/State Trustee were, on average, older than those who had their most recent will drawn up by a solicitor (p. 24). They were also more likely to be preparing their first will than making changes to an existing will (p. 24). No other demographic variables (e.g., estimated value of the estate, gender, relationship status) reliably distinguished Public/State Trustee users from other will makers.

Public/State Trustees provide a range of other services in addition to will drafting. These include general information about the purpose and process of will making as well as executor services. However, only a small proportion of respondents appear to have taken advantage of these additional services:

- will makers were least likely to seek advice about asset distribution from the Public/State Trustee and most likely to seek advice from their partner and/or solicitor (p. 27)
- respondents were most likely to nominate family members or friends as executors (Table 28, p. 44)

- however, those respondents whose will had been prepared by the Public/State Trustee were most likely to nominate the Public/State Trustee as executor.

There were some state-level differences in the proportion of respondents who had nominated the Public/State Trustee as executor. These differences may reflect differences in the cost of services to some extent. However, it was surprising to note the low proportions of will makers who nominated the Public/State Trustee as executor in New South Wales (4%) and Victoria (4%), particularly given these states offer free or reduced cost will preparation to individuals who nominate the Public/State Trustee as executor. By comparison, Western Australia and Queensland which offer similar services had higher rates of people who appointed them as executor (10% and 8% respectively).

In summary

Most Australians have or intend to make a will. Initiatives to increase and/or improve will making would benefit from market segmentation. Three groups that could be targeted are:

- initial will makers – to ensure wills are drafted to plan for likely life events (e.g., birth of subsequent children, increased personal wealth, inter-vivo transfers)
- those with a will - to ensure it is reviewed and updated on a regular basis to reflect life and asset changes
- non will makers – to motivate will making, particularly around key life events (e.g., birth of a child, acquisition of assets).

The survey outcomes also suggest wills are predominantly used to distribute assets equally between partners and immediate descendants. There appears to be little acknowledgement of inter-vivo gifts or carer relationships in the distribution of assets. Increasing will makers' awareness of the association between failure to recognise pre-provisioning and will contests may assist in reducing will disputes.

1.0 Background to the research

Norms and practices associated with family asset transfers through wills are being challenged in Australia by a changing demographic, socio-cultural, familial, and policy context. The ARC Linkage project, *Families and Generational Asset Transfers: Making and challenging wills in contemporary Australia*, will establish a national database on the prevalence, patterns and practices of will making in Australia, the principles underpinning this form of asset distribution and/or contestation and the issues confronting document drafters and members of the community. The methodology has five major components:

1. A national prevalence survey
2. A document analysis of case law of contested cases
3. A document analysis of Partner Organisation files involving disputed cases
4. Key informant surveys with document drafters
5. Key informant interviews relevant to circumstances of interest (including, complex families, complex assets, and cultural practices).

This report describes outcomes from a national prevalence survey conducted between August and September, 2012.

The purpose of the survey was to develop a comprehensive national database on the prevalence of will making in Australia, to identify who is most likely to draw up a will and who is not, to better understand where will makers go for advice and guidance and to explore the way in which assets are typically distributed through wills.

This research will provide foundational data against which the impact of initiatives relating to increasing and improving will making can be evaluated.

2.0 Survey development

2.1 Pilot testing

The survey was developed initially from the State wide telephone survey on making wills completed in Queensland in 2011 (Wilson & Tilse, 2012). The questions were amended to take into account feedback on the original Queensland survey questions and the results of that survey and to ensure that the language used applied across different jurisdictions. The revised survey was then pre- tested by the research team with face-to-face interviews with a purposive sample of 12 participants of mixed age and gender. Participants were also asked to provide feedback on the survey. These interviews indicated the need for some minor adjustments and clarifications to the survey.

The final survey was designed to be administered by telephone. It contained 35 questions and took an average of 12 minutes to complete. It covered:

- demographic information (age, gender, relationship status, dependents, highest level of education, degree of ethnic diversity) and estimated value of the estate
- will making intentions, motivations, triggers and inclusions
- information and advice accessed
- prior experience with other people's wills and content of current will.

Data collection was undertaken using the Computer Assisted Telephone Interview (CATI) laboratory at the University of Queensland. A pilot of the telephone survey was conducted from July 9 to 11, 2012 as an important quality control step to ensure all relevant issues were adequately tested in a real environment. The pilot provided a test of the flow, wording and length of the survey, an evaluation of the ease of survey administration, as well as verification of appropriate survey routing, sample management systems and call algorithm, a test of sundry survey procedures (e.g., field staff briefing, problem escalation, pre-coded frame relevance) and the ability to fine tune the survey as required.

The pilot was conducted by a small team of interviewers who had been briefed on all aspects of the project. Throughout the pilot, interviewers made note of any consistent difficulties pertaining to survey flow, communicating survey concepts and respondents' resistance to particular survey questions. Feedback from the CATI lab following the telephone pilot resulted in minor changes to the survey, namely:

- inclusion of several response options that regularly appeared in the "other, please specify" categories to better capture the full range of responses
- the option to prompt participants twice when asking who they had sought information from when deciding how to distribute assets in their will.

2.2 Interviewer training and supervision

All interviewing and supervisory staff were briefed and trained on aspects of the project encompassing:

- survey structure and research purpose
- question delivery and prescribed probing techniques
- response coding
- adherence to sampling methodology
- responses to respondent queries and escalation processes
- social research ethics in the context of CATI research.

At least 1 in 10 completed interviews (10%) were monitored by an anonymous supervisor listening. Interviewers were scrutinised on the basis of appropriate rapport, question delivery, and data collection accuracy and were provided with immediate feedback and coaching if any stylistic issues were observed. In instances where monitoring was not possible or data required further checking and validation, supervisors re-contacted respondents and asked a series of questions to validate data pertaining to interviewer conduct, sample location, and finally validation questions to determine the accuracy of interviewer data capture. Daily reports specifying monitoring events and outcomes, as well as any responses to validation calls were provided to the project supervisor.

2.3 Data collection and management

Interviewing commenced with a small team on 30 August 2012. Six surveys were conducted on the first evening and preliminary data checks conducted. A further 68 surveys were conducted on 31 August 2012 followed by comprehensive data checks. Interviewing then continued throughout September, with the final interviews completed on 22 September 2012.

The CATI lab collected data using advanced survey management and interviewing software, VOXCO.

2.4 Sample

The project focused on Australian adults (i.e., 18 years or older). The sample was deliberately drawn to ensure at least half of all respondents were aged less than 45 years, although the distribution of older and younger respondents within each State and Territory varied. The inclusion of a substantial proportion of younger respondents is important as prior research suggests that this group is the least likely to have made a will.

Smaller jurisdictions, the Australian Capital Territory (ACT), Tasmania (TAS) and Northern Territory (NT), were oversampled to ensure that sufficient numbers were interviewed to allow for statistical analyses.

Commercial sample provider (Sampleworx) was used to supply the sample for this project. Sampleworx randomly generates numbers and then verifies their status. These numbers do not come from any pre-existing list.

The methodology of random generation means that there is a greater coverage of numbers. Numbers are not limited to only those numbers that are published in a pre-existing list. They are constantly generating new numbers and verifying them, including those in new exchange areas.

It is important to note that the current sample included only landline telephone numbers. This is increasingly becoming an issue with the proportion of the population without a landline is continuing to increase. While it is now possible to source randomly generated mobile phone numbers it is still accepted practice to utilise landline only. The proportion of Australian adults without a fixed-line telephone is around 19 per cent, and one third of those adults are aged between 18 and 24 years (Australian Communications and Media Authority, 2011). As the current survey deliberately over sampled younger people, we do not expect our reliance on landline telephone numbers to have had a significant impact on the results.

3.0 Sample description

A total of 12,110 households were contacted. Of these:

- 2,405 (20%) completed the survey
- 444 (4%) agreed to participate but were unable to complete the survey before it was closed
- 4,846 (40%) calls were out of scope (e.g., no one over 18 being available, quotas being met)
- 4,415 (36%) refused to participate.

An additional 12,552 calls were made which resulted in no successful contact (e.g., no answer, answering machine, engaged). These calls were excluded from the calculation of response rates.

Respondents were fairly evenly distributed across age groups, although the very young (18-24) and very old (75+) are somewhat under represented.² A higher proportion of older respondents were represented among participants from Queensland, South Australia and Tasmania than from other jurisdictions.

² Six participants did not disclose their age

Table 1 Distribution of respondents within younger and older categories across Australian jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Total (%)
18-44	46 (46)	364 (52)	61 (61)	171 (39)	67 (38)	41 (41)	394 (55)	148 (58)	1192 (50)
45+	54 (54)	336 (48)	39 (39)	264 (61)	108 (62)	59 (59)	241 (45)	106 (42)	1207 (50)
Mean	47 years	47 years	42 years	50 years	52 years	51 years	46 years	46 years	47 years

Furthermore,

- half the sample was male (n = 1,200, 50%)
- more than three quarters were born in Australia (n = 1,899, 79%)
 - no more than 7 per cent of the sample was born in any other single country (e.g., UK)
 - only a small proportion (n = 286, 12%) spoke a language other than English at home
- only a small number of respondents identified as Indigenous (n = 36, 1%).

The distribution of demographic characteristics across states and territories are presented in Appendix 1. Relevant differences are described in the text where appropriate.

4.0 Approach to data analysis

Both quantitative and qualitative (e.g., verbatim responses) data were collected by the national prevalence survey. Verbatim responses were classified and coded before further analysis was undertaken. Quantitative data was analysed using descriptive and bivariate statistics, including frequencies, cross tabulations, chi square tests and correlation, as well as multivariate statistics, such as logistic regression and hierarchical logistic regression.

Our approach to data analysis was to first report the prevalence of a range of intentions, motivations, triggers, demographic characteristics and behaviours linked to will making and non-will making behaviour. We also explored the statistical significance³ of any observed relationships between these characteristics and will making behaviour at both a national and jurisdictional level.

It is important to note that the magnitude of some statistics, such as the chi-square statistic, is influenced by sample size. As a result this statistic can reach statistical significance in large samples, even when the relationship between variables has no practical significance. Given the size of the current sample, only those relationships that were statistically significant and proved to have at least some degree of practical significance, as indicated by a Phi or Cramer's Phi score greater than .10, are reported.⁴

Finally, we used multivariate statistics, to explore the extent to which these characteristics were able to predict will making and other behaviours (e.g., preparation of an Enduring Power of Attorney) and to identify those most strongly associated with these behaviours. These analyses were again undertaken at both a national and jurisdictional level.

³ A statistically significant relationship is one in which the observed pattern of association between variables is only likely to occur by chance in 5 per cent or fewer of cases (i.e., $p < .05$)

⁴ Calculation of the strength of association using Phi (ϕ) or Cramer's Phi is typically interpreted in the following way: $>.5$, high association; $.3$ to $.5$, moderate association; $.1$ to $.3$, low association; $.0$ to $.1$ little if any association

5.0 What proportion of the Australian population has a will that reflects their current circumstances?

Approximately 60 per cent of the Australian adult population has a valid will. Within the states and territories this proportion varies between one half and two-thirds of all adults.

This finding is consistent with previous Australian research and appears to have remained stable over time. For example, Giving Australia (2005) found that 58 per cent of Australian adults (18 years and over) had made a will.

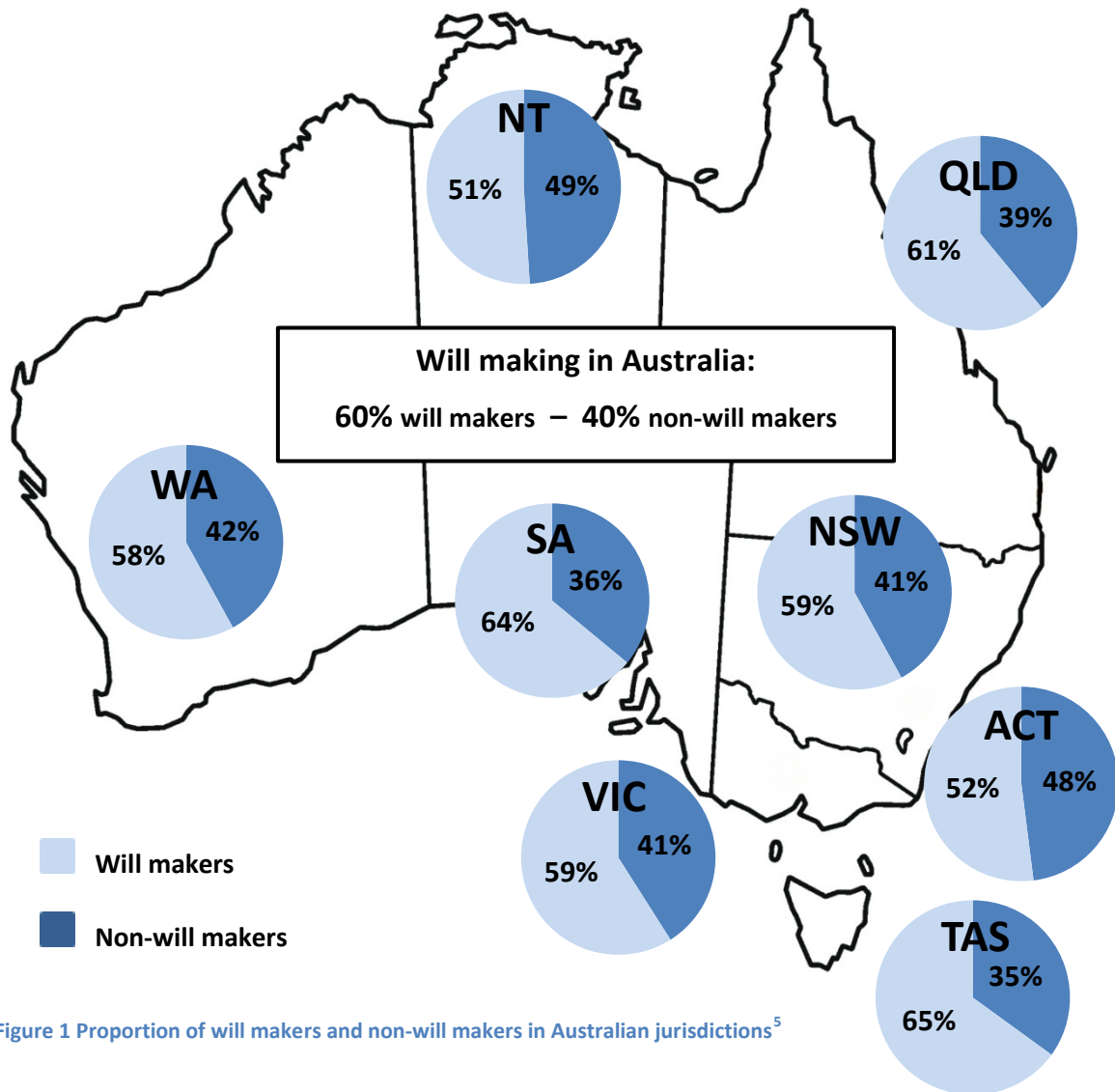


Figure 1 Proportion of will makers and non-will makers in Australian jurisdictions⁵

5.1 Enduring Powers of Attorney and Advance Directives

The research also examined the prevalence of documents other than wills that describe an individual's intentions should they become incapacitated (e.g., Enduring Power of Attorney). Results

⁵ The data shown is weighted to reflect the distribution of older (45+) and younger (18-44) populations within each jurisdiction as estimated by the Australian Bureau of Statistics. This was done to account for the over-sampling of older populations in some jurisdictions. The un-weighted sample data and our approach to weighting are described in Appendix 2.

revealed less than one third of respondents had prepared an Enduring Power of Attorney (EPA) and even fewer had prepared documents that reveal intentions about medical treatment (e.g., Advance Directive (AD)). Only a small number of respondents (n = 268, 11%) had prepared both types of documents.

The distribution of respondents across jurisdictions who report having prepared an EPA is generally consistent, although it is somewhat higher in Queensland and South Australia and lower in Western Australia and the Northern Territory. There is greater variability in the proportion of respondents who report having prepared ADs, although in all cases fewer than one fifth of respondents had done so.

Differences in the distribution of EPAs⁶ and ADs⁷ across jurisdictions were statistically significant. However, this may be a function of the larger sample. Before drawing firm conclusions regarding differences in the distribution of EPAs and ADs across Australian jurisdictions, efforts should be made to replicate these findings in other samples.

Table 2 Proportion of respondents who had prepared an Enduring Power of Attorney or Advanced Directive across jurisdictions⁸

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
EPA	30 (31)	182 (27)	19 (20)	161 (39)	63 (37)	25 (25)	163 (31)	58 (24)	701 (30)
AD	18 (19)	90 (13)	9 (9)	82 (19)	36 (21)	15 (15)	71 (13)	19 (8)	340 (14)

Note: percentage reflects the proportion of all respondents within each jurisdiction who had prepared an EPA or AD

6.0 What differentiates those who do and do not have an up to date will?

Age is one of the key distinguishing features among people who have a will (Humphrey, Mills, Morrell, Douglas, & Woodward, 2010; State Trustees Limited, 2012; Wilson & Tilse, 2012). Other factors thought to independently impact on the likelihood that an individual has a will include gender, relationship status, parenthood, education, ethnic diversity, value of the estate and experiences with other people’s wills.

We explored the relationship between each of these unique demographic characteristics and will making behaviour.⁹ Analysis revealed age and estimated value of the estate were strongly, and independently, associated with will making behaviour.

⁶ Overall comparison of distribution of EPAs across jurisdictions, $\chi^2 (7, N = 2,339) = 31.29, p < .001$, Cramer’s V = .12

⁷ Overall comparison of distribution of ADs across jurisdictions, $\chi^2 (7, N = 2,364) = 27.79, p < .001$, Cramer’s V = .11

⁸ The data shown is weighted to reflect the distribution of older (45+) and younger (18-44) populations within each jurisdiction as estimated by the Australian Bureau of Statistics. The un-weighted sample data and our approach to weighting are described in Appendix 3.

⁹ For a full description of the analysis See Appendix 4

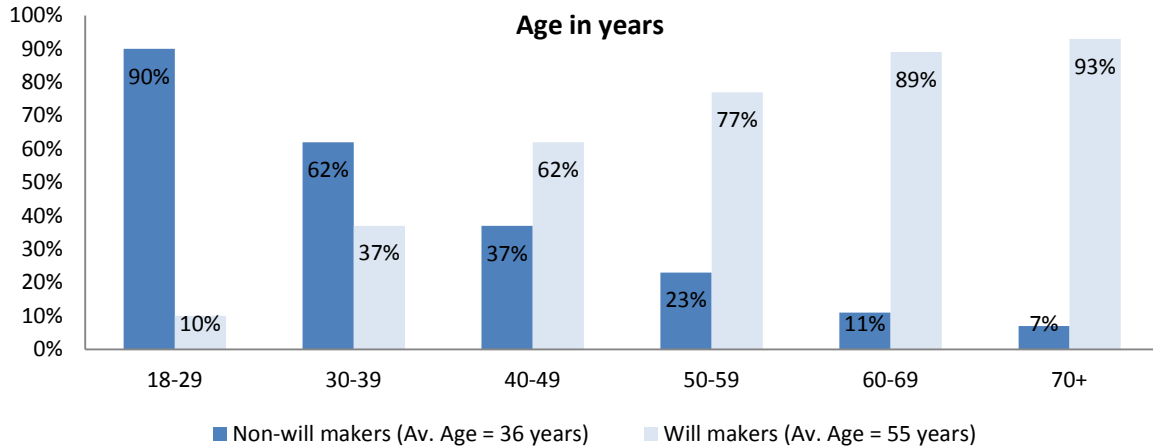


Figure 2 Proportion of will makers and non-will makers as a function of age

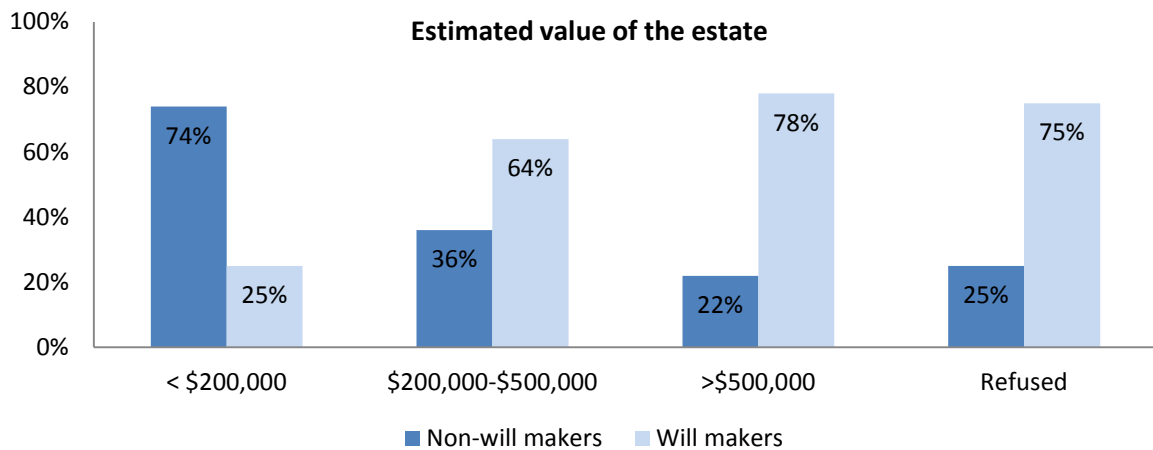


Figure 3 The proportion of respondents in each value category who were will makers and non will makers¹⁰

Multivariate analysis confirmed age and estimated value of the estate were the strongest predictors of will making behaviour:

- for each year older an adult grows, their likelihood of becoming a will maker increases by 10 per cent
- respondents who estimated their estate to be worth more than \$500,000 were 5 times more likely than those who estimated their estate to be worth less than \$200,000 to be will makers
- respondents who estimated their estate to be worth between \$200,000 and \$500,00 were 3 times more likely those who estimated their estate to be worth less than \$200,000 to be will makers.

¹⁰ Care should be taken when interpreting this data as there was a moderate refusal rate (n = 365, 15%)

Age alone was able to accurately classify three quarters of respondents as either will makers or non-will makers. Combined, age and estimated value of the estate accurately classified 78 per cent of the sample as either will makers or non-will makers. The addition of estate value particularly improved our ability to identify will makers (84% accuracy) over relying on age alone (77% accuracy). The inclusion of estate value did, however, degrade the identification of non-will makers slightly from 71 per cent accuracy to 70 per cent accuracy.

Other characteristics, such as gender, relationship status, prior experiences with wills and ethnic diversity were observed to have significant statistical relationships with will making behaviour, although these relationships were weaker and may be of little practical value in distinguishing will makers from non-will makers. For example, once age and estimated value of the estate had been controlled for, the combination of remaining characteristics improved the predictive accuracy of the model by only one per cent. The inclusion of these characteristics did, however, restore the accuracy with which non-will makers were classified to 71 per cent. This finding suggests that gender, relationship status, prior experience and ethnic diversity may be useful in helping us understand why older or wealthier individuals, who would otherwise be expected to have prepared a will, have not.

5.0.1 In the states and territories...

The pattern of relationships between demographic variables and will making behaviour observed at the national level was largely reflected at the state and territory level (see Table 3). Across most jurisdictions it was observed that:¹¹

- age and estimated estate value were the strongest predictors of will making behaviour
- age alone was able to accurately classify between 64 and 79 per cent of will makers and non-will makers
- the addition of other characteristics improved our ability to predict will making behaviour by only a small margin (between 2 and 7 per cent) and, in particular, to accurately classify will makers.

There were some exceptions to these conclusions. For example, age was not the strongest predictor of will making behaviour in the Northern Territory, nor was it significant in the context of other characteristics. Estimated value of the estate was the only significant predictor associated with will making behaviour in this jurisdiction.

In the Australian Capital Territory, once age had been controlled for, the estimated estate value was not a significant predictor of will making behaviour. This was most likely because there was a significant statistical relationship between estate value and age whereby respondents who estimated their estate to be worth more than \$500,000 were, on average, significantly older than respondents who estimated the value of their estate to be less than \$500,000. This relationship was not present in the other jurisdictions.

In Tasmania, the addition of other characteristics did not improve our ability to accurately classify respondents as either will makers or non-will makers over age alone. In fact, these characteristics degraded our ability to identify will makers while improving our ability to classify non-will makers. It is not clear why this occurred among respondents from Tasmania.

¹¹ For a full description of jurisdictional comparisons and multivariate analysis see Appendix 5

It may be worth noting that the Australian Capital Territory, Northern Territory and Tasmania are the three smallest jurisdictions included in the sample. While they were deliberately over-sampled to allow for their inclusion in statistical analyses, only 100 respondents were drawn from each location. The anomalies observed here may therefore reflect sampling rather than real differences between these three jurisdictions and the other States.

Table 3 Predictors of will making behaviour in each Australian jurisdiction

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Australia
Proportion of cases accurately classified by AGE alone									
• Total	76%	77%	64%	79%	77%	73%	79%	76%	75%
• Will makers	76%	77%	63%	85%	87%	85%	79%	90%	77%
• Non-will makers	75%	77%	64%	68%	58%	54%	79%	44%	72%
Proportion of cases accurately classified by ALL characteristics									
• Total	83%	82%	74%	81%	84%	73%	86%	78%	79%
• Will makers	85%	85%	74%	90%	91%	83%	89%	89%	85%
• Non-will makers	81%	77%	73%	67%	71%	58%	82%	53%	71%
Characteristics that are significantly associated with will making behaviour									
Age	✓	✓		✓	✓	✓	✓	✓	✓
Estimated estate value		✓	✓	✓	✓	✓	✓		✓
Gender	✓						✓	✓	✓
Relationship status					✓		✓		✓
Ethnic diversity		✓					✓		✓
Becoming a guardian		✓					✓		✓
Parenthood		✓							
Level of education					✓				
Receiving a bequest									
Acting as an advisor									
Acting as an executor									✓
Involved in a dispute									

The relationship between demographic characteristics and will making behaviour is described below. The nature of these relationships was consistent at both a state and national level. It is important to remember, however, that while these characteristics were statistically significant predictors of the probability of being a will maker in some jurisdictions, they contributed very little, in a practical sense, toward our ability to distinguish will makers from non-will makers.

- **Gender** – women were more likely than men to be will makers
- **Relationship status** – respondents currently or previously married at the time of the survey were more likely than respondents not in a relationship to be will makers
- **Ethnic diversity** – respondents who reported few or no indicators of ethnic diversity (e.g., respondent’s birthplace, parent’s birthplace, language spoken at home) were more likely than those from ethnically diverse backgrounds to be will makers¹²
- **Becoming a guardian** – respondents who had become guardians were more likely than those who had not to be will makers

¹² The current research collected a range of measures to assess ethnic diversity including: respondent’s birthplace, parent’s birthplace, language spoken at home. Respondents who reported any combination of two or more indicators were categorised as having moderate/high ethnic diversity. See Appendix 1

- **Parenthood** – parents were more likely than respondents without children to be will makers
- **Acting as an executor** – respondents who had previously acted as executors were more likely than those who had not to be will makers
- **Education** - unclear

At a national level and in all state and territory jurisdictions except South Australia, the relationship between education and will making behaviour was unclear. In South Australia, respondents who attended TAFE were more likely than respondents who attended university to be will makers. This finding probably reflects the fact that respondents from South Australia who had obtained a tertiary level education were underrepresented compared to other jurisdictions and Australian Bureau of Statistics data.

6.1 Enduring Powers of Attorney and Advance Directives

Those characteristics associated with will making were also associated with preparation of an EPA or Advance Directive (AD).¹³ For example, respondents who had prepared an EPA or AD were significantly more likely to:

- be older
- have estates of higher value
- be in a relationship (EPA only)
- be a parent (EPA only).

A significantly higher proportion of will makers (n = 634, 46%) than non-will makers (n = 76, 8%) had prepared an EPA.¹⁴ Similarly, will makers (n = 309, 22%) were more likely than non-will makers (n = 40, 4%) to have prepared documents outlining their intentions about medical treatment.¹⁵

Despite the independent relationship observed between these unique characteristics and preparation of an EPA or AD, multivariate statistics revealed that in combination, these characteristics were not very good at predicting the likelihood that an individual had prepared an EPA and failed to predict who had prepared an AD.

The strongest predictor of having prepared an EPA was will making status. Will makers were six times more likely than non-will makers to have prepared an EPA.

7.0 What are the triggers for making and changing wills?

There has been limited research investigating the triggers for making and changing a will. The available evidence suggests changes in personal circumstances (e.g., marriage, parenthood, illness, retirement, death of a family member or friend) and/or changes in an individual's personal estate (e.g., home ownership, inheritance) are key triggers for making a will (Humphrey, et al., 2010; Palmer, Bhargava, & Hong, 2006; Rowlingson, 2000; State Trustees Limited, 2012; Wilson & Tilse, 2012).

¹³ For a full description of the analysis See Appendix 6

¹⁴ $\chi^2(1, N = 2,343) = 385.91, p < .001, \phi = .41$

¹⁵ $\chi^2(1, N = 2,366) = 144.65, p < .001, \phi = .25$

The current research asked both will makers and non-will makers what events do or might trigger will making.¹⁶ On average, will makers identified two circumstances which had prompted will making (M = 1.98, SD = 1.07) while non-will makers identified five circumstances they believed could prompt will making (M = 5.08, SD = 1.49).¹⁷ Furthermore, there was greater variability in will makers' responses. These findings suggest there are a range of circumstances which have the potential to prompt will making, but only one or two events that ultimately lead to making a will.

The majority of non-will makers believed changes in health, financial or family circumstances would most probably prompt will making and were fairly consistent in their responses. For example, those circumstances which received endorsement as a likely trigger of will making by at least 20 per cent (n = 196) of all non-will makers included:

- being diagnosed with a serious illness (n = 772, 79%)
- acquiring more assets (n = 468, 48%)
- efforts to get organised in general (n = 399, 41%)
- having children (n = 210, 21%)
- a death in the family (n = 205, 21%).

When asked what circumstances or changes had prompted them to prepare their first will, will makers' responses were spread across a range of different life events. The three most commonly reported events were:

- efforts to get organized in general (n = 751, 53%)
- having children (n = 299, 21%)
- acquiring more assets (n = 240, 17%).

According to most will makers, their main reason for having a will was to make their intentions clear (n = 815, 57%) and/or to provide for their family (n = 718, 50%).¹⁸

Those circumstances which prompted changes to wills were similar to those which prompted individuals to prepare their first will. Just under half (n = 658, 46%) of all will makers had made changes to their first will and the most commonly reported reason was having children (n = 217, 33%).

7.0.1 In the states and territories...

Those circumstances which received endorsement as a trigger of will making by will makers and non-will makers across states and territories were consistent with the national sample.¹⁹

7.2 Advertising and personal prompts

Advertising by the Public/State Trustees has occurred across a range of media, including print, television, radio and on line, and has attempted to prompt will making in a number of different ways. For example, advertising campaigns have served to raise awareness about wills, highlight free will making services, describe the role of the Public/State Trustee, and educate the community

¹⁶ Participants were allowed to provide more than one response

¹⁷ $t(1,661) = 55.79, p < .001$

¹⁸ Participants were allowed to provide more than one response

¹⁹ See Appendix 7

about the purpose and process of will making. The effectiveness of these campaigns is typically measured on the basis of the number of wills prepared or amended by the Public/State Trustee during the course of the campaign.



Figure 4 Billboard advertising, Public Trustee Queensland, August 2011²⁰



Figure 5 Print and television campaign, Public Trustee Tasmania, September 2011²¹

²⁰ Source: <http://www.pt.qld.gov.au/media/advertising.html>

²¹ Source: <http://www.atomicblender.com.au/?p=234>



Figure 6 Online education and information campaign, New South Wales Trustee and Guardian, January 2013²²

In the current research, will makers were asked to think about their current will and whether advertising or some other source of information had prompted them to prepare it.²³ The majority (n = 1170, 82%) responded that no one had prompted them to prepare their most recent will.²⁴ Demographic characteristics shown previously to be associated with will making behaviour (including, age, gender, relationship status, estimated value of the estate, and ethnic diversity) did not reliably distinguish between those respondents who reported being prompted to prepare their most recent will and those who did not.

Among those respondents who had been prompted by a third party (n = 255, 18%), family members (n = 100, 39%) were the most commonly reported prompts.²⁵ The least commonly reported prompts were advertising (n = 65, 25%) followed by professionals (n = 87, 34%). Financial planners (n = 49, 56%) and solicitors (n = 38, 44%) were the professionals most likely to have prompted will making, while doctors (n = 2), marriage celebrants (n = 2) or other professionals (n = 4) were least likely.

The table below shows that will makers who reported being prompted by family members were significantly more likely to most recently have prepared their first will than to have made changes to an existing will. Respondents who reported being prompted by professionals were significantly more likely to most recently have made changes to an existing will than to have prepared their first will.

²² Source: <http://www.makeyourwill.com.au/>

²³ Participants were able to provide multiple responses

²⁴ Eleven respondents were not sure if someone had prompted them to prepare their will

²⁵ Participants were able to provide more than one response. Three respondents reported being prompted by a source that was not easily categorised.

The least commonly reported prompt, advertising, was no more or less likely to influence first time will makers or those making amendments.

Table 4 Will makers who reported being prompted by advertising, professionals, and family members

Prompted by...	Most recent will making behaviour	
	prepared first will	incorporated changes to existing will
Family ²⁶	71 (44%)	29 (31%)
Professionals ²⁷	43 (27%)	44 (47%)
Advertising ²⁸	44 (27%)	21 (22%)

Note: percentage reflects the proportion of all will makers who had most recently either prepared their first will (n = 767) or incorporated changes in to an existing will (n = 658)

7.2.1 In the states and territories...

Across all jurisdictions more than two thirds of will makers responded that no one had prompted them to prepare their most recent will.

Table 5 Will makers who reported being prompted by no-one across jurisdictions

Prompted by...	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
No one	38 (68)	330 (82)	40 (78)	250 (86)	92 (79)	57 (86)	253 (84)	110 (78)	1117 (82)
Third party	18 (32)	74 (18)	11 (22)	39 (14)	25 (21)	9 (14)	48 (16)	31 (22)	255 (18)

The number of respondents who reported being prompted by advertising, professionals, or family was too small to allow for meaningful comparison across jurisdictions.

7.3 Changing wills

Of the 1,425 will makers who participated in this research, just under half had made changes to their will (n = 658, 46%). Within this group:

- half had made changes only once (n = 321, 49%)
- one quarter had made changes twice (n = 162, 25%)
- the remaining quarter had made changes three or more times (n = 175, 26%).

Compared to people who had not made changes to their will, respondents who had made changes were older and had estates of higher estimated value:

- participants who had made changes to their will (M = 58 years, SD = 13.56) were significantly older than participants who had not made changes to their will (M = 53 years, SD = 15.45)²⁹
- among those participants who had made changes to their will there was a higher proportion of individuals who estimated their estate to be worth more than \$500,000 (n = 303, 57%) or

²⁶ $\chi^2(1, N = 255) = 4.37, < .05, \phi = .13$. The distribution of will making status among those prompted by family members is compared to the distribution of will making status among respondents prompted by some other source.

²⁷ $\chi^2(1, N = 255) = 10.67, < .001, \phi = -.20$. The distribution of will making status among those prompted by professionals is compared to the distribution of will making status among respondents prompted by some other source.

²⁸ $\chi^2(1, N = 255) = 0.78, ns$. The distribution of will making status among those prompted by advertising is compared to the distribution of will making status among respondents prompted by some other source.

²⁹ $t(1,417) = 6.38, p < .01$

between \$200,000 and \$500,000 (n = 175, 33%)³⁰ than who estimated their estate to be worth less than \$200,000 (n = 50, 10%).³¹

The most number of changes reported was 25, made by a 45 year old male who was married with two children and estimated his estate to be worth more than \$500,000.

There was no correlation between the number of changes reported and the age of the participant.³² This suggests that while older participants were more likely than younger participants to have made changes, the number of changes older participants had made did not increase with age. There was no relationship between those demographic variables shown previously to be associated with will making and the number of times participants had changed their will.

Changes were most likely to address asset distribution and least likely to reflect alterations to instructions regarding funeral, guardianship or health care arrangements.³³

Table 6 Types of changes made to wills

Asset Distribution	Instructions
<ul style="list-style-type: none"> • updated or clarified asset distribution (n = 432, 66%) • added a beneficiary (n = 375, 57%) • changed executor (n = 265, 40%) • removed a beneficiary (n = 190, 29%) 	<ul style="list-style-type: none"> • added or amended funeral instructions (n = 68, 10%) • changed guardianship details for children (n = 31, 5%) • changed health care instructions / organ donation (n = 16, 2%)

Note: the percentage reflects the proportion of all will makers who reported making changes to their wills

We further explored the relationship between demographic characteristics associated with will making behaviour and the changes participants had made to their wills. For example, people who added a beneficiary³⁴ or changed guardianship instructions³⁵ were, on average, younger than people who had not made these changes. People who had changed executors³⁶ or amended funeral instructions³⁷ were, on average, older than those who had not. A higher proportion of respondents not in a relationship, in a new relationship, or in a de-facto relationship than those who were currently or previously married had removed a beneficiary.³⁸

These characteristics did not distinguish people who had made changes to update or clarify asset distribution or change health care instructions and those who had not. It is interesting to note that

³⁰ Overall comparison ($\chi^2 (2, N = 1,150) = 25.72, p < .001, \text{Cramer's } V = .15$);

Follow-up test: between \$200,000 and \$500,000 vs. >\$500,000 $\chi^2 (1, N = 974) = 0.08, ns$

³¹ Follow-up test: >\$500,000 vs. <\$200,000 $\chi^2 (1, N = 789) = 24.44, p < .001, \phi = -.18$; Follow-up test: between \$200,000 and \$500,000 vs. <\$200,000 $\chi^2 (1, N = 537) = 19.57, p < .001, \phi = -.19$

³² $r = 0.5, ns$

³³ Participants were allowed to provide more than one response

³⁴ Added a beneficiary (M = 55 years, SD = 13.56), change did not include adding a beneficiary (M = 61 years, SD = 12.81); $t(623) = 5.78, p < .001$

³⁵ Changed guardianship details (M = 47 years, SD = 9.35), change did not include adding guardianship details (M = 59 years, SD = 13.31); $t(37) = 6.47, p < .001$

³⁶ Changed executor (M = 60 years, SD = 12.39), change did not include changing executor (M = 57 years, SD = 14.18); $t(613) = -2.82, p < .01$

³⁷ Changed funeral instructions (M = 63 years, SD = 12.89), change did not include changes to funeral instructions (M = 57 years, SD = 13.52); $t(655) = -3.31, p < .001$

³⁸ Overall comparison ($\chi^2 (2, N = 654) = 56.98, p < .001, \text{Cramer's } V = .30$);

Follow up tests: no/new relationship (n = 43, 52%) vs. married relationship (n = 116, 22%), $\chi^2 (1, N = 604) = 33.36, p < .001, \phi = -.24$; no/new relationship vs. de-facto relationship (n = 30, 60%), $\chi^2 (1, N = 132) = 0.72, ns$

while the size of will makers' estate was associated with the likelihood that they had made changes, it was not associated with what those changes were likely to be.

7.3.1 In the states and territories...

Around half of all will makers in the Australian Capital Territory, New South Wales and Queensland had made changes to their will. This proportion decreased to around 40 per cent of will makers in the Northern Territory, South Australia and Victoria. Just over one third of respondents from Western Australia had made changes to their will.

The average number of changes made by will makers across jurisdictions was two.

Table 7 Changes to wills made across jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Will makers who had made changes	31 (55)	197 (49)	21 (41)	152 (52)	45 (38)	27 (41)	136 (45)	49 (35)	658 (46)
Average number of changes made (SD, range)	3 (SD = 2.79, Range: 1-15)	2 (SD = 1.45, Range: 1-15)	2 (SD = 1.11, Range: 1-5)	2 (SD = 1.78, Range: 1-12)	2 (SD = 1.24, Range: 1-5)	2 (SD = 1.26, Range: 1-5)	2 (SD = 2.21, Range: 1-25)	2 (SD = 1.15, Range: 1-5)	2 (SD = 1.76, Range: 1-25)

Note: number in brackets shows the proportion of all will makers within each jurisdiction

Within the states and territories, will makers' reasons for making changes were consistent with those reported in the national sample.³⁹

7.4 Process for making or changing wills

Will makers were asked what process they used when preparing their most recent will.⁴⁰ Almost three quarters had their will drawn up by a general solicitor (n = 829, 58%) or solicitor who specialises in wills and estate planning (n = 208, 15%). Fewer than 10 per cent of respondents:

- prepared their own will using a hard copy will kit from a news agency (n = 141, 10%)
- had their will drawn up by the Public/State Trustee (n = 84, 6%)
- drew the will up themselves (n = 74, 5%).

Less than two per cent of respondents had their will drawn up by a friend or family member (n = 25, 2%), downloaded a will kit from the internet (n = 16, 1%) or used a trustee company (n = 10, < 1%).

These results are consistent with previous research which has found that most will makers have their will drawn up by a solicitor. For example over two thirds (68%) of will-makers in Queensland-based research had their will drawn up by a solicitor while only 12 per cent prepared their own will (Wilson & Tilse, 2012). Similarly, recent market research conducted by State Trustees Limited, Victoria (2012) found that 75 per cent of Victorian will makers had the documents prepared by solicitors, while 11 per cent relied on will kits and 7 per cent had prepared the will themselves.⁴¹

Respondents who used hard copy will kits⁴² or had their will drawn up by the Public/State Trustee⁴³ were significantly more likely to be preparing their first will than making changes to an existing will.

³⁹ See Appendix 7 for further detail

⁴⁰ Participants were allowed only one response

⁴¹ Based on responses from 418 will makers who participated in a telephone survey of 800 Victorians aged 18 years and older.

⁴² $\chi^2(1, 141) = 15.67, p < .001$

Respondents who wrote their most recent will themselves were slightly more likely to be making changes to an existing will than preparing their first will, although this difference was not significant. Respondents who engaged a solicitor were equally likely to be preparing their first will or making changes to an existing will.⁴⁴

Table 8 Process used by will makers when either preparing or changing a will

	Most recent will...	
	Respondent's first will	included changes to existing will
Drawn up by a solicitor (general or specialist)	524 (50%)	513 (50%)
Drawn up by the Public/State Trustee	52 (62%)	32 (38%)
Used hard copy will kit	94 (67%)	47 (33%)
Wrote it themselves	35 (47%)	39 (53%)

Note: percentage reflects the proportion of all will makers who had used a particular process (e.g., wrote it themselves)

Age was weakly associated with the process favoured by respondents when preparing their will.⁴⁵ Respondents who favoured hard copy will kits were, on average, significantly younger than those who prepared their will themselves, had their will drawn up by the Public/State Trustee, or drawn up by a solicitor. Participants who had their will drawn up by the Public/State Trustee were, on average, significantly older than those who had their will drawn up by a solicitor.

Table 9 Will making process favoured by respondents as a function of age

	M (years)	SD	Used hard copy will kit	Drawn up by the Public/State Trustee	Drawn up by a solicitor
Wrote it themselves	59.83	1.67	4.47-16.41***	-7.86-4.40	-0.92-9.50
Used hard copy will kit	49.40	1.21		-16.93—7.41***	-9.59—2.71***
Drawn up by the Public/State Trustee	61.57	1.58			2.29-9.75***
Drawn up by a solicitor (general or specialist)	55.55	0.45			

*** indicates that the 95% confidence interval does not contain zero and therefore the difference in means is significant at the .001 significance using Dunnett's C procedure.

No other demographic variables (e.g., estimated estate value, gender, relationship status, parental status, level of education) strongly distinguished between those respondents whose will had been prepared by the Public/State Trustee and those whose will had been prepared by some other means.

7.4.2 In the states and territories...

Across jurisdictions, solicitors were relied upon by most respondents when making or changing wills.

Around 10 per cent of respondents from the Northern Territory, Queensland, South Australia and Tasmania had their will drawn up by the Public Trustee. It is interesting to note that the Public Trustee in Queensland offers a free will making service, while the Public Trustee in Tasmania offers a low cost service that is free for some people. The Public Trustee in the Northern Territory and South Australia offers a fee-based service.

⁴³ $\chi^2(1, 1,425) = 8.34, p < .01$

⁴⁴ Overall comparison: $\chi^2(3, 1,336) = 16.71, p < .001, \text{Cramer's } V = .11$

⁴⁵ Overall comparison: $F(3, 1,327) = 15.66, p < .001, \eta^2 = .03$. Levene's Test of Equality of Variances was significant ($F(3, 1,327) = 4.05, p < .01$). Therefore, Dunnett's C procedure was used in follow-up tests.

Table 10 Will making process relied on by will makers across Australian jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Drawn up by a solicitor (general or specialist)	46 (92)	317 (78)	33 (65)	210 (73)	68 (58)	48 (73)	243 (81)	72 (24)	1037 (73)
Hard copy will kit (from News agency)	4 (7)	35 (9)	5 (10)	23 (8)	16 (14)	3 (4)	29 (10)	26 (9)	141 (10)
Drawn up by the Public/State Trustee	1	15 (4)	4 (8)	29 (10)	10 (8)	10 (15)	2	13 (4)	84 (6)
Wrote it myself	-	19 (5)	4 (8)	16 (5)	12 (10)	1	12 (4)	10 (7)	74 (5)
Drawn up by friend or family member	1	6 (1)	2	6 (2)	2 (2)	-	5 (2)	3	25 (2)
Downloaded will kit from internet	3 (5)	2	2	1	1	-	4 (1)	3	16 (1)
Drawn up by trustee company	-	2	1	-	3 (2)	2 (3)	1	1	10
Other	1	8 (2)	-	4 (1)	5 (4)	2 (3)	5 (2)	13 (4) ⁴⁶	38 (3)

Note: number in brackets reflects the proportion of all will makers within each jurisdiction

The process applied by will makers in some jurisdictions does not appear to rely heavily on whether they are first time will makers or making changes to an existing will. For example, in New South Wales, similar proportions of respondents relied on hard copy will kits or the Public/State Trustee irrespective of whether they were first time will makers or making changes to an existing will.

In Queensland respondents who relied on hard copy will kits were more likely to be first time will makers, while those who had their will drawn up by the Public/State Trustee were equally likely to be first time will makers or making changes to an existing will.

In the remaining jurisdictions, respondents who had their will drawn up by the Public/State Trustee were more likely to be first time will makers.

That said, it is difficult to draw any strong conclusions about the meaning of these findings given the small number of participants in each category.

⁴⁶ Seven respondents from Western Australia had prepared their will through a bank, accountant or other financial advisor.

Table 11 Process relied on by first time will makers across jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Hard copy will kit (from News agency)	2 (50)	18 (51)	2 (40)	14 (61)	11 (69)	2 (66)	26 (90)	19 (73)	94 (66)
Drawn up by the Public/State Trustee	1 (100)	7 (47)	4 (100)	13 (45)	9 (90)	6 (60)	2 (100)	10 (77)	52 (62)
Wrote it myself	-	9 (47)	1 (25)	7 (44)	7 (58)	1 (100)	4 (33)	6 (60)	35 (47)

Note: number in brackets reflects the proportion of all will makers who engaged a particular service. For example, 61 per cent of respondents who used a hard copy will kit in Queensland were first time will makers

Table 12 Process relied on by respondents making changes to an existing will across jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Hard copy will kit (from News agency)	2 (50)	17 (49)	3 (60)	9 (39)	5 (31)	1 (44)	3 (10)	7 (27)	47 (33)
Drawn up by the Public/State Trustee	-	8 (53)	-	16 (55)	1 (10)	4 (40)	-	3 (23)	32 (38)
Wrote it myself	-	10 (53)	3 (75)	9 (56)	5 (42)	-	8 (66)	4 (40)	39 (53)

Note: number in brackets reflects the proportion of all will makers who engaged a particular service

8.0 What advice/information is sought and used when making or changing a will?

Very little is known about the information sought by individuals when preparing their will. This may be largely because there is little data available on how many people obtain legal assistance to make or change their will,⁴⁷ the nature of that advice, and whether the lawyers involved are succession specialists. Furthermore, while will kits are readily available on-line or in newsagents, the extent to which they are used and by whom has remained largely unexplored.

8.1 Will makers

Prior to drawing up their will, more than half of all will makers sought advice about the distribution of assets from a third party (n = 822, 58%).⁴⁸ Respondents who sought advice (M = 54 years, SD = 14.52) were, on average, significantly younger than respondents who did not seek advice (M = 57 years, SD = 14.99).⁴⁹ Similar proportions of first time will makers (n = 456, 60%) and those making changes to an existing will (n = 366, 56%) sought information about the distribution of assets.⁵⁰

This finding is inconsistent with a recent state wide prevalence survey of will making in Queensland among people aged over 35 years which found that the majority of respondents (92%) had sought advice prior to making their will (Wilson & Tilse, 2012). It is worth noting, however, that this difference may reflect slight differences in the way in which the question of advice seeking was put to participants.⁵¹

⁴⁷ For exceptions see State Trustees Limited (2012) and Wilson and Tilse (2012)

⁴⁸ Participants could provide more than one response

⁴⁹ $t(1,418) = -4.21, p < .001$

⁵⁰ $\chi^2(1, 1,425) = 2.13, ns$

⁵¹ Wilson and Tilse (2012) asked respondents, *which of the following sources did you use for advice about what to include in your will?* Participants were then presented with a list of options (e.g., partner, solicitor, someone from the Public/State Trustee) and asked to indicate *yes* or *no*. In the current research, respondents were asked, *who did you seek information from about the distribution of your assets in your will?* Their responses were recorded verbatim

Respondents were most likely to seek advice from their partner (n = 369, 45%) and/or a solicitor (n = 363, 44%) and least likely to seek advice from the Public/State Trustee (n = 27, 3%), financial planner (n = 26, 3%), friends (n = 21, 2%) and/or their own research (n = 15, 2%). Very few respondents sought both professional⁵² and non-professional advice⁵³ (n = 105, 13%), while fewer than half sought only professional advice (n = 329, 40%) or non-professional advice (n = 383, 47%).

A higher proportion of women (n = 198, 52%) than men (n = 131, 40%) sought professional advice, while a higher proportion of men (n = 198, 60%) than women (n = 185, 48%) sought non-professional advice.⁵⁴ Other demographic characteristics such as age, the value of the estate, relationship status and ethnic diversity did not distinguish between will makers who sought professional or non-professional advice. Similarly, first time will makers and those making changes to an existing will were no more or less likely to seek professional or non-professional advice.⁵⁵

Subsequent analysis revealed that participants who prepared their own will or used a hard copy will kit were much more likely to seek non-professional advice when deciding how to distribute their assets. Those participants who had their will drawn up by a professional service were equally likely to seek professional or non-professional advice.

Table 13 Relationship between will making process and advice seeking

	Professional advice	Non-professional advice
Wrote it themselves	4 (17%)	19 (83%)
Used hard copy will kit	8 (14%)	51 (86%)
Drawn up by the Public/State Trustee	23 (50%)	23 (50%)
Drawn up by a solicitor (general or specialist)	281 (52%)	256 (48%)

Note: number in brackets reflects the proportion of all will makers who engaged a particular service. Fewer than 10 per cent of respondents in each preparation category relied on both professional and non-professional advice.

It is interesting to note that will makers identified the provision of advice (either professional or non-professional) as more useful than general information, experience, or improved will making processes⁵⁶ in helping them to prepare a will.⁵⁷

8.2 Non-will makers

More than half (n = 528, 54%) of non-will makers indicated that they intended to make a will.

When asked what might help when they made a will, non-will makers who intended to prepare a will provided a range of responses, including more information, changes to the processes for preparing a will and changes to their personal circumstances.⁵⁸ The most frequently provided answer was, knowing what the process of making a will involves (n = 118, 22%).

⁵² Professional advice includes advice from: solicitor, someone from the Public/State Trustee, a trustee company

⁵³ Non-professional advice includes advice from: partner, other family members, friends, the respondents own research or previous experience

⁵⁴ $\chi^2(1, N = 712) = 10.05, p < .01, \phi = -.12$

⁵⁵ $\chi^2(1, 713) = 1.03, ns$

⁵⁶ This includes improved access to information or clearer instructions when preparing a will

⁵⁷ See Appendix 8

⁵⁸ Participants were allowed to provide more than one response

Non-will makers who stated it would be helpful to know *who to consult to draw up a will* were significantly younger (M = 37 years, SD = 11.73) than those who did not provide this response (M = 41 years, SD = 12.80).⁵⁹ Furthermore, this response was somewhat more prevalent among respondents with moderate/high ethnic diversity (n = 18, 33%) than among respondents with little/no ethnic diversity (n = 100, 21%).⁶⁰

Table 14 The range of responses provided by non-will makers when asked what might help when they prepared a will

Process for preparing a will	Information	Personal circumstances
Being able to get the information and forms online (n = 57, 11%)	Knowing what the process of making a will involves (n = 118, 22%)	Time to do it (n = 37, 7%)
Reducing any costs in drawing up a will (n = 51, 10%)	Knowing who to consult to draw up a will (n = 94, 18%)	Motivation to do it (n = 31, 6%)
A simple process (41, 8%)	Assistance in knowing what to take into account in distributing by assets (n = 74, 14%)	Consulting with family, beneficiaries, executors (n = 21, 4%)
Access to professional advice (n = 25, 5%)		
A guarantee that my wishes will be fulfilled (n = 17, 3%)	More information generally (n = 34, 6%)	

Note: the percentage reflects proportion of all non-will makers who intend to prepare a will

Only a small proportion of non-will makers indicated that nothing would help if they did decide to make a will (n = 35, 7%). A larger proportion were not sure what might help (n = 95, 18%).

8.2.1 In the states and territories

Will makers

Between one half and two thirds of will makers in each Australian jurisdiction had sought advice prior to preparing their most recent will. Respondents from South Australia were most likely to have sought advice while those from Victoria and the Australian Capital Territory were least likely to have sought advice.

Table 15 Proportion of will makers within each jurisdiction who sought advice when preparing their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Sought advice	32 (57)	238 (59)	32 (63)	147 (51)	77 (66)	43 (65)	169 (56)	84 (60)	822 (58)
Not sought advice	24 (43)	166 (41)	19 (37)	142 (49)	40 (34)	23 (35)	132 (44)	57 (40)	603 (42)

Note: number in brackets reflects the proportion of all will makers within each jurisdiction

With regard to who will makers sought advice from and the nature of that advice, the pattern of responses observed in the national sample were reflected within the states and territories.⁶¹ That is, will makers were most likely to seek advice from partners and solicitors and to seek personalised advice rather than general information.

Non-will makers

In the Australian Capital Territory, New South Wales, Victoria and Western Australia, around half of all non-will makers intended to prepare a will. In the Northern Territory, Queensland, and South Australia, the proportion of non-will makers who intended to prepare a will was around 60 per cent. In Tasmania, almost 70 per cent of non-will makers intended to prepare a will.

⁵⁹ $t(526) = 2.41, p < .05$

⁶⁰ $\chi^2(1, N = 528) = 4.18, p < .05, \phi = .09$

⁶¹ See Appendix 9

Table 16 Proportion of non-will makers within each jurisdiction who intend or do not intend to prepare a will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Intention to prepare a will	22 (50)	153 (52)	31 (63)	84 (57)	35 (59)	23 (67)	117 (49)	63 (55)	528 (54)
No intention to prepare a will	22 (50)	143 (48)	18 (37)	63 (43)	24 (41)	11 (32)	120 (51)	51 (45)	452 (46)

With regard to non-will makers’ perceptions of what might help should they decide to prepare a will, the pattern of responses observed in the national sample were reflected within the states and territories.⁶² That is, non-will makers believed knowing what the process of making a will involves, knowing who to consult and guidance on the distribution of assets would be most helpful.

9.0 What knowledge do people have of the consequences of dying intestate?

If a person dies without a will (i.e., intestate) their assets are distributed according to a set of statutory rules that differ across Australian States and Territories.

It is difficult to determine what precise proportion of the population dies without a will or their reason for doing so. This is because there is currently no comprehensive data collected about the prevalence of will making in Australia and no way to extrapolate estimates based on data collected through public agencies.

The current research asked non-will makers to explain their reasons for not having a current will.⁶³ Consistent with previous Queensland-based research, the most common responses were:

- I haven’t got around to it (n = 492, 50%)
- I haven’t thought about it (n = 270, 28%).

Very few non-will makers identified the costs involved in preparing a will (n = 16, 2%) or complex process issues (n = 15, 1%) as barriers to preparing a will.

Only seven non-will makers indicated that they believed existing laws would divide their assets appropriately:

- *I’m happy with the laws* (Pp. 7849)
- *I don’t think about death. I presume my assets will go to my closest relatives* (Pp. 10851)
- *I have faith in the system* (Pp. 8227)

However, these respondents’ understanding of intestacy laws varied markedly. Three respondents believed laws set out how their assets would be divided, two believed family would be responsible for dividing their assets, and two respondents believed the government or the courts would divide their assets.

⁶² See Appendix 9

⁶³ Participants were allowed to provide more than one response

The distribution of responses were also specifically examined among those non-will makers who had no intention of making a will (n = 452). Again, not thinking about will making (n = 183, 40%) and not getting around to it (n = 117, 26%) were the most common responses. However, a number of non-will makers who did not intend to prepare a will also reasoned:

- I don't consider I have anything to leave someone (n = 100, 22%)
- I don't think I need a will at this time in my life (n = 87, 19%).

Among respondents who did not intend to prepare a will, respondents who reasoned that they did not need a will at this time in their life (M = 27 years, SD = 10.59) were significantly younger, on average, than those who gave some other response (M = 31 years, SD = 12.88).⁶⁴ Younger people were no more or less likely than older people to believe they did not have anything to leave someone.⁶⁵ That is, age is not associated with the relationship between the belief that you have something to give and will making behaviour. Individuals who estimated their estate to be worth less than \$200,000 (n = 112, 22%), however, were significantly more likely than other non-will makers (\$200,000 - \$500,000 (n = 10, 5%); >\$500,000 (n = 6, 3%)) to consider they did not have anything to leave.⁶⁶

Experience with other people's wills was found to be associated with non-will makers' intentions of making a will. A significantly higher proportion of non-will makers who had received a bequest (n = 127, 72%) intended to prepare a will when compared to non-will makers who had not received a bequest (n = 400, 50%).⁶⁷

Respondents were also specifically asked what they thought would happen to a person's assets if they died without a will.⁶⁸ A higher proportion of respondents believed family members (n = 387, 39%), rather than the law (n = 269, 27%), would be responsible for deciding how assets should be divided between surviving relatives. A similar proportion of respondents believed the courts would divide assets between family members (n = 156, 16%) as believed the government would have first right to the assets (n = 139, 14%). Very few respondents stated they did not know what would happen (n = 29, 3%).

This pattern in responding remained largely consistent across key demographic variables, including age, gender, relationship status, ethnic diversity and estate value. Significant differences were observed, however, between non-will makers who intended, or did not intend to make a will (see Figure 7).⁶⁹

When comparing only those respondents who believed either the government or their family would divide their assets, non-will makers who intended to prepare a will were significantly more likely to believe the government will have first right to their assets, while non-will makers who did not intend to prepare a will were significantly more likely to believe family members and relatives were

⁶⁴ $t(152) = 2.95, p < .01$

⁶⁵ $t(449) = 1.14, ns$

⁶⁶ Overall comparison: $\chi^2(2, N = 891) = 54.93, p < .001, \text{Cramer's } V = .25$

⁶⁷ $\chi^2(1, N = 979) = 27.92, p < .001, \phi = .17$

⁶⁸ Participants were only allowed to provide one response

⁶⁹ Overall comparison: $\chi^2(4, N = 980) = 27.85, p < .001, \text{Cramer's } V = .17$

responsible for dividing up the assets.⁷⁰ Intention to prepare a will did not distinguish between those participants who believed the courts or a set of laws would determine how their assets were distributed among family members.⁷¹

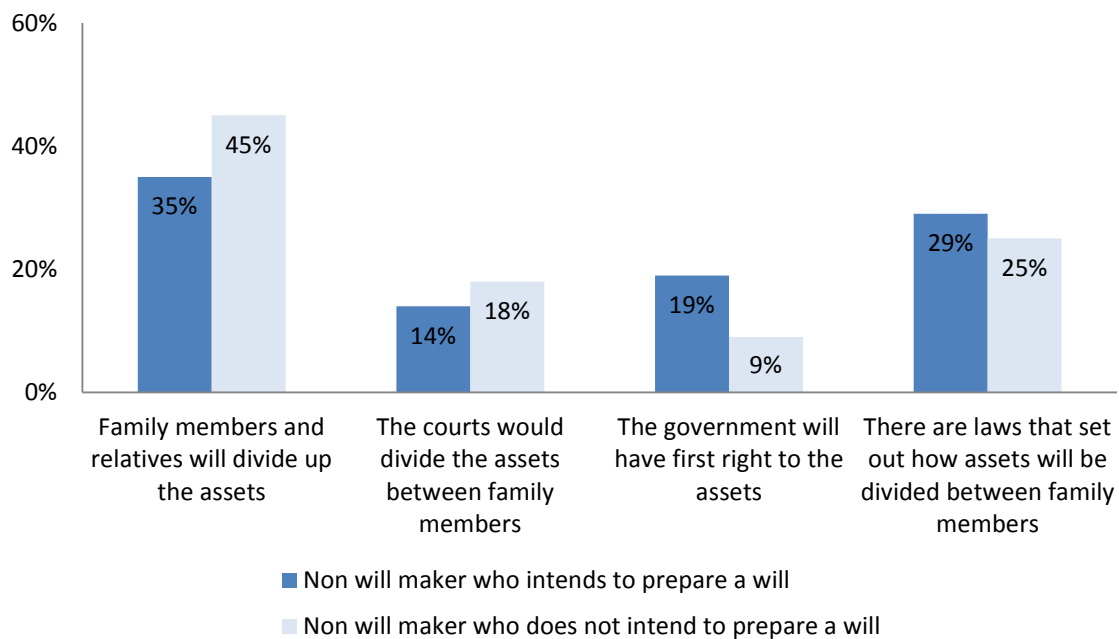


Figure 7 Non-will makers’ beliefs about how their assets will be divided if they die intestate as a function of their intention to prepare a will

9.0.1 In the states and territories

The distribution of beliefs varied across each state and territory. For example, almost two thirds of respondents from Tasmania believed family members or relatives would divide up the assets as they think best, while only one quarter of respondents from the Australian Capital Territory were of this view. One fifth of respondents from the Australian Capital Territory and Queensland believed the government would have first right to the assets while fewer than 10 per cent of respondents in the Northern Territory, South Australia and Tasmania thought this to be the case. Between one quarter and one third of respondents across jurisdictions believed there are laws that set out how assets would be divided between family members. Only a small number of individuals indicated that they did not know the consequences of dying intestate.

⁷⁰ $\chi^2(1, N = 526) = 24.00, p < .001, \phi = -.21$

⁷¹ $\chi^2(1, N = 425) = 2.89, ns$

Table 17 Non-will makers' beliefs about the consequences of dying intestate across Australian jurisdictions

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Family members/relatives would divide up the assets as they think best	12 (27)	115 (39)	15 (31)	63 (43)	37 (63)	12 (35)	95 (40)	38 (33)	387 (39)
The courts would be required to divide up the assets between family members	10 (23)	39 (13)	10 (20)	16 (11)	9 (15)	8 (23)	36 (15)	28 (25)	156 (16)
The government would have first right to the assets	9 (20)	42 (14)	4 (8)	29 (20)	3 (5)	3 (9)	38 (16)	11 (10)	139 (14)
There are laws that set out how the assets would be divided between family members	11 (25)	92 (31)	16 (33)	35 (24)	9 (15)	9 (26)	62 (26)	35 (31)	269 (27)
Don't know	2 (4)	8 (3)	4 (8)	4 (3)	1 (2)	2 (6)	6 (2)	2 (2)	29 (3)

These findings support previous research which has suggested that individuals have very little understanding of the consequences of dying intestate. Furthermore, there appears to be some relationship between intention to prepare a will and beliefs about the consequences of dying intestate. For example, respondents who believed the government would have first right to assets were also more likely to intend to prepare a will, while respondents who believed family members would retain assets were also more likely to have no intention of preparing a will.

10.0 What allocation principles are used in framing wills and bequests?

10.1 What do will makers take in to account when deciding how to divide their assets?

The research explored what people take in to account in distributing their assets before and after death. Participants were asked to indicate on ten point scale (1 = not at all, 10 = very important) how important different considerations were to them when deciding how to distribute their assets. Responses were not normally distributed and therefore were re-coded to reflect whether participants considered the issue unimportant (rating 1 -4), neither important nor unimportant (rating = 5), or important (rating = 6 – 10).⁷²

Results revealed that when distributing their assets it was important for most will makers to ensure their partner was provided for, their children or others would receive an inheritance and they would protect their assets from claims by those they did not wish to provide for. Most respondents were least concerned about leaving a bequest to charity or following their cultural or religious practices.

This pattern of responses was reflected across all states and territories.⁷³

⁷² The mean rating and distribution of responses across the ten point scale is provided in Appendix 10

⁷³ See Appendix 10 for jurisdictional comparisons

Respondents who indicated it was important to leave a provision for their children or step children were also asked how they would divide their assets among their children. The overwhelming majority of respondents who answered this question stated that they would provide equal shares to their children (n = 1,090, 93%).⁷⁴ Less than 10 per cent of respondents stated they would leave unequal shares (n = 81, 7%).⁷⁵ This pattern of responding was consistent across jurisdictions.

Table 18 What is important to will makers when deciding how to divide their assets

	Number of respondents (% of all will makers)	Respondents who considered the issue important (% of all people who responded to the question)
When distributing assets it is important to....		
ensure my partner is provided for	1,164 (82%)	1,077 (92%)
leave my children or others an inheritance	1,346 (94%)	1,192 (89%)
protect my assets from claims from those I do not wish to inherit	1,297 (91%)	1,080 (83%)
When distributing assets it is not important to...		
leave a bequest to a charity/organisation that is important to me	1,223 (86%)	233 (19%)
follow my cultural or religious practices	1,048 (73%)	199 (19%)

Will makers responded less consistently to questions about the importance of demonstrating personal connections through wills, lifestyle choices that may impact on what they were able to bequest and the treatment of pets. The demographic characteristics of respondents who considered these issues to be important are explored in more detail below.

Table 19 Issues that are important to some will makers but not to others

	Number of respondents (% of all will makers)	Respondents who considered the issue important (% of all people who responded to the question)
To leave specific items to individuals in my will to reflect my personal connection to them	1,340 (94%)	700 (52%)
To provide for my dependents while I am still alive rather than wait till after my death	1,165 (82%)	726 (62%)
To use my savings to live comfortably even if I don't leave an inheritance	1,334 (94%)	985 (74%)
To provide for the care of pets	886 (62%)	343 (39%)

10.1.1 To leave specific items to individuals in my will to reflect my personal connection to them...

Almost all will makers (n = 1,340, 94%) took leaving specific items to individuals to reflect personal connections in to account when deciding how to divide their assets. Of these:

- half rated it as important (n = 700, 52%)
- almost one third rated it as unimportant (n = 407, 30%)
- almost one fifth gave an ambivalent response (n = 233, 17%).

⁷⁴ Only 22 respondents (2%) were unsure and 9 (< 1%) refused to answer the question

⁷⁵ See Appendix 11 for respondents' reasons for leaving unequal shares for their children

Gender was associated with the level of importance assigned to this issue.⁷⁶ Women were more likely to consider this act important than unimportant, while men were equally divided in the level of importance they assigned to the issue.⁷⁷

Age, parental status and relationship status were not associated with the level of importance individuals assigned to leaving specific items to reflect a personal connection.

Table 20 How important is it when distributing your assets to leave specific items to individuals to reflect personal connections

	Not important	Neither	Important
Male	219 (36%)	120 (19%)	274 (45%)
Female	185 (26%)	114 (16%)	420 (58%)

Note: percentage reflects the proportion of all male or female will makers who took this issue in to account

In the states and territories...

A higher proportion of respondents from Tasmania than in other jurisdictions believed it was important to leave specific items to individuals, while a higher proportion of respondents from the Australian Capital Territory believed this act was unimportant.

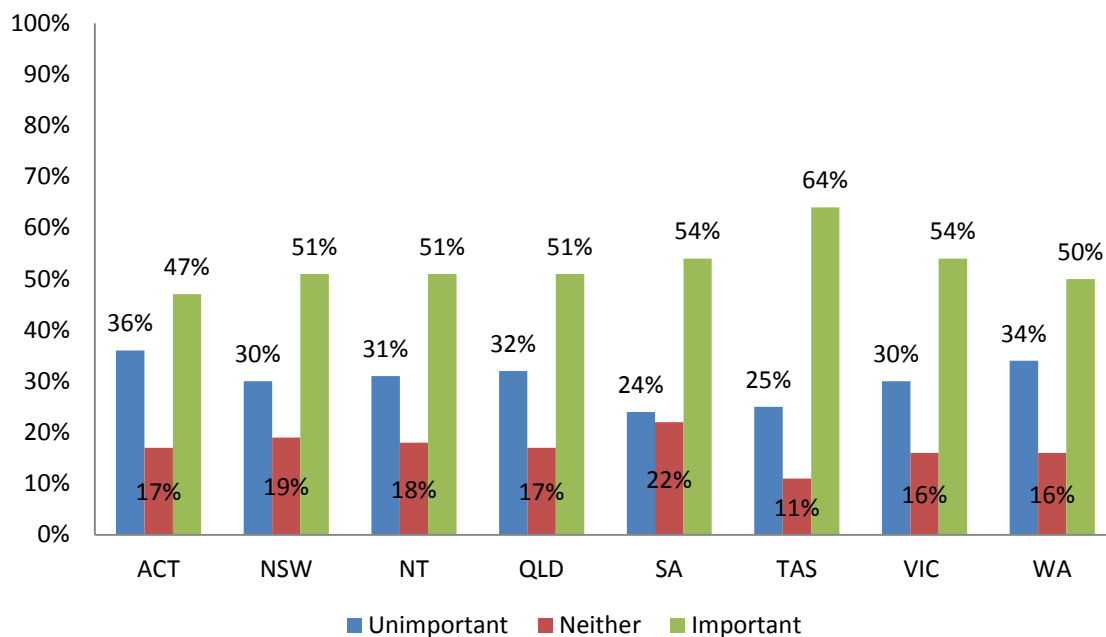


Figure 8 To leave specific items to individuals in my will to reflect my personal connection to them

10.1.2 To provide for my dependents while I am still alive rather than wait till after my death...

Most will makers (n = 1,165, 82%) identified providing for dependents while alive rather than waiting until death as an issue worthy of consideration when deciding how to distribute their assets. Of this group:

- around two thirds considered the issue important (n = 726, 62%)
- just under one quarter considered the issue unimportant (n = 279, 23%)

⁷⁶ Overall comparison ($\chi^2(2, N = 1,332) = 25.46, p < .001, \text{Cramer's } V = .14$)

⁷⁷ Follow-up test: $\chi^2(1, N = 1,098) = 22.39, p < .001, \phi = .14$

- the remaining respondents were ambivalent (n = 166, 14%).

Demographic characteristics did not distinguish between the degree of importance will makers assigned to this issue.

In the states and territories...

A higher proportion of respondents in Victoria and Western Australia identified providing for dependents while alive as important. Respondents from South Australia and Tasmania were more likely to report providing for dependents while alive as unimportant.

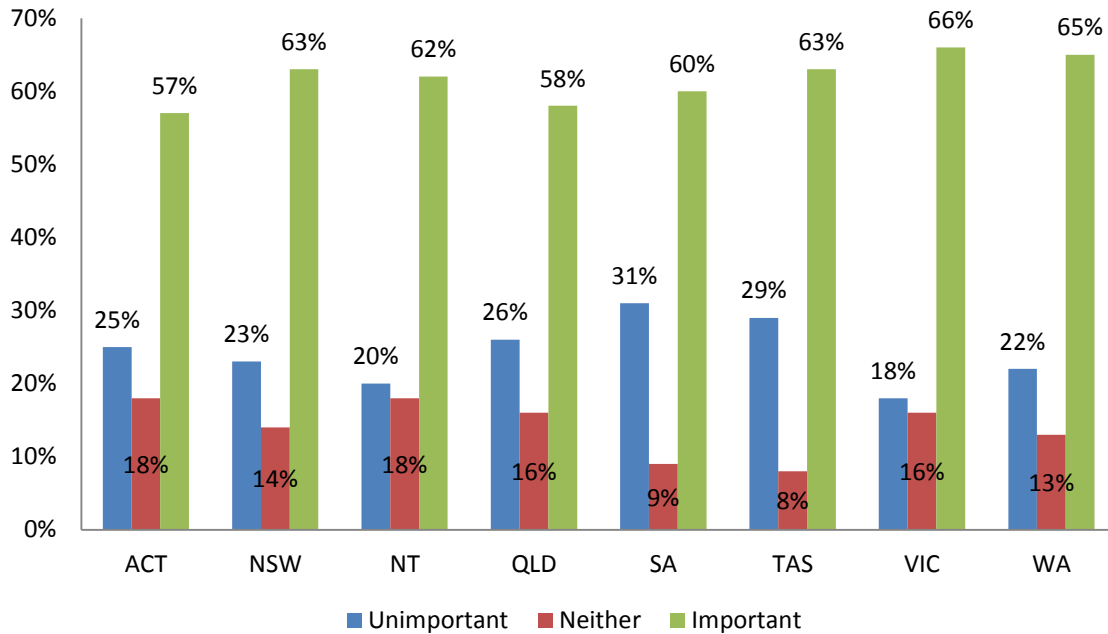


Figure 9 To provide for my dependents while I am still alive rather than wait till after my death

10.1.3 To use my savings to live comfortably even if I don't leave an inheritance...

Almost all will makers (n = 1,334, 94%) took the importance of living comfortably even if it meant not leaving an inheritance, in to consideration when deciding how to distribute their assets. Among these respondents:

- just under three quarters (n = 985, 74%) considered it important
- less than one fifth were ambivalent (n = 216, 16%)
- only ten per cent did not consider living comfortably to be important (n = 133).

Respondents who identified living comfortably as important were, on average, significantly older⁷⁸ than either those who were ambivalent⁷⁹ or did not consider this issue important.⁸⁰ No other demographic characteristic distinguished between attitudes towards this issue.

⁷⁸ Overall comparison (F (2, 1,327) = 7.04, p < .001, η² = .01)

⁷⁹ Follow-up test (Tukey HSD (p < .05, CI = 0.43 – 5.61))

⁸⁰ Follow-up test (Tukey HSD (p < .01, CI = 0.80 – 7.16))

Table 21 How important is it when distributing your assets to use savings to live comfortably even if it means not leaving an inheritance

	Not important	Neither	Important
Age	52 years (SD = 15.10)	53 years (SD = 13.97)	56 years (SD = 14.75)

In the states and territories...

A lower proportion of respondents from the Northern Territory and Australian Capital Territory identified this issue as important and were more likely to consider it unimportant. Around three quarters of respondents from the remaining jurisdictions believed living comfortably was important and very few considered it unimportant.

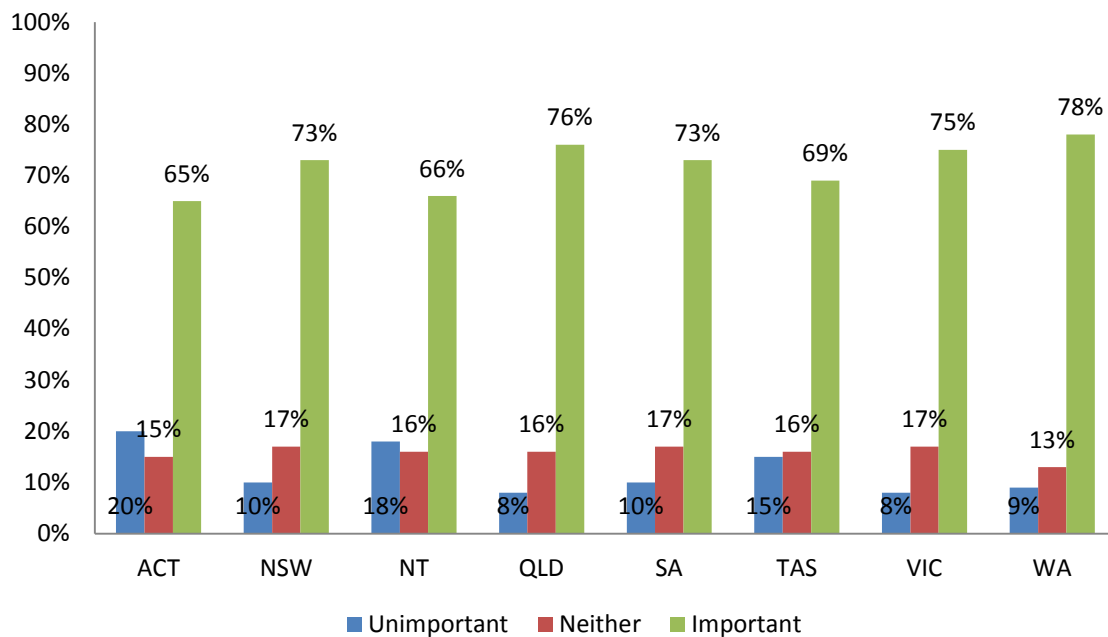


Figure 10 To use my savings to live comfortably even if I don't leave an inheritance

10.1.4 To provide for the care of my pets...

Less than two thirds (n = 886, 62%) of will makers took the care of their pets in to account when deciding how to distribute their assets.

Within this group:

- just under half did not consider the issue important (n = 481, 47%)
- more than one third considered the issue important (n = 343, 39%)
- a small number were ambivalent (n = 125, 15%).

Respondent's current relationship status, gender and the presence of financial dependents was associated with their attitude towards this issue. Those people who believed providing for pets was important were more likely to:

- not be in a relationship
- not have financial dependents

- be female.

Table 22 How important is it when distributing your assets to provide for the care of your pets

	Not important	Neither	Important
Gender⁸¹			
• Male	231 (55%)	54 (13%)	134 (32%)
• Female ⁸²	186 (40%)	73 (16%)	205 (44%)
Relationship status⁸³			
• No/new relationship ⁸⁴	42 (37%)	11 (10%)	60 (53%)
• De-facto relationship	23 (37%)	8 (13%)	31 (50%)
• Married relationship	352 (50%)	105 (15%)	249 (35%)
Financial dependents⁸⁵			
• No	174 (41%)	50 (12%)	199 (47%)
• Yes ⁸⁶	243 (53%)	76 (17%)	139 (30%)

This pattern was reflected in the proportion of respondents who actually considered making a provision for the care of their pets. For example, while close to 60 per cent (n = 833, 59%) of all will makers took pets in to consideration,⁸⁷ half considered leaving a provision to be unimportant (n = 426, 50%), while just over one third (n = 283, 34%) believed it was important. Those who believe it was important were more likely to be female, single or without children.⁸⁸

In the states and territories

Across jurisdictions respondents were fairly evenly divided as to whether it was important or unimportant to provide for the care of their pets when deciding how to distribute their assets. In all jurisdictions, except Tasmania and Western Australia, a slightly higher proportion of respondents considered this issue unimportant.

⁸¹ Overall comparison ($\chi^2(2, N = 884) = 20.61, p < .001, \text{Cramer's } V = .15$)

⁸² Follow-up test: compared distribution of important and unimportant responses across gender categories: $\chi^2(1, N = 757) = 19.16, p < .001, \phi = .16$

⁸³ Overall comparison ($\chi^2(4, N = 881) = 16.95, p < .01, \text{Cramer's } V = .10$)

⁸⁴ Follow-up test: compared distribution of important and unimportant responses among respondents in a married relationship to those in no/new relationship, $\chi^2(1, N = 703) = 10.71, p < .01, \phi = -.12$

⁸⁵ Overall comparison ($\chi^2(2, N = 881) = 26.08, p < .001, \text{Cramer's } V = .17$)

⁸⁶ Follow-up test: compared distribution of important and unimportant responses across financial dependent status $\chi^2(1, N = 755) = 21.96, p < .001, \phi = .17$

⁸⁷ Demographic characteristics did not distinguish between those respondents who took pets in to account and those who did not

⁸⁸ See Appendix 12 for the statistical analysis

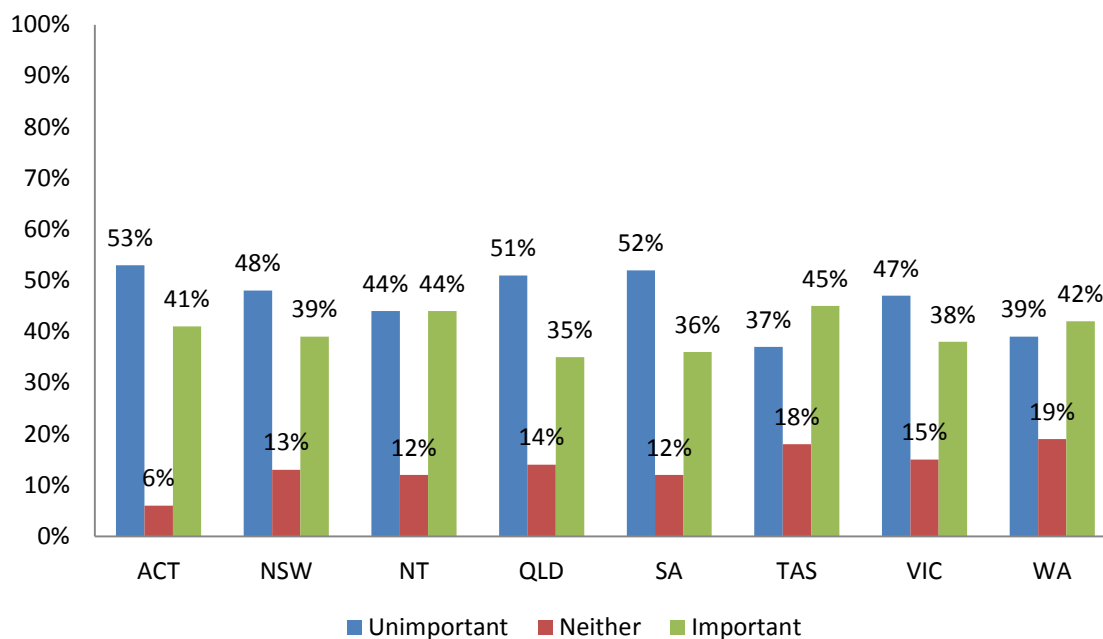


Figure 11 To provide for the care of my pets

10.5 Who do will makers make provisions for when dividing their assets?

Will makers were asked how important it was to make provisions for different family members, friends, and organisations when deciding how to divide their assets.⁸⁹ Participants again used a ten point scale (1 = not at all, 10 = very important) to indicate importance. Responses were not normally distributed and therefore were re-coded to reflect whether participants considered the issue unimportant (rating 1 -4), neither important nor unimportant (rating = 5) or important (rating = 6 – 10).⁹⁰

Results revealed that most will makers believed it was important to make provisions for immediate family members, in particular their children, their current spouse or partner, and, to a lesser extent, their grandchildren. Will makers were least concerned about making provisions for other people to recognise their support, companionship or assistance. Although only 40 per cent of will makers identified leaving provisions for a former spouse as relevant to their personal circumstances, among those who did respond the majority consistently identified this issue as unimportant. Demographic characteristics (e.g., age, gender) did not distinguish those will makers who identified leaving provisions for a former spouse as important from those who did not.

⁸⁹ The order in which statements were presented to participants was varied to avoid potential response bias

⁹⁰ The mean rating and distribution of responses across the ten point scale is provided in Appendix 13

Table 23 Who will makers make provisions for when dividing their assets

	Number of respondents (% of all will makers)	Respondents who considered the issue important (% of all people who responded to the question)
When dividing assets it is important to make provisions for...		
Children/step children	1,291 (90%)	1,202 (93%)
Current spouse/partner	1,154 (81%)	1,062 (92%)
Grandchildren	957 (67%)	577 (60%)
When dividing assets it is not important to make provisions for		
Other people to recognise their support, companionship/friendship, assistance	1,129 (79%)	324 (29%)
Former spouse / partner	571 (40%)	66 (12%)

This pattern of responses was reflected across all states and territories.⁹¹

Lesser proportions of will makers considered making provisions for parents or organisations when dividing their assets. The demographic characteristics of these respondents are explored further below.

Table 24 Entities for whom a lesser proportion of will makers considered when making provisions in their will

	Number of respondents (% of all will makers)	Respondents who considered the issue important (% of all people who responded to the question)
Parents	723 (51%)	351 (48%)
Organisations or groups to recognise their support, companionship/friendship, assistance	324 (23%)	181 (16%)

10.5.2 Provide for my parents...

When deciding how to divide their assets, half of all will makers (n = 702, 49%) took leaving a provision for their parents into account. Those will makers who had considered the issue (M = 47 years, SD = 12.50) were, on average, significantly younger than those will makers who had not (64 years, SD = 11.93).⁹²

Those will makers who considered leaving provisions for parents were divided with regard to the level of importance they assigned to the issue. Just under half (n = 351, 48%) considered this issue to be important while 40 per cent (n = 286) considered it unimportant.

A significantly higher proportion of will makers without children than those with children believed leaving provisions for their parents was important.⁹³ Will makers with children were more likely than those without to consider leaving provisions for their parents unimportant.⁹⁴ Respondent's

⁹¹ See Appendix 13 for jurisdictional comparisons

⁹² $F(1, 1,418) = 663.62, p < .001, \eta^2 = .32$

⁹³ Overall comparison ($\chi^2(2, N = 727) = 14.23, p < .001, \text{Cramer's } V = .14$)

⁹⁴ Follow-up test: compared distribution of important and unimportant responses across parental status ($\chi^2(1, N = 641) = 13.87, p < .001, \phi = .15$)

gender, relationship status and age did not distinguish between the level of importance they assigned to the issue.

Table 25 How important is it to provide for your parents

	Not important	Neither	Important
Parental status			
• With children	266 (41%)	77 (13%)	298 (46%)
• Without children	19 (22%)	9 (11%)	58 (67%)

In the states and territories

The extent to which respondents identified leaving a provision for their parents to be important varied across jurisdictions. While across all jurisdictions, except the Australian Capital Territory, will makers were more likely to consider this issue important than unimportant, the proportion of respondents who considered it important varied between just under half and just under two thirds. Around 40 per cent of respondents did not consider this issue important, except in the Northern Territory and Tasmania, where fewer respondents identified the issue as unimportant.

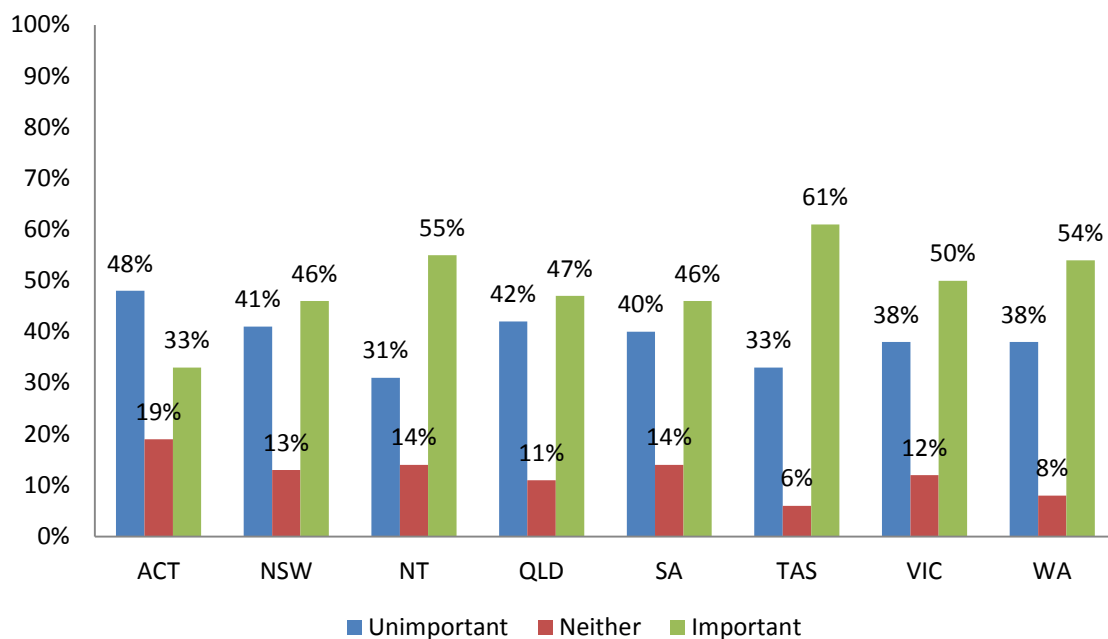


Figure 12 In deciding how to divide my assets it is important to provide for my parents

10.5.3 Provide for organisations to recognise their support...

One quarter of will makers identified leaving provisions for organisations in recognition of support as relevant to their personal circumstances (n = 324, 23%). Demographic characteristics did not distinguish between those respondents who considered leaving provisions for an organisation and those who did not.

Two-thirds of will makers (n = 727, 66%) who responded to this question did not believe that providing for organisations in recognition of their support was important.

Generally, demographic characteristics did not distinguish between the level of importance will makers assigned to leaving provisions for organisations in recognition of support. Parental status was an exception.⁹⁵ While more than half of all parents and non-parents considered this issue unimportant, parents were significantly more likely than will makers without children to do so.⁹⁶

Table 26 How important is it to provide for organisations

	Not important	Neither	Important
Parental status			
• With children	660 (68%)	158 (16%)	142 (16%)
• Without children	68 (51%)	28 (21%)	37 (28%)

In the states and territories

The importance assigned to making provisions for organisations did not vary across jurisdictions. In all states and territories, more than half, and almost three quarters in the Northern Territory, of respondents believed that leaving provisions for organisations or groups was unimportant.

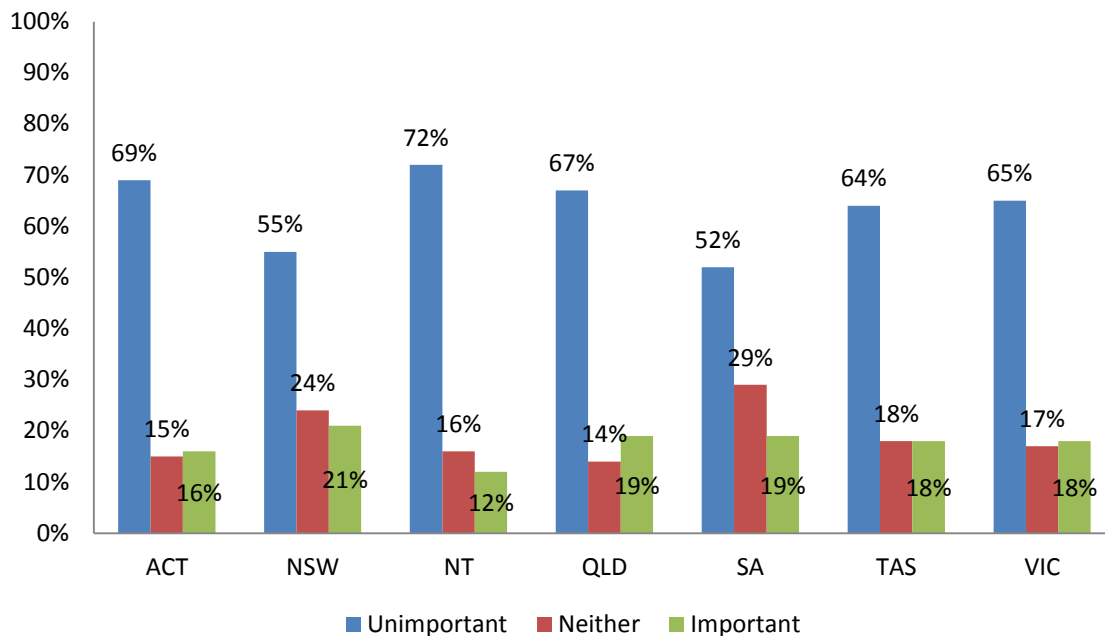


Figure 13 In deciding how to divide my assets it is important to provide for organisations or groups to recognise their support, companionship or assistance

11.0 Content of wills

In addition to exploring the allocation principles used in framing wills and bequest, this research sought to better understand what content individuals included in their wills. Content refers to the inclusion of executors, instructions (including guardianship and funeral) and trusts as well as broad categories of assets identified by the respondents.

⁹⁵ Overall comparison ($\chi^2 (2, N = 1,093) = 19.00, p < .001, \text{Cramer's } V = .13$)

⁹⁶ Follow-up test: compared distribution of important and unimportant responses across parental status ($\chi^2 (1, N = 907) = 18.02, p < .001, \phi = .14$)

11.1 Executors

The majority of will makers had included an executor in the content of their will (n = 1,208, 85%).⁹⁷ Demographic variables (e.g., age, gender, relationship status, parenthood, value of the estate) were unable to distinguish between those people who had or had not included executors in their will.

Respondents who had included an executor were most likely to nominate:⁹⁸

- a family member or friend who is a beneficiary (n = 695, 57%)
- a family member or friend who is not a beneficiary (n = 473, 39%)
- their spouse or partner (n = 353, 29%)
- the solicitor who drew up the will (n = 174, 14%)
- the public or state trustee (n = 78, 6%)
- a trustee company or accountant (n = 62, 5%).

Participants' responses were grouped to reflect whether they had included executors who served in a professional capacity (n = 261, 22%), were family members or friends (n = 1,085, 90%) or from both categories (n = 183, 15%). Demographic characteristics (age, gender, relationship status, parenthood, value of the estate) were not very good at distinguishing between respondents on the basis of the type of executor they had chosen. Rather, the party responsible for drawing up a respondent's most recent will appears to be associated with the type of executor they included.⁹⁹

All respondents, except those whose will had been prepared by the Public/State Trustee, were most likely to include only family members or friends as executors. Respondents whose wills had been prepared by the Public/State Trustee were most likely to include executors who served in a professional capacity, although one quarter included both professionals and family members or friends as executors. Respondents whose most recent will had been prepared by a solicitor also seemed somewhat more likely than respondents who prepared their will themselves to include both professionals and family members or friends as executors.

Table 27 Type of executor included in a will as a function of the way in which the will was drawn up

Most recent will...	Type of executor included		
	Professional	Family member or friends	both
Drawn up by a solicitor (general or specialist)	45 (5%)	692 (78%)	147 (17%)
Drawn up by the Public/State Trustee	28 (47%)	17 (28%)	15 (25%)
Used hard copy will kit	2 (2%)	89 (93%)	5 (5%)
Wrote it themselves	1 (2%)	51 (89%)	5 (9%)

Note: percentage reflects the proportion of all will makers who engaged a particular service

Only a small proportion of executors lived outside respondents' own state (n = 287, 24%) and even fewer executors lived outside Australia (n = 75, 6%).¹⁰⁰

⁹⁷ Forty-four respondents were not sure if they had included executors in their will

⁹⁸ Participants were allowed to nominate more than one person

⁹⁹ Overall comparison ($\chi^2(22, N = 1,163) = 202.86, p < .001, \text{Cramer's } V = .42$)

¹⁰⁰ Participants were allowed to provide more than one response

Finally, participants were asked if executors were among those persons who knew where the respondent's current will was stored. Very few participants had failed to tell someone where their will was stored (n = 79, 4%), most participants had told:¹⁰¹

- partner or spouse (n = 710, 50%)
- children (n = 530, 37%)
- other family or friends (n = 521, 37%)
- solicitor (n = 340, 24%).

Half the sample had told more than one person where their current will was stored (n = 682, 51%). For just over two-thirds (n = 915, 67%) of the sample the people who knew the whereabouts of their will included their executor.

11.1.2 In the states and territories...

In all states and territories almost all will makers had included an executor. The executor was most likely to be a family member or friend who is a beneficiary and least likely to be the Public/State Trustee or some other professional.

When compared with other jurisdictions, higher proportions of will makers from Tasmania, South Australia, Western Australia¹⁰² and Queensland¹⁰³ had made the Public Trustee an executor. The low proportion in New South Wales and Victoria is interesting given that the Public/State Trustee organisations in these States offer a free or reduced cost service to individuals who make the organisation their executor.

Furthermore, in all states and territories except Victoria a high proportion of respondents who reported their most recent will had been prepared by the Public/State Trustee also nominated this organisation as an executor. In Victoria, more respondents had nominated the State Trustee as an executor than reported their most recent will was prepared by the organisation. Seven of these individuals reported their most recent will had been prepared by a general solicitor while one each reported their will had been prepared by a solicitor who specialises in estate planning, a trustee company, or was unsure. The two will makers whose wills had been prepared by the State Trustee had made their spouse or a family member who was also a beneficiary the executor.

¹⁰¹ Participants were allowed to nominate more than one person

¹⁰² Offers a reduced fee for will makers who nominate the Public Trustee as an executor

¹⁰³ Offers a free will making service

Table 28 Inclusion of executor and type of executor reported by will makers in each Australian jurisdiction

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Included executors in the will	54 [96]	342 [88]	43 [86]	246 [89]	92 [81]	52 [84]	262 [89]	117 [86]	1208 [87]
• Family member/friend who is a beneficiary	30 (56)	205 (60)	23 (53)	141 (57)	58 (63)	25 (48)	146 (56)	67 (57)	695 (57)
• Family member/friend who is not a beneficiary	23 (43)	126 (37)	25 (58)	92 (37)	36 (39)	21 (40)	106 (40)	44 (38)	473 (39)
• Spouse or partner	14 (26)	101 (29)	13 (30)	65 (26)	25 (27)	14 (27)	87 (33)	34 (29)	353 (29)
• Solicitor who drew up the will	3 (6)	37 (11)	8 (19)	41 (17)	12 (13)	15 (29)	39 (15)	19 (16)	174 (14)
• Trustee company or accountant	2 (4)	13 (4)	2 (5)	11 (4)	9 (10)	1 (2)	16 (6)	8 (7)	62 (5)
• The public or state trustee	2 (4)	14 (4)	2 (4)	21 (8)	10 (11)	7 (13)	10 (4)	12 (10)	78 (6)
Number of will makers whose most recent will was prepared by the Public/State Trustee	1	15	4	29	10	10	2	13	84

Note: number in brackets [] reflects the proportion of all will makers within each jurisdiction; number in brackets () reflects the proportion of all will makers within each jurisdiction who had included executors

11.3 Guardianship of children or other dependents

Participants were asked whether or not they had included guardianship of children or other dependents in their wills.¹⁰⁴ Just over two thirds of respondents with financial dependents had included guardianship instructions, a significantly greater proportion than respondents without financial dependents.¹⁰⁵

Table 29 The proportion of will makers with and without financial dependents who included guardianship instructions in their will

	Guardianship instructions	
	Yes	No
Will makers without financial dependents (includes parents whose children are no longer financially dependent)	106 (15%)	608 (85%)
Will makers with financial dependents (child or other)	437 (69%)	200 (31%)

Among those respondents who had included guardianship instructions, most were parents who had financial dependents (n = 436, 80%). However, this group also included:

- a non-parent with financial dependents (n = 1)
- parents without financial dependents (n = 100, 18%)
- non-parents without financial dependents (n = 6).

¹⁰⁴ Eight respondents refused to answer this question (five did not have financial dependents, three reported financial dependents). Sixty-two respondents reported that this question was not applicable to their current circumstances (51 had no financial dependents, 11 reported financial dependents).

¹⁰⁵ $\chi^2(1, N = 1,351) = 404.72, p < .001, \phi = .55$

Among those respondents who had not included guardianship instructions, more than half were parents who had no financial dependents (n = 489, 60%) and a small proportion were non-parents without financial dependents (n = 119, 15%). This group also included:

- parents who had financial dependents (n = 186, 23%)
- non-parents with financial dependents (n = 14, 2%).

These findings suggest around one fifth (20%) of will makers have failed to update their will to reflect their current circumstances.

11.3.1 In the states and territories

Across all states and territories, except South Australia, most respondents with financial dependents had included guardianship instructions in their will. In South Australia, just over two-thirds of respondents had done so. Around 20 per cent of respondents in each state and territory, except South Australia and Western Australia, without financial dependents had also included guardianship instructions in their will. Around one third of respondents from South Australia and one quarter of respondents from Western Australia had included guardianship instructions despite having no financial dependents. The anomalies in South Australia regarding guardianship instructions deserve further attention.

Table 30 Proportion of will makers with and without financial dependents who included guardianship instructions in their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Respondents without financial dependents (includes parents whose children are no longer financially dependent)	4 (17)	25 (17)	6 (22)	18 (17)	13 (32)	4 (21)	21 (16)	15 (26)	106 (19)
Respondents with financial dependents (child or other)	19 (83)	118 (83)	21 (78)	88 (83)	27 (68)	15 (79)	107 (84)	42 (74)	437 (81)

Note: number in brackets reflects the proportion of all will makers within each jurisdiction who had included guardianship instructions

This finding suggests that across jurisdictions there is a need to prompt will makers to update their wills such that they better reflect the respondent's current circumstances.

11.4 Funeral Instructions

Just under one quarter of participants had included funeral instructions in their will (n = 330, 24%).¹⁰⁶

Current relationship status was associated with this inclusion.¹⁰⁷ A smaller proportion of respondents who were currently or previously married (n = 876, 19%) than respondents in no/new relationship (n = 113, 64%) included funeral instructions in their will.¹⁰⁸ Respondents who had

¹⁰⁶ Forty-four will makers were unsure and one refused to indicate whether they had included funeral instructions

¹⁰⁷ Overall comparison ($\chi^2(2, N = 1,374) = 22.65, p < .001, \text{Cramer's } V = .13$)

¹⁰⁸ Follow-up test: $\chi^2(1, N = 1,288) = 18.10, p < .001, \phi = .12$

included instructions (M = 56 years, SD = 14.47) were, on average, older than respondents who had not included instructions (M = 54 years, SD = 15-77).¹⁰⁹

People who prepared their own will, either using a hard copy will kit or some other means, were somewhat more likely than people who had their will prepared by a professional third party, such as a solicitor or the Public/State Trustee, to have included funeral instructions in the content of their will.^{110,111}

Table 31 The proportion of will makers who included funeral instructions as a function of who prepared the will

Most recent will...	Funeral instructions included	
	Yes	No
Drawn up by a solicitor (general or specialist)	213 (21%)	790 (79%)
Drawn up by the Public/State Trustee	14 (17%)	68 (83%)
Used hard copy will kit	42 (31%)	94 (69%)
Wrote it themselves	28 (39%)	44 (61%)

Note: percentage reflects the proportion of all will makers who engaged a particular service

11.4.1 In the states and territories

The proportion of will makers who had included funeral instructions in their will varied across jurisdictions. Around 20 per cent of will makers in New South Wales, Tasmania and Victoria had included funeral instructions, while around one quarter of will makers in the Australian Capital Territory, Queensland and Western Australia had done so. More than two thirds of respondents from the Northern Territory and one third of respondents from South Australia had included funeral instructions.

Table 32 The proportion of will makers in each Australian jurisdiction who had included funeral instructions in their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Yes	15 (27)	79 (20)	18 (37)	68 (24)	36 (32)	14 (21)	66 (22)	34 (25)	330 (24)
No	40 (73)	312 (80)	30 (62)	212 (76)	75 (68)	51 (78)	230 (78)	100 (75)	1050 (76)

Note: number in brackets reflects the proportion of all will makers within each jurisdiction who had included funeral instructions

11.5 Specific trusts

Only a small proportion of respondents had included a specific trust for the future in their will (n = 238, 17%).¹¹² Respondents reported the purpose of trusts to include:¹¹³

- to support children, grandchildren or other dependents (n = 97, 41%)
- to distribute assets to children once they reach a certain age (n = 49, 21%)
- to specifically define the distribution of assets (n = 33, 14%)
- to provide for their children's education (n = 21, 9%)
- to protect assets (n = 11, 5%).

¹⁰⁹ $t(515) = -2.14, p < .05$

¹¹⁰ Overall comparison ($\chi^2(3, N = 1,293) = 18.44, p < .001, \text{Cramer's } V = .12$)

¹¹¹ Follow-up test: compared distribution of funeral instruction responses between those who prepared their will using a solicitor and those who wrote their will themselves, $\chi^2(1, N = 1,075) = 12.04, p < .001, \phi = .11$; compared distribution of funeral instruction responses between those respondents whose will was drawn up by the Public/State Trustee and those who used a hard copy will kit, $\chi^2(1, N = 1,075) = 5.11, p < .05, \phi = .15$

¹¹² Thirty-seven will makers were unsure whether they had included a specific trust and one refused to answer this question

¹¹³ Participants could provide more than one answer

Whether individuals had included any specific trusts was not dependent on who had drawn up their most recent will.¹¹⁴

Table 33 Inclusion of specific trusts as a function of who had prepared will makers' most recent will

Most recent will...	Include any specific trusts	
	Yes	No
Drawn up by a solicitor (general or specialist)	178 (18%)	830 (82%)
Drawn up by the Public/State Trustee	9 (11%)	73 (89%)
Used hard copy will kit	19 (14%)	120 (86%)
Wrote it themselves	14 (19%)	59 (81%)

Note: percentage reflects the proportion of all will makers who engaged a particular service

11.5.1 In the states and territories...

In all states and territories except the Australian Capital Territory, between 15 and 20 per cent of will makers had included specific trusts in their wills. In the Australian Capital Territory closer to 30 per cent of will makers had included a specific trust. Across all jurisdictions, the most commonly reported purpose of specific trusts, as identified by will makers, was to support children, grandchildren or other dependents.

11.6 Assets

Will makers and non-will makers were asked what assets they expected to leave in their will (including those currently being paid off, such as a family home).¹¹⁵

For each asset category, except superannuation, cash and personal possessions, a significantly higher proportion of will makers than non-will makers expected to leave something in their will. On average, will makers ($M = 4.80$, $SD = 1.66$) identified a significantly greater number of asset categories they expected to leave in their will than were identified by non-will makers ($M = 3.64$, $SD = 1.67$).¹¹⁶ That is, when compared to non-will makers, will makers identify a broader range of assets they expect to leave in their will.

The key difference between will makers and non-will makers, however, appears to be expectations about bequeathing a primary residence. In fact, the odds in favour of will makers expecting to leave a primary residence in their will were 6.32 times greater than the odds in favour of a non-will maker expecting to leave a primary residence.

¹¹⁴ Overall comparison: $\chi^2(3, N = 1,302) = 3.77$, ns

¹¹⁵ Participants were able to provide more than one response

¹¹⁶ $t(2,296) = 16.54$, $p < .001$

Table 34 The proportion of non-will makers and will makers who expect to leave different asset categories in their will

	Non-will makers	Will makers	Significance
Primary residence	470 (48%)	1,216 (85%)	$\chi^2(1, N = 2,405) = 387.00, p < .001, \phi = .40$
Other investment properties	156 (16%)	452 (32%)	$\chi^2(1, N = 2,405) = 76.75, p < .001, \phi = .18$
Superannuation	689 (70%)	1,040 (73%)	Ns
Personal insurance	298 (30%)	620 (43%)	$\chi^2(1, N = 2,405) = 42.23, p < .001, \phi = .13$
Stocks and shares	193 (20%)	655 (46%)	$\chi^2(1, N = 2,405) = 175.56, p < .001, \phi = .27$
Cash	592 (60%)	975 (68%)	Ns
Personal possessions	853 (87%)	1,259 (88%)	Ns
Farm or business	134 (14%)	307 (21%)	$\chi^2(1, N = 2,405) = 24.02, p < .001, \phi = .10$
Refused	15 (1%)	51 (4%)	

Very few respondents expected to leave nothing ($n = 22, <1\%$). Only one of these respondents was a will maker.

11.6.1 In the states and territories

Across all jurisdictions, the three most commonly identified assets non-will makers expected to leave in their will were personal possessions, superannuation and cash. When compared to the other jurisdictions, a higher proportion of non-will makers in the Northern Territory, and a lower proportion in Western Australian and Tasmania, expected to leave superannuation. In Western Australia and Tasmania, a higher proportion of non-will makers expected to leave cash.

Table 35 Proportion of non-will makers in each jurisdiction who expect to leave the nominated asset in their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Personal possessions	39 (89)	245 (88)	42 (86)	134 (91)	52 (88)	31 (91)	205 (86)	105 (92)	853 (87)
Superannuation	33 (75)	208 (70)	43 (88)	103 (70)	42 (71)	22 (65)	167 (70)	71 (62)	689 (70)
Cash	29 (66)	163 (55)	31 (63)	89 (60)	33 (56)	23 (68)	147 (62)	77 (67)	592 (60)
Primary residence	22 (50)	143 (48)	28 (57)	60 (41)	26 (44)	17 (50)	114 (48)	60 (53)	470 (48)

Among will makers, the most commonly reported items they expected to leave in their will were personal possessions, their primary residence and superannuation.

Table 36 Proportion of all will makers in each jurisdiction who expect to leave the nominated asset in their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Personal possessions	52 (93)	348 (86)	50 (98)	247 (85)	107 (91)	61 (92)	269 (89)	726 (89)	1259 (88)
Primary residence	50 (89)	346 (86)	40 (78)	242 (84)	100 (85)	58 (88)	260 (86)	120 (85)	1216 (85)
Superannuation	51 (91)	307 (76)	47 (92)	201 (70)	79 (67)	49 (74)	211 (70)	95 (67)	1040 (73)
Cash	44 (79)	278 (69)	41 (80)	203 (70)	75 (64)	45 (68)	202 (67)	87 (62)	975 (68)

It is interesting to compare the items identified by will makers and non-will makers from the Northern Territory. Both will makers and non-will makers most commonly identified personal possessions, superannuation and cash as the items they expected to leave in their will. Furthermore, earlier analysis found estimated value of the estate to be the strongest and only predictor of will

making behaviour among respondents from the Northern Territory. Combined, these findings suggest that the value of the estate, rather than the type of assets possessed, distinguish will makers from non-will makers in the Northern Territory.

Finally, across jurisdictions, a higher proportion of will makers than non-will makers were able to identify assets from a range of additional categories. The proportion of respondents within each jurisdiction who identified any single asset type varied. This was particularly true of personal insurance and stocks and shares among non-will makers and other investment properties among will makers.

Table 37 Proportion of all will makers and non-will makers across jurisdictions who identified further assets they expect to leave in their will

	ACT (%)	NSW (%)	NT (%)	QLD (%)	SA (%)	TAS (%)	VIC (%)	WA (%)	Aust (%)
Non-will makers									
Other investment properties	7 (16)	45 (15)	12 (24)	16 (11)	9 (15)	5 (15)	38 (16)	24 (21)	156 (16)
Personal insurance	11 (25)	91 (31)	18 (37)	43 (29)	12 (20)	8 (24)	76 (32)	39 (34)	298 (30)
Stocks and shares	14 (32)	53 (18)	8 (16)	26 (18)	6 (10)	5 (15)	57 (24)	24 (21)	193 (20)
Farm or business	2 (4)	40 (13)	7 (14)	18 (12)	6 (10)	6 (18)	38 (16)	17 (15)	134 (14)
Pets	1	4	1	1	2	-	1	2	12
Will makers									
Other investment properties	20 (36)	132 (33)	23 (45)	76 (26)	34 (29)	19 (29)	101 (34)	47 (33)	452 (32)
Personal insurance	23 (41)	181 (45)	23 (45)	136 (47)	43 (37)	25 (38)	127 (42)	62 (44)	620 (43)
Stocks and shares	30 (54)	205 (51)	20 (39)	128 (44)	45 (38)	29 (44)	139 (46)	59 (42)	655 (46)
Farm or business	8 (14)	118 (29)	7 (14)	37 (13)	22 (19)	13 (20)	78 (26)	24 (17)	307 (21)
Pets	-	10	2	4	1	1	8	6	32

12.0 Summary

The national prevalence survey revealed that almost two thirds of Australian adults have a will. Will making is most strongly associated with age (i.e., older people are more likely to be will makers) and assets (i.e., people with estates of higher value are more likely to be will makers). Other demographic characteristics are not very good at distinguishing between will makers and non-will makers.

Most will makers were prompted by a desire to ‘get organised’, while most non-will makers had simply failed to get around to preparing their will. There was no evidence to suggest a strong resistance to will making among the Australian population. There was, however, evidence to suggest respondents understood little about intestacy or what would happen to their assets if they died without a will.

Finally, for most Australians their will is used to transfer assets to their immediate family members, particularly partners and children. They are rarely used to acknowledge relationships outside the nuclear family, such as friendships or links to support organizations or charities.

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