In 1914 Samuel Alexander from Newcastle in NSW made a Will with NSW Trustee & Guardian upon enlisting in the Imperial Expeditionary Force.

“This is the last Will and Testament of me Samuel Alexander of Newcastle now enlisted as a member of the Imperial Expeditionary Contingent, about to leave this State on active service. I appoint the Public Trustee in and for the State of New South Wales to be Executor and Trustee of this Will.”

Back in 1914, NSW Trustee & Guardian made Wills for many enlisted soldiers. 100 years later, the Anzac Memorial in Hyde Park is commemorating the service of many men and women just like Samuel with a poignant tribute.

The iconic Anzac Memorial has been undergoing an extensive program of work to mark the 100th anniversary of the First World War. Once complete, the Memorial will include a new Hall of Service featuring an installation commissioned from acclaimed artist Fiona Hall.

The artwork will include plaques representing approximately 1,700 NSW locations, sourced from the records of those who enlisted. Soil samples collected from First World War memorials or local areas of significance will be a part of the display and communities across the state have shown their support.

Some towns have incorporated the soil collection into their Anzac Day Commemorations and others have held special ceremonies. Local historical committees, RSL members, service groups, schools and many others have ensured their community’s contribution will be a tangible part of the Memorial legacy.

“The Anzac Memorial is the state’s principal memorial to all Australians who have served, and collecting soil from sites across NSW recognises the far reaching areas that young Australians from NSW volunteered from to serve our country in the First World War,” Veterans Affairs Director Caroline Mackaness said.

“It signifies the state’s ongoing gratitude for the service and sacrifice by these men and women, as well as those that have followed in their footsteps, while telling the story of NSW’s involvement and the enormous impact that war has on society.”

Digital information linking the name of every enlistee who gave that location as their home address, maps of the local area, its surrounding memorials and schools, as well as the details and date the local soil was collected will also be available.

To see if soil has been collected from your area, or for further details about the Anzac Memorial project visit www.anzacmemorial.nsw.gov.au
Introducing our new Chief Executive Officer

Adam Dent was appointed as NSW Trustee & Guardian’s Chief Executive Officer (CEO) in January 2018. He has worked in senior leadership roles across the public and private sectors, including extensive experience in human services.

Adam served as Commissioner of the NSW State Emergency Services 2015-16 and oversaw the response to the Hunter Valley super storm. He was Victorian State Manager of Emergency Services for the Australian Red Cross 2007-14, and at the helm when the organisation provided critical humanitarian assistance during the 2009 Black Saturday bushfires and the 2010-11 Victorian floods.

Most recently, Adam has worked for Ernst & Young as Director, Government and Public Sector Advisory on a variety of organisational change projects for governments in Australia and New Zealand.

‘My career has been dedicated to helping people and communities, and I am committed to ensuring NSW Trustee & Guardian continues to deliver quality and inclusive services to the people of NSW.’

Adam Dent, CEO, NSW Trustee & Guardian

Farewell Damon Quinn

We wish Damon Quinn all the best for the future, following his term as Acting CEO. Damon fulfilled the role from July 2016 and led the successful implementation of our new service delivery model. He maintained a strong focus on keeping customers at the centre of NSW Trustee & Guardian’s business planning and service delivery. During a period of significant change, Damon also placed a high value on staff health and wellbeing, believing it to be a key factor in improving the customer experience.
As the largest Will maker in NSW for more than 100 years, we have a lot of experience, but we have also evolved our services to meet current needs. Experience and evolution are the themes of our 2018 advertising campaign. Kicking off with a mix of radio, newspaper and online advertisements, we highlight that although times change, you can count on NSW Trustee & Guardian for Will writing expertise, secure storage and flexible consultations. Radio advertising evokes the era of the wireless through to the modern day, taking the listener on an audio journey across several decades. A colourful series of newspaper and online advertisements pays homage to past and present ways of working including the evolution from fountain pen to computer mouse, paper files to electronic safe and paper calendar to online bookings.
If the recent changes to the *Marriage Act 1961* will impact on your marital status, it’s timely to update your Will. But whether you’re marrying, commencing a de-facto relationship, separating or divorcing it’s important to ensure your Will reflects your current circumstances.

Under NSW law, your Will is revoked when you marry unless it is made in the contemplation of marriage. If you pass away without making a new Will, you are said to die intestate – that is, without a valid Will. This means your estate will be divided according to a formula set out in law, which may or may not be appropriate for your family’s circumstances.

There is an exception - if you have made provision in the Will for the person you marry, and you have appointed them as executor, those provisions remain in place. However, the other provisions of the Will are revoked.

Consider the following scenario:

Olivia and Paul meet each other later in life and begin living together. They each have two children from earlier marriages. Paul and Olivia are both comfortable financially.

When they begin living together, they make Wills leaving their household goods and motor vehicles to each other, but they leave the remainder of their respective estates to their own children and name their own children as executors. Years later Olivia and Paul decide to get married but don’t update their Wills.

Olivia dies several years into their marriage and has assets in her estate worth about $1 million. After seeking legal advice, Olivia’s children are shocked to discover that her Will was largely revoked when Olivia and Paul married.

The gift to Paul of the household goods and motor vehicles remains in place, but the rest of the Will is no longer valid. Olivia’s children are not entitled to act as executors and the laws of intestacy apply to the distribution of the remainder of the estate. Now, Paul is entitled to the majority of the estate, and Olivia’s children are entitled to a relatively small portion in comparison to what the Will had provided.

Let’s also consider the following scenario in relation to a same sex couple marrying:

Amanda and Stacey have been in a relationship for 10 years. They have one child together, Evan, aged 6 years. Their Wills are detailed and include provisions that help ensure Evan will always be looked after if they should both pass away while he is young.

Amanda’s sister Jenny will be the executor and the whole of the estate will be held for Evan until he is 21. The Will contains detailed provisions allowing Jenny to use funds for Evan’s benefit – this will cover his education and all of his sporting and other extracurricular activities. Their Wills also appoint Jenny as Evan’s guardian so that she can make decisions about Evan’s welfare and upbringing.

Amanda and Stacey have decided to get married but if they do not update their Wills, all of the provisions regarding Evan will be revoked. Jenny will not be entitled to act as the executor, nor as guardian for Evan. There could be doubt and uncertainty as to who should take on those roles and it may end up being someone Amanda and Stacey would not have approved of. It also means that whoever administers the estate will not have a full understanding of how Amanda and Stacey intended the funds to be used for Evan’s benefit.
Research shows that Aboriginal people have very low rates of Will making and are more likely to become involved in disputes about burial after a loved one passes away. NSW Trustee & Guardian together with Family and Community Services are working to address this through distribution of the Aboriginal Wills Handbook and its companion booklet Taking care of business.

The advantage of a culturally appropriate Will is that it is more likely to reflect a person’s wishes than intestacy laws, which apply when no Will is made. This in turn can help prevent disputes that may arise relating to burial, guardianship of children and the distribution of personal property.

The Aboriginal Wills Handbook gives guidance to legal practitioners about how to make culturally appropriate Wills. Written by Professor Prue Vines, University of New South Wales, it details the problems created for Aboriginal people by the law, the advantages of making a Will for Aboriginal people and the formal requirements of making a Will. It also contains forms for the preparation and drafting of Wills for Aboriginal people and sample Wills. Taking care of business is an easy to read introduction to Wills, Powers of Attorney, Enduring Guardianship and Advance Care Planning for Aboriginal people. It includes case studies, tips, useful definitions and contacts. The development of Taking care of business was informed by engagement with Aboriginal communities and service providers to ensure the information is relevant and respectful.

Both publications are available free of charge by emailing tagenquiries@tag.nsw.gov.au.

When you divorce, any gift to your former spouse and any appointment of them as executor in your Will are revoked. However, if you are separated but not yet divorced (or never get around to divorcing) the whole Will remains in place.

Trevor and Michelle are married with two children. Trevor’s Will names NSW Trustee & Guardian as his executor and leaves the whole of his estate to Michelle. The Will goes on to provide that if Michelle dies before Trevor, the whole estate passes to their children.

Trevor and Michelle separate and divide up their marital property, but they do not divorce. Michelle commences a new relationship, but Trevor remains single.

Trevor mentions to his children several times that he needs to update his Will but just doesn’t get around to it before he dies. The effect of Trevor’s Will is that Michelle is the sole beneficiary of the estate and the children have no entitlement under the terms of the Will.

At a time when your relationship status is changing there are so many things on your mind. Making a new Will may not be at the top of your to-do list but is important to make it a priority. It will ensure that your Will is appropriate to your new circumstances.

If you need to update your Will contact us on 1300 364 103 or online www.tag.nsw.gov.au
Charles Sturt University Wellness and Wellbeing Expos

During March, Charles Sturt University will be hosting expos across regional campuses for staff and students to find out how they can look after their physical and mental wellbeing. NSW Trustee & Guardian will have representatives from local branches in attendance to help people plan ahead for their future financial, legal and health decisions.

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<td>Port Macquarie</td>
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For further information about the expos visit csu.edu.au or email healthyu@csu.edu.au

Sydney Royal Easter Show Seniors’ Day

The Sydney Royal Easter Show is holding a Seniors’ Day on 28 March for all NSW Seniors Card holders. Entertainment, giveaways and competitions are all on offer. NSW Trustee & Guardian joins a range of exhibitors including National Seniors Australia and the Energy and Water Ombudsman, providing a ‘one-stop-shop’ for seniors throughout the day.

More information is available at eastershow.com.au/itineraries/seniors-day or call (02) 9704 1000.

Seniors Festival

This year NSW Seniors Festival celebrates its 60th year. Running 4-15 April, the 2018 festival recognises the achievements and contributions of seniors through the theme ‘Let’s Do More Together’.

NSW Trustee & Guardian is a long-time supporter of the Seniors Festival and our staff will be present at the Seniors Festival Expo 5-6 April to provide planning ahead advice at the International Convention Centre in Darling Harbour.

If you are not based in Sydney there are hundreds of events across rural and regional NSW during the festival, such as Seniors Day in Lismore on 7 April and Port Macquarie on 9 April. For more details visit www.nswseniorsfestival.com.au

For further information about the expos visit csu.edu.au or email healthyu@csu.edu.au
Payday lenders offer short-term, high-cost loans and a recent report found that as part of the application process, individuals are being asked to provide sensitive financial information such as their myGov and online banking login details. This information is then used to help the lenders access bank statements and Centrelink benefit entitlements to speed up the loan approval process.

Although some payday lending sites claim they have security measures in place to protect your details, the report found that some payday lending sites state data can take up to 90 days to be erased.

With myGov accounts home to other highly sensitive services, giving login details to a third party is not recommended. Likewise, security advice for online banking is to never share user names or passwords, just as people are advised never to reveal their credit card pin details. If you willingly share banking information, you may be liable for debts, even those incurred by fraud.

Australian Government website staysmartonline.gov.au provides simple, easy to understand advice on how to protect yourself online as well as up-to-date information on the latest online threats and how to respond.

For advice on alternatives to high cost credit, visit fairtrading.nsw.gov.au
NSW Trustee & Guardian manages clients’ financial assets across the investment funds detailed below. In managing these funds, NSW Trustee & Guardian often uses external investment specialists like fund manager BlackRock.

NSW Trustee & Guardian funds have delivered positive returns for the period ending 31 December 2017. The Access Fund, Australian Cash Fund, Australian Cash Plus Fund and Primary Portfolio all delivered returns in the last six months of between 1.1% and 1.2%, performing strongly against the return of 0.8% delivered by benchmark funds. Fund returns are broadly in line with increases in Australian living expenses over the last few years.

Three year returns for Australian Shares Fund, Australian Listed Property Securities Fund, International Share Fund and Growth Portfolio reflect the higher returns from share markets in recent years. These funds are intended to help clients achieve returns noticeably above the rate of inflation over periods of at least five years.

We are currently looking at opportunities to simplify our fund range and provide more flexible investment options, following a review carried out by investment experts. We will write to clients who have funds invested with us to provide a more detailed update before the changes occur.

NSW Trustee & Guardian will also be conducting a fresh tender for the funds’ custodian and external investment manager contract over 2018.