

Bequests Promised vs Bequests Realised

2024 National Research Project



Led by:

Bequest Assist

Made possible by:

Include a Charity
Philanthropy Australia

PHILANTHROPY
AUSTRALIA

 **INCLUDE
A CHARITY**



Bequest Assist

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Summary

Bequest Assist is looking for charity partners to undertake a research project into why some gifts are promised, but never materialise when a bequestor passes away. This research builds on our 2023 pilot project from Victoria, [available for review here](#).

Charity partners must provide the names of confirmed bequestors who are suspected to have passed away between 2016 and 2021 anywhere in Australia, and be willing to pay a marginal fee to allow for Bequest Assist to purchase bulk probate records. This is not a profitable project for Bequest Assist – but purely a philanthropic research project to benefit the Gifts in Wills sector as a whole.

This project is being made possible through the generous support of Include A Charity and Philanthropy Australia.

Background

A consequence of the somewhat complicated and secretive probate process in Australia is that there is limited recourse to identify when an executor has failed to pay a bequest to an entitled charity. We have long been aware that there is the potential for gifts intended for charities to go missing – and high profile examples have only increased this fear. In addition, charities have access to very limited data on why promised bequests don't materialise.

Our pilot project in Victoria uncovered a number of missing gifts and a treasure trove of data on why other gifts don't materialise. Some participating charities had funds returned to them from gifts that would have never otherwise been paid. So far, 22 definitive missing gifts have been discovered as part of that pilot project, totalling hundreds of thousands lost to charities.

Now we need to expand the small-scale pilot and look at this problem nation-wide. Our hope is that we will uncover additional missing funds for charities and generate sufficient data to inform probate reform.

The project

Bequest Assist will purchase the probate documents of confirmed bequestors who passed away between 2016 and 2021 to review their wills. We will record details – including why the gift did not materialise and checking if any gifts left were indeed paid. We're asking for as many charities as possible to join this project so we can collectively generate a large piece of data for analysis.

Each participating charity can (through Bequest Assist's assistance) identify the names of individuals who told the charity they intended to leave a gift in their will and likely died between 2016 and 2021. It is fine if the charity is not sure of the date of death and Bequest Assist will conduct the necessary research to find these records. In each instance, Bequest Assist will determine if the probate record can and should be purchased – eg some individuals' estates will not have required probate and others will have died outside of the studied period. Depending on funding availability, Bequest Assist might not be able to purchase every record shared, but will secure as many as possible.

Throughout the project, Bequest Assist will report back on any missing gifts found immediately. At the end of the project, Bequest Assist will provide a report and presentation to the participating charities on the findings.

Potential benefits for participating charities

- Identify missing gifts through the purchase of wills of confirmed bequestors suspected deceased. This includes the potential return of funds to charities from these missing gifts, as occurred with our pilot research project in Victoria.
- Generate hard business-case data on the potential cost of missed gifts – either giving future peace of mind to not purchase suspect wills, or proving that the expense is worth the potential gain.
- Create data that could help build a case for a more transparent probate process in Australia.
- Help the charitable sector at large better understand this problem.

The details

- Each participating charity can nominate names of suspected deceased confirmed bequestors in any state or territory who likely died between 2016 and 2021.
- Charities who are not current clients of Bequest Assist are welcome to participate.
- Charities wishing to participate must send their interest in writing to morgan@bequestassist.com.au by 3 May 2024. An invoice will be sent when the project begins.
- The project will run throughout 2024 with the report and results released in November.

The cost

The cost to participate covers the purchase of probate records and time to read and record their data. Costs vary depending on a charity's Gifts in Wills program size as that will be indicative of the number of valid bequestor names they have to search.

- \$1400 + GST for charities that receive less than \$4 million per year from Gifts In Wills on average
- \$2900 + GST for charities that receive between \$4 million and \$10 million per year from Gifts in Wills on average
- \$4000 + GST for charities that receive more than \$10 million per year on average

We are hoping that organisations of every size will come forward to demonstrate the scale and impact of this issue across the sector. For smaller charities, if these costs are prohibitive to you, please still be in touch as pro bono research applications will be considered for inclusion.