

INCLUDE A CHARITY &  
BEQUEST ASSIST  
2024 GIFTS IN WILLS REPORT

BEQUESTOR DATA ANALYSIS

**Finding Meaning in  
the Numbers – Gifts  
in Wills learning  
from over 4000  
bequests**

JULY 2024



**INCLUDE  
A CHARITY**



**Bequest Assist**

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## Table of Contents

<b>About the partner organisations .....</b>	<b>4</b>
Bequest Assist	
Include a charity	
<b>Introduction .....</b>	<b>6</b>
<b>Data Collection .....</b>	<b>7</b>
<b>Findings at a glance .....</b>	<b>8</b>
<b>Section 1: Bequestor profile .....</b>	<b>10</b>
Percent of bequests left by gender	
Value of gift left by gender	
Type of gift left by gender	
Partnership status of bequestors	
Gifts left by partnered people	
Gifts left by unpartnered people	
Value of gift left by partnership status (median)	
Value of gift left by partnership status (mean average)	
Percentage of bequestors with children at time of death	
Value of gift left by parenting status	
Age of testator when writing their final will	
Time between writing last Will and date of death	
Snapshot: what year were wills written when charity was notified of gift in Calendar Year 2023	
Age of bequestors at time of death	
Bequestor location	
Bequestor socio-economic status	

**Section 2: Bequestor relationship to charities..... 19**

- Proportion of bequestors known to the charity beneficiary
- Proportion of confirmed bequestors amongst known individuals
- Time from last donation to notification of bequest (for individuals who were donors prior to death)
- Snapshot: Number of charities in wills

**Section 3: Gift instructions and Value of bequest.....22**

- Percentage of restricted gifts
- Bequest income from pecuniary vs residuary gifts and overall value
- Transformational gifts as a percent of number of estates
- Transformational gifts as a percent of estate income
- Percentage of transformational gifts from estates of under \$1.5 million total
- Groupings of bequest value
- Value of overall estates by state
- Commonality of shares in estates
- Average value of shares when they appear in estates
- Commonality of real estate in estates
- Commonality of superannuation in bequests from FY 2023/24 onwards

**Section 4: Will type, legal issues and estate administration speed..... 30**

- A comment on the prevalence of online wills
- Notes in relation to analysis of legal issues
- Frequency of legal issues and proportion of estate income lost
- Instances of family provision claims
- Instances of other legal issue (not including family provision claims)
- Number of bequests with legal issues
- % of bequest income (total) lost to legal issues and family provision claims
- Rate of Family Provision Claims over a six year period
- Snapshot: rate of legal issues on estates when there is a surviving child
- Snapshot: are notifications trending up or down?
- Speed of estate administration from date of death to final payment

**References..... 38**

# About the Partner Organisations

## Bequest Assist

Bequest Assist was founded in 2019 with the aim of improving bequest administration for Australian charities. The goal was simple: to make the charity estate administration process more efficient and improve outcomes for charities. In that time, we've secured over \$3 million for charities that they otherwise would have missed out on, or not received for years to come.

Our work is focused on estate administration and to date we have recorded over 4,420 bequests for charities in our database.

This data represents a treasure trove of information about bequests and insights into the people who leave them.

We offer estate administration outsourcing to charities around Australia and New Zealand, regular training for Gifts in Wills team members and free monthly webinars.

If you would like to learn more about Bequest Assist's services, visit [www.bequestassist.com.au](http://www.bequestassist.com.au) or email [info@bequestassist.com.au](mailto:info@bequestassist.com.au).

## Include A Charity

Include a Charity is a social change campaign - managed by Fundraising Institute Australia - seeking to inspire and encourage people to leave charitable gifts in their Will.

The Include a Charity team strives to build awareness, community, knowledge and engagement for its members and Australian society through active campaigning, training, research and networking. Members hail from more than 120 not-for-profits - in the fields of health, education, international development, community services, animal welfare, the environment, the arts and more. We provide support, education and encouragement for gift-givers and influencers such as solicitors and financial planners. And charities benefit through contemporary training, upskilling, collaboration, social networking and the pooling of ideas and resources.

This interaction between key stakeholders enables us to:

- Improve community understanding of how gifts in Wills can create a lasting legacy
- Improve the messaging and effectiveness for charities around gifts in Wills
- Increase advocacy and consistent messaging by uniting with influencers like financial planners, solicitors and estate management specialists
- Undertake world-first research projects in the charitable gifts in Wills fundraising space
- Increase efficiencies and save money which can then be focused on other charitable activities

Include a Charity promotes Gifts in Wills fundraising across the NFP sector and to the general public to transform the landscape around leaving charitable bequests to vital causes: To make leaving a gift in Will to charity the norm for every walk of life.

# Introduction

In 2023, Include A Charity and Bequest Assist partnered to deliver the first version of this report for the benefit of the Gifts in Wills sector. Now a year on, the organisations have come together again to analyse a larger set of data and cover a greater range of topics. Our hope is that the resulting report honours the incredible legacy of individuals who make it their final wish to leave a gift to charitable causes, and assists Gifts in Wills professionals in their essential work.

It is difficult for any single charity to collect and analyse sufficient bequest data to see trends or draw conclusions about the sector as a whole. Bequest Assist now performs estate administration on behalf of over 30 Australian charities, putting us in a unique position to analyse the similarities and differences between the gifts that charities receive from the wills of generous bequestors. This report is the result of the data that flows out of that work and is focussed solely on estates where at least one gift has been left to a charity in the will.

Our hope is that this research not only answers some of the questions that charities have been pondering about bequests, but also provides a profile of past bequests and bequestors. By examining past bequests and the people who left them, charities can build a better understanding of who is more likely to leave one in the future. The report also provides a baseline of overall statistics that individual charities may like to test against their own data to see where their Gifts in Wills program profile differs from others.

In an attempt to keep this report more concise and readable, where analysis results have remained largely static with 2023's results, limited commentary will be offered. Please refer to the 2023 report for a more detailed discussion of these points.

# Data Collection

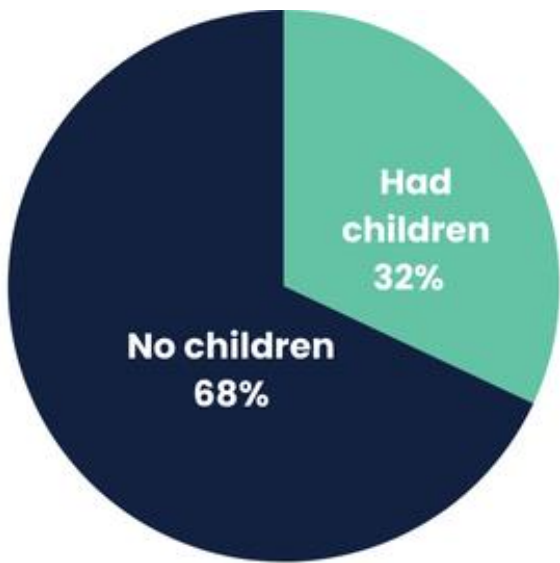
As a normal part of Bequest Assist's estate administration process, we collect data on each bequest left to one of our charity clients. This includes reading and entering information available through public probate documents, searching for obituaries of the deceased and recording the impact of any legal problems on the estate funds realised. We are lucky that collecting this data is essential to the day-to-day work we do. It is regularly checked and maintained to ensure complete accuracy.

All data included has been deidentified – both in terms of the charity the bequest was left to and the individual who left it. For this report, 4,420 bequests were analysed across 3662 estates, relating to charities from a range of locations, sizes and focus areas. To keep the report focussed, some records were excluded from analysis including New Zealand bequests and trusts in perpetuity.

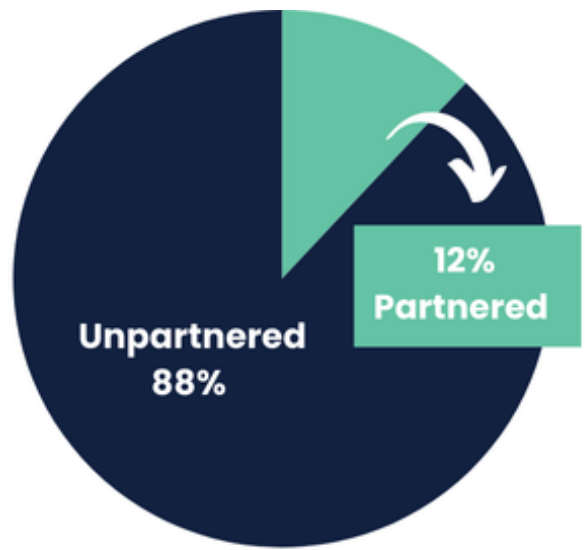
## Limitations of this report

Every effort has been made to record and analyse data accurately for this report, but some limitations are unavoidable. Where we are aware of potential limitations or a sample size of data is limited, a comment is included with the analysis.

# Findings at a glance



68% of bequestors had no living children at the time of their death



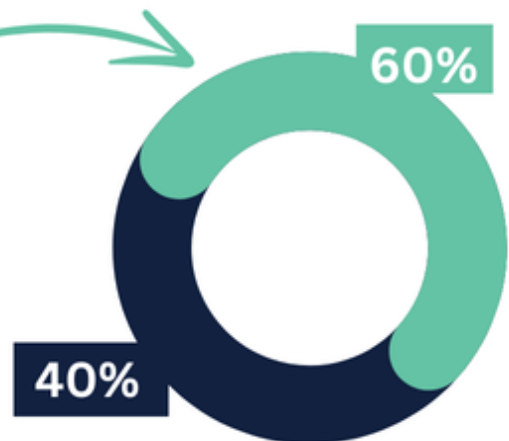
88% of bequestors were unpartnered at the time of their death



The median amount of time between someone writing their final Will and passing away is **3.6 YEARS**



**1/14** bequestors are responsible for **60%** of bequest income







Individuals who included a gift to charity in their Will included an average of **4** charities in total.

### Socio-economic status

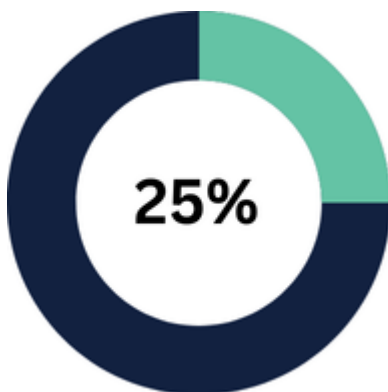
**62%** of bequests came from individuals living in areas considered in the top third of socio-economic advantage

### Over 80 years old

**73%** of bequestors were over the age of 80 at the time they passed away

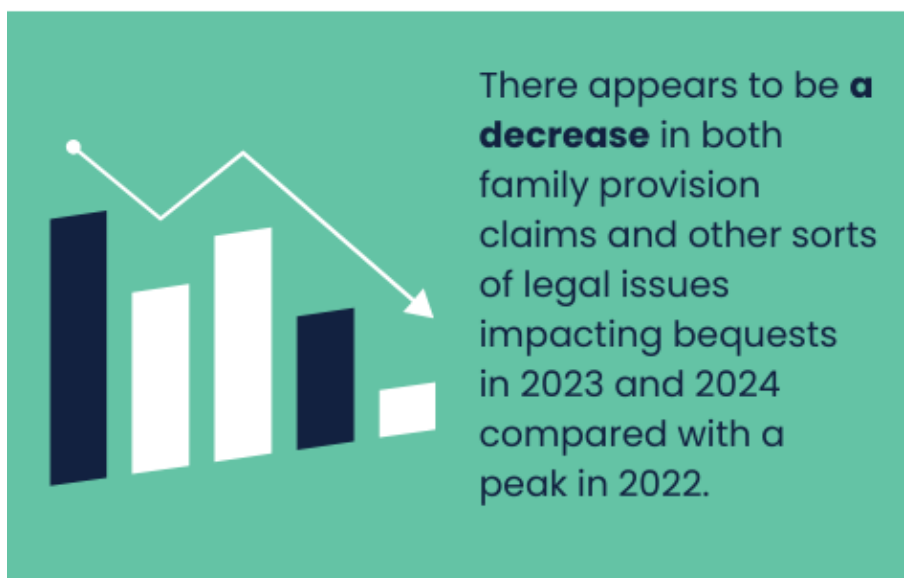
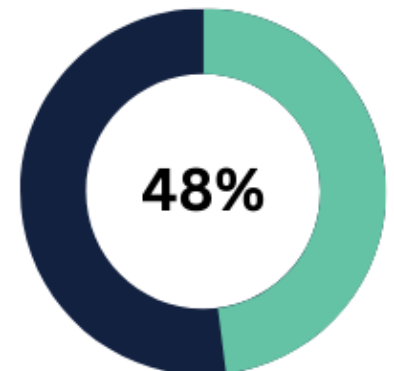


Real estate was an asset of the estate **65%** of the time with a median value of **\$825,000.**



Superannuation as an asset now appears in 25% of estates with a median value of over **\$289,000.**

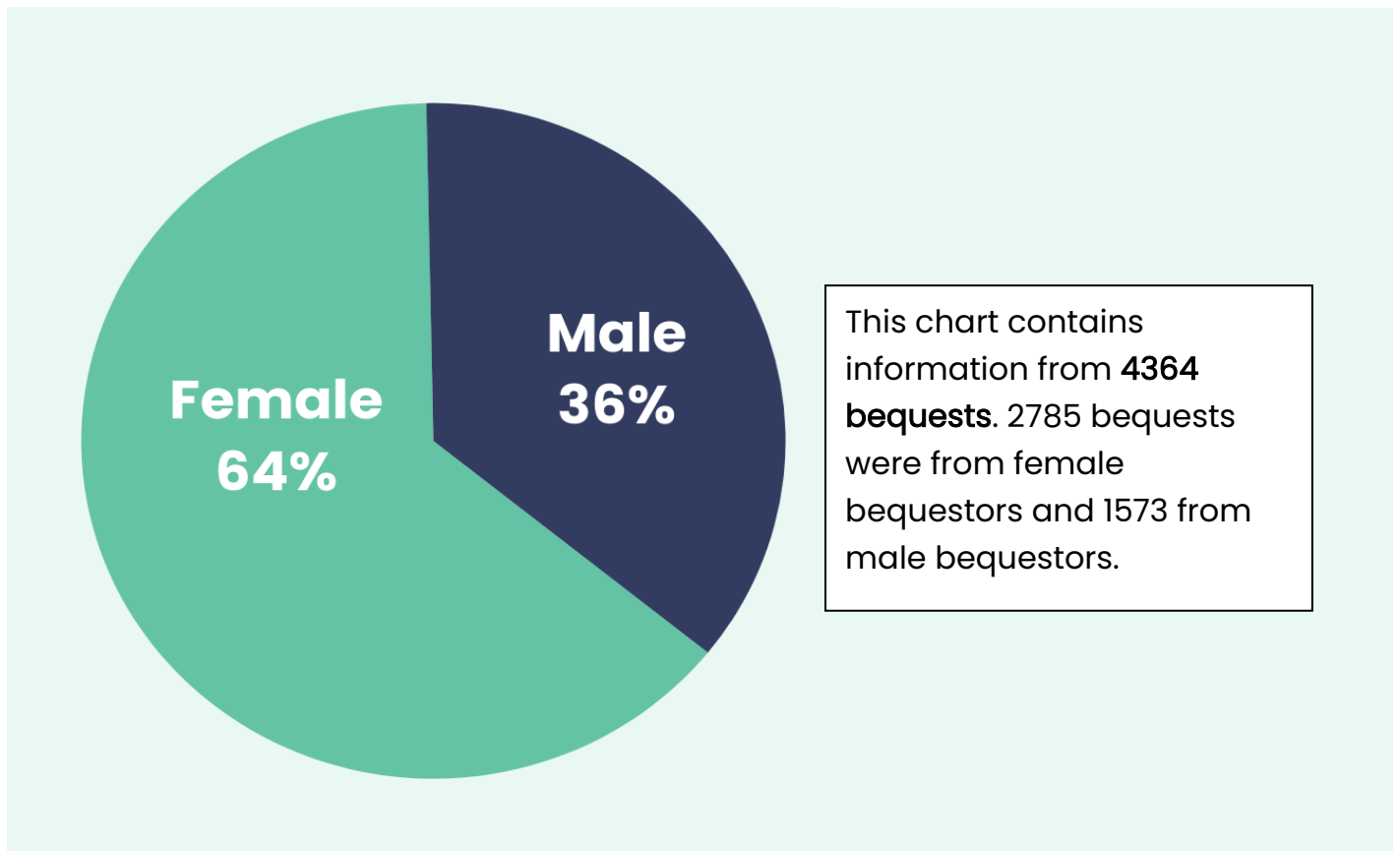
Shares were an asset of the estate 48% of the time with a median value of over **\$216,000**



There is as much as 25% variability in the number of GIW notifications charities receive year-on-year, but no charities trended significantly down in 2023.

# Section 1: Bequestor profile

## Percent of bequests left by gender



## Value of gift left by gender

Gender	Median gift value	Average gift value	Number of bequests
Female	\$ 20,000.00	\$ 139,005.52	2201
Male	\$ 24,334.95	\$ 148,819.33	1167
<b>Grand Total</b>	<b>\$ 20,000.00</b>	<b>\$ 142,405.97</b>	<b>3368</b>

**Note:** Bequest Assist recognises that gender is not binary and there are other relevant categories of gender identity that could be included here. With limited information about bequestors, we do not yet have records outside of “female” and “male” to include, so this table is simplified.

The numbers of bequests differ in this table from the pie chart as a smaller number of records are finalised and able to be analysed for gift value.

## Type of gift left by gender

Gift type	Female	Male
Pecuniary	68.70%	31.30%
Residual	61.86%	38.14%
Specific Gift	61.36%	38.64%
<b>Grand Total</b>	<b>65.35%</b>	<b>34.65%</b>

**Note:** The percentages here differ slightly from the pie chart due to a smaller number of records being finalised, allowing for gift type to be determined.

## Partnership status of bequestors

Partnership status at time of death	Number of bequests	% of bequests
Partnered	497	11.69%
Unpartnered	3754	88.31%
<b>Grand Total</b>	<b>4251</b>	<b>100.00%</b>

**Note:** In some instances, there is insufficient information to determine a bequestor's partnership status for certain. Where there is no mention of a spouse in the will, obituary or through the estate administration, we presume that they were "unpartnered". That designation includes individuals who were widowed, separated, or divorced, meaning that they could have been previously partnered, but were unpartnered at the time of death.

## Gifts left by partnered people

Type of gift	Number of bequests	% of bequests
Pecuniary	299	60.16%
Residual	189	38.03%
Specific Gift	9	1.81%
<b>Grand Total</b>	<b>497</b>	<b>100.00%</b>

## Gifts left by unpartnered people

Type of gift	Number of bequests	% of bequests
Pecuniary	1529	40.73%
Residual	2170	57.81%
Specific Gift	55	1.47%
<b>Grand Total</b>	<b>3754</b>	<b>100.00%</b>

## Value of gift left by partnership status (median)

Type of gift	Partnered	Unpartnered
Pecuniary	\$ 5,000.00	\$ 5,000.00
Residual	\$ 85,259.89	\$ 96,688.10
Specific Gift	\$ 115,793.04	\$ 69,993.93
<b>Overall median</b>	<b>\$ 10,000.00</b>	<b>\$ 23,646.21</b>

## Value of gift left by partnership status (mean average)

Type of gift	Partnered	Unpartnered
Pecuniary	\$ 29,317.64	\$ 22,481.65
Residual	\$ 347,587.52	\$ 266,079.13
Specific Gift	\$ 257,224.08	\$ 206,091.66
<b>Overall average</b>	<b>\$ 134,588.34</b>	<b>\$ 147,186.13</b>

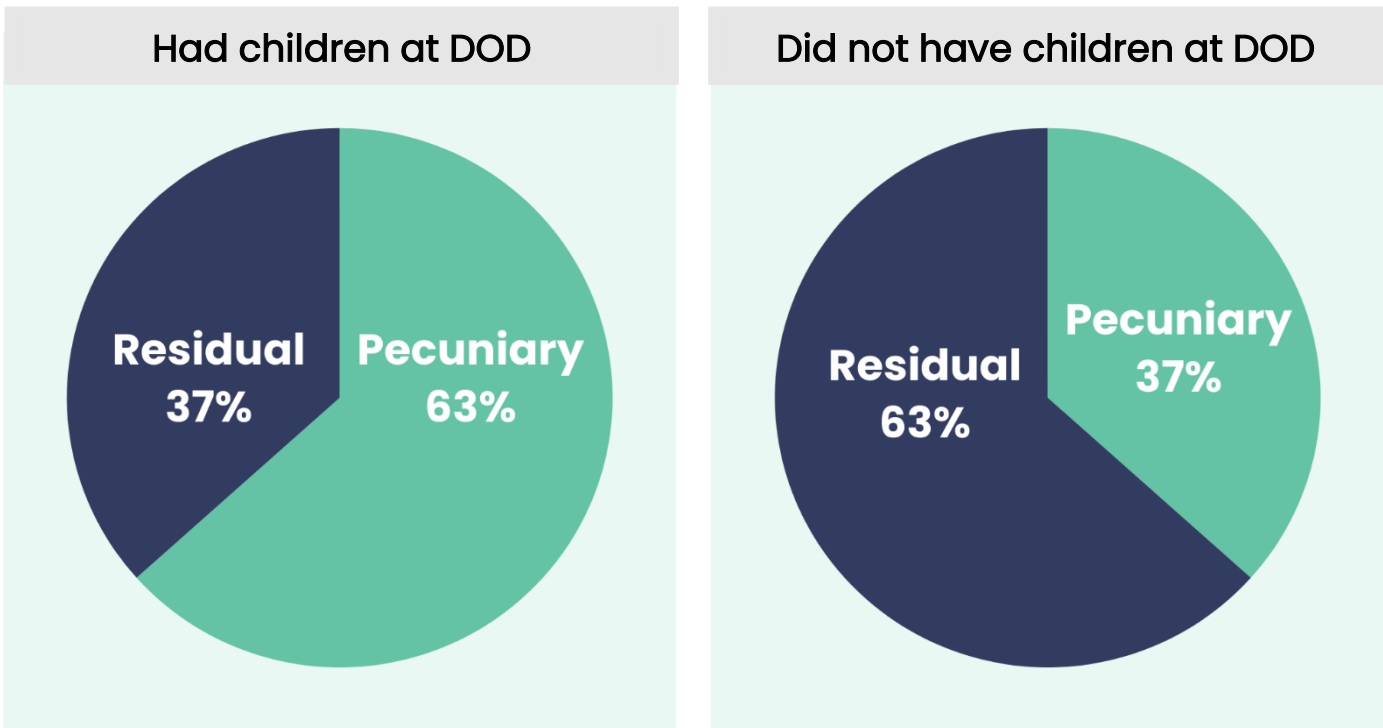
**Note:** While at first glance of data relating to gift types it appears that unpartnered individuals leave smaller size gifts, in fact the opposite is true. This is because unpartnered individuals are much more likely to leave residual gifts than their partnered counterparts, resulting in an overall higher average gift size from unpartnered individuals.

## Percentage of bequestors with children at time of death

Parenting status at DOD	Number of bequests	% of bequests
Without children	2899	67.91%
With children	1370	32.09%
<b>Grand Total</b>	<b>4269</b>	<b>100.00%</b>

**Note:** For the purposes of this data collection, “with children” refers to individuals who had a living child at the time of death but does not include if there was a child who pre-deceased them. For the purposes of this data “children” includes step-children (but these two relationships are distinguished for other data points later in the report). To collect this information, we rely on what can be found in the will, obituary and communications during estate administration.

DOD stands for “date of death”.



### Value of gift left by parenting status

Parenting status at DOD	Number of bequests included	Total gifts	Median gift size	Average gift size
Without children	2192	\$ 421,700,004.76	\$ 43,060.09	\$ 192,381.39
With children	1104	\$ 57,409,741.14	\$ 10,000.00	\$ 52,001.58
<b>Grand Total</b>	<b>3296</b>	<b>\$ 479,109,745.90</b>	<b>\$ 20,000.00</b>	<b>\$ 145,360.97</b>

## Age of testator when writing their final will

Age writing last Will	Number of bequests	Percentage of bequests
Under 70	426	18.70%
70-79	587	25.77%
80-89	823	36.13%
90-99	429	18.83%
100+	13	0.57%
<b>Grand Total</b>	<b>2278</b>	<b>100.00%</b>

The average age of a testator when writing their final will was 80 with the median age being 82.

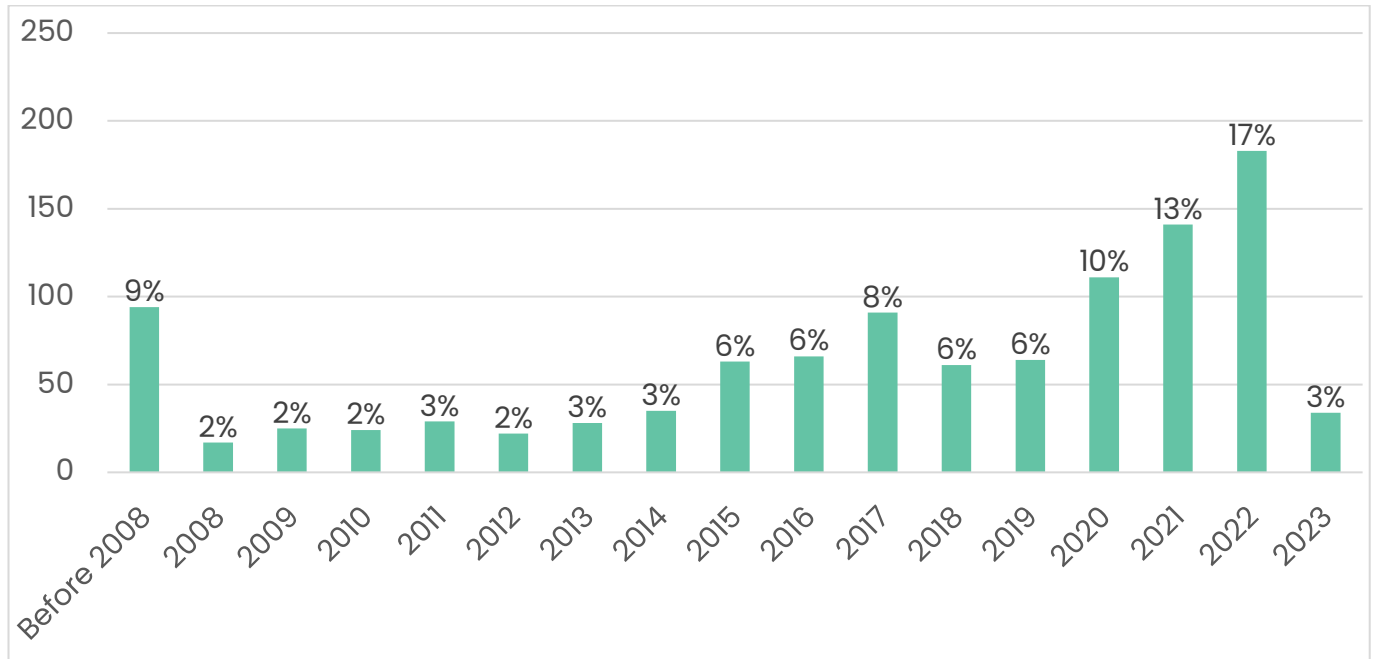
**Note:** Birthdate is only determinable in a limited number of records, resulting in a smaller amount of data for this analysis. We also have no way of knowing if the final will (the probated will) is an individual's first will or is replacing an existing one, which we believe is more probable. Only in a very small number of cases will previous wills be made available to charitable beneficiaries. Notably though, Research by Giving USA (2019) found that on average people in the USA make their first will at 44 and that most people updated their wills two or three times with only 12% never having updated them.

## Time between writing last will and date of death

Time between last will and DOD	Number of bequests	% of bequests
Less than 1 year	932	23.10%
1-2 years	518	12.84%
2-5 years	1005	24.91%
5-8 years	694	17.20%
More than 8 years	885	21.94%
<b>Grand Total</b>	<b>4034</b>	<b>100.00%</b>

The average amount of time between someone writing their last will and passing away was 5.3 years. The median amount of time was 3.6 years.

## Snapshot: what year were wills written when charity was notified of gift in Calendar Year 2023?

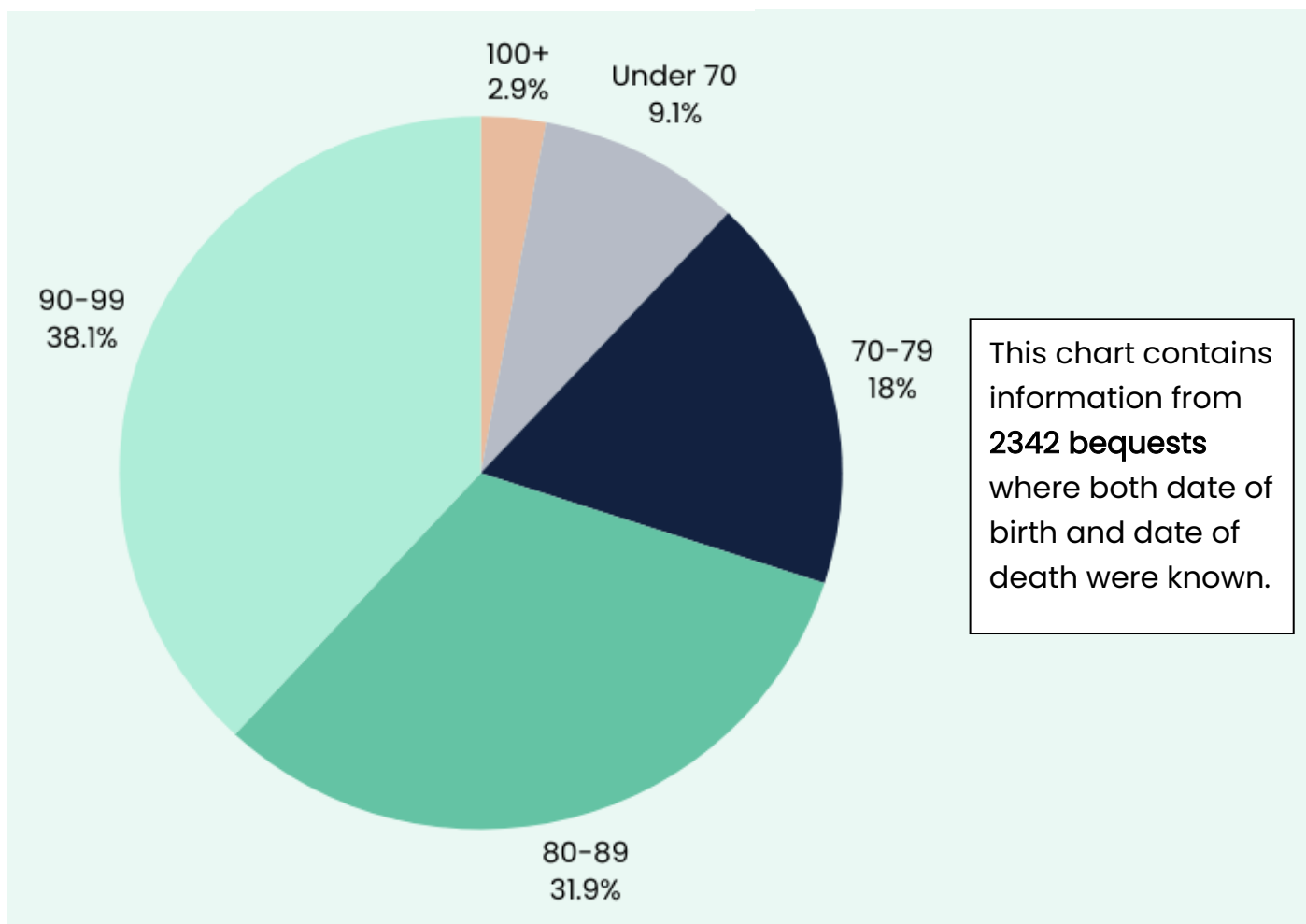


Year will written (when notification date in 2023)	Number of bequests	% of bequests
Before 2008	94	8.64%
2008	17	1.56%
2009	25	2.30%
2010	24	2.21%
2011	29	2.67%
2012	22	2.02%
2013	28	2.57%
2014	35	3.22%
2015	63	5.79%
2016	66	6.07%
2017	91	8.36%
2018	61	5.61%
2019	64	5.88%
2020	111	10.20%
2021	141	12.96%
2022	183	16.82%
2023	34	3.13%
<b>Grand Total</b>	<b>1088</b>	<b>100.00%</b>

This is a new piece of analysis for the 2024 report – analysing yearly trends in will-writing. While the broad trend mirrors the average we see of time between writing final wills and passing away, the story can be very different for individual charities. Some of our charity clients have a distinct dip or peak of wills written in a particular year. This is often correlated with Gifts in Wills program activity or the charity being featured heavily in the media that calendar year. This is a worthwhile exercise for individual charities to perform as part of their Gifts in Wills program analysis.

### Age of bequestors at time of death

The average age at date of death for bequestors was 85 with the median being 87.





## Bequestor location

MMM level of remoteness (simplified)	Number of bequests	% of bequests
Remote	27	0.65%
Rural	805	19.30%
Semi-urban	294	7.05%
Urban	3044	73.00%
<b>Grand Total</b>	<b>4170</b>	<b>100.00%</b>

**Note:** “MMM” stands for “Modified Monash Model” discussed below.

This data comes from the postcode for the bequestor at the time of writing their will. Where that data was unavailable, we have used the postcode at the time of death. In a previous study, Bequest Assist found that on average the address at the time of death of a bequestor is less than 10 kilometres from their address at the time of writing their final will.

We have utilised the Modified Monash Model for our analysis. This model classifies metropolitan, regional, rural and remote areas according to geographical remoteness, as defined by the Australian Bureau of Statistics (ABS), and town size. The study is repeated every five years by Monash University, to help keep information up to date. The data used by Bequest Assist in this analysis was collected in 2019.

In 2019, the Modified Monash Model found that 70% of Australians live in urban areas which is broadly similar to bequestor trends above.

## Bequestor socio-economic status

**Explanation:** The Index of Relative Socio-economic Disadvantage (IRSD) is a general socio-economic index that summarises a range of information about the economic and social conditions of people and households within an area. Unlike the other indexes, this index includes only measures of relative disadvantage.

A low score indicates relatively greater disadvantage in general. For example, an area could have a low score if there are:

- many households with low income;
- many people with no qualifications;
- or many people in low skill occupations.

A high score indicates a relative lack of disadvantage in general. For example, an area may have a high score if there are:

- few households with low incomes;
- few people with no qualifications;
- or few people in low skilled occupations.

When the testator's suburb or suburb at time of death was available, Bequest Assist recorded a postcode. The IRSD was assigned for each postcode recorded. For ease of analysis, Bequest Assist grouped the deciles into three groups to determine if the majority of bequests came from areas with high or low disadvantage.

Socioeconomic status (out of Australia)	Number of bequests	% of bequests
Bottom third	660	15.83%
Middle third	931	22.33%
Top third	2578	61.84%
<b>Grand Total</b>	<b>4169</b>	<b>100.00%</b>

As might be expected, bequests came disproportionately from areas in the top third of IRSD deciles (areas with high socio-economic advantage). Notably, this statistic differs significantly between charities and is worth analysing individually.

**Note:** The decile label is only a general classification for an area and does not reflect individual bequestor circumstances. For example, a very disadvantaged area could still have individuals with substantial wealth and property holdings at odds with the region.

## Section 2: Bequestor relationship to charities

### Proportion of bequestors known to the charity beneficiary

Was the deceased known or unknown?	Number of bequests	% of bequests
Known	2224	58.67%
Unknown	1567	41.33%
<b>Grand Total</b>	<b>3791</b>	<b>100.00%</b>

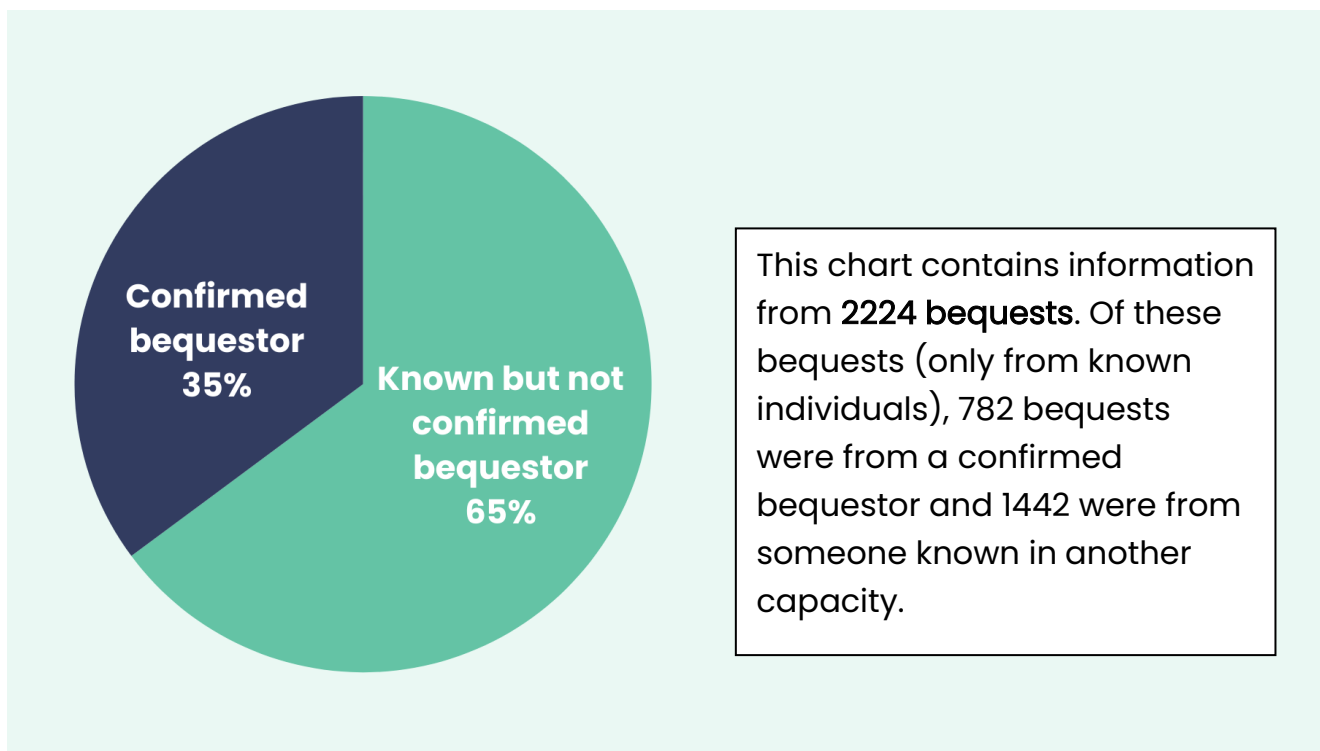
The percentage of bequestors known to the charity beneficiary before death varies significantly between charities. While some of the charities in our system knew as few as 32% of their bequestors, at the higher end, others knew as much as 80% of their bequestors. This could be indicative of true differences in the bequestor pools of these organisations, or of differing data cleanliness within their systems.

**Note:** Bequest Assist allows for charities to report a range of relationships that they may have had to their bequestors, including "confirmed bequestor", "donor", "client" and "member" - so individuals that were known to the charity whilst they were alive are a broad category.

While every effort has been made to ensure this data is as accurate as possible, as anyone who works in a charity knows, there can be shortcomings of CRM donor data storage. In some cases, charities are unable to identify if a person with a similar name is in fact the same as the bequestor, and so neither "known" nor "unknown" have ultimately been selected. Some charities do not comprehensively capture all data of individuals who interact with them in a non-financial way (such as signing petitions). Those individuals would appear as "unknown" in our analysis.

Our suspicion is that a higher proportion of bequestors were known to the charity than this analysis would suggest, but that charities are unable to determine this when looking at their CRMs.

## Proportion of confirmed bequestors amongst known individuals



## Time from last donation to notification of bequest (for individuals who were donors prior to death)

Years between last donation and notification	Number of bequests	% of bequests
Under 1 year	289	21.44%
1 - 2 years	229	16.99%
2 - 3 years	160	11.87%
3 - 4 years	123	9.12%
4 - 5 years	104	7.72%
Over 5 years	443	32.86%
<b>Grand Total</b>	<b>1348</b>	<b>100.00%</b>

This is a new metric we are examining in 2024. When an individual had previously been known to the charity as a donor, what was the length of time between their final donation and the charity receiving notification of the bequest? The answer is that on average, 4.5 years elapsed between the final donation and notification of a bequest. The median was 3 years.

Many charities have been asking about the risk of deidentifying donor data in relation to Gifts in Wills, worrying that by losing historical data about individuals who have interacted with the charity they will not be able to properly analyse their pipeline and how people came to leave a bequest.

This analysis shows that for a full third of donors who leave a bequest, their last donation was more than 5 years prior to the charity being notified of the bequest. For some charities, a 5 year gap in donations/contact would make a donor be considered “lapsed” and at risk of being deidentified or archived from the charity’s database. In these instances, when a bequest came through, a Gifts in Wills team member would be unable to determine the previous connection to the charity or understand what motivated the individual to leave a bequest.

Charities should be cautioned from deidentifying data that Gifts in Wills teams may need to understand the impact of their work. Where data is being deidentified or scrubbed, Gifts in Wills teams should be aware that their understanding of whether an individual was known to the charity before death might be skewed by missing data.

### **Snapshot: Number of charities in wills**

We are always interested to see the way that charities track together in wills, from how many charities are mentioned to whether there are trends in which ones frequently appear together. This year, we identified a few trends worth mentioning:

- Individuals who included a gift to charity in their will included a median of 3 charities (average of 4).
- Generally, people who were older at the time of their death included more charities in their will than individuals who passed away at a younger age.
- People who were partnered at the time of death or had children included fewer charities in their will on average than those who were single and did not have children.
- We did not observe any real difference in the number of charities included between men and women.
- Generally, individuals with larger value estates included more charities in their will than those with lower value estates.

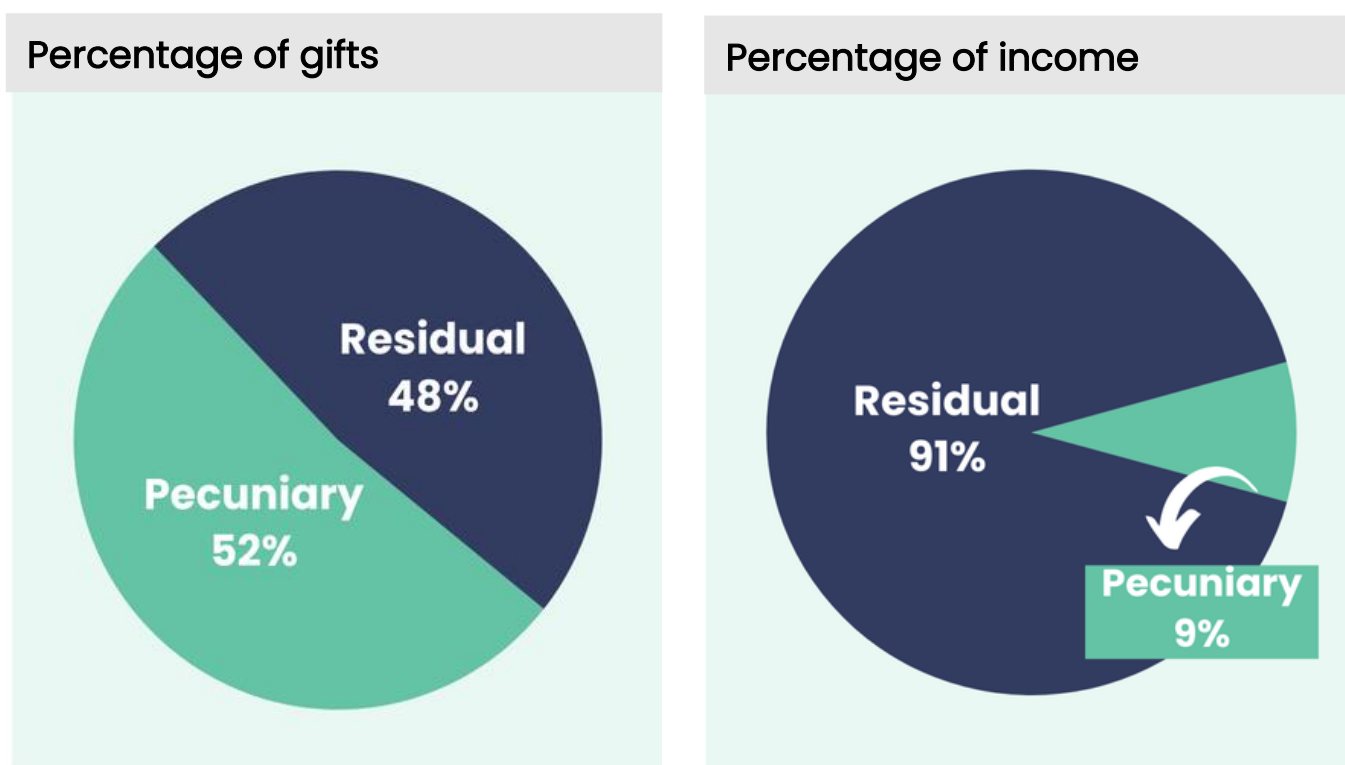
# Section 3: Gift instructions and value of bequest

## Percentage of restricted gifts

Use of gift	Number of bequests	% of bequests	% of GIW income
Restricted	321	9.85%	14.19%
Unrestricted	2939	90.15%	85.81%
<b>Grand Total</b>	<b>3260</b>	<b>100.00%</b>	<b>100.00%</b>

**Note:** This analysis excludes bequests which were expressed “as a wish” and is focussed on gifts that were either “restricted” or “conditional” on the funds being used in a particular way.

## Bequest income from pecuniary vs residual gifts and overall value



**Note:** These simplified pie charts exclude specific gifts, short term trusts and combined pecuniary/residual gifts.

## Transformational gifts as a percent of number of estates

### Explanation of “transformational gifts”

For the purposes of this report, transformational gifts are defined as those with a total value to the organisation of higher than \$500,000. Of the 3397 **finalised** bequests analysed, only 245 were classified as "transformational gifts". Those gifts collectively contributed, \$291,022,986.17 to charity income - a truly transformational amount!

Within charities of different Gifts in Wills program sizes, defining transformational gifts at a lower or higher value may be more appropriate. When Bequest Assist has performed this analysis for individual charities, the range nominated has been between \$400,000 and \$1,000,000. For the purposes of this analysis on such a range of charities, \$500,000 was selected.

Notably an individual charity receiving such a high value gift can be driven by two different factors:

- The overall value of the estate was large; and/or
- One charity received all or the majority of a more average value estate, resulting in a very large total of money. For example, a \$600,000 estate where 100% of the gift was left to one charity rather than divided amongst many.

## Transformational gifts as a percent of estate income



Is gift transformational?	Number of bequests	% of bequests that are transformational	Total income received	% of all GIW income
No	3152	92.79%	\$ 197,253,354.96	40.40%
Yes	245	7.21%	\$ 291,022,986.17	59.60%
<b>Grand Total</b>	<b>3397</b>	<b>100.00%</b>	<b>\$ 488,276,341.13</b>	<b>100.00%</b>

### Percentage of transformational gifts from estates of under \$1.5 million total

Value of estate	Number of transformational gifts	Percent of transformational gifts from this estate size	Total income from transformational gifts	% of income
Under 1.5 million	58	27.49%	\$ 41,930,734.73	16.68%
1.5-3 million	61	28.91%	\$ 60,115,373.74	23.92%
3-5 million	38	18.01%	\$ 49,643,409.44	19.75%
5-7 million	19	9.00%	\$ 21,313,233.89	8.48%
Over 7 million	35	16.59%	\$ 78,365,162.49	31.18%
<b>Grand Total</b>	<b>211</b>	<b>100.00%</b>	<b>\$ 251,367,914.29</b>	<b>100.00%</b>

This is a new piece of analysis for 2024 to try and understand if transformational gifts are coming from very large size estates, or represent a large gift from a more modestly sized estate. As the above table demonstrates, 27% of transformational gifts (representing 17% of income from transformational gifts) come from estates worth less than \$1.5 million total. The largest portion of transformational gifts came from estates sized between \$1.5 and \$3 million. This means that over half of transformational gifts came from estates of less than \$3 million, rather than ultra-high value estates.

The potential for an individual to leave a transformational gift from a more modestly sized estate should not be discounted.



## Groupings of bequest value

Bequest value	Number of bequests	% of bequests	Median bequest value in this range	Average bequest value in this range
Under \$9,999	1139	33.53%	\$ 2,000.00	\$ 2,951.16
\$10,000-\$19,999	490	14.42%	\$ 10,000.00	\$ 11,463.76
\$100,000-\$199,999	316	9.30%	\$ 129,529.20	\$ 134,843.19
\$20,000-\$49,999	494	14.54%	\$ 26,327.68	\$ 29,449.69
\$200,000-\$299,999	171	5.03%	\$ 240,809.42	\$ 242,488.81
\$300,000-\$399,999	88	2.59%	\$ 340,355.04	\$ 344,714.26
\$400,000-\$499,999	66	1.94%	\$ 441,436.03	\$ 444,341.93
\$50,000-\$99,999	382	11.25%	\$ 69,694.56	\$ 70,652.20
More than \$500,000	251	7.39%	\$ 800,982.83	\$ 1,171,406.32
<b>Grand Total</b>	<b>3397</b>	<b>100.00%</b>	<b>\$ 20,000.00</b>	<b>\$ 143,737.52</b>

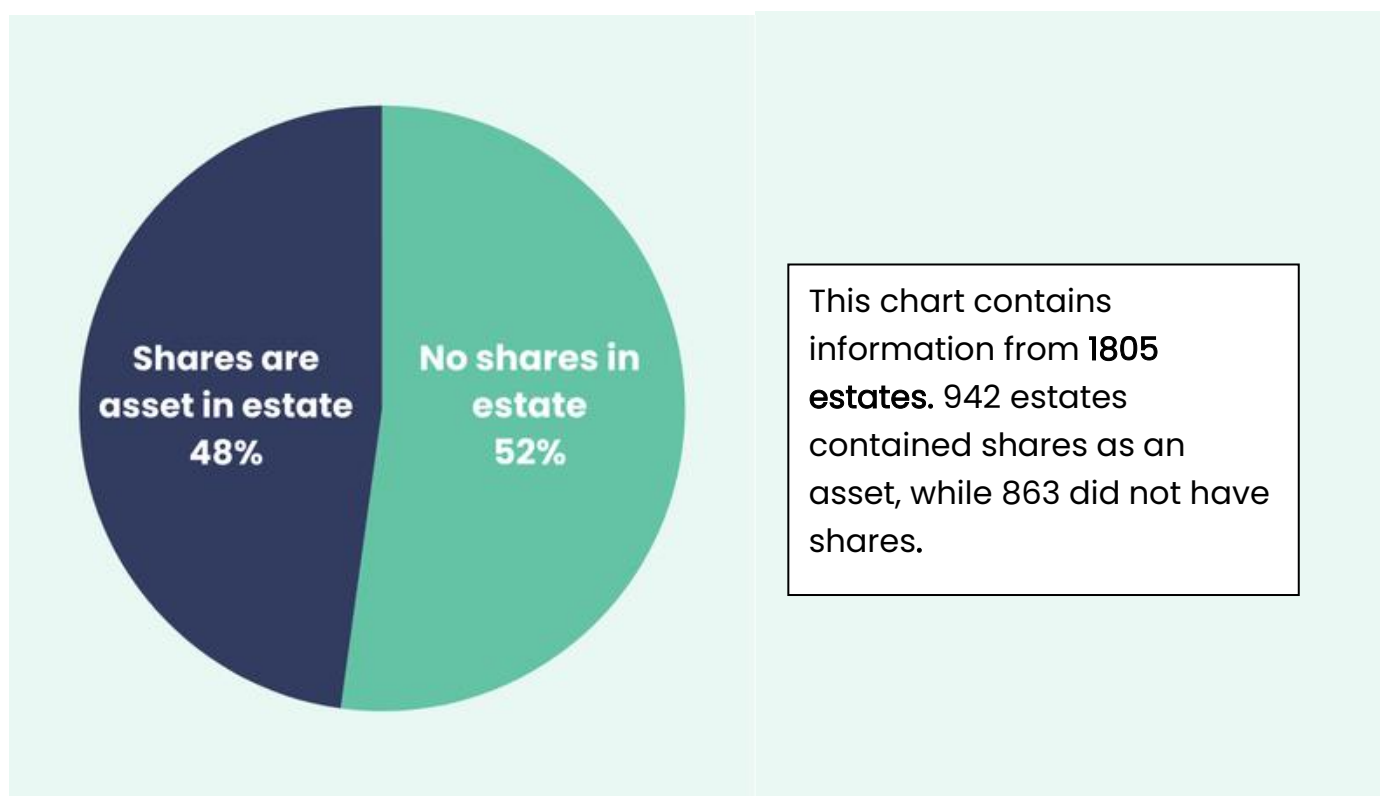
## Value of overall estates by state

State or territory (deceased address)	Average estate value	Median estate value	Number of estates
Australian Capital Territory	\$ 2,192,886.80	\$ 1,651,432.33	39
New South Wales	\$ 2,830,722.62	\$ 1,265,634.78	1031
Northern Territory	\$ 1,572,782.72	\$ 877,263.54	4
Queensland	\$ 1,420,262.49	\$ 684,296.74	260
South Australia	\$ 1,282,258.30	\$ 727,767.72	97
Tasmania	\$ 810,344.57	\$ 573,708.73	57
Victoria	\$ 1,915,697.75	\$ 1,120,950.13	994
Western Australia	\$ 1,416,955.24	\$ 843,910.44	72
<b>Grand Total</b>	<b>\$ 2,187,404.42</b>	<b>\$ 1,099,314.08</b>	<b>2554</b>

**Note:** As a reminder, the "estate" refers to all assets owned by the bequestor at the time of death, from which they make gifts of bequests. We have excluded data from before 1/1/2018 to acknowledge the likely shifts in estate value over time.

We generally only receive the asset list for residual gifts, so this analysis excludes the estates where only a pecuniary gift was left to our charity clients. There may be differences in the estate value between those gift types that we are not aware of. In addition, while some states and territories capture both the assets and liabilities of the deceased, others capture only the assets – we have recorded the most accurate estimate of the estate value in each instance.

### Commonality of shares in estates

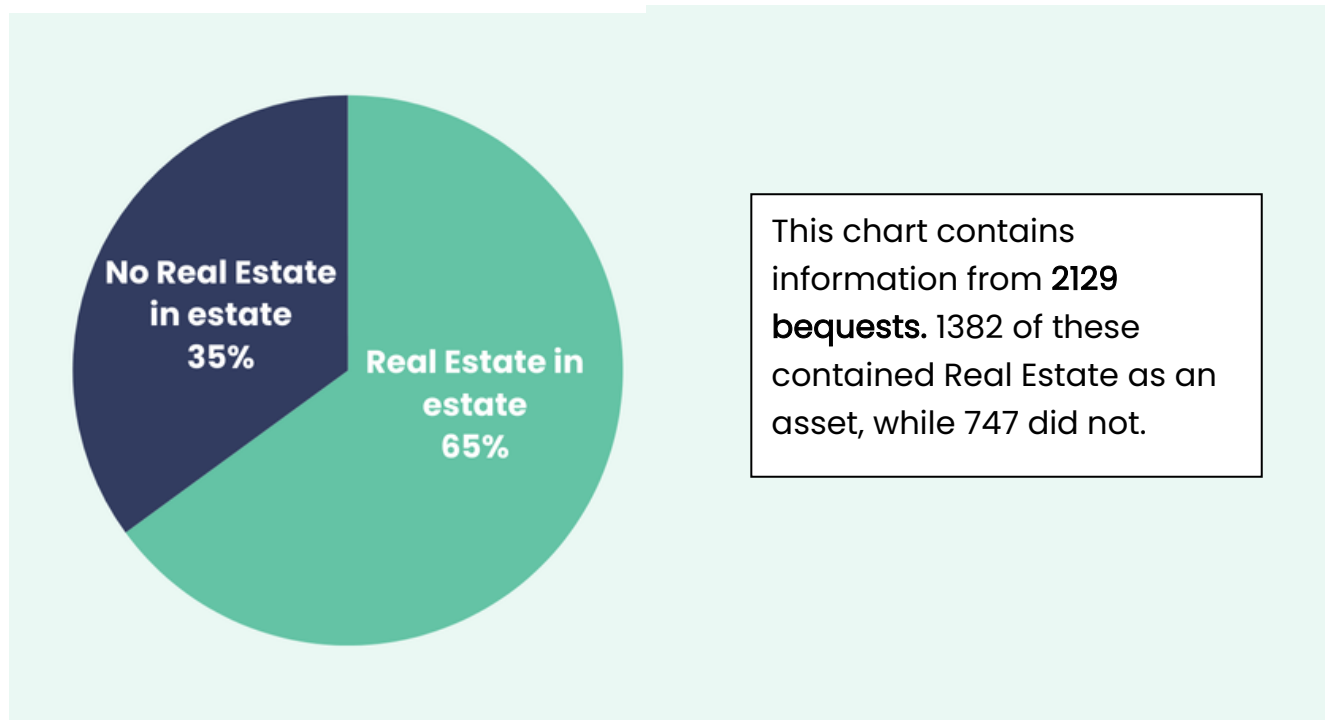


Number of bequests	Average value of shares	Median value of Shares
689	\$ 1,268,343.43	\$ 216,260.00

Our analysis has also revealed that estates with shares as an asset are generally much larger than estates without shares. On average, estates with shares are 3.4 times larger than those without.

The added focus on shares in this report is part of our continued attention to incorrectly paid Capital Gains Tax (CGT) as a major source of loss for Gifts in Wills income. Given almost half (48%) of bequests come from estates with shares as an asset, it is essential that charity estate administrators are knowledgeable about CGT and proactive about broaching the issue with executors and solicitors.

## Commonality of real estate in estates

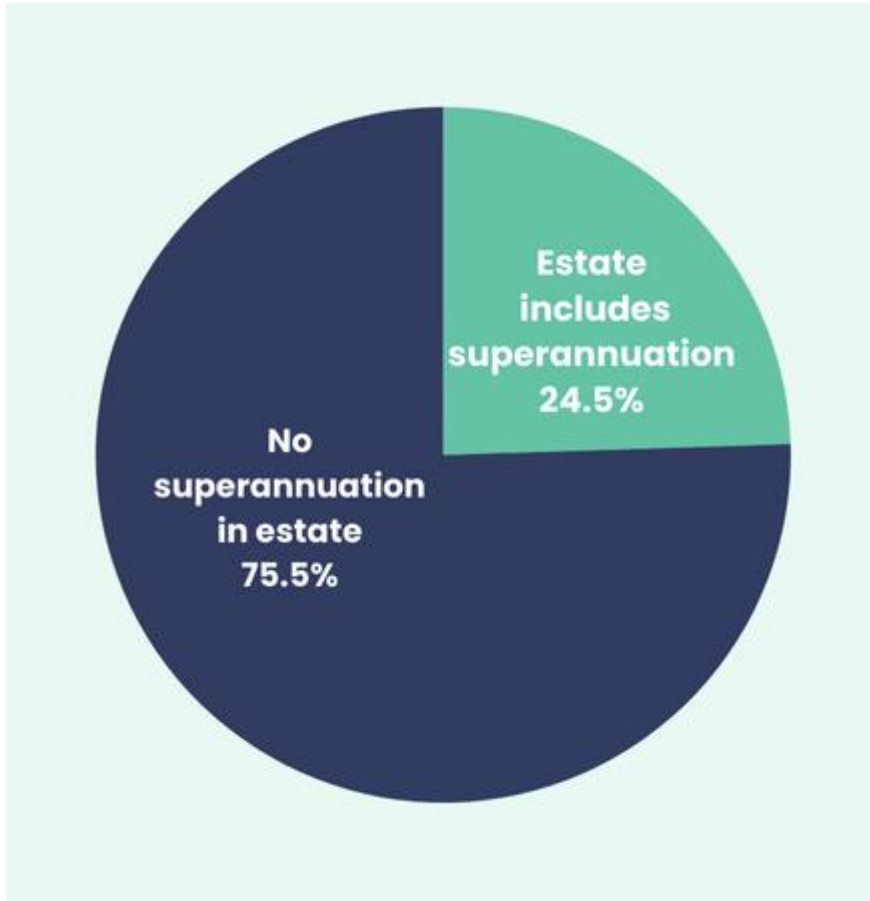


Our analysis found that based on the asset list filed with probate, on average real estate in an estate leaving bequests to charities is worth \$1.3 million. The median real estate value was \$825,000. Using either metric, it's clear that real estate is often the highest value asset within an estate.

Similarly to shares, estates that include real estate as an asset are on average larger than those that do not contain real estate. For example, the median value of an estate that did not include real estate was just over \$581,000 while an estate that did include real estate had a median value of over \$1.4 million.

## Commonality of superannuation in bequests from Financial Year 2023/24 onwards

### Is superannuation an asset of the estate?



Is superannuation an asset of the estate?	Number of bequests	Percent of bequests
No	342	75.50%
Yes	111	24.50%
<b>Grand Total</b>	<b>453</b>	<b>100.00%</b>

This analysis is new in this report as we have only been tracking superannuation as an asset in estates more recently. Prior to the past financial year, we rarely saw superannuation as an estate asset, but as the above reveals, now it appears 25% of the time. This trend should continue to rise as more people who pass away worked beyond the period where superannuation became mandatory.

In the estates where superannuation appeared as an asset, the average value of the super was just over \$546,000 with the median just over \$289,000. It would appear that this is an asset of growing significance for estate administrators.

Notably, Include A Charity have been working together with other leading philanthropy sector voices to advocate for reform that will make it easier for individuals to leave their superannuation to charities. As superannuation appears in more and more estates, it would be enormously beneficial for an overhaul to allow this asset to flow to charities without tax consequences.

**Note:** We generally do not receive an asset list for pecuniary gifts, meaning that this data is based largely off instances where a charity is receiving a residual gift. There may be unknown asset differences between these sets of estates.

Superannuation was seen so rarely as an asset in estates prior to 2023 that we did not track it in our system. The data in relation to superannuation is based on the past financial year only.

# Section 4: Will type, legal issues and estate administration speed

## A comment on the prevalence of online wills

One of the things that charities frequently want to know from Bequest Assist is what percentage of the bequests in our system stem from online wills. It was suggested that we could include a chart detailing this information within this report.

Our data stretches across 4402 bequests from 3029 wills. At the time of writing the 2023 report, we had seen one online will which was ultimately not able to be probated. Now in 2024 we have seen three, but none have yet been probated.

Writing wills online is a relatively recent evolution in Australia with a small, but reportedly growing, amount of the total number of wills being written in this way. With the average age of testators in our database already discussed, it might be some time before there is any major change to the frequency with which we see online wills.

## Notes in relation to analysis of legal issues

While the following data can be very interesting and helpful to charities, there are a few caveats that must be noted.

This report is being written in mid-2024, so our data from that year is incomplete. In general, raw numbers of estates with legal issues are not helpful for two main reasons: the sample size is small and the number of estates administered by Bequest Assist has increased significantly over this time period, meaning that a corresponding increase in the number of estates with claims would be expected.

When charities have provided us with historical documentation of their bequests, it can sometimes be harder to identify legal issues and calculate the exact amount of funds lost. With improved recording and sharing of information relating to legal issues encountered by charities, we have excluded some data to come up with a more accurate estimation. We are confident that this data will continue growing more robust the longer we work for each charity.

Estimated costs include any settlements as well as legal fees (including paying to hire a solicitor) paid by the charity. Not all legal issues resulted in a loss to the charity, and those were recorded as \$0 lost, but they may have resulted in an investment of time

and a delay in payment. Sometimes costs have needed to be estimated (for example if we have incomplete information on a charity's legal costs).

Note that these classifications include if a legal issue has been raised, even if it is ultimately not adjudicated. An example of this would be a person threatening to make a family provision claim, but ultimately never formalising the matter.

## Frequency of legal issues and proportion of estate income lost

Type of legal Issue	2018	2019	2020	2021	2022	2023	2024	Total
Beneficiary search	0	0	0	2	2	0	0	4
Informal will issues	3	1	3	9	10	11	7	44
Executor unable to act	0	2	0	5	5	10	4	26
Testator capacity	2	0	5	4	6	4	3	24
Taxation issues	2	1	0	0	2	0	0	5
Frozen funds	0	3	3	0	1	1	0	8
Problems with executor or solicitor	3	2	0	4	1	5	2	17
Life interest	10	13	9	11	11	22	7	83
Will/codicil unclear	1	6	10	5	4	4	5	35
Family provision claim	8	6	14	28	54	49	21	180
Super issues	0	0	0	1	0	1	1	3
Other	4	4	6	13	11	19	10	67
<b>Number of bequests with legal issues</b>	<b>30</b>	<b>35</b>	<b>49</b>	<b>72</b>	<b>95</b>	<b>104</b>	<b>51</b>	<b>436</b>
<b>Total number of bequests</b>	<b>180</b>	<b>227</b>	<b>325</b>	<b>434</b>	<b>694</b>	<b>1135</b>	<b>627</b>	<b>3622</b>

**Note:** Some bequests appear in the above table more than once because there was more than one legal complexity issue. Note that raw numbers are misleading unless seen relative to the total number of bequests down the bottom. This is because the number of bequests we work on each year is much higher now than in past years, so the number of legal issues are correspondingly higher.

## Instances of family provision claims

Notification year	Number of bequests	Average loss to charity per claim	Median loss to charity per claim
2018	6	\$ 64,798.00	\$ 14,381.00
2019	5	\$ 30,727.50	\$ 24,750.00
2020	11	\$ 229,081.33	\$ 45,589.00
2021	21	\$ 126,252.46	\$ 43,100.00
2022	26	\$ 164,578.84	\$ 93,734.50
2023	13	\$ 69,604.86	\$ 34,200.00
2024	2	\$ 96,000.00	\$ 96,000.00
<b>Grand Total</b>	<b>84</b>	<b>\$ 132,666.81</b>	<b>\$ 45,894.50</b>

**Note:** Notably the sample size is small, so the figures on average settlement cost to a charity can be skewed. The loss to the charity does not represent the total amount lost in relation to that claim, but how much it took from an individual charity's anticipated gift.

## Instances of other legal issue (not including family provision claims)

Notification year	Number of bequests	Average loss to charity	Median loss to charity
2018	17	\$ 23,040.00	\$ 200.00
2019	17	\$ 162,195.80	\$ 74,826.00
2020	20	\$ 87,718.82	\$ 43,000.00
2021	25	\$ 38,353.46	\$ 15,000.00
2022	20	\$ 50,750.00	\$ 20,000.00
2023	30	\$ 37,986.35	\$ 0
<b>Grand Total</b>	<b>129</b>	<b>\$ 65,598.52</b>	<b>\$ 15,000.00</b>



## Number of bequests with legal issues (as % of all bequests)

	2018	2019	2020	2021	2022	2023	2024	Total
Number of bequests with legal issues	30	35	49	72	95	104	51	436
Total number of bequests	180	227	325	434	694	1135	627	3622
% of estates with a legal issue	17%	15%	15%	17%	14%	9%	8%	12%

## % of Gifts in Wills income (total) lost to legal issues and family provision claims

Bequest close year	Number of bequests	% of GIW income lost to family provision claims	% of GIW income lost to other legal issues	% of GIW income lost to legal complexity (all types)
2018	127	3.50%	0.00%	3.50%
2019	149	1.71%	0.36%	2.07%
2020	196	0.87%	2.84%	3.72%
2021	344	1.54%	0.42%	1.96%
2022	550	1.75%	1.29%	3.03%
2023	902	4.69%	1.59%	6.28%
2024	618	2.54%	0.41%	2.99%
<b>Grand Total</b>	<b>2886</b>	<b>2.72%</b>	<b>1.02%</b>	<b>3.75%</b>

**Note:** Likely our data from 2018–2019 is affected by missing historical information and is not as accurate as more recent data.

## Rate of family provision claims over a six year period

Notification year (CY)	2018	2019	2020	2021	2022	2023	2024	Total
Bequests with family provision claim	8	6	14	28	54	49	21	180
Total number of bequests	180	227	325	434	694	1135	627	3622
% of bequests with family provision claim	4%	3%	4%	6%	8%	4%	3%	5%

In last year's report, we cautioned that there was no clear trend of a rise in family provision claims over time. With the benefit of another year of data, it does appear that perhaps 2022 was a minor outlier for unknown reasons. It should be noted that charities would still feel the financial implications of claims raised in 2022 and 2023 in 2024 as those estates are finalised and paid out. It will be very interesting to have a full year of data for 2024 to see if any further trends emerge.

**Note:** As a reminder, the reliable figure from this data is not the raw numbers but the percentages. Raw numbers are impacted by the growth in Bequest Assist's client base versus the percentage is relative to growth.

## Snapshot: rate of legal issues on estates when there is a surviving child

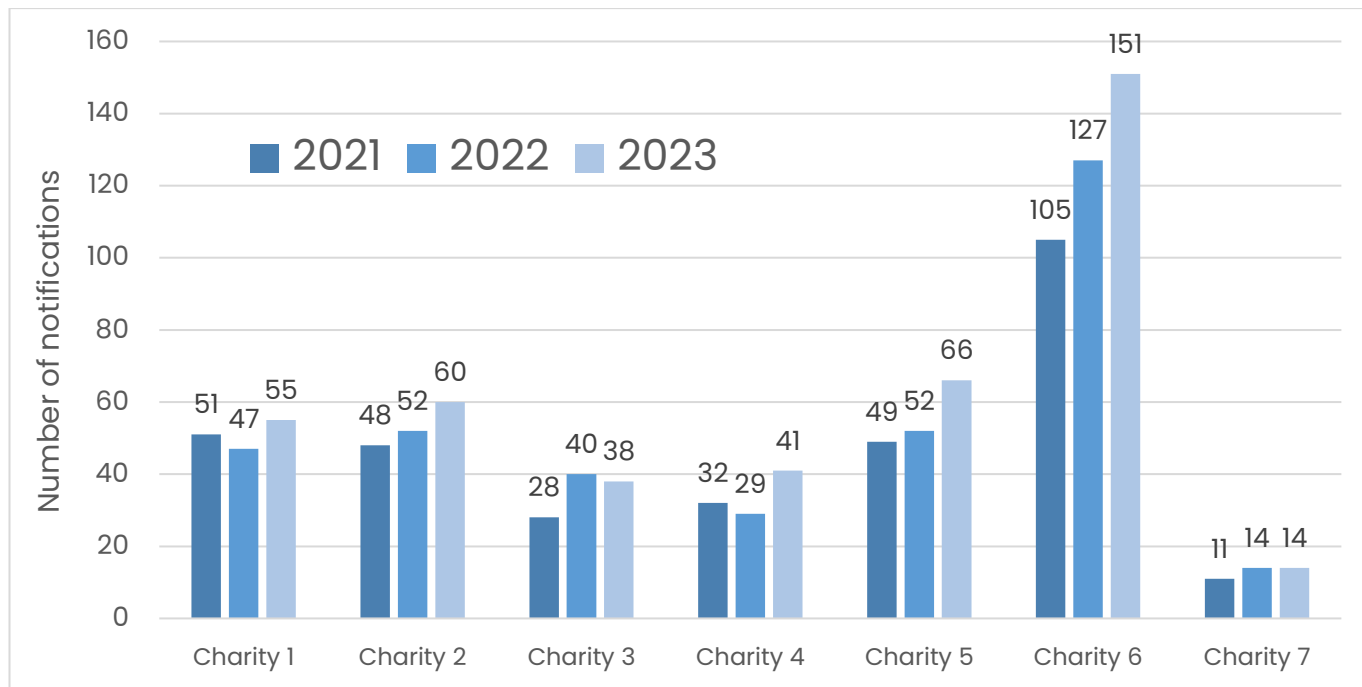
Notification Year (CY)	2018	2019	2020	2021	2022	2023	2024	Grand Total
Has a family provision claim	7	3	7	16	31	35	15	114
Total number of bequests (with surviving children)	53	59	79	136	212	404	224	1167
Family provision claim as % of bequests	13%	5%	9%	12%	15%	9%	7%	10%

This is a new piece of analysis for 2024, trying to understand the likelihood of a family provision claim occurring when the deceased had children. Wherever possible, Bequest Assist looks for data on whether or not the deceased had living children at the time of death – regardless of whether or not they were included in the will. This information can be discovered in a number of ways, from death certificates to obituaries.

This table shows what percentage of bequests experience at least one family provision claim filed when the deceased had a living child or children at the time of death. It includes instances where the charity is receiving either a pecuniary or residual gift. It also includes instances where children were either excluded from the will altogether, or did receive a gift under the will but asked for higher provision.

10% of the time when the deceased had a child and a charity is provided for by the will, there was a family provision claim at least threatened. We also analysed instances where a charity is receiving a residual gift (excluding pecuniary) and this percent rises to closer to 30% of the time.

### Snapshot: are notifications trending up or down?



Charities often express curiosity if funds from Gifts in Wills are trending up or down, both for their own charity and the sector as a whole. Because of how long it sometimes takes for these gifts to be fully paid out and the variability in gift size, one reliable way of examining trends is to look at the number of notifications of new bequests received

year-on-year. While not exact, this can be an indication of fluctuations in Gifts in Wills income in years to come.

We examined notification trends for the clients we have been handling estate administration on behalf of for at least two years to give some insights.

Across the board, notifications of new bequests have either held steady or grown each year for our clients. The most that any charities' notifications decreased between 2022 and 2023 was by two bequests (small in the context of their program). Some charities are seeing significant growth year-on-year while others are on a more steady growth trajectory. We can see that charities can have as much as 25% variability in the number of notifications year-to-year, but no charities trended significantly down in 2023. The above table provides a deidentified look at some of the different notification trends we observed.

### Speed of estate administration from date of death to final payment

Row Labels	Number of bequests	% of bequests
Under 1 year	1426	44.04%
1 - 2 years	1035	31.96%
2 - 3 years	343	10.59%
3 - 4 years	147	4.54%
4 - 5 years	86	2.66%
Over 5 years	201	6.21%
<b>Grand Total</b>	<b>3238</b>	<b>100.00%</b>

### Speed of estate administration from date of death to final payment for residual gifts only (excluding pecuniary and specific)

Time between DOD and close date	Number of bequests	% of bequests
Under 1 year	325	21.06%
1 - 2 years	557	36.10%
2 - 3 years	274	17.76%
3 - 4 years	128	8.30%
4 - 5 years	76	4.93%
Over 5 years	183	11.86%
<b>Grand Total</b>	<b>1543</b>	<b>100.00%</b>

**Note:** We have measured the length of time from the date of death of the bequestor through to the date of final payment made by the estate because:

- when notification happens is inconsistent between estates; and
- the date of probate may vary if an estate is being administered more slowly.

Notably, this initial table includes both residual and pecuniary gifts, but if the charity was a pecuniary beneficiary the time only represents how long it took them to get paid, not for the entire estate to be finalised. Note that these statistics are solely based on estates where at least one of Bequest Assist's clients is receiving a bequest. We proactively work with solicitors and executors to administer the estate as quickly as possible, so for charities not actively seeking payments these statistics might be much slower.

## References

Bequest Assist and Include A Charity, 2023. Include A Charity and Bequest Assist 2023 Gifts in Wills Report.

Giving USA, 2019. Leaving a Legacy: A New Look at Today's Planned Giving Donors, Chicago: Giving USA.