

what about me?

your pets & your Will



It's easy to overlook our pets when it comes time to making a Will. Even though most Australians have pets how many of us have thought about what might happen if our pets outlive us?

You can make sure that your pet is looked after when you die. You must make a Will that clearly says how your pet is to be cared for. Look at the options set out below and think about which one best suits you and your pet. Then go and see a solicitor, the Public Trustee NSW or Trustee Company and have your Will professionally drafted to ensure that it is valid and your wishes are carried out.

When providing for your pet in your Will your options are:

- a legacy to a friend or relative with a non-binding request they look after your pet;
- a legacy programme with an animal charity. This involves leaving a gift of money to the charity in exchange for the charity looking after your pet;
- a trust for the care and maintenance of your pet;
- euthanasia.

Whichever path you choose it is **very important** that you consider:

- your pet's expected lifespan;
- the cost of the upkeep of your pet for the rest of their life; and
- who will look after your pet should you die – are they reliable?



legacies



legacies to family & friends

If you have a trusted friend or family member this option may work very well. A simple clause in your Will leaving your pet and a sufficient gift of money to the carer you nominate, while not binding, will enable the carer to use the legacy to care for your pet.

Before you make your Will you must talk to your friend or family member to see if they are prepared to take on the duties of looking after your pet.

legacy programs

Both the NSW Animal Welfare League and the NSW RSPCA operate a “pet legacy programme”. Under these programmes a gift of money is made to the charity to either re-home your pet or to place them in a facility that these charities operate especially for pets of people who have passed away or are unable to care for their pet due to age or illness.

This option is very popular, particularly for those who do not know anyone prepared to look after their pet when they die.

You must contact the charities to find out the requirements for you to take advantage of their “pet legacy programme”. For your peace of mind you may also wish to visit their facilities to ensure that your pet would be happy with the accommodation.

There are other animal rescue groups, while not operating accommodation facilities, that can try to re-home your pet. It is worthwhile investigating this option as well.



pet euthanasia

Some people would prefer that their pet be euthanased on their death; they do not wish the animal to suffer the grief of separation and the possibility of being unsuitably re-homed.

If you wish to have your pet euthanased it would be best to canvass this with your chosen executor (this is the person who is appointed in your Will with the legal duties of collecting and distributing your property after you die). Your executor will arrange for your pet to be euthanased following your death.

trusts

A trust must comply with certain legal rules which your legal advisor will discuss with you. However there are a few practical matters you should think about if you wish to set up a trust in your Will and these are:

- putting aside sufficient money in the trust to cover your pet's lifetime needs, with further instructions about what happens to any unspent funds once your pet passes away;
- naming someone reliable who is prepared to care for your pet and obtaining the consent of this person;
- animals are classified as property under Australian law and a trust for the maintenance of a pet will not be enforced by an Australian court if the trustee is not prepared to carry out its terms. It is important that you choose a trustee who is wise and dependable and will genuinely carry out the terms of the trust;
- remember to give your trustee relevant written information about your pet's behaviour and needs (including any veterinary needs).



other practical tips

You should ask yourself: what would happen if I died suddenly? Would anyone know that I have a pet at home in need of food and water?

You should inform family, friends, neighbours or even work colleagues what to do about your pet in case of an emergency.

If you have not made a Will or you need to review your Will to include provision for your pet then contact your local solicitor, the Public Trustee NSW or Trustee Company.

For more detailed information about the issues set out in this brochure please visit <http://alc.younglawyers.com.au>



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