

SESSION: REMEMBER THE SOCIETY IN YOUR WILL

DON CAMPBELL - SYDNEY TRAMWAY MUSEUM

Over the years we have all struggled, at one time or another, to support the establishment of our museums and the restoration of our vehicles. Our collective actions have brought us to where we are today, and we can all look back with pride upon our accomplishments.

The establishment of a working museum, however, is not the end of that support, and as our museums continue to expand and grow in these changing and challenging times, the support of our enterprise must also expand beyond what has been achieved in the past. We must look for new resources that might be available, that have not been tapped in the past, to provide for our Museum's future objectives.

Long-term planning must be an essential part of our Museum business plan as the future will provide many challenges and changes to the way we do business. The need for greater resources will become a pressing issue and new methods of funding will be required to allow us to complete our future objectives.

You and your fellow members appreciate the support you have been given in the past to this "labour of love", but after the inevitable occurs and you die, need that support end? The answer is, that NO, it need not end.

Eventually we will all pass on, leaving an estate, large or small, that we have built up. With the laws and complex nature of the society in which we live, do you really know what will happen to your estate? The laws of probate* will be complicated, expensive and time consuming for your successors. After the negotiations about who gets what are finalised, would the end result be what the person who left the estate really wanted?

A properly drafted will should solve these problems. A will lets you direct not only who gets your property, but can also direct how you want it distributed and how you want it sold. More importantly, a will can avoid a costly battle between those you want to share in your state and those you want to exclude. Take the time to calculate what you will leave behind you when you shuffle off. If you are a home owner, the amount can be quite considerable. It would be complete folly to leave your assets unassigned to perhaps unsympathetic successors. Making a will is quite easy and relatively inexpensive.

When making your will, there will be the opportunity for you to continue your Museum support by making a bequest, large or small, to allow your past work to continue. The bequest can be made to the Museum in general or specifically towards your favourite project or interest. Remember also your property such as photographic collections and libraries of books and magazines. We have all heard the stories of the unsympathetic executor, anxious to finalise matters quickly, dumping priceless stuff which is of no interest to them, and which has no immediate sale value. Your museum can take your collections and benefit their archives. Surplus items can be sold to raise funds.

The problem to overcome is how to convince your members to make a will and then have them include a bequest in favour of the Museum. At the conclusion of this address, it is proposed to throw the meeting over to discussion on this matter and seek some resolutions.

One solution may be to have a sympathetic solicitor, fully briefed on the Museum's requirements, hold seminars at your next members open day. At these seminars, the advantages of donating can be discussed and if need be the selected solicitor may offer a special rate to later perform the documentation.

The direct approach to members, asking them about their wills and what's in them has problems with privacy, however the following discussions and resolutions could provide some means of approach. Just remember that the affluent looking member who drives a big flash car might just like big flash cars and struggles every month to pay for it. Equally the member who wears the same clothes for years may sleep on a mattress full of money. Getting to those members with your bequest proposals could be difficult and require considerable delicacy.

In conclusion, everyone should make a will. It saves untold problems for your family or executors. It can benefit your museum by allowing the member to provide for future development and to memorialise their work and accomplishments. The benefit to the Museum is a source of long-term money to allow those of us who will still be about to continue the good work.

DISCUSSION:

Richard Gilbert: Had a member, and it had been intimated that the BTPS would benefit on his passing. Unfortunately he left no will, and as a result the museum received nothing.

Don Campbell made the following additional points:

The group which you wish to benefit under your will must be specifically named.

Nobody likes to acknowledge they are going to die, but it is an eventuality that you must plan for in respect of your property.

There may be tax and duty benefits of disposing of money/artifacts prior to dying.

Suggest that a specimen form of bequest be sent to members, included in your membership form, or your tramcars, brochures or sales outlet.

Introduce the subject to members in a humorous manner.

Make regular mention of the leaving of bequests in your Society magazines or newsletters.

Encourage the editors of Trolley Wire and Tramway Topics to make space available to promote bequests being made to museums.

Mortality can be instant - be prepared to make a will !!!

**Editorial Note. In New Zealand the distribution of an estate of a deceased person who does not leave a will, i.e. dies intestate, is governed by the Administration Act 1969. This Act provides for a distribution of assets based on the degree of kinship of relatives to the deceased. Thus the widow/widower of the deceased, if any, in general takes the greater share of intestate estate. There is no provision for the surviving partner in a de facto relationship (although this is currently subject to legislative review). Where there is no widow/widower, children are the next "in the queue". If there is no widow/widower or children surviving the deceased, the estate is then divided up on a strict priority basis, defined in the Act, amongst remoter issue such as parents, brothers/sisters etc. If no blood relatives at all survive the estate is paid into the Consolidated Fund. Where there are no close relatives, considerable expense can be sustained in attempting to trace remaining relatives, or proving that they died before the deceased did. This can involve tracing back through the family tree for generations and then coming down other branches to find eligible blood relatives.*

The point is that the Act is strict in its application, and it allows no latitude. The only way its provisions can be varied is by the mutual agreement, generally in the form of a Deed, by ALL potential parties who will share in the estate, so as to allow a distribution of the estate in terms different to that laid down in the Act, or by one party, who believes he has a prior right, taking Court Action to prove his claim.

Thus, if the deceased wish to benefit his chosen Museum after his death, he must do so by Will. As illustrated above the Museum cannot benefit, and would not have any right to claim a benefit, if the deceased dies without making a will.

It is presumed that the situation in Australia would not be markedly different.