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QC 23846

Checklist: what to do when someone dies

Use this step-by-step checklist to manage tax for a deceased estate.

Last updated 16 September 2026

1. Look after yourself

This is the most important thing.

If you're feeling overwhelmed, don't hesitate to talk with your friends or family, or phone a confidential counselling service:

- Griefline on **1300 845 745** (8:00 am to 8:00 pm [AEST])
- Lifeline Australia on **13 11 14** (24 hours)
- Beyond Blue on **1300 224 636** (24 hours)
- MensLine Australia on **1300 789 978** (24 hours)
- Thirrili – support for Aboriginal and Torres Strait Islander people and communities – on **1800 805 801** (24 hours).

2. Pause tax correspondence

We understand that tax is not your priority right now.

Phone us to let us know the person has died, and we'll stop sending tax correspondence to the deceased person or otherwise trying to contact them.

Usually, the person who phones us is the executor or next of kin, but other people can also notify us.

If you wish, our customer service representative can talk you through the next steps.

3. Determine who will manage the deceased's financial affairs

When you're ready to deal with the deceased's financial affairs, the first step is to work out who will manage this.

If there is a will and it names an executor, this person (or people – there may be more than one) generally manages the deceased's financial affairs.

If there is no executor, the next of kin may take responsibility for managing the deceased's financial affairs.

Completing the administration of a deceased estate typically takes 6 to 12 months but can take longer.

It's important that you finalise any tax obligations before distributing the assets of the estate.

4. Get help if you need it

If you need help with the deceased's tax affairs, you can:

- contact a registered tax agent for advice
- phone us we can guide you through the steps and explain what you can do. We can only help with deceased estate matters that involve tax and super.

The deceased person's former tax agent or financial adviser may be able to help with information and advice about the deceased's financial affairs prior to their death.

Services Australia has information about registering the death and obtaining a death certificate.

The websites of the supreme courts and public trustee in each state and territory have information about managing a deceased estate.

You should seek professional advice if you need help with:

- applying for a grant of probate or letters of administration
- general administration of a deceased estate
- contesting a will
- what to do when a person dies intestate (without a will).

5. Decide if you need a grant of probate or letters of administration

You will need a grant of probate or letters of administration document, issued by a court, to be considered the authorised legal personal representative (LPR) by us. Find out what are probate and letters of administration and how to apply.

The authorised LPR has:

- full authority to manage the deceased's tax affairs
- unrestricted access to ATO-held information and assets of the estate.

If you're managing a small estate, you may not need to apply for a grant of probate or letters of administration. However, some people or organisations (including us) who hold assets of the estate may require one of these documents before releasing these assets.

You may also need one of these documents to manage other aspects of the deceased estate. This depends on the law in your state or territory.

6. Notify us that you are managing the estate

You can tell us you will manage the deceased estate's tax affairs by submitting an official notification of death. We will add your name to the estate's records.

If you are the deceased person's authorised LPR, with grant of probate or letters of administration, you will have full authority to manage the deceased's tax affairs.

If you are **not** the authorised LPR, we can still help you. However, there are legal restrictions on the information and funds we can release to you.

7. Manage any business tax obligations

If the deceased person's tax affairs included carrying on a business, you may need to seek further advice from a legal practitioner or registered tax agent.

If the deceased person was a sole trader or a partner in a partnership, you may need to lodge a final business activity statement (BAS) for the last tax period. This is usually the quarter in which the person died and ends the day before their death.

You may also need to lodge any outstanding BASs and pay any tax.

If the deceased person was a partner in a partnership, on their death the partnership may dissolve, depending on the terms of the partnership agreement.

Goods and services tax (GST) and capital gains tax (CGT) may apply to the sale of assets that were used in the business.

8. Lodge a final tax return for the deceased person

Check if you need to lodge a final tax return for the deceased person. This is called a 'date of death' tax return.

The final tax return covers the income year in which the person died, up to the date of death.

You may also need to lodge any outstanding prior year tax returns.

To help complete these returns you may need to obtain the deceased person's tax information from us.

9. Lodge tax returns for the deceased estate

The deceased estate is a separate entity to the deceased individual.

When someone dies, their assets are held by the LPR until the assets can be distributed to the beneficiaries. The estate may receive income from the assets that were owned by the deceased person. For example, the estate may receive rental income from a property or dividends from shares.

In this case, you may need to lodge trust tax returns for the estate, and pay any tax from the estate.

You do this for the remainder of the income year in which the person died, and then for each year until the estate is finalised.

Note: There are no inheritance taxes in Australia.

10. Finalise tax affairs

Check that all tax obligations are provided for before making a final distribution of the deceased's property.

The authorised LPR is liable to pay any outstanding tax-related liabilities of a deceased person, up to the value of the deceased estate's assets.

The authorised LPR may have to meet those liabilities personally if they distribute the estate's assets where the LPR is considered to have notice of a claim by the ATO. For more information, see PCG 2018/4

Income tax – liability of a legal personal representative of a deceased person.

QC 49236

Who can represent a deceased estate

How to become a legal personal representative (LPR), get a grant of probate and appoint a tax agent.

Last updated 4 June 2026

Do you have authority to deal with us?

To have full authority to manage the deceased's tax affairs, you must be their authorised legal personal representative (LPR).

If you are not the authorised LPR, we can still help you but there are legal restrictions on the information and funds we can release to you.

Who can be a legal personal representative (LPR)?

A LPR is a person who is legally authorised to represent the:

- deceased individual
- deceased estate (if required).

The word 'legal' does not mean the person must be a legal practitioner. The LPR is usually the executor named in the will, or an administrator appointed by the court (which can be the next of kin). There can be more than one LPR for an estate.

For tax purposes, to be recognised as the authorised LPR and have unrestricted access to the deceased's information and assets, you will need:

- for an executor – grant of probate from a supreme court

- for another person – grant of letters of administration from a supreme court, appointing you as administrator of the estate.

Notify us that you are managing the estate and provide one of the above documents. We will then list you as an authorised contact for the deceased individual and the deceased estate (where applicable).

The LPR's responsibilities

The tax-related responsibilities of the LPR include:

- lodging a date of death tax return for the deceased person, if required
- lodging a trust tax return for the deceased estate, if required
- providing for any tax liabilities of the estate before its assets are distributed to beneficiaries.

If you are not the authorised LPR

If you decide not to apply for probate or letters of administration:

- you will not be recognised as the authorised LPR for tax purposes
- you can still notify us that you are managing the estate.

We'll help you with the deceased's tax affairs and add your name to our records. However, as you are not the authorised LPR:

- there are legal restrictions on the tax and super information we can disclose to you
- we may not be able to transfer the deceased's tax refunds or franking credits to you
- we can't list you or your representative as an authorised contact for the estate.

What are probate and letters of administration?

A grant of probate:

- means a supreme court recognises a will as legally valid

- enables the executor to fully represent the estate and distribute assets to the beneficiaries named in the will.

A grant of letters of administration:

- is used when there is no will or executor
- is issued by a supreme court to a person (such as the next of kin), who is appointed as the administrator of the estate
- enables the administrator to represent the estate and distribute assets to the beneficiaries.

The court costs of obtaining a grant of probate or letters of administration depend on the state or territory in which the application is lodged. This fee is usually reimbursed from the estate.

Grant of probate or letters of administration must be Australian, or resealed in Australia. New Zealand or international grants can't be accepted.

Do you need probate or letters of administration?

Inheritance in Australia is governed by state and territory law.

In some states and territories, you may not need probate or letters of administration to manage a small estate.

However, the ATO and many financial institutions may require one of these documents to release information or funds to you. If you lodge a claim for credits owing to the estate, we will assess your situation and let you know if we require a court grant to release the credits.

Find out about wills and probate in your state or territory

- Australian Capital Territory
  - Supreme Court of the ACT
  - Public Trustee and Guardian
- New South Wales
  - Supreme Court of New South Wales

  - NSW Trustee and Guardian
- Northern Territory
  - Supreme Court of the Northern Territory
  - Public Trustee
- Queensland
  - Queensland courts
  - Public Trustee
- South Australia
  - Courts Administration Authority of South Australia
  - Public Trustee
- Tasmania
  - Supreme Court of Tasmania
  - Public Trustee
- Victoria
  - Supreme Court of Victoria
  - State Trustees
- Western Australia
  - Supreme Court of Western Australia
  - Public Trustee

Appointing a tax agent, legal practitioner or BAS agent

You can appoint a registered tax agent, legal practitioner or registered BAS agent to help you manage the estate. Notify us by updating your authorised contact.

- **If you are the authorised LPR**, the tax agent, BAS agent or legal practitioner you appoint will be authorised to access the deceased's tax and super information. We will list them as an authorised contact for the deceased individual and the deceased estate (where applicable).

- **If you are not the authorised LPR**, you can still appoint someone to help you. We will not record them as an authorised contact on our systems. The person you appoint can't access the deceased individual's record online. We will still help you and your representative where we can within the law.

If the deceased had a tax agent, BAS agent or legal practitioner before they died, and you want to use the same person, you will need to reappoint them. The authority of all representatives of the deceased person ceases at the time of death.

QC 67528

Notifying us of a death and who will manage the estate

Who can notify us, how to notify, and what documents you will need.

Last updated 16 September 2026

Pausing correspondence while you prepare

To officially notify us of a person's death, you need to provide either the death certificate or a grant of probate or letters of administration. You may need to provide other supporting documents, depending on the circumstances.

If you don't have the supporting documents yet, you can phone our Individuals enquiries line to let us know unofficially that the person has died.

We will pause the deceased's tax correspondence until you're ready.

Who can notify us

Check who can notify us about:

- a person's death
- who will manage the person's estate.

Official notification of death

Usually, the person who officially notifies us of a person's death is a:

- relative
- executor or administrator of the estate
- legal practitioner, BAS agent, or tax agent who previously represented the deceased person or has been appointed by the executor or administrator of the estate.

Notification of who will manage the estate

Only the executor or administrator of the estate can nominate to manage the estate.

Once appointed as either executor or administrator, they can appoint a legal practitioner, tax agent or BAS agent to help them manage the estate.

How to notify us

You use the same form to officially notify us of a person's death and notify us of who will manage the estate.

You can notify us by:

- completing an online form and attending an interview at a participating Australia Post outlet to present your supporting documents. The supporting documents
  - must be either the original documents or certified copies
  - can be taken home with you after you have presented them.
- completing a paper form and mailing it to us, along with certified copies of your supporting documents. The certified copies must be certified by a justice of the peace or other approved certifier, and will not be sent back to you.

A legal practitioner, tax agent or BAS agent appointed by the legal personal representative (LPR) can use the paper form to notify us by

mail.

Supporting documents

To notify us of a death, you'll need to provide one of the following supporting documents:

- Death certificate
- Grant of probate or letters of administration
- Will

Death certificate

You need a death certificate to officially notify us of a person's death if you haven't obtained a grant of probate or letters of administration.

If you don't have a death certificate, contact the Births, Deaths and Marriages registry in your state or territory to get one.

Grant of probate or letters of administration

If you have one of the following court-issued documents, bring it with you to the interview or include a certified copy with your mailed notification form:

- grant of probate (for an executor)
- letters of administration (for an administrator).

If you have a digital grant of probate or letters of administration, you'll need to print it and have the printed version certified (this can be done by an approved certifier, such as a justice of the peace or a legal practitioner).

If you include a copy of a grant of probate or letters of administration in your notification form, you **don't** need to include a death certificate in your supporting documents.

We'll record you as the authorised LPR and enter your name in our records as the authorised contact for the deceased estate.

If you intend on applying for a grant of probate or letters of administration, wait until you receive the court grant before submitting the Notification of Deceased person. This will avoid delays in processing your request.

If you submitted an official notification of death before you had the grant of probate or letters of administration, you can submit a new copy of the notification form to provide these documents to us.

Will

You only need to include a certified copy of the will if you have decided not to apply for a grant of probate or letters of administration.

We can:

- use the will to verify your role in the estate's tax affairs
- add your name to our records, with a note that you are managing the estate's tax affairs.

However, without a grant of probate or letters of administration, we can't record you as the authorised LPR. This means there are legal restrictions on the information and funds we can release to you.

Example: notifying the ATO and being authorised as the LPR

Maree died on 4 March 2026 in Melbourne. At the time of her death Maree's assets included her main residence, a rental property and shares.

Maree's last will and testament names her son, Zach, as the executor of her estate.

Pausing tax correspondence

A few weeks after Maree's death, a letter from the ATO arrives at her address. Zach phones the ATO and asks to temporarily pause her tax correspondence.

Grant of probate

Zach has Maree's financial records, but the information is incomplete. Also, he knows that Maree's estate will continue to receive income from the shares and rental property.

Zach decides to apply for a grant of probate in the Supreme Court so he can be recorded by the ATO as the authorised LPR. This will give him full authority to deal with Maree's tax affairs,

including unrestricted access to the tax information and funds held by the ATO.

Zach applies to the Supreme Court of Victoria for a grant of probate.

- The court issues the grant of probate on 1 June 2026. This validates the will in which Zach is named as executor.
- The grant is stored electronically on the court's system. Zach has access to the electronic version.

Online notification

On 2 June 2026, Zach completes an ATO online notification of Maree's death. Shortly after, he attends an interview at an Australia Post outlet, where he provides a printed and certified copy of the digital grant of probate.

Authorisation as LPR

On 30 June 2026, the ATO:

- advises Zach that he has been recorded as the authorised LPR
- provides Zach with a data package of Maree's tax and super information for the past 3 income years
- resumes sending tax correspondence related to Maree's estate, with Zach as the contact.

After you notify us

It takes up to 28 days to update the deceased person's records after we receive your notification.

Once you have been listed as a representative on the deceased person's record, you will be able to access their tax and super information.

Notifying a super fund

Contact the deceased person's super fund (or funds) to let them know the person has died and discuss the release of their super.

Do this if you are:

- a potential beneficiary of a deceased person's super
- the LPR of the estate.

We can provide information about super funds to the authorised LPR or their representative. If there is no authorised LPR, we may inform the super fund (or funds). They will then determine whether to contact the family.

QC 49903

Accessing a deceased person's tax and super information

Who can access the tax and super information we hold, and how to get it.

Last updated 29 September 2026

If you are the authorised legal personal representative (LPR)

Once you have notified us that you are the authorised LPR, you can access the deceased person's full tax and super information.

We can give you a data package of tax and super information for the past 3 income years.

You can contact us for specific information, such as the deceased person's tax file number (TFN) or ABN. If you are contacting us about:

- an individual's TFN, phone our Individuals enquiries line
- an ABN for a business that the deceased person owned, phone our Business enquiries line.

We can also provide the deceased's tax and super information to a representative you have appointed to help you with the deceased's tax affairs. The representative must be one of the following:

- tax agent

- business activity statement (BAS) agent
- legal practitioner.

The deceased person's information can only be accessed through us. It is not available through other government sources, such as myGov.

An executor who has not obtained a grant of probate is not an authorised LPR for the estate.

If you are not the authorised LPR

If you're trying to finalise the deceased's tax obligations, we want to help.

First, you should notify us that you are managing the estate.

There are legal restrictions on the information we can disclose to someone who is not the authorised LPR. This includes a family member without letters of administration and an executor without a grant of probate.

However, we may be able to provide enough information for you to finalise the deceased's tax obligations, depending on the circumstances.

Phone our Individuals enquiries line to find out what tax information we can give you.

We will ask:

- what type of information you are seeking
- why you want the information
- about your relationship to the deceased – for example, whether you are the executor or next of kin. You may need to provide proof of your relationship to the deceased, such as a birth or marriage certificate.

As you are not the authorised LPR, we won't record you as an authorised contact for the deceased estate.

The deceased person's former tax agent or financial adviser may also be able to help with tax and super information from their own records. However, they will no longer have authority to access the deceased's information on our systems.

Tax and BAS agents

When we receive information that a person has died, we remove access to their records by their former representatives, including tax and BAS agents. This is because the person's authorisations ceased when they died.

To gain access to the deceased person's tax records, the authorised LPR must:

1. notify us of their appointment
2. appoint the agent as a representative of the estate
3. provide a declaration advising of the appointment.

You, as the agent, can make the declaration and add the deceased person to your client list through Online services for agents.

An agent who has **not** been appointed by an authorised LPR doesn't have legal authority to access a deceased person's ATO records after the date of death.

Legal practitioners

For a legal practitioner to gain access to the deceased's tax records, either the:

- authorised LPR must advise us that the legal practitioner has been appointed to help them manage the estate
- legal practitioner must notify us by mail of their appointment.

Requesting a deceased estate data package

The authorised LPR, or their nominated representative, can be sent a data package of the tax and super records we have for the deceased person. This will help you identify the deceased person's assets and income streams.

The data package contains:

- tax return information for the previous 3 income years

- an extract of income and investment data for the previous 3 income years
- an extract of notices of assessment issued for the previous 3 income years
- the most recent statement of account
- details of any outstanding debts with us
- details of any superannuation accounts
- any payroll data for the current year.

If you need to access additional records, use our Copies of tax documents request form.

How to request a data package

If you are the authorised LPR, we will send you the deceased estate data package when you notify us that you are the representative of the deceased person.

Alternatively, an authorised LPR or their nominated representative can request a data package by phoning our Individuals enquiries line.

How to access super information

Superannuation (super) is generally not considered part of a deceased person's estate and must be handled separately. It is not automatically covered by a will, which typically includes assets such as property, savings, vehicles, and personal belongings. Instead, superannuation is managed by super funds and doesn't fall under the same laws as wills and estates.

A deceased person's super is distributed according to the rules of their super fund, with any valid beneficiary nomination playing a key role in determining who receives the funds. In some cases, part or all of the super balance may have been transferred to us.

To begin the process of claiming a deceased person's super, you need to notify their super fund. This involves providing a certified copy of the death certificate and any other documentation required by the fund. The super fund will guide you through the necessary steps, including completing forms, understanding timelines for fund release, and clarifying any tax obligations.

Maintaining communication with the super fund throughout the process can help ensure timely progress and address any additional requirements.

For more information, see Superannuation death benefits.

QC 56976

Doing a final tax return for the deceased person

Work out if a 'date of death' tax return is required, how to lodge, and who can receive any refund.

Last updated 4 June 2026

Do you need to lodge a final return for a deceased person

You may need to lodge a final tax return for the deceased person for the income year in which they died. This is called a 'date of death' tax return.

This is different to the trust tax return for the deceased's estate. For tax purposes, income received by the deceased estate after the person's death is treated separately to the income of the deceased person.

Who can lodge a date of death tax return

You can lodge the date of death tax return after you:

- have notified us of the person's death
- been entered on our records as the person who is managing the deceased's tax affairs.

Usually, the authorised legal personal representative (LPR) lodges the deceased person's date of death tax return.

If you are **not** an authorised LPR, we will assess the lodged tax return and determine the appropriate action within the law and our internal policies.

If the deceased didn't have a will (died intestate) and no one has been appointed to administer the estate within 6 months of the date of death, we may:

- raise an assessment of the estate's tax-related liabilities
- seek to recover any amount of tax owing.

When a tax return is required

You must lodge a date of death tax return if any of the following applied to the deceased person in the income year in which they died:

- they had tax withheld from their income, including from interest or dividends
- their taxable income was above the tax-free threshold
- they lodged tax returns in the income years before their death, or had outstanding tax returns.

Outstanding tax returns

When you notify us of the death, we can tell you if the person had any outstanding tax returns for prior income years.

If there are outstanding tax returns, you will also need to lodge these.

If you fail to lodge a return or provide relevant information, we can assess the amount that is payable or refundable.

If a tax return is not required

If a date of death tax return isn't required, let us know by completing and sending a non-lodgment advice form.

On the form, where it asks for the reason, print ‘DECEASED’, followed by the date of death.

Period of the tax return

The date of death tax return covers the period from 1 July of the income year in which the person died, up to the date of death.

This is different to a trust tax return for the deceased estate, which is for the period after the person died.

Example: period of final tax return

Maree died on 4 March 2026. Her authorised LPR is her son, Zach. Maree's taxable income up to her date of death was above the tax-free threshold.

Zach lodges a date of death tax return for Maree. This covers Maree's income from 1 July 2025 to 4 March 2026.

Lodging the tax return

You lodge a date of death tax return using the paper form tax return for individuals. You cannot use myTax or myGov, because these can only be used by the person who holds the account to lodge their own return. This includes where you are claiming a refund of franking credits.

If you are the authorised LPR of the deceased estate and have appointed a tax agent to help you, the agent can prepare and lodge the return online.

Preparing the tax return

- Obtaining the deceased's tax information
- Identifying information
- Income and deductions
- Capital gains tax
- Losses
- Medicare levy
- Study and training loan repayments

Obtaining the deceased's tax information

If you can't find the information you need in the deceased person's papers:

- if you're the authorised LPR of the deceased estate, you can obtain the deceased person's tax information from us
- if you're not the authorised LPR of the deceased estate, the deceased person's former tax agent may be able to help with information and advice – otherwise, we may still be able to assist you.

Identifying information

When preparing the return:

1. write 'DECEASED ESTATE' at the top of the first page
2. give the name as 'LEGAL REPRESENTATIVE OF [taxpayer's name] (DECEASED)', or similar
3. to the question 'Will you need to lodge an Australian tax return in the future?', print **X** in the 'No' box
4. sign the tax return with your name 'on behalf of [deceased person's name]'.

The deceased person's tax file number (TFN) may be in their personal papers. If you are the authorised LPR, you can obtain the TFN from us.

Income and deductions

Include:

- income earned and deductible expenses incurred by the deceased person in the income year up to the day they died
- costs of preparing the return, such as tax agent fees and similar expenses incurred by the executor or administrator, even if they were incurred after the deceased's death.

Income and deductions incurred by the estate after the deceased's death are reported in a trust tax return.

Capital gains tax

For capital gains tax (CGT) events that happened before the deceased's death, include those capital gains and losses in their date of death tax return.

If an asset passes under the will to a foreign resident, charity or super fund, CGT may apply at the time of the taxpayer's death. Any capital gain or capital loss that applies in these circumstances must be reported on the deceased's date of death tax return.

Losses

Tax and capital losses incurred by the deceased cannot be carried forward for use by the deceased estate.

If these losses cannot be deducted or applied in the date of death tax return, they will lapse.

Medicare levy

Medicare levy exemption

If the deceased person (and any dependants) was **fully** exempt from the Medicare levy until their death, they are fully exempt for the number of days in the income year.

If the deceased person was **half** exempt from the Medicare levy until their death, they are half exempt for the number of days in the income year.

For help completing the tax return, see:

- Medicare levy reduction or exemption – myTax
- M1 Medicare levy reduction or exemption – label **V** and label **W** in the paper-based tax return.

Medicare levy surcharge

If the deceased person (and any dependants) was covered by private hospital cover or was exempt from the Medicare levy until their death, they do not pay the Medicare levy surcharge for the number of days in the income year.

For help completing the tax return, see:

- Medicare levy surcharge – myTax
- M2 Medicare levy surcharge (label **A**)in the paper-based tax return.

Study and training loan repayments

You don't need to include information about repayments of study and training loans (such as the Higher Education Loan Program). This is assessed automatically.

If the income reported in the tax return is more than the minimum repayment threshold, the assessment will include a final repayment. After this, any remaining debt is cancelled.

Notice of assessment, refunds and tax owing

We will send the notice of assessment to you, including details of any refund or tax owing.

You must provide for any tax owing before distributing the estate's assets to the beneficiaries. If this isn't done, you may be personally liable for any tax owing.

If you are the authorised LPR, we will release any refund or franking credits to you.

If there is no authorised LPR, we will assess whether we can release refunds or franking credits. We may take into account:

- the terms of the will, if there is one
- the rules of succession, if there is no will.

QC 40481

Confirming tax obligations are complete

Check that all tax obligations are complete before the final distribution of the deceased estate.

Last updated 4 June 2026

Checklist for finalising the estate's tax affairs

You have finalised the tax affairs of a deceased estate when:

1. the date of death tax return for the deceased person (and any outstanding tax returns for previous years) has been lodged and finalised
2. any other returns or information required to be provided by the deceased person have been submitted and finalised – for example, business activity statements
3. the deceased estate is no longer earning any taxable income, and the deceased estate's last trust tax return, if one is required, has been lodged and finalised
4. all tax liabilities have been paid
5. you have reported any issues you have identified with the deceased's tax affairs and these have been finalised
6. any credit amounts due to the deceased person or the deceased estate have been claimed
7. any business tax registrations held by the deceased estate have been cancelled – for example, their Australian business number, GST and pay as you go (PAYG) withholding registrations.

Dealing with tax liabilities

The tax liabilities of the deceased person and those of the deceased estate trust are accounted for separately. However, they are all liabilities of the one general deceased estate. A refund may be offset against any liability to work out the net tax position of the estate.

A liability may relate to either an assessment or an amended assessment that is made before or after the death of the deceased person.

You should ensure that all tax obligations have been met, or fully provided for, before making a final distribution of the deceased estate's net assets to the beneficiaries (or to a testamentary trust, if there is one).

You may be personally liable if you don't pay the tax owing before you finalise the estate up to the value of the estate's assets you held or should have held. For more information, see Practical Compliance

Guideline PCG 2018/4 *Income tax – liability of a legal personal representative of a deceased person.*

What to do if the estate is insolvent

If the deceased person was bankrupt at the time of the death, the bankruptcy proceedings will generally continue after death.

If there aren't enough assets or funds in the estate to cover the liabilities owed by the deceased estate, you are generally not required to personally deal with any shortfall.

Each state and territory has succession laws that set out how an insolvent estate is to be administered, including how assets are to be distributed to creditors. Alternatively, a legal personal representative (LPR) or creditor of the estate (including us) may apply to have a bankruptcy trustee appointed.

If the estate is insolvent, you may need to seek professional guidance. The Australian Financial Security Authority has information on the administration of insolvent deceased estates.

You must advise us of the financial position of the estate, so that we can assess the action to be taken regarding the estate's tax liabilities.

Certainty for the deceased person's tax affairs

We have issued PCG 2018/4 that explains when an authorised LPR who is managing a less complex estate can finalise the estate without concern that they will incur a personal liability for the deceased person's tax.

If certain conditions are met, and there is no fraud or evasion, the estate can be finalised without waiting for the expiry of the period we have for amending income tax assessments.

The conditions are as follows:

- The LPR has obtained probate or letters of administration, so is authorised to access information about and represent the deceased in their tax affairs.
- In the 4 years before the person's death, the deceased
  - did not carry on a business

  - was not assessable on a share of the net income of a discretionary trust
  - was not a member of a self-managed super fund.
- The estate assets consist only of
  - public company shares or other interests in widely held entities
  - superannuation death benefits
  - Australian real property
  - cash, cash investments and any other personal assets such as cars, jewellery, and home contents.
- The total market value of the estate assets at the date of death was less than $10 million, and none of the estate assets are intended to pass to either a
  - foreign resident
  - tax exempt entity (who is not a deductible gift recipient)
  - complying super entity.
- The authorised LPR has met all tax obligations of the deceased person.
- The authorised LPR doesn't have notice from us of
  - a claim against the estate
  - our intention to review or audit the deceased person's affairs.

The guideline applies only to the tax affairs of the deceased person. It doesn't apply to the tax obligations of the deceased estate trust – that is, to liabilities for the period after the death of the deceased person.

Example: straightforward small estate

Alfred died on 1 June 2025.

The value of his estate is less than $1 million, made up of:

- his main residence
- shares in publicly listed companies

- money in a bank account.

Alfred received a pension for several years prior to his death, and fully franked dividends from his shares. He advised us in 2020 that he didn't need to lodge further tax returns.

Yiannis is the executor of Alfred's will. He obtains a grant of probate in July 2025.

From the information available to him, Yiannis determines that he doesn't need to lodge a date of death tax return for Alfred. Yiannis lodges a non-lodgment advice on 31 October 2025.

As of 30 April 2026 (6 months after Yiannis lodged the non-lodgment advice), we haven't notified Yiannis that we intend to review Alfred's tax affairs. Therefore, we consider that Yiannis doesn't have a notice of any claim relating to Alfred's estate.

Yiannis can distribute the estate to beneficiaries without risk of personal liability for Alfred's tax.

QC 67526

If you are a beneficiary of a deceased estate

Work out if there is tax on money or assets you inherited, or are presently entitled to.

Last updated 4 June 2026

Inheriting money and assets

There are no inheritance or estate taxes in Australia.

However, you may have tax obligations for the assets you inherit, such as:

- capital gains tax (CGT) may apply if you dispose of an asset inherited from a deceased estate

- income tax applies as usual to any dividends or rental income from shares or property you inherited.

Receiving income of a deceased estate

Until the deceased person's estate is finalised, it may continue to earn income. For example, the estate may have income from a rental property or other investments.

If you become presently entitled to income of the deceased estate, you need to include it in your tax return.

If this happens, the legal personal representative (LPR) of the estate should provide you with the necessary information to complete your tax return.

Receiving a super death benefit

If the deceased person had super, the super fund's trustee will work out who will receive benefits. Super paid after a person's death is called a 'super death benefit'.

The tax on a super death benefit depends on:

- whether you were a dependant of the deceased under tax law
- whether it is paid as a lump sum or income stream
- whether the super is tax-free or taxable (and whether the super fund has already paid tax on the taxable component)
- your age and the age of the deceased person when they died (for income streams).

To find out about your entitlement you will need to contact the super fund trustee directly.

QC 40485

Our commitment to you

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

If you feel that our information does not fully cover your circumstances, or you are unsure how it applies to you, contact us or seek professional advice.

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