

## WILLS

### *Do I need a will?*

- We recommend that everyone over 18 years old should make a will – a will means your property can go to who you want it to. If you don't have a will, the law states who will get it (it's not just left up to your family to decide).
- A will can also cover other important matters not relating to property such as:
  - Who will be a guardian for your children on your death
  - Your wishes for burial or cremation.
- There is usually less cost in distributing property under a will than there is in distributing it without a will.

### *When should I make a new will?*

- You should consider whether you need to make a new will whenever there are significant changes in your circumstances, such as marriage or a defacto relationship, dissolution or separation, the birth of children or a major change in the property you own,
- You should also consider reviewing a will already made every 5 years or so to make sure it still reflects your wishes.
- If you made your will before you got married, it becomes invalid when you marry so you need to make a new will then.
- If your marriage is dissolved, your will is still valid, but any gifts to your former spouse would not be effective.

### *Do I need a lawyer to make a will?*

Although the law does not require that a will be prepared by a lawyer, we recommend you do get it written by a lawyer. It is very important that there are no problems with the wording (as you will not be able to explain what you intended when your estate is being administered).

There are also very strict rules about how the signing of the will needs to be witnessed and your lawyer is able to make sure that this is done correctly.

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### *Starting the process of making a will*

When you contact your lawyer, they will talk with you about the information they will need from you in order to prepare your will. This includes:

- Who do you want to leave your property to? This can include specific gifts or just choosing to leave everything to certain people.
- Who you want to appoint as your executors? These are the people that will carry out your wishes according to your will after you die.

Your lawyer will need the full name, occupation and city/town of residence for any person that you want to mention in your will, so it is useful for you to get this information beforehand.

