



Wills

This fact sheet has information on what can be included in your will, when and how you can make a will, and what happens if you do not have a will.

What is a will?

A will is a legal document that sets out what you want to happen with your property after you die.

For example, your will might say you want all of your property to go to a partner after you die, or it might say that you want your property divided among many different people.

A will also sets out who will carry out your wishes after you die. This person is called the “executor”.

More than one executor can be included in your will in case one of them is unable to act.

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What happens if you do not have a will?

If you die without a will, the law will decide who gets your property after any debts have been paid.

What can be included in your will?

There are many things you can include in your will. For example, your will can set out:

- » how you want your property (like a home, car, money, shares, jewellery or other items of significant or sentimental value) to be distributed,
- » whether you want to be buried or cremated,
- » whether you would like to donate your organs,
- » if someone can live in your home after you die, if they are a different person to the person you are giving the home to, and
- » if you want to let anyone off paying back debts they owe you.

If you are the parent of a child, your will may also say who you want to look after your child after your death. However, you should get legal advice about this because including this information in your will may not work out as you hope. The Family Court will make the final decision if there is a dispute.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not.

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When should you make a will?

You can make a will at any time, and you can change it as often as you like.

The best way to change your will is to make a new will.

You can also change a will by using a “codicil”.

A codicil is a legal document that is used to change something in an earlier will.

There are strict rules about what you must do if you want a codicil to be valid.

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”

How do you make a will?

You can write up a will yourself, buy a will kit from a newsagent, or have a lawyer write one up for you.

There are strict rules about what you need to do to make a valid will, and you will need to follow these rules if you are writing your own will.

Wills are complex documents and if you make a mistake, your wishes may not be carried out.

It is a good idea to get legal advice and make sure your will is correctly prepared.

“The Legal Aid WA website has information on the main formal requirements of making a will.”

How can Legal Aid WA help?

Legal Aid WA does not give advice about, or help with, drafting wills.

However, the Legal Aid WA website has information on wills and the main formal requirements of a will in the Infosheet titled “Making a will”.

The Legal Aid WA website also has contact details for places where you can get help with wills.