



Do I Have to Have a Will?

In short, no. But there are a few reasons you might want to.

1. You get to decide how your estate (assets) are distributed after your death;
2. You get to decide who administers your estate;
3. You get to decide who looks after your minor children; or
4. You avoid potential administrative problems for those left behind

Your Will can only deal with assets that you own in your sole name. That means many assets, such as any property held as a joint tenant with somebody else would pass automatically to the survivor. These types of assets typically include a house, money in the bank or shares. Assets in a family trust also are not your property, they are owned by the trustee of the trust. Your Will cannot deal with any asset not in your name.

To avoid potential problems, your Will must be signed and witnessed in a particular way.

Remember, your Will only takes effect after you have died. If you are still alive but unable to look after your finances you will need to make an Enduring Power of Attorney before any incapacity strikes.

You can make your own Will, but why take the chance of something going wrong? There are quite a few potential pitfalls in making a will that can be avoided by having a lawyer draft your Will.

A lot of Australians do not have a Will. This is usually due to the inconvenience of having a will prepared, cost, or reluctance (we agree – it's not the greatest thing to talk or think about!).

We can help by offering appointments that are convenient to you and drafting your Will (and Enduring Power of Attorney if you wish) for a low, fixed price.

You have to overcome the reluctance! Contact us now to discuss your needs.

The information in this article is general in nature and is not, and should not be relied upon as, legal advice. You should obtain advice specific to your circumstances from a lawyer, Legal Aid WA or a community legal centre.