

RECONSIDERING YOUR WILL

1. If you marry, your will will be revoked by the marriage unless the will is expressed to be made in contemplation of that marriage. Consult a solicitor about your will if you decide to marry.
2. Divorce is likely to affect your will. The matter is complex and the law is not uniform throughout Australia. Proposals for change are being considered in some states. If you are contemplating divorce, or have been divorced since making your will, consult a solicitor.
3. Review the copy of your will every three or five years or whenever there is a major change in your family, your assets or the taxation laws (to make sure the will is still what you want). In particular, consult a solicitor:
 - (a) if you change your name, or anybody named in the will changes theirs;
 - (b) if an executor dies or becomes unwilling to act as executor or becomes unsuitable due to age, ill health or for any other reason;
 - (c) if a beneficiary (someone who has been left something in the will) dies;
 - (d) if you have specifically left any property which you subsequently sell or give away, or put in trust or into a partnership, or which changes its character or name. This applies particularly to specifically bequeathed shares in a company which restructures its share capital;
 - (e) if you marry or divorce;
 - (f) if you enter into or end a domestic relationship;
 - (g) if you have matrimonial difficulties; or
 - (h) if you have children (including adopted or foster children).
4. If you wish to change your will or revoke it or make a new will without informing your husband or wife or partner or the solicitor who prepared your will, you may do so, but you should nevertheless consult a solicitor.
5. Do not add to or delete from the will after execution. Consult a solicitor if you want to change or revoke your will because even the simplest changes must be correctly done or they may have disastrous results.
6. If you later wish to make a list, letter or other document which relates to your affairs after your death, you should consult a solicitor. The danger is that it may not be clear whether the document is intended to be testamentary in nature (ie a will or codicil), and litigation about the status of the document may result.

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