

Do you have a Will?

This factsheet explains:

- What is a Will
- Why you need a Will
- Key terminology

This factsheet gives general legal information. It is not legal advice. *Last reviewed on 13 April 2026*

What is a Will?

A Will is a written document that explains what you want to happen with your money, property, and belongings after you die. Having a will helps make sure your wishes are followed.

Why should I make a Will?

If you do not have a valid Will when you die, a court will choose someone to manage your assets. This person is called an 'administrator'. They will give your property to your partner, children, or other relatives in a set order. If you don't have any relatives, your property goes to the government. Making a will can also help prevent arguments between your family and friends.

How do I make a valid Will?

To make a valid Will:

- you must be over 18.
- The Will must be written down.
- You must sign it in front of two witnesses
- You also must have "testamentary capacity". This term is explained below.

What is "testamentary capacity"?

You must understand:

- What a Will is and what it does
- What you own (your assets)
- Who you want to give your assets to.

Do you have a Will?

You must be of sound mind and understanding when making your Will.

What if I have young children?

If you have children under 18 years old, making a Will is very important. A Will allows you to choose a guardian to look after your children if anything happens to you before they turn 18.

Can I make a Will by myself?

It is not recommended. Even if you do not own much, your Will might be invalid if it doesn't follow the law. It is safer to get help from a lawyer.

What should I do with my Will?

If a lawyer writes your Will, they will usually keep the Will at their office. You should keep a copy of your Will in a safe place and give copies to your executor and close family members

What is an executor?

An executor is the person responsible for carrying out the instructions in your Will after you die

Who should I appoint as the executor?

Choose someone you trust, like a family member or a friend.

- You can choose someone who is receiving something from your Will
- You can choose more than one executor

If you don't have anyone, you can choose a lawyer or the Public Trustee and Guardian (PTG) as your executor. If you choose a lawyer, ask about the cost.

What happens if I get married or divorced?

If you marry or divorce after making your Will, parts of your Will - or all of it - may no longer be valid. You should make a new will.

Do you have a Will?

Can I prevent relatives from inheriting my property?

Yes, you can choose. However, a family member may challenge your decision. If you want to leave a family member out of a Will, it is a good idea to talk to a lawyer about this.

Can I change or cancel my Will?

There are ways in which you can change a Will. However, you can't make changes to your Will by writing on it.

You can:

- Make a new will
- Destroy your old will

It is best to get legal advice before making changes.

What happens when I die?

Your executor will:

- Arrange your funeral
- Manage and distribute your assets

If you have valuable assets (like owning land or large amounts of money), the executor will need to apply to the Supreme Court for approval to manage your estate. This is called a "a grant of probate". A grant of probate confirms that the executor is allowed to handle the deceased person's assets.

If you do not have a Will, the court will choose someone to do this job.

Where can I go to get a Will?

You can:

- Contact the ACT Law Society to find a lawyer
- Use an online Will service

Online Wills can be helpful but they don't give personalized legal advice, which may be important for your situation.

Do you have a Will?

Can Legal Aid ACT help me write a Will?

Legal Aid ACT does **not** write Wills. However, we may be able to give you limited advice about Wills and refer you to other services in limited circumstances.

If you are over 65 years old (or over 50 if you are an Aboriginal or Torres Strait Islander), please call our Older Persons ACT Legal Service (OPALS) for more information on 1800 353 374. Otherwise, you can call our Legal Aid ACT Helpline on 1300 654 314.

Helpful contacts

Legal Aid ACT

- Phone: 1300 654 314 (Monday to Thursdays, 8.30am to 7pm, Fridays 8.30am to 5pm)
- www.legalaidact.org.au

Older Person's ACT Legal Service (OPALS)

- OPALS is Legal Aid ACT's specialist service for older people (over 65 years, or over 50 years for Aboriginal and Torres Strait Islander people).
- Phone: 1800 353 374 (Monday to Thursdays, 8.30am to 7pm, Fridays 8.30am to 5pm)
- Email: opals@legalaidact.org.au
- <https://www.legalaidact.org.au/opals>

ACT Law Society

- Phone: (02) 6274 0300
- <https://www.actlawsociety.asn.au/>