

## WHO WILL CONTROL YOUR BODY WHEN YOU DIE?

*Murray Thornhill, Commercial Law & Litigation Director & Notary Public,  
Darryl Stewart, Commercial Law Solicitor, and  
Jade Lattimore, Commercial Law Clerk  
Hudson Henning & Goodman*

Most people don't like to think about dying, or what will happen to their body when they die. They prefer to leave it to the family to decide. But if you assume your family will have control over what happens to your body, you are wrong.

The law is very clear on who has the right to possession of your body after you die and who has the right to determine funeral arrangements and it may not be who you think!

Put simply, your executor is the only person legally entitled to decide what happens. Placing a direction in your Will may assist your executor in making their decision, but it will not legally bind them.

Many people choose their executor on the basis of financial competence, but being an executor is more than just tying up your financial affairs. That is why it is so important to ensure that the person who you appoint to be your executor is not only a person who is competent to handle your financial affairs, but also someone who you can trust to handle your personal affairs.

You should seek the advice of an expert estate solicitor to ensure that the most appropriate person is appointed to be the executor of your estate. Your expert estate solicitor will also be able to assist you in preparing a Will that correctly reflects your other important personal and financial decisions such as organ donation and who is to receive your estate.

Put bluntly, you won't be around to fix it if you get it wrong.

This is general information only and does not constitute specific legal advice. If you would like further information in relation to this matter or other legal matters please contact our offices at [reception@hhg.com.au](mailto:reception@hhg.com.au).

**DIRECTORS & NOTARIES PUBLIC**  
S. E. Creek  
M. N. Thornhill

**ASSOCIATE DIRECTOR**  
J. M. Bon

**COUNSEL**  
H. J. N'cho's  
G. Dean  
W. McDonald  
L. Caré  
L. Adamson

**SENIOR ASSOCIATES**  
M. W. Wallis  
N. B. Dimmock

**ASSOCIATES**  
S. Bailey  
K. Parker

**SOLICITORS**  
S. Smith  
K. Spector  
E. Wong  
S. Coyle  
S. Wright

**CONSULTANTS**  
R. V. Wheatley  
E. J. Wheatley  
D. J. Stewart



WA Solicitors Pty Ltd trading as  
HHG Legal Group,  
Hudson Henning & Goodman  
and Wheatleys Legal  
ACN 122 853 507  
ABN 54 122 853 507

[www.hhg.com.au](http://www.hhg.com.au)  
[reception@hhg.com.au](mailto:reception@hhg.com.au)