

## WILLMAKING IN THE 21<sup>ST</sup> CENTURY

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Traditionally, there were many people who could not make Wills because of a mental disability or infirmity.

Recent changes to the law drastically changed this.

A person who cannot make a Will (or update their Will, as the case may be) is no longer 'stuck' with the intestacy rules (rules which govern what happens when you don't have a Will) or their old Will (as the case may be).

The Supreme Court may now make, amend or revoke such a person's Will – without that person's permission and when that person does not have legal capacity.

A person with a sufficient interest may apply to the Court for Orders. The Court is authorised to do so provided the person for whom the Will is proposed to be made is living, is at least 18 years old and cannot make a Will themselves.

If you have a friend, relative or other loved one who does not have a Will or has a Will that is unjust or inappropriate and who is currently unable to make a new Will, you may want to obtain advice as to whether the Court will make a new Will for that person.

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 office at [reception@hhg.com.au](mailto:reception@hhg.com.au).

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