

Legislation Quick Reference Guide

Wills

	<i>Succession Act 2006</i>	<i>Wills Act 1997</i>	<i>Wills Act 1936</i>	<i>Administration and Probate Act 1919</i>	<i>Wills Act 2008</i>	<i>Wills Act 1968</i>	<i>Succession Act 1981</i>	<i>Wills Act</i>	<i>Wills Act 1970</i>
	NSW	Vic	SA		Tas	ACT	Qld	NT	WA
How should a will be executed?	6	7	8		8	9	10	8	8
A will is not valid unless:									
▪ it is in writing	6(1)(a)	7(1)(a)	8		8(1)(a)	9(1)(a)	10(2)(a)	8(1)(a)	8(a)
▪ it is signed by the testator	6(1)(a)	7(1)(a)	8(a)		8(1)(a)	9(1)(b)	10(2)(b)(i)	8(1)(a)	8(b)
▪ it appears testator intended to give effect to will by signing	6(2)	7(1)(b)	8(b)		8(2)	10(1)	10(7)	8(3)(a)	8(b)
▪ testator signs in presence of two or more witnesses present at same time	6(1)(b)	7(1)(c)	8(c)		8(1)(b)	9(1)(c)	10(3)	8(1)(b)	8(c)
▪ attested by at least two witnesses	6(1)(c)	7(1)(d)	8(d)		8(1)(c)	9(1)(d)	10(4)	8(1)(c)	8(d)
Signature by person other than testator possible	6(1)(a)	7(1)(a)	8(a)		8(1)(a)	9(1)(b)	10(2)(b)(ii)	8(1)(a)	8(b)
Blind person may not act as witness	9	10			11		10(10)	11	11
A will is validly executed even if one or more of the witnesses did not know that document was a will	7	8			9	13	10(5)	9	
Beneficial gift to witness is void	10, depends	11, no	17, no		12, depends (13,14)	15, no	11, depends	12, depends	
Beneficial gift to spouse of witness is void		11, no	17, no		12, depends	15, no			
Will revoked by marriage unless it is expressed to be made in contemplation of marriage	12	13	20		16	20	14	14	14
Will revoked by divorce	13	14	20A		17	20A	15	15	14A
How a will may be altered	14	15	24		18	12	16	16	10
A revoked will or codicil may be revived by re-execution showing an intention to revive the document	15	16	25		19	22	17	17	16
Documents not executed in accordance with formal requirements may be recognised by Court as valid	8	9	12		10	11A(1)	18(1) & (2)	10(2)	32(2)

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	NSW	Vic	SA		Tas	ACT	Qld	NT	WA
Court may have regard to any other evidence in addition to document itself relating to manner of execution or testamentary intentions of deceased person	8(3)	9(3)			10(2)	11A(2)	18(3)	10(3)	32(3)
Persons entitled to inspect copy of will of deceased person	54	50		30	63		33Z	54	

Claims for Provision

	<i>Succession Act 2006</i>	<i>Property (Relationships) Act 1984</i>	<i>Administration and Probate Act 1958</i>	<i>Inheritance (Family Provision) Act 1972</i>	<i>Family Relationships Act 1975</i>	<i>Testator's Family Maintenance Act 1912</i>	<i>Relationships Act 2003</i>	<i>Family Provision Act 1969</i>	<i>Domestic Relationships Act 1994</i>	<i>Succession Act 1981</i>	<i>Family Provision Act</i>	<i>Inheritance (Family and Dependents Provision) Act 1972</i>
	NSW		Vic	SA		Tas		ACT		Qld	NT	WA
Court may make provision out of estate of a deceased person for maintenance, education and advancement in life of an eligible person	59		91	7		3		8		41	8	6
Eligible persons	57			6		3A		7		40, 40A, 41(1)	7	7
Definition of "domestic relationship" or similar		5	3		11 & 11A		4		3			
Burden of costs of applications for provision out of estate	99		97(6), (7)	9(8)		3(1)					11(2)	14