The Good Will

To: The people you love
From: You

Dear reader,

This guide is designed as a letter — a reminder that a will isn't just a legal document. It's a message you leave behind, setting out your wishes and continuing to care for the people who matter most, even after you're gone.

What is a will?

A will is a legal document that records your instructions about what should happen after you die. It sets out who receives your property and possessions, who should look after any children/pets, and who is responsible for carrying out your wishes. On the next page, we'll take a closer look at what goes into a will and how it works in practice.

A will and a power of attorney serve different purposes. A power of attorney allows someone to make decisions for you while you are alive but unable to do so due to illness or injury, and it ends when you die, at which point your will takes effect.

Who needs a will?

Anyone over 18, who...

- has started working
- has savings or investments
- is in a long-term relationship
- has elderly family members
- owns a home or business
- has children or dependants

Why is a will important?

A legally valid will ensures your assets are **distributed according to your wishes** and **helps prevent disputes and stress for your family.** It allows you to provide for loved ones such as children and elderly parents, and to make arrangements for pets and their care.

If you die without a will (also known as dying *'intestate'*), the court distributes your estate according to a strict legal formula that **may not reflect your wishes**, and in some cases **your estate may pass to the government.** This can also **result in extra legal fees and taxes**, reducing what your beneficiaries receive.

A will also lets you decide what happens to your body, including **funeral arrangements and organ donation**. Recording these choices in advance ensures your wishes are respected and provides clarity for those you leave behind.

Disclaimer: AI was used as a drafting and editing aid in the development of this document. Human review, decision-making, and accountability were maintained throughout.

When the time comes, the choices you make today can spare your loved ones from stress, confusion, and uncertainty in one of the hardest moments of their lives.

A will gives them clarity, guidance, and peace of mind when they need it most.

Victoria Law Foundation

Step 1:

Get Informed

Understand your options and get the support that you need.

Step 2:

Do Your Homework

Organise your information and think through your decisions. It helps ensure your will is clear, accurate, and reflects your wishes.

Step 3:

Formalise Your Wishes

Once you've done your planning, the next step is to put your wishes into a legally valid written form.

Step 4:

Review Regularly

Your will should be reviewed to ensure it still reflects your wishes as your life changes.

Free and digital options

Victoria Legal Aid (VLA): Book a free 30-min advice session about wills and legal information with www.legalaid.vic.gov.au

Community Legal Centres: Look for wills and estate planning information sessions at community legal centres near you. Find your local centre at www.fclc.org.au

Trusted online resources: Government and legal organisation websites that explain wills in plain language www.legalaid.vic.gov.au/wills-and-estates

Taking formal steps

Law Institute of Victoria (LIV) Referral Service: Service to help you find an accredited lawyer, sometimes with a low-cost first appointment www.liv.asn.au/Referral

Find a will and estate lawyer: You can go to a wills lawyer to help write or check your will. Asking friends or family for recommendations is often a good place to start.

Take a moment to think about these questions

About you:

- ☐ What is my full legal name and current address?
- ☐ Have I made a will before, and if so, does it need to be changed?

Your assets:

- ☐ What assets do I own? (e.g. property, bank accounts, superannuation, shares, vehicles, valuables, digital assets)
- ☐ How are my assets held?
- ☐ How would I want my digital assets (soial media, credit points) to be managed?
- ☐ Do I have any debts or liabilities that should be considered?

Superannuation and Insurance:

- ☐ Do I have any life or income protection insurance, including through superannuation?
- ☐ Are my insurance beneficiaries updated?

The people in your life:

- ☐ Who are the main beneficiaries of my estate?
- ☐ Do I have a partner, elderly parents or dependants who need to be provided for?
- ☐ Are there people I intentionally do not want to include?
- ☐ Who are the carers for my pets? Do those carers need financial support?

Distributing your assets:

- ☐ How do I want my assets divided?
- ☐ Do I want to leave specific gifts (money or items) to people or organisations?
- ☐ Do I want to include charitable donations?
- ☐ Who should receive my estate if my family is no longer alive?

Your children and dependants:

- ☐ If I have children under 18, who should be their guardian?
- ☐ Should money be held on trust until my children reach a certain age?

Your executors:

- ☐ Who do I trust to carry out my wishes as executor?
- ☐ Should I appoint more than one executor? Do they get along?
- ☐ Is the person willing and able to take on this role?

Your body and personal wishes:

- ☐ What are my wishes for my funeral? (burial or cremation, ceremony, music, location)
- ☐ Do I want to donate my organs or tissues?
- ☐ Are there cultural or religious wishes that should be recorded?

An executor is the person named in a will to carry out the deceased person's wishes by managing the estate and distributing assets. Their first step is to locate the will and obtain the death certificate, and they may need to apply for probate, which gives legal authority to administer the estate.

Option 1:

Do it yourself (DIY)

You can use a free or low-cost online service or purchase a Will kit from Australia Post. This option is convenient and affordable and may be appropriate for some. However, DIY will kits carry a greater risk of mistakes, unclear wording, or unmet legal requirements, which can result in the will being invalid or challenged in court.

To be legally valid in Victoria, a will must be in writing, signed by you, and witnessed by two adults who are present at the same time and are not beneficiaries under the will. Meeting these legal requirements is essential to ensure your will is enforceable. You must be at least 18 years old to make and sign a will.

Option 2:

Meet a wills lawyer or professional

Another option is to speak with a wills and estates lawyer or use a professional service such as a trustees company. This can be helpful if your situation is a little more complex or if you would like tailored advice and extra peace of mind.

For simple and straightforward wills, many lawyers offer a fixed price, often around $400–$800. It's better to ask about costs upfront. More complex arrangements, such as setting up a trust, may cost significantly more, but for larger or more complicated estates this support can provide clarity and reassurance for your family.

You can find an accredited lawyer through the Law Institute of Victoria Referral Service www.liv.asn.au/Referral or through trustees companies.

When

After major life events (marriage, separation, divorce, having children, death of beneficiaries)

When your financial circumstances change (buying, selling properties or acquiring an inheritance)

Your executor, beneficiaries or guardians have passed away, are in poor health, or are no longer suitable to take on the role

Even if nothing major changes, check every few years to make sure your will is still up to date

How

Minor change: For small updates, you can see a lawyer to prepare a **codicil**, which is a short legal document that makes a minor change to an existing will without replacing it entirely.

Major change: For larger or multiple changes, make a new will that clearly revokes the old one, either with a lawyer or through a DIY option mentioned in Step 3.

Step 5:

Keep It Safe and Known

Once your will is finalised, store it in a safe and secure place. This may be with your lawyer, a professional service, a secure location at home, or a digital copy for reference. Important information such as passwords for bank accounts, the ATO, superannuation or investment accounts, along with key documents like property records and insurance policies, should be stored securely.

It's also important to let the right people know where your will is stored. Your executor and possibly a trusted family member should know how to access it, so your wishes can be carried out smoothly when needed.