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## DIY will kits present a legal minefield

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Millions of Australians don't have a valid will. *Source:* National Features

**THE public is being stung by do-it-yourself will kits that fail to meet legal benchmarks and result in costly court battles, lawyers say.**

Top family lawyers have reported a rise in inquiries from families who are sorting through the estate of loved ones who have not completed a legally sound will.

They expect the issue to become more common as more people have access to these will kits online.

Tindall Gask Bentley partner Jane Miller said several flaws might make home wills inadmissible.

"The Wills Act legislation for a valid will has got some really strict requirements," she said. "You need two witnesses ... in South Australia the witnesses also need to sign on a page that has some of the meaningful, legal text of the will on it.

"There are some provisions if the will doesn't meet some requirements, but you need to make special application to the court for it to be accepted."

Ms Miller said other issues could arise around complex family settings, making changes to a will or vague wording that does not properly express a writer's wishes.

The Legal Services Commission, which provides advice to the public about legal issues, recommends people seek the help of a legal professional to make their will.

Although they say any will usually is better than none, LSC manager of access services Christopher Boundy said the process of managing the fall-out of inadequate wills was expensive and lengthy. "Any disputation is likely to erode funds that were previously available to beneficiaries of the will," he said.

The LSC last financial year received 582 inquiries about disputes over probate - the legal process of administering a person's estate - a rise of 6 per cent from the 2009-2010 year.

Law Society president Ralph Bonig said it was appropriate for some people to use home will kits if their relationship and estate were "simple". "If it steps outside the normal, people need to think twice about whether it's worth spending money on a properly made will to avoid the estate being chewed up by legal expenses," he said.

A University of NSW study revealed 50 per cent of estate disputes that led to court battles racked up "disproportionate" legal costs.