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# Who gets to see a Will?



Fleming Muntz  
Solicitors



## Summary

There are many misconceptions about who can request a copy of the Will of another person, and when that can happen. It all depends on the circumstances, and this update will clarify some of those circumstances.

### Before Will Maker dies

Clearly, a Will Maker is entitled to a copy of his or her own Will. A person holding a Power of Attorney for the Will Maker is *not* entitled to a copy, although the Attorney is arguably entitled to at least know if a Will has been made or not.

### After death of the Will Maker

In the movies, there is a “reading of the Will” to the family by a bespectacled lawyer, who delivers his words with great gravitas. In reality, it is the Executor named in the Will who usually meets with the Estate Solicitor, and that person is given a copy of the Will.

However, each of the Eastern States spell out in State Laws the categories of people entitled to a copy of the Will:-

- Section 54 *Succession Act 2006* (NSW)
- Section 33Z *Succession Act 1981* (QLD)
- Section 50 *Wills Act 1997* (VIC)

The list of persons is extensive and includes people who may not have been named in the Will itself.

## Public Document

To validate a Will, an Executor seeks a “Grant of Probate” from the Supreme Court.

Once there is a Grant of Probate of a person’s Will it becomes a “document of public record” and a copy is available to anyone who wishes to pay the requisite fee.

### How can Fleming Muntz help?

Fleming Muntz have experienced Estate Planning Lawyers who are skilled in the provision of advice regarding the Succession Acts in both New South Wales and Victoria, and can give specific advice upon request on just who is entitled to a copy of a Will.

#### Important fine print

**This update is for general information only. It is not a complete guide to the area of law. Competent advice should be obtained before taking any action.**

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