

# LAWS 3071 WILLS AND SUCCESSION

**Credit Points** 10

**Legacy Code** 200641

**Coordinator** Stephen Janes ([https://directory.westernsydney.edu.au/search/name/Stephen Janes/](https://directory.westernsydney.edu.au/search/name/Stephen%20Janes/))

**Description** Wills and Succession is that body of law that deals with the devolution of property upon death. The legal issues relating to wills and succession are examined in their social, cultural, and ethical contexts. The subject includes an examination of law relating to intestacy, the making of a valid will, the administration of the estate and what is known as testator's family maintenance. This subject is of particular importance to those students who intend to practice either as a solicitor or barrister as Wills and Succession forms a significant part of private practice.

**School** Law

**Discipline** Legal Practice

**Student Contribution Band** HECS Band 4 10cp

Check your HECS Band contribution amount via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Pre-requisite(s)** LAWS 3082

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Achieve a sound understanding of the major doctrines relevant in the area of Succession Law and the particular contexts in which they are of potential application.
2. Critically access the scope of operation and complex interaction of legal doctrines which operate in the area of Succession Law.
3. Understand the jurisdiction of the probate court and the types of application for probate and grants of administration which might be made.
4. Understand the practical procedures involved in obtaining grants of various sorts.
5. Understand the principles relevant to the construction of a will and how the court of construction performs this task.
6. Develop an understanding of the roles of executors and administrators, the nature of their rights and duties.
7. Understand the rights of beneficiaries, devisees, legatees, and next of kin in respect of deceased estates.
8. Understand the law and principles for the valid making of a will and a codicil.
9. Understand miscellaneous relevant doctrines such as revival, revocation, capacity, undue influence, and so on.
10. Understand the administration of solvent and insolvent estates.
11. Understand proceedings for passing of accounts and completion of administration.

## Subject Content

- Death
- Intestate succession

- family provision
- The nature of A will
- formal requirements
- capacity
- Revocation, Republication and Revival
- Obliterations, Interlineations and Alterations
- construction-general
- construction-specific
- Grants of representation
- administration and Distribution of The Estate

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Practical	2 hours	25	N	Individual
Intra-session Exam	3 hours	45	N	Individual
Viva Voce	20 minutes	30	N	Individual

Teaching Periods

## Autumn (2023)

**Parramatta - Victoria Rd**

**On-site**

**Subject Contact** Stephen Janes ([https://directory.westernsydney.edu.au/search/name/Stephen Janes/](https://directory.westernsydney.edu.au/search/name/Stephen%20Janes/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS3071\\_23-AUT\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS3071_23-AUT_PS_1#subjects))

## Spring (2023)

**Online**

**Online**

**Subject Contact** Stephen Janes ([https://directory.westernsydney.edu.au/search/name/Stephen Janes/](https://directory.westernsydney.edu.au/search/name/Stephen%20Janes/))

View timetable ([https://classregistration.westernsydney.edu.au/odd/timetable/?subject\\_code=LAWS3071\\_23-SPR\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS3071_23-SPR_ON_2#subjects))

## Autumn (2024)

**Parramatta - Victoria Rd**

**On-site**

**Subject Contact** Stephen Janes ([https://directory.westernsydney.edu.au/search/name/Stephen Janes/](https://directory.westernsydney.edu.au/search/name/Stephen%20Janes/))

View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS3071\\_24-AUT\\_PS\\_1#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3071_24-AUT_PS_1#subjects))