

# 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 fees 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. Understand the major doctrines of Succession Law and the particular contexts in which they are applied.
2. Assess the interaction of legal doctrines which operate in succession law, considering social, cultural and ethical contexts.
3. Understand the jurisdiction of the probate court and the types of application for probate and grants of administration which might be made.
4. Apply knowledge of the law of wills in particular contexts.
5. Explain aspects of the administration of estates.
6. Develop written and/or oral communication skills.

## Subject Content

1. Death
2. Intestate Succession, including intestacy laws relating to Indigenous people
3. Family Provision
4. The Nature of a Will
5. Formal Requirements
6. Capacity
7. Revocation, Republication and Revival
8. Obliterations, Interlineations and Alterations
9. Construction-General
10. Construction-Specific
11. Grants of Representation
12. 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/<br>Group Task |
|--------------------|------------|---------|-----------|---------------------------|
| Professional Task  | 2 hours    | 25      | N         | Individual                |
| Intra-session Exam | 3 hours    | 45      | N         | Individual                |
| Viva Voce          | 20 minutes | 30      | N         | Individual                |

Teaching Periods

## 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 City - Macquarie St

#### On-site

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