



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Justice and Electoral Select Committee on the Wills Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 38 Nationally Organised Societies. It has 32 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission which has been prepared by the Public Issues Standing Committee following consultation with NCW members.

**General Statement**

The general expression of the membership is in support of the restatement of the existing laws into a single statute in plain language that is clear and more accessible.

Analysis of the Bill by NCWNZ has concentrated on changes that are being made to the law in the formulation of this Bill

**Specific Comments:**

**Part 2: Wills Subpart 1. Making, changing, revoking and reviving wills**

**Clause 10 - Persons who may do testamentary actions.**

(3) and (4)

A natural person under 18 may make a will.....

Almost all members support this change to the age requirements. It was seen as being particularly important for persons under the age of 18 who have substantial assets or who may be aware that they have a terminal illness and have assets.

**Part 2:**

**Subpart 1. Validity**

**Clause 11-Requirement for validity of testamentary documents**

(3) (a) and (b)

Although in the explanatory notes to the Bill it is stated that the testator's signature is no longer required to be placed at the end of the will, NCWNZ noticed that the new wording was silent on the required position of any signature, while not explicitly inviting the signature to be placed anywhere other than at the end of the document.

Almost all members agreed that the will should still be signed at the end to avoid any confusion or misunderstanding that something had been added by any person other than the testator.





### **Clause 13-Witnesses affected by dispositions made to them.**

(2)

A majority of members expressed concern about a beneficiary being a witness for the following reasons:-

- pressure could be put on the testator;
- both the beneficiary and the testator deserve protection against any possible doubt as to the validity of the will. If the person making the will so desires the beneficiary could be present when a will is drafted.
- if a beneficiary is a witness, two other witnesses are required as well anyway, so why would the beneficiary need to be a witness.

A minority of members supported the changes because:

- The testator may want someone they know and trust to witness their signature and that person could be a beneficiary. However, in addition to the safeguards in the Bill, members suggested that the witness should declare his/her interest and have it recorded. This may be the case for someone living alone with few contacts or in an isolated place (13,2(a))

### **Part 2: Changing, revoking, and reviving**

#### **Clause 15 -Changes**

- Half of our members who responded supported this way of making a change but with the qualification that the changes are made on separate pages, clearly dated and signed by the testator and the witnesses;
- minor changes should be as a codicil but if there are major changes the will should be rewritten which could be less costly.

Those who thought a new will should be written if changes were made gave the following reasons;

- additions and codicils could be ambiguous and confusing;
- with the use of computers it could be cheaper and faster to write a new will, and it would be clearer;
- changes recorded on a note could cause difficulties if there are several changes made over time

#### **Conclusion:**

Overall the members were pleased with the intention to restate this Bill in plain modern language. However they were split on the process suggested to deal with the issue of a witness being a beneficiary.

NCWNZ generally supports the convention of requiring the signature to be at the end of the will and submits that even any small changes should be on a separate piece of paper, while in this electronic age, any major changes would be dealt with best by rewriting the will completely.

Thank you for the opportunity to comment on this Bill.

Christine Low  
National President

Joan Macdonald  
Convenor, Public Issues Standing Committee