



# Can ChatGPT write my Will in NSW, and should I use it?

**Author:** [Chris Alfonso](#)

**Email:** [chris@ealawyers.com.au](mailto:chris@ealawyers.com.au)

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With the growing popularity of artificial intelligence tools like ChatGPT, more Australians are asking whether these platforms can handle tasks that were once the exclusive domain of professionals, including writing a Will.

AI can draft documents, answer legal questions and even explain complex terms in plain English, at a faster speed and at times more conveniently than a lawyer can. But is AI right for drafting your Will?

While ChatGPT can produce a document that looks like a Will, and appears to achieve your intentions, there is an important distinction between a draft Will created by AI and a [Will that is legally valid](#), suitable for your specific needs, and effective under New South Wales law.

When it comes to ensuring your estate is properly dealt with after your death, without additional unnecessary expense, that distinction matters.

## What ChatGPT can (and can't) do

ChatGPT and other AI platforms can certainly generate a draft document that looks like a Will. You can ask it to create a Will leaving your assets to your spouse and children, appoint an executor, or [even include specific gifts](#). It can also explain what clauses in a Will mean and outline general legal principles under the *Succession Act 2006* (NSW).

However, it is crucial to understand that ChatGPT and AI are not substitutes for an experienced estate planning lawyer or other professionals. AI platforms:

- do not have access to your full personal or financial circumstances, which can create issues when there is nuanced information that needs further consideration;
- cannot verify [your legal capacity](#);
- cannot assess potential future [risks of a challenge to your Will or estate](#);
- does not consider the effect of taxation on the Will it is drafting; and
- does not ensure your document complies with NSW law.

Most importantly, a Will that looks valid may not be legally effective. Small technical issues, such as the way a Will is signed or witnessed, can render it invalid or create significant delays and costs for your loved ones. ChatGPT can describe these rules, but cannot ensure they are correctly followed.

## Why DIY or AI-generated Wills are risky

A Will is more than just a form. It is a carefully structured legal document designed to reflect your intentions and comply with strict legal requirements. The risks of using ChatGPT (or any “do-it-yourself” Will kit) include:

### Improper execution

In NSW, a Will must generally be signed in the presence of two independent witnesses who also sign the document. AI tools cannot supervise this process or ensure it is done correctly. Even minor mistakes can create disputes or costs later, such as:

- witnesses signing in the wrong order;
- an ineligible person acting as a witness;
- witnesses using a different pen;
- witnesses not being present at important times; or
- a beneficiary acting as witness.

### Failure to address estate vs non-estate assets

A Will may not affect all assets that someone owns, including assets of significant value. Superannuation and assets in a company or trust do not automatically form part of your estate to be gifted under your Will. Nor does jointly owned property.

Without professional advice, you risk making gifts that your estate cannot legally transfer, or ineffectively gifting significant assets that could then pass to someone unintended.

## Failure to consider complex assets

ChatGPT does not have access to your superannuation, company, or trust structures. Importantly, it may not understand the specific nuances of your superannuation, company or trust structures, as these structures are unique to you and will differ from structures utilised by other people.

## Unclear or contradictory clauses

AI-generated text can sound professional [but still be ambiguous](#). The language used in a Will must be precise. For example, ChatGPT might include language that appears valid but is inconsistent with NSW succession law or your specific circumstances. This can cause confusion or litigation among beneficiaries.

## Lack of tax and estate planning advice

Every person's family, tax position, and financial structure is unique. A lawyer can consider your intentions and advise on potential exposure to additional taxation and risks of challenge. ChatGPT will provide what you ask of it without tailoring estate planning strategies to your situation or warn you about potential additional costs or challenges to your estate.

ChatGPT will not tell you when you are missing important information or when what you are instructing will create additional and unnecessary costs for your family.

## NSW specific laws

ChatGPT does not have a nuanced understanding of New South Wales (or any other jurisdiction's) specific succession laws and often draws on information from other jurisdictions, particularly the United States, where the system was developed. This means that the legal principles or wording it produces may not reflect Australian law or local requirements.

## No duty of care or accountability

If your AI-generated Will fails, there is no recourse for the mistakes you or it has made. A qualified lawyer, by contrast, owes you a professional duty of care and must ensure your Will complies with the law, accurately records your intentions, and is properly executed.

## The role of the lawyer in estate planning: protecting your intentions

At E&A Lawyers, we often see situations where a well-intentioned DIY or AI-generated Will leads to unnecessary cost, delay, and conflict for the family.

Common problems include missing or incomplete executor powers, forgotten assets, or unclear instructions about who should benefit from a property or trust. It can also include well-intentioned, but prohibitive restrictions on executors or beneficiaries, which may require the Court's assistance in interpreting.

When you engage a lawyer to prepare your Will, you are getting more than a document. You will also have a professional who can:

- ensure that your Will is validly executed under NSW law;
- provide tailored advice specific to your circumstances;
- provide guidance, drawing upon their expertise and experiences, on options for the structure of your estate plan;
- construct a Will that your executor can understand and comply with their responsibilities;
- confirm that superannuation, trusts, and company interests are dealt with correctly;
- ensure your beneficiaries receive what you intend;
- include appropriate tax and asset protection measures (such as [testamentary trusts](#)) where appropriate;
- advise as to the limitations of Wills, and other estate planning documents that may need to be considered, such as Powers of Attorney and Appointments or Guardians.

Your lawyer applies judgment, empathy, and professional responsibility. These are qualities that no algorithm can replicate. They also understand the emotional and practical realities of family life, business ownership, and estate planning in the real world.

## But what if I just want a simple Will?

Even a "simple" Will is not always simple in practice.

Suppose you are [separated but not divorced](#), have children from a previous relationship (see our earlier blog "[Estate planning and blended families](#)"), or own property with another person. Your circumstances already require careful legal consideration, and simple documents can be more susceptible to challenge.

AI cannot account for family dynamics, emotional nuances, or legal obligations. A lawyer can.

## The cost of AI getting it wrong

The biggest misconception about using AI for legal documents is that it saves time and money. In reality, the cost of fixing an invalid or disputed Will can far exceed the cost of having it prepared professionally in the first place.

In attempting to save a few hundred or thousands of dollars, you could be creating issues that require tens or hundreds of thousands of dollars to fix (depending on the complexity of the issues, the size of the estate, etc.).

If a Court must determine whether a document produced by ChatGPT was intended to be your Will, or what the wording used in the document actually means, your family could spend months and thousands of dollars in Court and legal expenses.

These disputes can strain relationships, delay administration, and even deplete the estate you meant to leave to those you care about.

## How E&A Lawyers can help

E&A Lawyers has extensive experience helping clients across the Northern Beaches and NSW prepare Wills that are practical, tax-effective and legally sound. Our approach is client-focused and we provide clear, practical advice to help you understand your options.

If you are considering preparing your Will (or other estate planning documents), or you are unsure whether your existing Will is valid, E&A Lawyers can assist in providing personalised advice.

## Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

[02 9997 2111](tel:0299972111)

[info@ealawyers.com.au](mailto:info@ealawyers.com.au)

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