



Step by step Will Planning to create peace of mind



You can contact our Gifts in Wills team
for a confidential chat.

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Definition of common terms

Assets

Everything you own that holds value. This includes:

- › Real estate (homes, investment properties, land).
- › Bank accounts (savings, transaction, term deposits).
- › Investments (shares, managed funds, superannuation).
- › Personal items (vehicles, jewellery, electronics, artwork, heirlooms).
- › Intellectual property (copyrights, patents, royalties).
- › Business interests (companies, partnerships, sole trader operations).
- › Insurance and superannuation benefits (may or may not be part of your estate).

Liabilities

Debts or financial obligations that may need to be paid from your estate:

- › Mortgages.
- › Personal loans.
- › Credit card debts.
- › Unpaid taxes or utility bills.
- › Child support or other legal obligations.

Beneficiary

A person or organisation (e.g. a charity) named in your Will to receive part of your estate.

Bequest

A gift left in a Will. This could be a specific item, amount of money, or percentage of your estate.

Contesting a Will

When someone applies to the court claiming they were unfairly left out of the Will or not adequately provided for.

Executor

The person or organisation responsible for carrying out the instructions in your Will, paying debts, and distributing your estate.

Estate

Everything you own at the time of your death—after debts and liabilities are paid.

Guardian

Someone you legally appoint in your Will to care for your children if they're under 18 when you pass away.

Intestacy

The situation where someone dies without a valid Will. State laws then determine how their estate is distributed.

Probate

A legal process that confirms your Will is valid and gives the executor the authority to manage your estate.

Residue

What's left of your estate after debts, taxes, expenses, and specific gifts have been distributed.

Testator/Testatrix

The person writing the Will (testator for male, testatrix for female, though both are now commonly called 'testator').

Trust

A legal arrangement where assets are managed by one party for the benefit of another. Often used for minors or complex estates.



Why making a Will matters

Nearly half of Australian adults don't have a valid Will. Making a Will is one of the most thoughtful steps you can take to protect your loved ones—especially your children, pets, and those who rely on you. It provides peace of mind knowing that your wishes for their care, as well as the future of your estate, are clearly recorded.

A Will is not just for people with significant wealth. Even modest assets, like a car, savings, or sentimental possessions—can cause confusion or disagreement without clear instructions. Superannuation and life insurance may also form part of your estate, depending on arrangements, and should be included in your planning.

Creating a Will ensures that your belongings and estate are distributed as you intend, and your dependants and pets are properly cared for. Without a valid Will, state laws determine what happens—which may not reflect your wishes and can cause added stress or conflict for your loved ones during an already difficult time dealing with loss.

Why people put it off: Common myths debunked



Myth 1 “I don’t need a Will until I’m older.”

Truth: If you’re over 18, you should consider a Will, especially if you own anything or have people who depend on you. Life is unpredictable, and unexpected events can happen at any age. Having a Will in place ensures that your wishes are clear, even if the unexpected occurs.

Myth 2: “My family will just sort it out.”

Truth: Without a Will, your estate is subject to intestacy laws, which may not align with your intentions and could cause disputes. Grief can cloud judgement, and even well-meaning families may struggle to make decisions. Verbal wishes can be forgotten or misinterpreted over time, leading to confusion or conflict. A Will ensures your intentions are clear and legally recognised.

Myth 3: “Making a Will is expensive and complicated.”

Truth: It doesn’t have to be. There are free online options, affordable DIY kits, and legal professionals who offer fixed-price or free initial consultations.

Myth 4: “I don’t own much, so it’s not necessary.”

Truth: A Will isn’t just about money. It includes who looks after your children, pets, and anyone who depends on you. Even if you don’t have significant assets, making a Will helps ease the burden on those you care about by clearly outlining your wishes and making important decisions easier during a difficult time.

Step-by-step guide to making your Will

1. Gather your information

- › List what you own (house, car, investments, sentimental items).
- › Include jointly owned property and whether it's held as joint tenants or tenants in common.
- › Consider debts or financial obligations.

2. Think about what matters most

- › Who should receive your assets?
- › Who might legally claim part of your estate?
- › Do you wish to leave gifts or donations?
- › What are your funeral preferences?

3. Choose your executor

- › A trusted person or organisation who will carry out your wishes.
- › Discuss their willingness and ability beforehand.
- › You may name more than one or list a backup.

4. Appoint guardians for children

- › If you have children under 18, nominate a legal guardian.
- › Talk to them in advance and get their agreement.

5. Decide how to make your Will

- › Use a legal professional for tailored advice.
- › Trustee companies and community legal centres are also options.
- › Free online tool: gatheredhere.com.au
- › DIY Kits from post offices or newsagents (~\$30).

6. Meet the legal requirements

- › Must be in writing (typed or handwritten).
- › Must be signed by you in the presence of two adult witnesses who aren't beneficiaries.

7. Keep it safe

- › Store it in a safe place and inform your executor of its location.

8. Keep it updated

- › Update your Will after major life events like marriage, divorce, new children, or change in wishes.
- › Review your Will if you give away or sell specific items mentioned in it, such as property or vehicles, or if your circumstances or intentions change.
- › You should also revise your Will if your nominated executor is no longer able or willing to act—for example, if they pass away or become unfit for the role.





When you should seek help

Seeking advice from a legal professional can help ensure your Will reflects your unique circumstances and avoids future disputes. Professional help is particularly important if you:

- › Have a child or beneficiary with special needs or disabilities.
- › Own many or complex assets (e.g. farms, overseas property).
- › Want to exclude someone from your Will who may otherwise believe they are entitled to benefit, such as a family member or former partner.
- › Are part of a trust, superannuation fund, company, or partnership.
- › Hold intellectual property rights (books, patents, royalties).
- › Are elderly, ill, or hospitalised when preparing your Will.
- › Have been in previous marriages or blended family situations.

Who can help

1. Solicitors or legal professionals

They offer expert guidance and peace of mind that your Will is legally sound. A solicitor can ensure your wishes are clear and compliant with relevant laws.

Stroke Foundation does not endorse particular practices, but there are websites that list all registered solicitors in your state. Look for your local Law Society or Law Institute for accurate listings.

Find a solicitor in your state:

- › ACT: actlawsociety.asn.au
- › NSW: lawsociety.com.au
- › NT: lawsocietynt.asn.au
- › QLD: youandthelaw.com.au
- › SA: lawsocietysa.asn.au
- › TAS: lst.org.au
- › VIC: liv.asn.au – Free 30-minute initial consult available
- › WA: lawsocietywa.asn.au

2. Trustee companies

They can write your Will, store it securely, and even act as executor.

You can also contact your state's Public Trustee or equivalent body for assistance and services. Each state and territory in Australia have a Trustee office that can support you with Wills and estate planning. Here are some examples:

- › Australian Unity Trustees
- › Equity Trustees
- › State Trustees

3. Online Wills

Online Will platforms are growing in popularity and can be a simple option for people with straightforward wishes. There are a range of providers with services to suit different needs and budgets. Stroke Foundation partners with Gathered Here to offer a free online Will. Follow all the instructions to ensure the Will is valid.

4. DIY Will kits

DIY Will kits are widely available at post offices, newsagents, and online (usually around \$30). These are best suited to simple estates. Make sure you follow all legal requirements, especially around witnessing, to ensure your Will is valid.

Leave a legacy of kindness

Now that you've decided to care for your loved ones, take a moment to consider leaving a gift in your Will to a cause close to your heart.

Whether it's advancing medical research, protecting animals, nurturing the arts, supporting education, preserving the environment, or strengthening a community you deeply value—a small percentage of your estate can have a powerful, lasting impact. Even a modest gift can benefit future generations and uphold the values you hold dear. It's one of the most meaningful ways to leave a legacy that endures.

Leaving a gift in your Will to Stroke Foundation is a powerful way to help prevent strokes—both now and into the future. Your support helps build a world where no one has to face the path to recovery alone—offering hope, care, and access to life-changing support when it's needed most.

Join our vision of “fewer strokes, better outcomes and care for all” by including Stroke Foundation in your Will. Together, we can make a lasting difference.

