

A gift to Nature Foundation in your Will helps us carry out vital conservation work.

Wills & Gifts

General legal guide



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Why make a Will?

You get to choose who will be in charge of administering your estate after you're gone.

By making a Will, you name your own executor. Executors make sure all your affairs are in order, including paying off debts and bills, cancelling your credit cards, cancelling memberships and notifying the bank and other businesses. Executors play the most important role in the administration of your estate, and so you will want to appoint someone who is organised, honest and trustworthy. Consider carefully who the best person for the role of executor of your estate is. The best person may not be a family member.

You get to decide how your estate is distributed.

This means your loved ones know your wishes and you can provide clarity and certainty during their time of grief. A Will is a legally-binding document that lets you determine how you would like your assets to be handled upon your death. If you pass away without a Will, there is nothing protecting your assets to ensure they are distributed as you intended. Having a Will helps minimise any family disagreements that may arise about your estate, and also determines the “who, what, and when” of your estate.

Take care of your minor children.

A Will allows you to make an informed decision about who should take care of your minor children. You can appoint a guardian and complete a “memorandum of wishes” document that will detail exactly how you would like them to be raised including education, religion, sporting activities and social activities. If you do not have a Will, the court will take it upon itself to choose among family members or a state-appointed guardian. Having a Will allows you to appoint the person you want to raise your children and make sure it is not someone you do not want to raise your children.

Avoid extended probate processes.

All estates must go through a probate process, regardless of whether or not you have a Will. Having a Will significantly speeds up the probate process and informs the court how you would like your estate divided. Probate courts serve the purpose of “administering your estate”, and if you die without a Will (dying “intestate”), the court will decide how to divide your estate without your input. This can cause unnecessary delays and carries the risk of your estate being distributed in a way that is contrary to what you want.

Avoid greater legal issues.

If you die without a Will, part or all of your estate may pass to someone you did not intend. For example, if your child inherits your entire estate and their marriage breaks down, your estate will have formed part of the matrimonial assets, therefore in your child's divorce, their ex-spouse may take half of their inheritance. A well-made Will can guard against this, and help protect your family.

Change your Will as your life circumstances change.

A Will is a revocable instrument that you can change any time while you still have capacity. Life changes, such as births, deaths, and divorce, can create situations where changing your Will is necessary. Life is uncertain. It is best to be prepared – for your family's sake.

Ensure your estate does not go where you do not intend it to.

If you don't make a Will, part or all of your estate may end up going to people you never intended to benefit because the law dictates how your estate is distributed. If you have no next of kin and no Will, your estate can pass to the state government. If you have relatives, they may disagree with what should happen with your estate. Your Will should clearly explain your wishes and help ensure they are carried out.

Make your preferences for funeral arrangements clear.

Your Will also offers the opportunity to say what you'd like to happen at your funeral. For example, do you wish to be buried or cremated? This can greatly help your loved ones during their time of grief.

You can help a deserving charity.

The ability to make gifts is a great reason to have a Will because it allows your legacy to live on and reflect your personal values and interests. If you would like to leave a lasting legacy after you're gone, one of the best ways is to leave a gift to your favourite charity, so that they can continue their good work in your memory. If you die intestate no charity can receive anything from your estate.

Why leave a gift to charity in your Will

You may choose to include a charity in your Will, such as Nature Foundation. Your gift, regardless of the size, will be gratefully received.

Leaving a gift in your Will is a great way to support the vital work of charities. Perhaps you've supported a favourite charity all your life and would like to continue that support after you've gone.

Charities, such as Nature Foundation, play a vital role in meeting the needs that governments and society sometimes overlook and they depend on financial support from donors to continue their work.

Different types of gifts/bequests

There are four main types of gifts you can leave in your Will, including those you may leave to a charity.

1. Residual

This is the remainder of your estate after first leaving gifts to your loved ones.

2. Percentage or fractional

This is a gift expressed as a percentage or fraction of your estate. Dividing your estate by percentage or fractions gives longevity to your Will because the gifts aren't influenced by inflation or changes in the value or make-up of your estate.

3. Pecuniary or Specific

This is a specified gift which can be money, property or shares.

4. Whole estate

This comprises your entire estate and is usually left by those without family or other preferred beneficiaries, or those wanting to achieve something very significant with their gift.

Suggested wording

Our suggested wording to include a gift for Nature Foundation in your Will is:

“I give to Nature Foundation Ltd ABN 24 131 531 874 of Level 2 Payinthe, 128 Prospect Rd Prospect SA 5082:

the sum of (\$.....); or

(.....%) of my total estate; or

the residue of my estate; or

(....%) of the residue of my estate; or

the following items of my property (.....) absolutely;

free of all duties, for the general purposes of that or any successor organisation, and I direct that the receipt of the Treasurer or other duly authorised officer of Nature Foundation Ltd shall be a sufficient discharge to my Executors.”

How your charitable gift will help

Bequests to Nature Foundation help us to conserve, protect and restore South Australia's natural biodiversity. All bequests, of any size, are significant and greatly appreciated. They are an essential pathway to funding our vital conservation work.

Leaving a bequest is a wonderful way of continuing to support the causes that are special to you into the future. We understand that your primary concern is to provide for your loved ones, however supporting meaningful charity work through a bequest can create a lasting environmental legacy.

How to proceed

Nature Foundation partners with a specialist law firm which offers very generous discounts for any Nature Foundation member seeking to create a Will and Estate plan.

For further details or to discuss the possibility of leaving a bequest to Nature Foundation, please contact

Patrick Mentzel – Philanthropy Coordinator at Nature Foundation on (08) 8340 2880 or info@naturefoundation.org.au

All communication is treated as strictly confidential.

Your gift will make a difference

Please help us to continue our vital nature conservation work to sustainably manage South Australia's unique biodiversity, landscapes and waters for future generations, and to connect with and inspire more people to conserve our beautiful natural environment.

We

- protect and restore the natural environment that sustains us all;
- conserve the variety of plant and animal life – the biodiversity – that characterises healthy ecosystems, including some of our most vulnerable species;
- facilitate excellent scientific research to understand how to conserve South Australia's unique flora and fauna and create a sustainable future for us all.

A gift to Nature Foundation in your Will helps us continue our important conservation work and deliver genuine outcomes for nature today and into the future.

