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## GIFTS in Wills Checklist

Charities are heavily dependant upon gifts in Wills. It is a primary source of funding. They cannot undertake much of their good work without the generosity of people leaving gifts in their Wills.

Sometimes, Clients may think that they cannot leave a gift significant enough to make a difference. Rest assured that all gifts – no matter how small – have a big impact. Just by simply asking your Client if they would like to leave a gift to charity will open the conversation and the possibility in their mind of leaving a legacy for the future.

Even if your Client does not wish to leave a gift in their Will to a charity in the first instance, they may wish to consider leaving a gift to charity “if all else fails”. Many Clients would prefer their estate go to charity than revert to the Crown if none of their beneficiaries survived them.

A Client may have themselves personally benefited from the assistance of a charity or it may have been a loved one who benefited. Whether the assistance was for education, medical, poverty or otherwise, Clients are often inspired to “pay it forward” in remembrance of the help they or a loved -one once received. You may wish to ask your Client if they would like to leave a gift to charity in memory of a loved one.

So, if your Client wishes to leave a gift to charity, firstly ask them for as much detail as possible. Don't forget to File Note the Client's reasons for the gift. Ideally, your Client will come prepared with the following information:

- Name of Charity
- ABN of Charity
- Current Street Address of Charity and
- Nature of gift (specific, residue, etc.)

Sometimes Clients can be a little vague when giving instructions for their Will to be drafted. In particular, when they wish to leave a gift to charity in their Will. Sometimes, we need to do a little detective work to ensure we correctly draft their Will. Have an open discussion with the Client about their wishes and which charity is to benefit.

One of the problems faced by most charities is poor identification in the Will. There are a number of similarly named charities or charities with similar purposes. Some charities exist in a “Federated Model”. This is where each State and Territory has its own charity, however, there is also an over-arching national body – whose sole purpose is administrative (i.e. coordinate marketing campaigns, negotiate with various government departments, etc.) rather than

# include a charity

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purely charitable. In this instance, it is likely that a gift to the State or Territory body is more likely to achieve your Client's goals.

Many charities will have their own preferred gift wording. So, before drafting the Will, take a look at the charity's website or contact the bequest/gifts in wills/donor manager for the relevant charity and check if they have preferred wording for the gift.

Gifts in Wills to a charity is a very precious thing. We all have a responsibility to ensure the Client's wishes are properly honoured. So, here is a checklist for you to refer to:

1. **Talk to your Client about leaving a gift in their Will to charity – ask them if they would like to honour the memory of a loved-one by leaving a gift;**
2. **Discuss the possibility of leaving a gift to charity “if all else fails”;**
3. **Ensure you File Note your discussion with your client and their reasons for the gift;**
4. **Be clear as to which charity is to benefit;**
5. **Check that you have the correct name, ABN and current street address of the charity;**
6. **Contact the charity directly as they may have a pre-prepared clause for you to insert in the Will;**

Find out more at  
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