

# 1

## What is a will?



Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.



**A will is a legal document that sets out how a person would like their executor to distribute their estate after passing away.**

# 2

## Why do I need a will?



Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.



**If a will is not made,  
the Government will  
decide what happens  
to your property.**



Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.





# 3

## How do I make a will?

## **A will can be made by yourself, with a solicitor, or with the Public Trustee.**

### **A will must be:**

- In writing
- Have a date written on it
- Signed by yourself and two witnesses (who are over 18 and not receiving anything from the will)

# 4

**What can/should I  
include in a will?**

**Any object can be included in a will.  
Money or property (land) is not needed  
to make a will.**

**A will should include:**

- Property
- Guardians appointed for children.
- Money
- Cars, motorbikes and other vehicles
- Artwork
- Jewellery
- Who will look after any pets?
- Burial Instructions (cremated or Buried)
- Customary law obligations – objects, knowledge, and secrets



# 5

## Customary Law Obligations

**A will can protect customary law obligations. These may include:**

- Ritual objects and knowledge
- Secret knowledge or information

**They can also be protected through trusts. Trusts are specialised legal tools, and you will need to speak to a lawyer if you want to use one.**

# 6

## Life changes and updating your will



YFS LEGAL

Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.



## Significant life events may need to be reflected in your will.

### For example:

- Marriage - a will can be automatically revoked if you get married
- Birth of children -you may want to include new children in your will
- Divorce - You might want to remove your ex from your will



# 7

## Where can I keep a will?

**A will should be kept in a safe place at home, for example, a drawer or filing cabinet. Or, by a solicitor who helps draft the will or the Public Trustee. You must tell someone where the will is.**

# 8

## Can people argue about my will?

**Only specific people can challenge your will. This is usually your spouse, partner or children.**

**A will could be challenged because:**

- It does not adequately provide for someone
- The will was influenced by other people
- the person making it did not have capacity to make it.



# 9

## Enduring Powers of Attorney



Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.



**An enduring Power of Attorney is a legal document where you appoint someone to make decisions about your health or your finances during your lifetime.**



Our role and commitment are reflected in a whole of organisation approach to working alongside First Nations peoples as a community member, as an employer and as a service provider.



### **attorney for health matters:**

- Can make decisions about your care, your welfare and make end of life decisions.

### **Attorney for Financial matters:**

- Can make decisions about your money, property, houses, bank account or investments

# 10

**Where can I go  
to make a will?**



## You can get a will by:

- Going to a solicitor
- Going to a community legal centre
- Or going to a wills Clinic