Imagine a future without cancer
How a modest gift in your Will can make a big difference
Help shape the defeat of cancer

I believe that the defeat of cancer is no longer a dream, but a realistic proposition. Today, 30 per cent more patients will survive a cancer diagnosis compared to 20 years ago. This means that tens of thousands of men, women and children have been given another chance to enjoy life with their loved ones. It means countless families and friends have been spared unbearable pain and loss.

Although there is still a long way to go, I believe that our commitment to funding large-scale, pioneering research will enable us to one day understand exactly what causes cancer – and ultimately defeat it altogether.

You can help shape the defeat of cancer by leaving a bequest to Cancer Council NSW in your Will. It would be an amazing gift for future generations, and have a profound impact on all those touched by cancer.

Thank you,

Dr. Andrew G Penman, AM
Chief Executive Officer,
Cancer Council NSW

Dr. Andrew G Penman, AM
Chief Executive Officer, Cancer Council NSW

Professor Philip Hogg
Cancer Researcher

Malcolm Edwards
Malcolm has updated his Will to include Cancer Council NSW

Julie, Megan and Nicky
Nicky is currently recovering from childhood leukaemia
The young girl is my beautiful daughter Nicky. Nicky was a cheeky, fun-loving 4-year old when she was diagnosed with acute lymphoblastic leukaemia (ALL). Prior to her diagnosis, Nicky had nothing more than a sore throat. Her subsequent two years of chemotherapy had a devastating impact on our family. Not only did Nicky miss kindergarten and her first year of school, but her sister Megan spent every day worrying that her little sister wouldn’t make it. I started to question my faith.

And my husband had to hold his young family together, ferry me back and forth to the hospital and hold down a full-time job. There were many times when I didn’t want them to hurt my baby anymore. When I just couldn’t stand the pain she was going through.

But, thanks to the brilliant doctors at The Children’s Hospital, Randwick and the clinical trial that Nicky joined, my daughter survived.

I’ve recently updated my Will to include a gift to cancer research. It would be great if you could too. It might just save more children like my Nicky.

Thank you,

Julie
Cancer Council NSW has one goal: to defeat cancer. It’s a dream we’ve been helping to make come true since 1955, investing heavily in cancer research, support services, education and advocacy. In so doing, we aim to better understand every step of the cancer journey and one day make cancer a manageable disease for all.

For the last 50 years, Cancer Council has funded many ground-breaking cancer research projects. For example, since 2000, we have supported the work of Professor Philip Hogg at the University of New South Wales.

Professor Hogg has developed a new type of drug, GSAO, that could potentially turn cancer into a more manageable disease (much like diabetes) by starving tumours of energy.

Professor Hogg hopes GSAO will be effective against all solid tumours, including breast, prostate, colon, lung and brain tumours. It’s a wonderful example of work which aims not only to prevent and cure cancer, but also to help thousands of already-diagnosed men and women to manage cancer on a lifelong basis.

We’ve recently committed to funding Professor Hogg for another five years as this new drug moves into clinical trials.

It is thanks to brilliant research like this that survival rates for all types of cancer have increased by 30 per cent in the last 20 years – and why we believe cancer can be beaten in our children’s lifetime.

Cancer Council is the largest charitable funder of cancer research in New South Wales. Last year we invested more than $16 million in cancer research, thanks largely to the generosity of individuals like you.

Despite this investment there are many promising research projects that we have to turn down due to lack of funds. And the need to fund long-term research projects and to run our vital support services will continue so long as people are still dying from this virulent disease.

“Investing in a cancer-free future

What motivates us is the chance to do something fantastic. Thanks to long-term funding, we’re on the verge of a major breakthrough in the treatment of cancer.”

– Professor Philip Hogg
This year in New South Wales alone, more than 36,000 men, women and children will be diagnosed with cancer. Tragically, 13,000 people will die – leaving behind heartbroken parents, spouses, children and friends to carry on without them.

However, real progress is being made. A recent study has shown that, thanks to improvements in prevention and treatment, an extra 2,300 people in New South Wales now survive cancer compared to 1980. And survival rates across all types of cancer have increased by 30 per cent in the last 20 years.

Wherever people are on their cancer journey, Cancer Council aims to be there for them – from funding research into the origins of cancer, to providing peer-group support for those diagnosed and workshops that tackle issues such as grief management or survivorship issues.

Cancer Council runs many vital projects and services, which broadly fall into four areas:

1. Prevention In order to defeat cancer, we need to understand its causes or triggers and then help prevent them. Research, coupled with greater public awareness of these risk factors, will reduce cancer rates in Australia even further.

2. Treatment Trialling new treatments and researching potential cures can help to improve survival rates and minimise side effects.

3. Support Whether they are worried about a lump in their breast or need a lift to their next appointment, Cancer Council offers information and support for anyone whose life has been touched by this cruel disease.

4. Advocacy We actively campaign on behalf of the NSW community to give them a voice and change attitudes and environments in relation to cancer.

Prevention

Fifteen years before Professor Ian Frazer unveiled a vaccine for cervical cancer, he and his team managed to replicate the genes of the human papilloma virus (HPV).

This meant that, in theory, they could inject the body with a virus that looked like HPV, but which didn’t carry any of the harmful symptoms. This would enable the body to develop immunity to cervical cancer before it came in contact with the disease. It took 15 years from that discovery to develop the vaccine which is widely in use today – and saving lives.

Treatment

Pancreatic cancer is perhaps the most vicious and relentless of all cancers. Its causes remain unknown, and a tragic 90 per cent of people diagnosed will die within five years.

Dr. Andrew Biankin has been awarded a five-year strategic research partnership grant to use genetics to improve pancreatic cancer treatment. By looking at the DNA of pancreatic cancers, they hope to find genes that they can target with existing anti-cancer drugs. This could lead to a number of new treatments for this difficult disease.

Support

Every year, we receive approximately 16,000 calls to Cancer Council Helpline from cancer patients, their carers, friends and family. We also offer one-to-one support to more than 1,000 cancer patients through our Cancer Council Connect peer support service and travel over 700,000 kilometres transporting patients to and from their appointments.

Advocacy

We recognise the importance of a strong public voice to influence legislation, public policy and public funding, in order to change attitudes and environments relating to cancer.

Cancer Council NSW enlists, assists and supports the people of NSW to advocate in their communities, and to lobby governments and political representatives for increased funding, good science and effective public policy.

Political decisions can significantly reduce the impact and incidence of cancer in our community, and we are proud to be achieving significant inroads in this area.

The work of Cancer Council NSW
We all have a cancer story to tell: some with a happy ending, some without. But whatever your motivation, updating your Will is a simple process that could make a huge difference to thousands of people’s lives.

These people have made that simple step of updating their Wills to include a modest gift to Cancer Council.

Malcolm Edwards, Castle Hill
“We lost my grandfather to stomach cancer when he was just 50. I’ve lost three good mates to cancer, all 66 years old. So I am doing something about it: I am leaving money to Cancer Council when I die. I love my kids and my grandkids – I want to protect them. I’m not a wealthy man by any means, but I know every little bit helps to take us a step closer to a cancer-free world; and that’s something powerful to leave behind for your kids.”

Grace
“Having lost Allan, what I’d give for the same thing not to happen to anyone I love. It’s been thirteen years since my husband Allan passed away and there’s not a day I don’t think of him.

I’d met him on a blind date at Lane Cove National Park, and this strapping lifesaver certainly cut a fine figure. Allan was kind, enthusiastic, and extremely courageous.

When asked one day whether he ever wondered ‘why did I get cancer?’ he calmly replied; ‘Why shouldn’t it be me?’ This was Allan to a tee. When we got the news, I could only think of those years that had been taken away from us. What’s more, to lose such a rock in your life creates pain that is almost too much to bear. That’s why I’ve decided to leave some money in my Will to Cancer Council. When we write our Wills, we hope to give those we love a legacy. What better legacy than the chance to live their life without cancer?”

Meet some visionary people

“I am leaving money to Cancer Council when I die. Cancer does terrible things to people. I’m no scientist, but this is something I can contribute.”

– Malcolm Edwards, pictured with his wife of over 50 years, Robin
How to leave a bequest in 3 easy steps

Leaving a gift in your Will is a profound way to help us defeat cancer. It’s a simple process that could make an incredible and lasting difference.

Step 1. If you do not have a Will, then the first thing you need to do is get some legal advice for creating one. If you don’t have a Solicitor you can either purchase a Will kit from most newsagencies or use the enclosed Will form.

Step 2. If you do have a Will, then all you need to do is add a Codicil – a short legal amendment to your existing Will. There are three main ways to leave a bequest, but the easiest way is to leave a residuary gift.

A residuary gift means that a percentage or the remainder of your estate can be left to Cancer Council after your family, friends and other beneficiaries have been taken care of. It’s a wonderful way to ensure Cancer Council gets the most help possible, whilst also ensuring your loved ones are catered for exactly as you would wish.

Alternatively, you may wish to assign a percentage of your estate or leave a pecuniary bequest, which would be a fixed amount of your Estate. This can sometimes be more complicated as inflation or other changes in your circumstances may mean you need to recalculate the value of your Estate and the amount you choose to leave to Cancer Council.

Step 3. It is possible to specify how your bequest is spent. Many of our supporters have been touched by cancer themselves, and so you may wish your estate to be invested in an area of personal interest, or in tribute to a loved one who may have been lost to cancer.

However, the work of Cancer Council is vast and varied and we often have to respond to changes in knowledge, practice or treatments. Therefore, the more flexibility we have to invest your gifts in the best way possible, the better our chances are of defeating cancer in our children’s lifetime.

Suggested wording:

‘I bequeath to The Cancer Council NSW for (its general purposes) or (its research purposes) (the residue of my estate), or (a specified sum), or (specified items), or (specified percentage) free of all duties, and the receipt of the Secretary or other authorised officer for the time being shall be a complete and sufficient discharge for the executor(s).’

Leaving a bequest is a big decision and one that requires careful consideration. Cancer Council cannot offer you legal advice, however we would like to give you every reassurance that your bequest will be used wisely and effectively.

If you would like a copy of any of the following documents, please email bequests@nswcc.org.au or call our Bequest Manager at 02 9334 1844:

- our Annual Report, which contains a detailed financial disclosure
- our Code of Conduct which covers supporter and volunteer rights
- our Constitution
- our financial management policies
- our conflict of interest policy
1. Issues to raise with your solicitor

Questions to ask your solicitor

When you see a solicitor about your Will, take the time to ask some of the following questions. It may also be useful for you to consult your accountant or financial planner. Some of the key matters to ask about or cover are:

1. Issues to raise with your solicitor

Ask your solicitor’s opinion about whether you have adequately provided for each of the following persons in your Will:

- Your spouse or de facto partner;
- Any other person with whom you are living in a close personal relationship.

If you want to leave any of the above persons out of your Will, you should ask your solicitor about making this clear in your Will or in a separate document. This may prevent the person from challenging your Will and lodging a family provision claim. If such claim is made, the Court in making its decision will take into account whether adequate provision for the proper maintenance, education or advancement in life of any dependent child of yours has been made for the applicant in the Will.

2. Property held in trust

If you hold property in trust for someone else, ask your solicitor whether special provisions need to be made in your Will or in a separate document. This may preclude that person from challenging your Will and lodging a family provision claim. If such claim is made, the Court in making its decision will take into account whether the provisions you are making are adequate to provide for any dependants. If they are not, your Will can be challenged.

3. Will tax be payable?

Tax may be payable on some assets, like an investment property. Do you want any tax payable tied to the particular assets prior to distribution?

4. Superannuation and insurance

Have you properly nominated who is to benefit from any superannuation or insurance entitlements?

5. Any special gifts or bequests

Have you properly provided for any particular gifts or bequests you want to make through your Will?

What to consider before making your Will

1. Who do you want to be your Executor?

Your Executor or Executors are the person or people you appoint to carry out the directions you have put in your Will. You need to appoint one or more as part of your Will. Your Executor can be a beneficiary (receive something from) your Will.

2. Do you want your Executor/s to have additional powers?

Do you want your Executor/s to have any additional powers, such as the power to invest your money to maximise return while your estate is being settled?

3. Do you want your Executor to receive a payment?

Do you want to specify the level of commission or gift that your executor may receive as compensation for their role as executor?

4. What assets and debts do you have?

You will find it helpful if you prepare a statement of your financial position, listing all of your assets and liabilities. That will help you and/or your solicitor identify any particular issues that might be important for you.

5. What do you want to happen with any debt?

If you have debts, think about whether you want them settled before your assets are distributed. Or are the debts tied to particular assets?

6. Do you hold property that will automatically pass to a person?

If you hold property in common or jointly, you may wish to draw this to the attention of a solicitor, in case there are any special provisions you should include to deal with this.

7. Do you need to appoint a Guardian for any dependants?

If you have dependent children consider whether you need to provide for the appointment of a Guardian. Also consider whether the provisions you are making are adequate to provide for any dependants. If they are not, your Will can be challenged.

8. Do you want an Enduring Power of Attorney?

An Enduring Power of Attorney is a document that empowers someone to make legal decisions on your behalf about property and finances, if you are unable to (for example if you are unconscious). The word “Enduring” means that your financial attorney will continue (or begin) to manage your financial affairs should you become mentally incapable.

9. Do you want to appoint an Enduring Guardian for medical procedures?

In NSW, you can appoint an Enduring Guardian who is legally empowered to make medical or life decisions on your behalf. Your Enduring Guardian would start to make decisions for you if you were to lose your mental capacity. Unlike an Enduring Power of Attorney, your Enduring Guardian does not make property or financial decisions. If you are mentally incapacitated, they may, for example, decide things like where you should live, what doctors you should see, and whether to give or refuse any consent for treatment. No one else can make an Enduring Power of Guardianship for you. You must do it yourself while you are of sound mind.

10. Do you want to make an Advanced Directive?

An Advanced Directive is a document in which a person, over 18 years of age, may give directions about his or her own medical treatment should he or she be in the final stages of a terminal illness, or a persistent vegetative state, and unable to make necessary decisions.

11. Are you willing to donate your organs?

12. Do you want to include any particular bequests and if so, what or how much?

A bequest is a gift in your Will. It may be a gift of property, or cash. Bequests may be made to individuals, companies or organisations, including charities. You can leave a specific item, a specific amount, a percentage or a residual (what’s left over).

13. Have you covered superannuation and insurance?

Have you already nominated for your superannuation and insurance to go to the right person?

14. How do you want funeral arrangements covered?

Do you want your funeral paid for from your estate?
2. About making a Will

Why Cancer Council is offering you a free Will form

Even though it’s easy to buy a Will form at most newsagencies or have a Will made out at no charge at your local courthouse, many people put off writing a Will until they see a solicitor. As a result, many Australians die without a Will. At the same time, too many Australians are unaware that they don’t have to be wealthy to leave a bequest.

Free Will and Codicil

Cancer Council NSW is providing you with free Will and Codicil forms because we want more Australians to plan for the future (a future we hope will be cancer-free) by making Wills, as well as to consider making a bequest.

Please make your own choices

We stress that you must make your own choice about what you wish to do with your property in your Will.

Not a legal advisor

Cancer Council NSW is not a legal advisor and is not holding itself out as giving legal advice.

If you wish to make your own simple Will or Codicil, please feel free to use the forms provided.

If you believe there is any possibility that your Will may be complex or likely to be challenged we would recommend that you consult a solicitor.

Checked by a solicitor

The Will and Codicil forms, and the contents of this booklet, have been checked by a solicitor.

Frequently asked questions

What must I include in my Will?

Your Will must:

1. Identify you as the Willmaker
2. Revoke any former Wills
3. Identify your Executor
4. Be witnessed by two people who are over 18 and not beneficiaries of your Will
5. Be signed by you.

What other things should I include in my Will?

You should include things like:

1. What you want to happen with any debts (eg settled before your assets are distributed)
2. Provision for any dependants, including your spouse, former spouse, de facto partner, children, member of your household, or any other person with whom you are in a close personal relationship.
3. Who you want to be the Guardian of any dependent children
4. If your Executor is not a beneficiary, whether you wish to make them a cash gift
5. Whether you want to appoint an Enduring Power of Attorney to look after your financial affairs or property if you are incapacitated
6. Whether you want to appoint an Enduring Guardian to make medical decisions on your behalf if you are not able to
7. Organ donation.

Who can witness my Will?

Your Will needs to be witnessed by two adults over the age of 18. They should use the same pen. They should not be people who will benefit from your Will.

Can my executor also be a beneficiary of my Will?

Yes, your executor may also be a beneficiary.

What does ‘intestate’ mean?

A person who dies without a valid Will is ‘intestate’. This type of estate is more difficult to administer and will take longer to be finalised, resulting in increased costs that will be taken out of your estate.

What is a Codicil?

A Codicil is a document you can prepare when you only want to make minor changes to your Will. They are often used to make specific bequests.

Do I need to make a new Will or Codicil if I change my address?

No.

How often should I update my Will?

You should update your Will if you have children, get married or divorced or if your circumstances change dramatically.

What is a bequest?

A bequest is the name given to a gift left in your Will. Many Australians make bequests to charities as a way of continuing to make a contribution beyond their lifetime.

Do I have to be wealthy to leave a bequest?

Anyone can leave a bequest. Even small amounts make a difference. You might be surprised at how much your estate is worth when you do your estimates of your assets and liabilities. You can nominate a specific amount to leave as a bequest, or leave what’s known as ‘the residue’ or ‘residual’, which is what is left after your directions have been met, or leave a percentage of your total estate. It’s your choice.
3. Making a Will or adding a Codicil

How to use the Will form provided

You’ll find that the Will form provided is largely self-explanatory.

If you only wish to make a simple Will and you don't feel it is necessary to have a solicitor, or if you don’t want to wait until you can see a solicitor, read the following, complete the Will form provided and then follow the directions for signing your Will. Key things you need to know about using the Will form:

1. You should have a Will
   If you are over 18 or married you should have a Will.

2. No staples or clips
   Don’t clip anything to your Will, or staple or pin it in a way that disfigures it.

3. Cross out the parts not relevant to you
   If a section of the Will form or blank space is not relevant to you, or you don’t wish to use it, just cross it out. Then, in the margin, sign and date these ‘cross-outs’ and have your two witnesses initial and date each and every cross-out as well.

4. Executors can be beneficiaries
   Executors (the people you appoint to carry out your wishes) are not excluded from getting a gift via your Will.

5. Choosing your witness
   As witnesses to your Will, use two persons over 18, who do not receive gifts in your Will, and who are not the husband, wife, engaged partner, or child of someone who receives gifts. You can use anyone else as a witness provided they are not a beneficiary of the Will.

6. Gifts, property and bequests
   You can use all or just some of the three sections about special gifts, general gifts and remaining property. For example, in the special gifts section, you might choose to leave a piece of jewellery to a particular person. Then in the general section, you might choose to leave all your furniture to someone else. In the remaining section, you might choose to leave the rest of your property to your husband or wife, or split equally among your children. If you wish, and we again stress the importance of making your own free choice, you can use any of these three sections to leave a bequest to Cancer Council NSW.

7. Witnessing your Will
   In the physical presence of your witnesses, with the witnesses watching, sign and date your Will and have them sign and write their details. Then complete any relevant cross-outs, sign and date each cross-out, and have your witnesses initial and date them. Do the same to any other alterations you may have made. You should all use the same pen. You and your witnesses should also sign the bottom of page one of the Will.

8. Changes of circumstances can nullify your Will
   Marriage automatically cancels a Will and divorce does in some states, including NSW.

9. Make sure your Executor can find your Will
   Give a copy of your Will to your Executor, together with your personal details and any information about your property that will help them assemble and distribute your estate in the way you wish.

10. Organ donation
    Tell key people about any wishes you have about organ donation, because they will need to know this immediately after your death.

11. Make a difference with a bequest
    If you wish to leave a bequest to Cancer Council NSW, or you want to ask your solicitor to include a bequest in your Will, please use the wording on page 12 of this brochure.

Using a Codicil to change your Will

After your Will has been signed, it cannot be changed by simply writing alterations onto the Will. These changes would not be legally valid. If the changes are substantial, it’s best to write a new Will.

However, if the changes are minor, or can easily work in with the existing Will, you can use a form like the attached Codicil. You don’t need a Codicil if you or any person named in your Will changes their address.

If you are in any doubt about issues concerning changing your Will, please seek legal advice.

Witnessing your codicil

The Codicil should be signed and dated by the Willmaker and two witnesses. The witnesses or their spouses should not be persons who receive gifts under the Will.

Witnessing ‘cross-outs’

If you use this Codicil form, cross out any blank spaces, then in the margin, sign and date the cross-outs and have your witnesses initial and date the cross-outs.

Using a Codicil to make a bequest

Codicils can also be used to make a gift or bequest to Cancer Council NSW to help defeat cancer. We stress that you should make your own choice about such matters and if you have any doubts, please consult your solicitor.
Once you have updated your Will you will become part of a special group of supporters who have been kind enough to leave a gift to Cancer Council NSW in their Will.

To mark this generous act you will become a member of our Daffodil Circle and receive:

- Exclusive invitations to talks and seminars with some of the country’s leading experts on cancer
- Information on how your bequest might be invested
- Regular updates on the work of Cancer Council
- Personal access to our Bequest Manager
- Access to all services and benefits from Cancer Council

Of course, whether or not you choose to receive these additional benefits or attend these events is entirely up to you. As somebody who is helping ensure the future security of our life-saving work, our priority is simply to give you the best service possible in the manner you prefer.

The future of our work funding research and providing cancer support services would not be possible without the extraordinary generosity of people who choose to remember Cancer Council in their Will.

Thank you for taking the time to consider updating your Will. It would be an absolute pleasure to welcome you as a member of our Daffodil Circle.

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Joining the Daffodil Circle

“Once you have updated your Will, you will become part of a special group of supporters who have been kind enough to leave a gift to Cancer Council NSW in their Will. To mark this generous act you will become a member of our Daffodil Circle and receive:

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John Wood

“I still remember the dreadful chill that spread over me when my wife Leslie came and said ‘It’s cancer.’ A routine mammogram found an irregularity. At first we weren’t too worried. She’d had unusual lumps before. Then we got the result of the biopsy – an 18mm tumour in a milk duct; quite advanced. I felt like I’d been shot. Within a week Leslie was in hospital having the lump removed. It was utterly chilling and changed the way I see the world. Thankfully, Leslie is fine at the moment but I’m sure you’ll understand from this story why I am especially honoured to be an Ambassador for Cancer Council. And why I’d like to invite you to join a very special group called The Daffodil Circle. It’s a group of people who have generously decided to help beat cancer by including a gift in their Will. It will make a difference. Whatever you decide to do, please make sure you have a Will and that you provide for those you love.”

Thank you,

John Wood

“I’d like to invite you to join a very special group called The Daffodil Circle.”

– John Wood
Our vision
Cancer defeated.
Our vision will be realised when lives are not cut short nor the quality of life diminished by cancer.

Our mission
To defeat cancer through engaging the community.
Cancer Council NSW connects people and organisations to the cancer cause. Together we can build insights into the significance of cancer in our lives and contribute our talents towards the vision of cancer defeated. We work across all cancers.
The impact from our work together will be visible in changing:
- The lives of cancer patients and carers
- Scientific knowledge
- Community understanding and behaviour
- Society, policy and practice to advance cancer control.
Increasingly, people will work in organisations and live in families and social settings which advance the control of cancer and where resources (people, ideas, services and funds) are developed globally and locally to meet the challenges of cancer.
Leave a bequest in your Will today and help us to defeat cancer in our children’s lifetime. Thank you.

For more information on leaving a bequest:
Call Mary Saffo on 02 9334 1844 or email marys@nswcc.org.au
ABN 51 116 463 846