



Speech by

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MEMBER FOR SURFERS PARADISE

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SUCCESSION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (5.08 pm): I am pleased to rise to speak on the Succession Amendment Bill and support the shadow Attorney-General in his support of this bill. It seems a long time ago—in fact, December it was—when he gave us such an invigorating summary of this bill. I am sure that the member for Southport remembers that. Can I say while I am able to that I am going to lament the passing of the full bench of the members for Southport, Kallangur and Mackay as they have now been broken up and congratulate the member for Mackay on his elevation to the ministry. We certainly enjoyed their interjections, especially during the shadow Attorney's speech on the succession bill.

This bill introduces court authorised wills for minors and people who lack testamentary capacity. This brings the legislation into line with the Marriage Act. Under the Marriage Act, a minor can marry if they apply to the court for an order to do so before they have attained majority. That is to say that one can marry once they have turned 18 or at the age of 16 or 17 so long as they have the consent of a judge or magistrate to do so.

This legislation will bring into line legislation regarding wills so that those couples who are married where one or both partners are under 18 can have a will. Similarly, under this legislation those who have been married but who are no longer married and are under 18 can also have wills.

The bill makes a range of other amendments, including the provision for the will not to have to be signed at its foot or end. The legislation also replaces the substantial compliance requirement for the execution of wills. This requirement is replaced by the testamentary test.

The bill also allows for the admission of less evidence for the interpretation of wills. I think that is important. A will is a document that should show the clear intention of a person when they were alive about how they would like to see their assets divided in the event of their death. At times, the more evidence there is perhaps the more the interpreters of wills tend to look for things that are perhaps not there and the less original is the intention that is actually provided.

The bill also contains a raft of new laws regarding the effect that the institution of marriage has on a will. As I mentioned before, when looking at the interplay between marriage legislation and wills one sees that some very interesting circumstances arise. The more this interplay is cleaned up, the better. This legislation also contains a number of new rules regarding beneficiaries under wills, the role of interpreters in wills and new provisions as to who is allowed to see the will in the event of the death of the testator.

All in all, this legislation follows some of the recommended changes to this area of law. I believe it does a very good job. I commend the bill to the House.