

Question on Notice

No. 293

Asked on Thursday 10 March 2005

Mr FOLEY asked the Attorney-General and Minister for Justice (Mr Welford) -

QUESTION:

With reference to a constituent who has queried the fact that a step-child not named in the will was able to contest the will, potentially costing the estate a fortune in legal fees in fighting the claim, and substantially diminishing the benefit available to the three remaining children -

What will he do to change this iniquitous situation?

ANSWER:

Queensland's succession laws are being reviewed in the context of the Uniform Succession Laws Project, undertaken by the National Committee for Uniform Succession Laws. The Queensland Law Reform Commission is the co-ordinating body for the project.

The law relating to family provision was considered as the second stage of the Project. The National Committee's recommendations for model family provision legislation are contained in Queensland Law Reform Commission Report No. 58, which was tabled on 22 September 2004.

The Report examines a range of issues including who should be eligible to apply for provision out of the estate of a deceased person.

My Department is currently finalising legislation to implement the first stage of the Uniform Succession Laws Project, dealing with the law of wills. Once this legislation is passed, the Department will be in a position to examine the Report's recommendations about family provision.