



Queensland
Law Society®

Succession Law

2025 Accredited Specialist
Assessment Guidelines

spec@qls.com.au

07 3842 5952

<https://www.qls.com.au/Education/Specialist-Accreditation>



Contents

Assessment Guidelines Overview	3
Performance outcomes	3
Assessment program	3
Key milestones and program timeline	4
SCHEDULE 1: TAKE HOME ASSESSMENT	5
Assessment overview	5
Assessment criteria	5
Assessment conditions	5
SCHEDULE 2: WRITTEN EXAMINATION	6
Assessment overview	6
Assessment criteria	6
Assessment conditions	6
SCHEDULE 3: ORAL ASSESSMENT	7
Assessment overview	7
Assessment criteria	7
Assessment conditions	7
SCHEDULE 4: TOPICS FOR ASSESSMENT	8
1. Estate Planning	8
2. Estate Administration	10
3. Estate Litigation	12
4. Other	17
SCHEDULE 5: RELATED LEGISLATION & MATERIALS	18
Queensland legislation	18
Federal legislation	19
Suggested Reading	19

Assessment Guidelines Overview

Solicitors who become Accredited Specialists are recognised as having enhanced knowledge and professional practice skills, as well as substantial involvement in established legal specialty areas.

Through the assessment tasks, the Queensland Law Society (QLS) requires candidates to demonstrate a standard of professional knowledge, proficiency in application, and communication that reflects that of a specialist in that area of accreditation, to ensure that recognition as an Accredited Specialist is meaningful.

The 2025 Succession Law Specialist Accreditation Assessment Guidelines are designed to assist practitioners to understand, prepare for and undertake the assessment specific to this area of accreditation. These Assessment Guidelines should be viewed in conjunction with the QLS Specialist Accreditation Scheme Handbook which contains the policies and procedures relevant to all areas of accreditation.

Performance outcomes

Specialist Accreditation is a structured assessment process which requires candidates to draw on their existing knowledge and skills to demonstrate their competency and expertise in their chosen area of law.

Solicitors wishing to be accredited should demonstrate a high standard of:

- knowledge of the law and procedure which underpins the performance of tasks in this area of practice; and
- application and communication of legal knowledge and available legal options expected of practitioners wishing to hold themselves out as specialists in the area.

Specialists need to possess knowledge of a wide range of topics. A comprehensive reading guide appears throughout these Guidelines. In practice of course, the client base and practice experience of the applicant will result in that applicant having a greater degree of familiarity with some of these topics than others. Nevertheless, every applicant needs to be aware that once accredited as a specialist in this area, the practitioner will be in effect holding themselves out to potential clients as having a knowledge of all the topics that fall within the specialty. Over a period of years those topics with which the applicant will be most familiar within the speciality may fluctuate as the client base changes.

Assessment program

The assessments are all delivered in a digital environment. This provides equitable access for all candidates irrespective of location and is also aligned with the nature of legal practice in today's digital world. There is a base level of computer literacy required to complete the assessment, and it is incumbent upon candidates to have access to suitable technology and infrastructure to perform in the most optimal way. Three assessments make up the Specialist Accreditation program in Succession Law.

Take home assessment

The take home assessment is usually the first item of assessment attempted in the program. It is in the form of a mock file or files where professional artefacts (e.g. a letter of advice, court documents, wills etc.) are drafted in response. Candidates are given a period of three weeks from the release date to complete the Take Home assessment, which is then submitted online to the QLS Learning Management System (Canvas).

Written examination

The written exam consists of short answer and extended written questions. It is accessed by candidates via the QLS Learning Management System (Canvas).

Oral assessment

The oral assessment varies in each area of accreditation (client interview, mock hearing or application, professional discussion/viva). In 2025 the oral assessment in Succession Law will be a simulated client interview format conducted online via Microsoft Teams.

Candidates who complete all three assessments to the standard of an accredited specialist are eligible for accreditation as a specialist in Succession Law. Schedules 1-3 include further details in relation to each of the three assessments. Topics for Assessment are listed in [Schedule 4](#). Candidates may, in any or all the assessment tasks, be assessed on any or all the core areas of knowledge and professional practice skills.

All assessments undergo a rigorous marking process. Any assessment deemed to not have achieved the standard of an accredited specialist will go through an independent second round of marking before a recommendation is made to grant or deny Accredited Specialisation.

Candidates will be examined on the law as it stands at the date of assessment unless the assessment instructions specify otherwise.

Key milestones and program timeline

Candidates are advised that the Specialist Accreditation program requires a considerable commitment. From when you get accepted into the program, we encourage you to plan and use these guidelines to prepare.

ITEM	DATE
Specialist Accreditation Information Evening	20 February 2025
Applications Open	24 February 2025
Applications Close	19 March 2025
Candidate Acceptance Notification	17 April 2025
Assessment Briefing Evening	19-20 May 2025
Assessment Dates	
- Take Home Assignment	23 June to 14 July 2025
- Written Exam	30 August 2025
- Oral Assessment	31 August 2025
Results Released	Mid-November 2025
Specialist Accreditation Christmas Breakfast	Thursday 11 December 2025

Note: The above dates are correct at the time of publishing. Should any changes need to occur, they will be communicated directly to candidates throughout their assessment program as early as possible.

SCHEDULE 1: TAKE HOME ASSESSMENT

Mock file and professional artefacts

Release date: Friday 20 June 2025

Due Date: Monday 14 July 2025 at 4pm

Submission: submitted online to the QLS Learning Management System (Canvas)

Assessment overview

A mock file will be provided to candidates via the online learning portal which will contain an agreed fact situation. Candidates may be asked to draft court documents, an advice and/or memo and re-draft a will. Further details are provided when the assessment is released.

Assessment criteria

Candidates will be assessed on their ability to:

- absorb a new scenario
- identify errors and omissions
- draw attention to important features of a matter
- make recommendations or initiate actions appropriate to the circumstances; and
- draft relevant documents
- ability to identify and address any ethical issues.

Assessment conditions

Candidates may use the resources of their offices in completing this exercise. However, consultation with any other person in completing the exercise is not permitted and the material submitted must be entirely your own work.

Candidates will face automatic disqualification from the accreditation program if any assessment material is referred to counsel or any other person for opinion or assistance.

The assessment must be submitted as an MS Word or PDF document to the QLS Learning Management System (Canvas) by no later than 4pm on the due date advised.

Late submissions will not be accepted. Candidates should refer to the appropriate section of the *Specialist Accreditation Scheme Candidate Handbook* if they experience a problem completing the assessment by the due date.

No reference or marks which may identify the candidate, or their firm, should appear anywhere in the candidate's work.

SCHEDULE 2: WRITTEN EXAMINATION

Written Examination

Date: Saturday 30 August 2025

Duration: Three (3) hours and 30 minutes inclusive of reading, planning and writing time

Via: QLS Learning Management System (Canvas)

Assessment overview

The written examination will cover a wide range of succession law matters that may be encountered in practice. The exam is divided into two sections – Part A is short answer. Part B consists of extended written response questions.

Assessment criteria

Candidates will be expected to demonstrate a high standard of knowledge of will drafting and estate planning, estate administration and estate litigation issues, and associated practices and procedures as outlined in [Schedule 4](#) of this document, and will be assessed on their:

- ability to identify relevant issues from a given fact situation
- knowledge of relevant law (including significant recent decisions) and skill in applying that knowledge in practice
- ability to provide practical, clear and comprehensive advice
- awareness of practical considerations in will drafting and estate planning, estate administration, and estate litigation issues
- ability to identify and address any ethical issues

Assessment conditions

Further guidance will be provided in advance of the examination, as to the written and/or electronic reference material which candidates may access during the examination.

Completing the examination

The Written Exam will be delivered online via Canvas. The Specialist Accreditation Team will provide further instructions about the exam ahead of the assessment.

- answers must be typed out using the allocated text box on Canvas
- candidates must have strong and reliable internet connection
- candidates will be solely responsible for any malfunctions, errors or technical problems of any kind associated with the electronic devices they use for the assessment
- candidates will not be provided any additional time to complete an online assessment due to any malfunctions, errors or technical problems of any kind in relation to the electronic advice they use to complete the assessments, or due to their own poor internet connection or usage outages, without approval from the Advisory Committee on a case-by-case basis
- Queensland Law Society will take no responsibility for any issues experienced on electronic devices during the written examination. Malfunctioning of electronic devices during the written examination will not constitute grounds for a special consideration application.

SCHEDULE 3: ORAL ASSESSMENT

Simulated Client Interview

Date:	Sunday 31 August 2025
Time:	Scheduled by appointment closer to the date
Venue:	via Microsoft Teams – candidates must have a device with a working camera and access to WiFi

Assessment overview

The oral assessment will be a simulated client interview whereby candidates are required to think on their feet and demonstrate their communication skills and underlying legal knowledge in a live setting.

Assessment criteria

As a minimum requirement, candidates are expected to possess the ability to

- elicit information from the client
- accurately respond to client enquiries
- display significant and accurate knowledge of key legal issues; and
- clearly communicate their advice to the client.

Candidates will be assessed on four different criteria that include:

- gathering / ascertaining client instructions and concerns
- identifying legal, ethical and procedural issues
- providing correct advice to the client
- developing a plan for the client; and
- demonstration of appropriate communication / rapport skills.

Assessment conditions

Candidates must have a device with a working camera and access to WiFi.

Further guidance will be provided in advance of the oral assessment, as to the written and/or electronic reference material which candidates may access during the assessment.

Further details regarding scheduling of the oral submissions will be provided closer to the date.

SCHEDULE 4: TOPICS FOR ASSESSMENT

For the purposes of the succession law specialist accreditation assessment program, the core areas of knowledge are will drafting and estate planning, estate administration, and estate litigation.

The below list is not exhaustive but is a guide to candidates as to what they may be called on to demonstrate knowledge of. Topics are grouped under headings as a matter of convenience only.

1. Estate Planning

1.1 Wills

Capacity

- *Banks v Goodfellow* test

Drafting techniques

- executorship
- pecuniary legacies
- specific gifts and ademption
- residue and accrual clauses, and catch-all clauses for lapse
- life interests and limited interests
- Hotchpot and adjustment clauses
- testamentary trusts, including discretionary trusts, special disability trusts, superannuation trusts, and other trusts
- mutual wills
- will substitutes e.g. joint tenancy, insurance & superannuation
- tax implications
- separate wills for separate jurisdictions
- formalities of execution
- circumstances of revocation
- powers

Solicitor's negligence & professional liability

- *Legal Services Commissioner v Ford* [2008] QLPT 12
- *Legal Services Commissioner v Rouyanian* [2013] QCAT 057
- *Hill v Van Erp* (1996-1997) 188 CLR 159
- *Ryan v Dalton; Estate of Ryan* [2017] NSWSC 1007
- *Queensland Art Gallery Board of Trustees v Henderson Trout (a firm)* [1998] QSC 250
- *Worby v Rosser* [2000] PNLR 140
- *Council of the Queensland Law Society v Wakeling* [2004] QCA 42
- *Badenach v Calvert* [2016] HCA 18
- *Talbot v Boyd Legal (A Firm)* [2020] QSC 185

1.2 Enduring Powers of Attorney and Advance Health Directives

- capacity and testing and recording capacity
- types of matters
- conflict transactions
- attorney transactions

Drafting considerations

- *Smith v Glegg* [2005] 1 Qd R 561
- *Baker v Affoo* [2014] QSC 46
- *Birch v Birch* [2018] QSC 289
- *Pinter v Pinter* [2016] QSC 314

1.3 Superannuation

- capacity to control payment post death including fundamental differences between lump sum payments and different types of income streams
- nominations including binding nominations
- dependent beneficiaries nominated in Will
- adjustment required in will for inclusion or non-inclusion of superannuation benefits
- tax consequences post death

Capacity to make a binding death benefit nomination

- *Van Camp v Bellahealth* [2024] NSWSC 7

Issues of control of trust and appropriate trustees in self-managed superannuation trusts

- *McIntosh v McIntosh* [2014] QSC 99
- *Donovan v Donovan* [2009] QSC 26
- *Wooster v Morris* [2013] VSC 594
- *Brine v Carter* [2015] SASC 205
- *Munro v Munro* [2015] QSC 61
- *Ioppolo v Conti* [2015] WASCA 45
- *Re Narumon Pty Ltd* [2019] 2 Qd R 247
- *Wareham v Marsella* [2020] VSCA 92
- *Hill v Zuda Pty Ltd* [2022] HCA 21

2. Estate Administration

2.1 Costs and time estimates

2.2 Domicile issues, tax and death duties

2.3 With grant

- necessity for
- desirability of

2.4 Without grant

- opportunities
- pros and cons

2.5 Apply for grant

- types of grants including limited grants, reseals and foreign grants
- informal wills

2.6 General probate practice in the Registry

2.7 Interpretation and construction

General principles

- extrinsic evidence
- armchair principle

Description of property

Descriptions of beneficiaries

Interpretation and construction cases

- *Fell v Fell* (1922) 31 CLR 268
- *Perrin v Morgan* [1943] AC 399
- *The Public Trustee of Queensland v Smith* [2009] 1 Qd R 26
- *The Public Trustee as Executor of Cox* [2002] QSC 299
- *Bullock v Bullock* [2003] QSC 258
- *Romano v Ladewig* [2003] QCA 530
- *Trust Company of Australia Limited v Krannin* [2006] QSC 280
- *Re Thomson* [2010] QSC 167
- *McPherson v Byrne* [2013] 2 Qd R 516
- *O'Brien v Smith* [2013] 1 Qd R 223
- *Guillessen v Dawson* [2014] QSC 229
- *Chapman v Wilson* [2014] 2 Qd R 282
- *Hope v Schneider* [2016] QSC 44
- *Suthers v Suthers* [2015] QSC 285
- *Re Lapalme; Daley v Leeton* [2019] VSC 534
- *Davies v Davies & Anor (No 2)* [2019] QSC 294
- *Roberts v Pollock & Anor* [2019] QSC 184
- *Estate Patricia Ellen De Lorenzo* [2020] NSWSC 188
- *Serwin v Dolso* [2020] NSWSC 370
- *Greenham v Greenham* [2020] VSC 749
- *The Will of Edwin Marsden Tooth, Re: Ex parte Corporation of the Synod of the Diocese of Brisbane* [2020] QSC 214
- *Royal Brisbane and Women's Hospital Foundation v Attorney-General for the State of Queensland* [2020] QSC 222

- *Markin v Animals Australia Federation* [2020] VSC 113
- *In the Will of Thomas Henry Finch* [2018] QSC 16
- *Re Graham (deceased)* [2020] QSC 155
- *Re Aitken: Maier v Hearne* [2020] VSC 432
- *The Will of Edwin Marsden Tooth, Re; Ex parte Corporation of the Synod of Brisbane* [2020] QSC 214
- *Application by Walsh (Estate of Robert Charles Walsh (deceased))* [2020] NSWSC 976
- *Banwell v Attorney – General (Qld)* [2020] QSC 369

2.8 Intestacy

- *Eatts v Gundy* [2014] QCA 309
- *Re Mac* [2020] QSC 342

2.9 Marshalling of assets

- distribution and appropriations

2.10 Capacity to dispose of partnership interest / partnership assets

- partnership v legal property ownership
- tenancy – severing joint tenancy by action e.g. Mutual will etc.
- inability for a party to contract with themselves (even in different capacities e.g. sole trustee)
- *Re George Livanos deceased (1955)* St R Qd 362
- *Hendry v Perpetual Executors and Trustees Association of Australia Ltd (1961)* 106 CLR 256
- *Commissioner of State Revenue v Rojoda Pty Ltd* [2020] HCA 7

2.11 Taxation

- income by ordinary concepts
- capital gains / losses
- present entitlement strategies

2.12 Estate liabilities

- *Jones v Jones* [2020] QSC 6
- *Young v Martin* [2020] WASC 442

2.13 Rights of beneficiaries

- to information
- to accounts
- to distribution (*Regine v Pletke* [2020] VSC 129)
- to copies of wills

2.14 Releases

What type of release can be demanded

- *Plimsoll v Drake* (1995) 4 TASR 334

Executors' commission and trustees' commission and fees

- *Re Estate of Celestino Ghidella* [2005] QSC 106
- *Kirkpatrick v Kavulak* [2005] QSC 282
- *Re Estate of Badstuebner* [2020] QSC 144

2.15 Barring of claims

- *Re Aitken; Maier v Hearne* [2020] VSC 432

3. Estate Litigation

3.1 Costs and time estimates

3.2 Solemn form proceedings

Solemn form proceedings cases

- *Banks v Goodfellow* (1870) LR 5 QB 549
- *Middlebrook v Middlebrook* (1962) 36 ALJR 216
- *Shaw v Tane (No 2)* [2023] QSC 19
- *Re Clare* [2009] QSC 403
- *Brown v Sandhurst Trustees Ltd* [2009] VSC 212
- *Tu v Estate of Tu* [2008] NSWSC 458
- *Frizzo v Frizzo* [2011] QCA 308
- *Re Barlow* [2014] QSC 7

Insane delusions and lucid intervals

- *Bull v Fulton* (1942) 66 CLR 295
- *Re Clare* [2009] QSC 403
- *Re Sue* [2016] NSWSC 721
- *Hamill v Wright* [2018] QSC 197

Undue influence

- *Nicholson v Knaggs* [2009] VSC 64
- *Birt v The Public Trustee of Queensland* [2013] QSC 13
- *Montalto v Sala* [2016] VSCA 240
- *Pinter v Pinter* [2016] QSC 314

Suspicious Circumstances

- *Nock v Austin* (1918) 25 CLR 519
- *Tobin v Ezekiel* (2012) 83 NSWLR 757
- *The Estate of Milan Zlatevski Geroska v Zlatevski* [2020] NSWSC 250
- *Li v Choi* [2020] QCA 131
- *Re Sabasio* [2020] QSC 247

Onus of proof

- *Bailey v Bailey* (1924) 34 CLR 558
- *Re Dore* [2006] QCA 494
- *Kantor v Vosahlo* [2004] VSCA 235

Caveats and standing

- *Leitch v Dore* [2005] QSC 069
- *de Groot v Musso* [2011] QSC 69
- *Re Devoy Fitzgerald* [1943] St R Qd 137
- *Leach v Leach* [2007] QCA 117
- *Londy v Kavanagh* [2018] 1 Qd R 646; [2017] QSC 161
- *Campbell v Campbell* [2012] QSC 302

3.3 Parties represented by litigation guardian

- principles
- practice of appointment
- *White v White* [2021] QFC 321
- *Luglio v Freestone* [2022] QDC 51
- *Kerr v Fox* [2024] QSC 174

3.4 Family provision applications

- Practice Direction 2023/14 (Supreme Court)
- Practice Direction 2001/08 (District Court)

Claims of spouses

- *Luciano v Rosenblum* (1985) 2 NSWLR 65
- *Yeomans v Yeomans* [2011] QSC 344
- *Bladwell v Davis* [2004] NSWCA 170

Claims of spouses in second marriages

- *Manly v Public Trustee* [2008] QCA 198
- *Meredith v Campbell* [2007] NSWSC 682
- *Gigliotti v Gigliotti* [2002] VSC 279
- *Mullins v Dihm* [2020] QDC 107

Impact of pre-nuptial agreements

- *Kozak v Matthews* [2007] QCA 296
- *Hills v Chalk* [2009] 1 Qd R 409

Disputed de facto relationships

- *KQ v HAE* [2007] 2 Qd R 32
- *Summers v Garland* [2006] QSC 085
- *Barker v Linklater* [2007] QSC 125
- *Houston v Butler* [2007] QSC 284
- *Yeomans v Yeomans* [2012] QSC 344
- *Spencer v Burton* [2015] QCA 104
- *In the Estate of HRA* [2021] QSC 29
- *NSW Trustee and Guardian v Payne* [2024] NSWSC 1371

Disabled Applicants

- *Oswell v Jones* [2007] QSC 384
- *Abrahams v Abrahams* [2015] QCA 286
- *Schmidt v Walter* [2019] VSC 385

6 and 9 months' notice and "distribution" of estate

- *Holdway v Arcuri Lawyers* [2009] 2 Qd R 18
- *Vickers v Pickering* [2016] QDC 58

Cultural considerations

- *Eatts v Gundy* [2014] QCA 309
- *Omari v Omari* [2012] ACTSC 33

Adult children

- *Dawson v Joyner* [2011] QSC 385
- *Allsop v Henderson* [2015] QSC 105
- *Kennedy v Kennedy* [2016] WASC 210
- *Salmon v Osmond* [2015] NSWCA 42
- *Neibour-Pott v Pott* [2020] QSC 7
- *Fenton-Anderson v Power (No 2)* [2020] QDC 294

Stepchildren

- *Freeman v Jaques* [2005] QCA 423; [2006] 1 Qd R 318
- *Powell v Monteath* [2006] 2 Qd R 473
- *Daniels v Brooks* [2007] QDC 001
- *Smilek v Public Trustee* [2008] NSWCA 190
- *Currey v Gault* [2010] QSC 27

Disentitling conduct

- *Cross v Wasson* [2009] NSWSC 378
- *Re Estate of Stewart* [2004] NSWSC 569
- *Killiner v Freeman* [2000] NSWSC 263
- *Christie v Christie* [2016] WASC 45
- *Collett v Knox* [2010] QSC 132

Estrangement / Bad relationships

- *Allsop v Henderson & Ors* [2015] QSC 105
- *Pulitano v Pulitano* [2019] NSWSC 1688

Conditional gifts

- *Ellaway v Lawson* [2006] QSC 170

Costs

- *Jones v Jones* [2012] QSC 342
- *Collett v Knox (No 2)* [2010] QSC 253

Applications out of Time

- *Hills v Chalk* [2008] QCA 159
- *Frey v Frey* [2009] QSC 43
- *Curran v McGrath* [2010] QSC 172
- *Summers v Garland* [2006] QSC 085
- *Baker v Williams* [2007] QSC 226
- *Mortimer v Lusink* [2016] QSC 119; [2017] QCA 1
- *Budulica v Budulica* [2016] QSC 184

Application for Dismissal

- *Johnson v Public Trustee of Queensland* [2010] QCA 260
- *Sylvester v Sylvester* [2010] QSC 331
- *Atthow v McElhone* [2010] QSC 177
- *Catelan v Herceg* [2012] QSC 320
- *Vickers v Pickering* [2016] QDC 58
- *Charlesworth v Griffiths* [2018] QSC 115 and 139

Bankruptcy

- *Kowalski v Public Trustee* [2011] QSC 323

Form of provision

- *Stewart v Stewart* [2015] QSC 238

Small estates

- *DW v RW* [2013] QDC 163
- *Cope v Public Trustee of Queensland* [2013] QDC 176

Large Estates

- *Darveniza v Darveniza* [2014] QSC 37
- *Mead v Lemon* [2015] WASC 71 and *Lemon v Mead* [2017] 53 WAR 76

Need for final orders

- *Watts v The Public Trustee of Queensland* [2010] QSC 410
- *Abrahams v Abrahams* [2015] QCA 286

Monetary jurisdiction of the Court

- *Danckert v Holmes* [2021] QDC 6

3.5 Administration arguments

Lost wills

- *Re Cardie* [2013] QSC 265
- *Re Kelly* [2014] QSC 283
- *Williamson v Pay* [2020] QSC 66

Leave to swear death and applications for a declaration of death

- *Re Parker* [1995] 2 Qd R 617
- *Re Bennett* [2006] QSC 250
- *Re Maynard* [2015] QSC 144

3.6 Commission and accounting arguments

3.7 Equitable claims and remedies / unravelling ultra vires transactions

- *Bridgewater v Leahy* (1998) 194 CLR 457
- *Wittman v Wittman* [2006] QSC 142
- *Johnston v Herrod* [2012] QSC 98
- *Johnston v Herrod* [2013] 2 Qd R 102
- *Nendy v Armstrong* [2020] QSC 380
- *Campbell & Hook v TL Clacher (No2) & Ors* [2019] QSC 218
- *Birch v Birch* [2020] QCA 31

3.8 Funeral, burial disputes

- *Smith v Tamworth City Council and Ors* [1997] 41 NSWLR 680
- *Re Condo; Marinucci v Condo* [2020] VWC 613

3.9 Trustee's application for directions

- *Macedonian Orthodox Community Church St Petka Inc v His Eminence Petar The Diocesan Bishop of Macedonian Orthodox Diocese of Australia and New Zealand* (2008) 237 CLR 66
- *Glasscock v Trust Company* [2012] QSC 15
- *Corbiere v Dulle* [2016] QSC 134
- *Groundwater v Robinson* [2020] QSC 31
- *Re Murray (deceased)* [2020] QSC 155
- *Lorenz v McGreevy & Anor* [2022] QDC 212

3.10 Removal of executors and other orders against executors

- *Williams v Williams* [2004] QSC 269
- *Chesney v Tognola* [2011] QSC 340
- *Baldwin v Greenland* [2006] QCA 293
- *Otto v Redhead* [2007] QSC 278 & [2008] QSC 280
- *Colston v McMullen* [2010] QSC 292
- *Pierpoint v Liston* [2012] QCA 199
- *Jee v Jee* [2012] QSC 210
- *Budulica v Budulica* [2017] QSC 60
- *Re McLennan* [2018] QSC 124
- *Buckingham v Buckingham* [2020] QSC 230

3.11 Trustee right of indemnity and costs

- *Rattigan v Hanly* [2020] NSWSC 1722

3.12 Statutory Wills

- *Re Fenwick* [2009] NSWSC 530
- *Re Keane: Mace v Malone* [2011] QSC 11 and *Re Keane: Mace v Malone (No 2)* [2011] QSC 98
- *Re Matsis* [2012] QSC 349
- *GAU v GAV* [2016] 1 Qd R 1
- *Lawrie v Hwang* [2013] QSC 289
- *VMH v SEL* [2016] QSC 148
- *Re APB, ex parte Sheehy* [2017] QSC 201
- *Blumke v Campbell* [2020] QCA 217
- *Spink v Russell* [2019] QCA 107

3.13 Rectification Applications

- *Public Trustee of Queensland v Smith* [2009] 1 Qd R 26
- *McPherson v Byrne* [2013] 2 Qd R 516
- *Rose v Tomkins* [2018] 1 Qd R 549

3.14 Compensation applications

- *Moylan v Rickard* [2010] QSC 327
- *Public Trustee of Qld (as administrator estate of Richardson) v Lee* [2011] QSC 409
- *RL v NSW Trustee & Guardian* [2012] NSWCA 39
- *The Trust Company Ltd v Gibson* [2012] QSC 183
- *Public Trustee v Stibbe* [2012] QSC 357
- *Ede v Ede* [2006] QSC 378
- *LPJ* [2011] QCAT 177
- *Public Trustee of Queensland v BN* [2011] QCAT 666
- *Kebbell v Reynolds* [2012] QSC 088
- *Neuendorf v The Public Trustee of Queensland* [2013] QSC 156
- *Outram v Public Trustee of Queensland* [2020] QSC 80

3.15 Informal Wills

- *Lindsay v McGrath* [2016] 2 Qd R 160
- *Re: Yu* [2013] QSC 322; *Mellino v Wnuk* [2013] QSC 336 (reinforce definition of "document" to extend to electronic forms)
- *Estate of Masters* (1994) 33 NSWLR 446
- *Hatsatouris v Hatsatouris* [2001] NSWLA 408
- *In the Estate of Kelly* (1983) 32 SASR 370
- *Re Voge* [2007] QSC 404
- *Hensler v Padget* [2008] QSC 82
- *Yazbek v Yazbek* [2012] NSWSC 594
- *Bell v Crewes* [2011] NSWSC 1159
- *Howe v Fischer* [2014] NSWCA 286
- *Re Nichol* [2017] QSC 220
- *Re Carrigan* [2018] QSC 206
- *Re Marshall (deceased)* [2020] QSC 109
- *Re Weedon (deceased)* [2020] QSC 161
- *Tolbert v Hicklin* [2020] QSC 166
- *Linkenbagh v Turner* [2024] QSC 316
- *Re Kelt* [2014] QSC 283
- *Re Cardie* [2013] QSC 265
- *Re Colassin* [2012] QSC 155
- *McLaren v Norton & Ors* [2006] WASC 305

3.16 Mutual Wills

- *Bauer v Hussey* [2010] QSC 269
- *Hussey v Bauer* [2011] QCA 091
- *In the Will of Fernando Masci* [2014] QSC 281
- *Haggarty v Wood (No 2)* [2015] QSC 244
- *Flocas v Carlson* [2015] VSC 221
- *Forster v Forster* [2022] QSC 30

3.17 Revocation of Wills

- *In the Estate of Simkin* [1950] VLR 341
- *Lippe v Hedderwick* (1922) 31 CLR 148
- *Re Fraser* [2010] QSC 208

4. Other

4.1 Interim administrators

4.2 Expert witnesses

4.3 Risk management measures and legal ethics

SCHEDULE 5: RELATED LEGISLATION & MATERIALS

This list indicates the range of matters which could be addressed in the assessment program. This is not necessarily an exhaustive list. **Candidates will be examined on the law as it stands at the date of assessment.**

Queensland legislation

- Succession Act 1981
- Trusts Act 1973
- Powers of Attorney Act 1998
- British Probates Act 1898
- British Probates Regulation 2018
- Burials Assistance Act 1965
- Cremations Act 2003

Relevant sections only

- Acts Interpretation Act 1954
- Adoption Act 2009
- Births Deaths and Marriages Registration Act 2023
- Civil Partnerships Act 2011
- Civil Proceedings Act 2011
- Coroners Act 2003
- Duties Act 2001
- Evidence Act 1977
- Guardianship and Administration Act 2000
- Land Act 1994
- Land Title Act 1994
- Legal Profession Act 2007
- Legal Profession Regulation 2017
- Limitation of Actions Act 1974
- Mental Health Act 2016
- Partnership Act 1891
- Property Law Act 2023
- Public Guardian Act 2014
- Public Trustee Act 1978
- Queensland Civil and Administrative Tribunal Act 2009
- Status of Children Act 1978
- Surrogacy Act 2010
- Transplantation and Anatomy Act 1979
- Trustee Companies Act 1968
- Uniform Civil Procedure Rules 1999
- Uniform Civil Procedure (Fees) Regulation 2019
- Voluntary Assisted Dying Act 2001

Federal legislation

- Australian Solicitors Conduct Rules 2023

Relevant sections only

- Corporations Act 2001
- Family Law Act 1975
- Income Tax Assessment Act 1936
- Income Tax Assessment Act 1997
- Life Insurance Act 1995
- Superannuation Industry (Supervision) Act 1993
- Superannuation Industry (Supervision) Regulations 1994

Suggested Reading

Birtles, C, Neal, R and Sims, C, *Hutley's Australian Wills Precedents* (10th ed, 2021)

Croucher & Vines, *Succession, Families, Property & Death* (5th ed, 2018)

Dal Pont, G. E., *Interpretation of Testamentary Documents* (2019)

Dal Pont, G. E., *Law of Executors and Administrators* (2022)

Dal Pont, G. E., *Law of Succession* (3rd ed, 2020)

Dal Pont, G. E., *Equity and Trusts in Australia* (8th ed, 2022)

Dal Pont, G. E., *Powers of Attorney* (3rd ed, 2019)

de Groot, J. K. & Nickel, B. W., *Family Provision in Australia* (6th ed, 2021)

de Groot, J.K., *Wills, Probate and Administration Practice (Qld)* (1985 –)

Ford, C., *Theobald on Wills* (19th ed, 2021)

Heydon, J.D., & Leeming, M.J., *Jacob's Law of Trusts in Australia* (8th ed, 2016)

Land Title Practice Manual (Qld)

Lee, W. A. & Preece, A., *Lee's Manual of Queensland Succession Law* (8th ed, 2019)

O'Sullivan, B, *Estate & Business Succession Planning* (8th ed, 2018)

Ong, Denis, *Trusts Law in Australia* (5th ed, 2018)

Raspin, I., *Taxation of Deceased Estates for Estate Practitioners* (2016)

Raspin, I., *Administering an Estate with International Connections: Australian Tax Pitfalls* (2018)

Raspin, I. & Freshwater, L., *CGT on a Deceased's Residence* (2nd ed., 2020)

Stewart, M., & Flynn, M., *Death & Taxes: Tax Effective Estate Planning* (7th ed, 2022)