

FAMILY PROVISION CLAIMS – WHAT’S NEW?

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Introductory remarks

- Number of applications made
- Number of applications being heard

Developments tracked by 5th Edition of *Family Provision in Australia*

- Number of cases
- Commentary increases
- Estrangement
- Justice Hallen's contribution

Developments tracked by 5th Edition of *Family Provision in Australia (con't)*

- Summary dismissal
- Special disability trusts
- Costs orders where applicant dies before trial
- Intellectually disabled applicants

Cost Capping!

- Costs orders in failed applications generally
- Costs order in an unsuccessful application

Heroic Failures

- ***Re Michel [1939] QWN 49***
- ***Ingamells v WA Trustees (1993) DFC ¶ 95-133***
- ***Baker v Williams & Brunner [2007] QSC 226***
- ***Rutter v McCusker [2008] NSWSC 269***
- ***Dawson v Joiner [2011] QSC 385; [2012] QSC 84***

Questions?

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