

AMENDED PRACTICE DIRECTION NUMBER 10 OF 2020

SUPREME COURT OF QUEENSLAND

INFORMAL WILLS/COVID-19

This direction is given under Rule 452(2)(b) of the *Uniform Civil Procedure Rules* and is limited in its application to documents that are executed between 1 March 2020 and 30 June 2021.

A registrar may constitute the Supreme Court to hear and decide applications under section 18(2) of the *Succession Act 1981* to dispense with the requirement under section 10 of that Act that a party be *in the presence of the testator*, insofar as that phrase has the meaning at law to be *physically in the presence of the testator*, subject to the production of evidence to the satisfaction of the registrar:

1. that the will was drafted by a solicitor, or a solicitor is one of the witnesses to the will, or the person supervising the execution of the will;
2. that the deceased intended the document to take immediate effect as their will, alteration to their will, or full or partial revocation of their will;
3. that the testator executed the document
 - a. in the presence of two witnesses being in the presence of the testator by way of video conference but not physically; or
 - b. in the presence of one witness being in the presence of the testator by way of video conference but not physically;
4. that the witness or witnesses were able to identify the document executed; and
5. that the reason why the testator was unable to execute the will in the physical presence of two witnesses was because of either government enforced or recommended, or self-imposed, isolation or quarantine arising from the COVID 19 pandemic.



Catherine Holmes
Chief Justice
3 November 2021