



Transcript of Proceedings

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State Reporting Bureau
Date: 4 December, 2003

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Claim No 94 of 2003

RONALD NORMAN BEVEN

Plaintiff

and

ALLAN LESLIE BEVEN

Defendant

CAIRNS

..DATE 02/12/2003

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is the matter of Ronald Norman Beven v. Allan Leslie Beven. I will give my judgment. The parties to this application for further and better provision from the estate of the late Hazel Abigail Beven have reached agreement as to what would be an acceptable distribution of the estate.

The material in support of the application provides evidence of a history of mutual support between the children of the testatrix and her late husband, Charles Beven who predeceased her. The applicants and children worked on their parents' cane farm for little reward then. They were rewarded by becoming partners in a continuing and increasing cane farming business.

Their work contributed not only to their own welfare but to the estate of the late father and they received a greater benefit from that estate than did their sister Lynette Gail Grant (nee Beven) who is the main beneficiary of the testatrixes' estate. The disposition of the testatrixes' estate was clearly intended to redress that imbalance, but the consequence the appellants argue, was an insufficient recognition of their contribution and thus a disregard of their needs. Those needs must be regarded in a relative sense since each of the applicants are mature people and are financially comfortable.

I do recognise that need in the relative sense and I also give full weight to the fact that the parties themselves have recognised their respective rights and have reached agreement to reflect them in the terms of the draft order.

I am satisfied that the order before me is an appropriate one to make in the circumstances and I do so. I will make orders in terms of the draft initialled by me and placed with the papers.

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