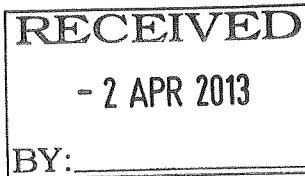


27 March 2013



Submission No. 28



FAO: Ms Lindy Smith  
Victorian Law Reform Commission  
GPO Box 4637  
MELBOURNE VIC 3001

Dear Ms Smith,

**Re: Victorian Law Reform Commission's Review of Succession Laws**

I am writing to you today on behalf of Cancer Council Victoria. This letter forms our submission in response to the consultation papers that have been circulated in relation to the review of Victoria's Succession Laws. This is not a confidential submission.

As a charity beneficiary, we receive significant testamentary dispositions from the community and these entitlements form a major part of our charitable income. Accordingly, the current succession regime has an important impact on charities and we believe that any proposed changes to the law should have regard for their potential to adversely affect the distributions received by charities, as well as the time and costs incurred in protecting and realising these entitlements.

Importantly, we believe that any changes to the law should not enlarge the scope of Part IV Testators Family Maintenance in terms of eligible claimants, nor increase its permissiveness, so as to frustrate the charitable intentions of Will-makers. Opportunistic claims are already a problem under the present regime in terms of legal fees eroding the estate, so ideally the changes should be addressed to reducing the volume of such claims against estates without prejudice to legitimate claims. The mediation and settlement process provides a check against unfounded claims progressing; however, legal costs up to mediation are still commonly borne by the estate so this check is limited. It is our experience that charities do not typically engage separate representation to the solicitors for the Executors in such matters, so it's worth emphasising we remain vulnerable parties throughout the course of mediation and settlement.

We urge you to carefully consider all of the options and investigate the potential implications of any changes on the charity sector as an important stakeholder.

I commend you to seek further information from the charity sector and suggest you consider engaging with the Include a Charity campaign and the Fundraising Institute of Australia as representatives of charitable beneficiaries.

If you would like to discuss this submission further you can contact me on telephone number [REDACTED]

Yours sincerely,

[REDACTED SIGNATURE]

Deborah Stringer  
Head of Fundraising & Communication Division