



## **Eastwood Law Warns of WA Estate Claim Risks in Generational Transfer**

*June 15, 2026*

SUBIACO, WA - June 15, 2026 - PRESSADVANTAGE -

Eastwood Law, a Perth will and estate disputes practice, warns that strict six-month time limits in Western Australia are ending valid claims before they begin, as inheritance conflicts rise.

Will and estate disputes are climbing across Australia as a generational handover of wealth brings long-running family tensions to the surface. Court data shows a steady rise in claims against estates, and Perth firm Eastwood Law, which specialises in will and estate disputes, is urging families to seek advice early. The firm warns that strict time limits in Western Australia can end a claim before it begins.

Much of the pressure stems from the largest wealth transfer in the country's history. The Productivity Commission, in its December 2021 research paper on wealth transfers, estimated that around \$3.5 trillion in assets will pass between Australians by 2050, with inheritances rising from about \$120 billion a year now to close to \$500 billion. Bigger estates, blended families, and assets tied up in superannuation and trusts give more people both the reason and the standing to lodge a claim.

Western Australia's courts are already making substantial awards where a will falls short. In *Mead v Lemon* [2015] WASC 71, the Supreme Court of Western Australia found that the will of the late mining figure Michael Wright failed to provide adequately for his daughter, and awarded her \$25 million from the estate, a figure later reduced on appeal to about \$6.1 million. More recently, in *Hill v Murray* [2024] WASC 482, the court amended a will to provide \$1.1 million to an estranged adult daughter from an estate of more than \$3 million. Both decisions are listed among Eastwood Law's notable Supreme Court matters, and the firm says they show how seriously Western Australian courts treat inadequate provision, and how much can turn on getting advice early.

A family provision claim is a court application by an eligible person, such as a spouse, child, or dependant, who argues that a will left them without adequate provision. The numbers show why these claims are worth taking seriously. A University of Queensland study that reviewed a full year of publicly available succession judgments across Australia found that 74 per cent of contested family provision cases ended with a change to how the estate was shared out, and that the great majority of claims came from immediate family rather than distant relatives.

Success also tracks with the size of the estate. The same research found that claims against larger estates were markedly more likely to succeed, with success rates climbing to 88 per cent for estates valued in the millions. A larger asset pool leaves more room to argue that a will-maker overlooked someone who depended on them.

Family structure sits behind much of the shift. Second marriages, stepchildren, and longer lifespans mean more people now have a reasonable expectation of receiving a share of an estate. Claims also surface when an ageing will-maker's capacity is in question, or when one child provided care while another lived interstate. These files are rarely about money alone. Recognition and fairness usually sit underneath them.

In Western Australia, family provision claims are governed by the Family Provision Act 1972 and must generally be lodged within six months of a grant of probate or letters of administration. Missing that window can end a claim before it starts, which is one reason early advice matters. A separate path challenges the validity of a will on questions of testamentary capacity, undue influence, or whether the will was properly signed and witnessed.

‘In my experience, disputes over wills have been a long time in the making,’ said Cameron Eastwood, Director of Eastwood Law. He noted that family relationships are complicated, and that hurt feelings or a sense of being poorly treated often sit at the root of a claim. ‘Getting advice early keeps the focus where it matters, on resolving the dispute in a way that makes a real financial difference to the claimant.’

Eastwood Law has acted in estate matters since 2005, appearing in the Supreme Court of Western Australia, the Court of Appeal, the High Court of Australia, and the State Administrative Tribunal. The firm handles family provision claims, challenges to will validity, executor and beneficiary disputes, trust disputes, and complex estate litigation. Estate disputes carry costs beyond legal fees, often straining relationships among siblings and across generations. Early advice can narrow the issues well before a matter reaches a courtroom, and many claims settle at mediation rather than at trial. Anyone weighing a claim, or defending one, can learn more about contesting a will in Western Australia on the firm's website.

#### About Eastwood Law

Eastwood Law is a team of will dispute lawyers in Perth, Western Australia, working solely on will and estate disputes. The firm acts for executors, beneficiaries, and claimants across Western Australia and beyond.

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