

Administration Amendment Bill 2021

EXPLANATORY MEMORANDUM

- Clause 1 sets out the title of the Act.
- Clause 2 provides for the commencement of the Bill on Royal Assent for sections 1 and 2 and the rest of the Bill on the day after.
- Clause 3 provides that this Part amends the *Administration Act 1903*.
- Clause 4 A partner's legacy is the fixed net sum to which the deceased's surviving spouse and/or de facto partner is entitled from the estate, when the deceased died intestate and in circumstances where there are surviving family members.

Currently, a partner's legacy in Western Australia is as:

- low as \$50 000 (where the intestate dies leaving issue (a person's children or other lineal descendants)), and
- high as \$75 000 (where the intestate dies leaving no issue).

The Clause amends the *Administration Act 1903* (WA) to set the amount of the partner's statutory legacy at \$472 000 where the intestate dies leaving issue and \$705 000 when no issue.

The parental statutory legacy applies where the deceased has living parents and/or siblings or siblings' issue but does not have a surviving husband, wife, partner or issue.

The parental statutory legacy is currently \$6,000.

The Clause amends the *Administration Act 1903* (WA) to set the amount of the parental statutory legacy at \$56 500.

The Clause also addresses when the statutory legacies are to apply and consequential amendments.

- Clause 5 inserts two new provisions into the *Administration Act 1903* (WA).

The first provision sets out a formula for calculating the amount of statutory legacies from time to time in the future. The denominator of the formula is the estimate of the average weekly total earnings of full-time adult employees in Australia published by the Australian Statistician for November 2020 as an original estimate.

The second provision requires the relevant Minister to review the amount of the statutory legacies every two years and decide whether or not it is appropriate to make an order adjusting the amount of the statutory legacies. The Minister is also required to lay a report based on the review before each House of Parliament as soon as practicable after the review.