

Administration Amendment Bill 2021

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Administration Amendment Bill 2021

A Bill for

An Act to amend the *Administration Act 1903*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Administration Amendment Act 2021*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

7 (b) the rest of the Act — on the day after that day.

8 **3. Act amended**

9 This Act amends the *Administration Act 1903*.

10 **4. Section 14 amended**

11 (1) Before section 14(1) insert:

12

13 (1A) In this section —

14 ***declared sum***, for a specified item, means the sum that
15 applies for that item under an order;

16 ***order*** means an order made by the Minister under
17 section 14A(2);

18 ***specified item*** means any of the following items in the
19 Table —

20 (a) item 2;

21 (b) item 3(a) and (b);

22 (c) item 3(b)(i);

23 (d) item 6;

24 ***Table*** means the Table to subsection (1).

25

- 1 (2) In section 14(1):
- 2 (a) delete “his property, the property as to which he dies
- 3 intestate” and insert:
- 4
- 5 their property, the property as to which they die intestate
- 6
- 7 (b) delete “in the following table (in this section called the
- 8 **Table**): —” and insert:
- 9
- 10 in the Table —
- 11
- 12 (c) in the Table item 2 delete “\$50 000 —” (each occurrence)
- 13 and insert:
- 14
- 15 \$472 000 (or, if there is a declared sum for item 2 applicable to the
- 16 intestate, that sum) —
- 17
- 18 (d) in the Table item 2(b) delete “\$50 000,” and insert:
- 19
- 20 \$472 000 (or, if there is a declared sum for item 2 applicable to the
- 21 intestate, that sum),
- 22
- 23 (e) in the Table item 3 delete “\$75 000 —” (each occurrence)
- 24 and insert:
- 25
- 26 \$705 000 (or, if there is a declared sum for item 3(a) and (b)
- 27 applicable to the intestate, that sum) —
- 28
- 29 (f) in the Table item 3(b) delete “\$75 000,” and insert:
- 30
- 31 \$705 000 (or, if there is a declared sum for item 3(a) and (b)
- 32 applicable to the intestate, that sum),
- 33

s. 4

- 1 (g) in the Table item 3(b)(i)(A) delete “\$6 000” and insert:
2
3 \$56 500 (or, if there is a declared sum for item 3(b)(i) applicable to
4 the intestate, that sum)
5
- 6 (h) in the Table item 3(b)(i)(B) delete “\$6 000,” and insert:
7
8 \$56 500 (or, if there is a declared sum for item 3(b)(i) applicable to
9 the intestate, that sum),
10
- 11 (i) in the Table item 6 delete “\$6 000 — ” (each occurrence)
12 and insert:
13
14 \$56 500 (or, if there is a declared sum for item 6 applicable to the
15 intestate, that sum) —
16
- 17 (j) in the Table item 6(b) delete “\$6 000,” and insert:
18
19 \$56 500 (or, if there is a declared sum for item 6 applicable to the
20 intestate, that sum),
21
- 22 (3) After section 14(1) insert:
23
- 24 (1B) In this section, the declared sum for a specified item
25 applicable to an intestate is the declared sum for that
26 specified item under the order that has effect at the
27 time the intestate dies (even if that order later ceases to
28 have effect, including if the order ceases to have effect
29 under the *Interpretation Act 1984* section 42(2) as
30 applied by section 14A(5)).
31

- 1 (4) In section 14(4):
2 (a) in paragraph (a) delete “\$50 000 mentioned in
3 paragraph (b) of item 2 of the Table; or” and insert:
4
5 \$472 000 (or, if there is a declared sum for item 2
6 applicable to the intestate, that sum) mentioned in
7 item 2(b) of the Table; or
8
9 (b) in paragraph (b) delete “\$75 000 mentioned in
10 paragraph (b) of item 3 of the Table,” and insert:
11
12 \$705 000 (or, if there is a declared sum for item 3(a) and
13 (b) applicable to the intestate, that sum) mentioned in
14 item 3(b) of the Table,
15
16 (5) In section 14(8) delete “subsections (9) and (10),” and insert:
17
18 subsections (9), (10) and (11),
19
20 (6) After section 14(10) insert:
21
22 (11) The estate of a person who dies intestate as to all or
23 any of their property before the day on which the
24 *Administration Amendment Act 2021* section 4 comes
25 into operation is to be distributed as if that section had
26 not come into operation.
27

1 **5. Sections 14A and 14B inserted**

2 After section 14 insert:

3

4 **14A. Order declaring sum that is to apply for specified**
5 **item**

6 (1) In this section —

7 *original sum*, for a specified item, means —

8 (a) in the case of item 2 — \$472 000;

9 (b) in the case of item 3(a) and (b) — \$705 000;

10 (c) in the case of item 3(b)(i) — \$56 500;

11 (d) in the case of item 6 — \$56 500;

12 *specified item* has the meaning given in
13 section 14(1A).

14 (2) The Minister may make an order declaring, for each
15 specified item, the sum that is to apply for that item.

16 (3) A sum declared by the Minister in an order must be the
17 amount in dollars determined by the following formula,
18 rounded up to the nearest \$500 —

19
$$S = T \times \frac{E}{1\,769.90}$$

20 where —

21 S is the sum that is to apply for a specified item,
22 before rounding up to the nearest \$500;

23 T is the original sum for that specified item;

24 E is the estimate of the average weekly total earnings
25 of full-time adult employees in Australia most
26 recently published by the Australian Statistician as
27 an original estimate.

1 Note for this subsection:
2 \$1 769.90 is the estimate of the average weekly total
3 earnings of full-time adult employees in Australia published
4 by the Australian Statistician for November 2020 as an
5 original estimate.

6 (4) An order is subsidiary legislation for the purposes of
7 the *Interpretation Act 1984*.

8 (5) The *Interpretation Act 1984* section 42 applies to an
9 order as if the order were regulations.

10 **14B. Minister must review sums for specified items**

11 (1) In this section —

12 *relevant sums* means —

13 (a) the original sum for each specified item (as
14 those terms are defined in section 14A(1)); or

15 (b) if an order under section 14A(2) is in effect —
16 the sums declared by that order.

17 (2) The Minister must review the relevant sums and decide
18 whether or not it is appropriate to make an order under
19 section 14A(2) —

20 (a) on or before 30 June 2023; and

21 (b) on or before 30 June in every 2nd year after that.

22 (3) As soon as practicable after completing the review, the
23 Minister must —

24 (a) prepare a report based on the review; and

25 (b) cause the report to be laid before each House of
26 Parliament.

27 (4) Subsection (2) does not limit the times at which the
28 Minister may make an order under section 14A(2).
29

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