

CLAUSE NOTES

WILLS AMENDMENT BILL 1997

A Bill for an Act to amend the *Wills Act 1970*.



PART 1 - PRELIMINARY

Clause 1 **Short Title**

This Bill may be cited as the *Wills Amendment Act 1997* ("the Act") when it receives the Royal Assent.

Clause 2 **Commencement**

The Act comes into operation on the day on which it receives the Royal Assent.

Clause 3 **Principal Act**

In this Bill, the *Wills Act 1970* is referred to as the principal Act.

Clause 4 **Sections 34, 35, 36 and 37 amended**

Sections 34, 35, 36 and 37 of the principal Act are amended by deleting "that there can be no reasonable doubt". The civil standard of proof then applies. This approach is consistent with the following:

Wills Probate and Administration Act 1898 (NSW) section 18A; *Wills Act 1968* (ACT) section 11A; *Succession Act 1981* (Qld) section 9 and *Wills (Miscellaneous) Amendment Act 1994* (SA) section 7, amending *Wills Act 1936* (SA) section 12.