

## Administration Amendment Bill 2018

### EXPLANTORY 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 \$435 000 where the intestate dies leaving issue and \$650 000 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 \$52 000.
- The Clause also addresses when the statutory legacies are to apply and consequential amendments.
- Clause 5 inserts a new provision into the *Administration Act 1903* (WA) setting out a formula for calculating the amount of statutory legacies from time to time in the future.