

ADMINISTRATION.

No. 18 of 1971.

AN ACT to amend the Administration Act,
1903-1970.

[Assented to 1st December, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Administration Act Amendment Act, 1971*.

Short title
and citation.

(2) In this Act the Administration Act, 1903-1970, is referred to as the principal Act.

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Acts.

(3) The principal Act as amended by this Act may be cited as the Administration Act, 1903-1971.

Approved for
reprint 11th
Sept., 1967.
Amended by
Acts Nos. 2
of 1969 and
21 and 107
of 1970.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Addition of
s. 12A.

3. The principal Act is amended by adding after section 12 a section as follows—

Entitlement
to participa-
tion in
distribution
of intestate
estates.

12A. (1) Where, after the coming into operation of the Administration Act Amendment Act, 1971, any person dies intestate as respects all or any of his property, for the purpose of determining who is entitled to participate in the distribution of that part of his estate to which the intestacy applies the relationship between a child and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other, and all other relationships, whether lineal or collateral, shall be determined accordingly.

(2) In any proceedings where a person relies on a matter of fact made relevant by the provisions of subsection (1) of this section—

- (a) that fact shall not be taken to be proved unless it is established to the reasonable satisfaction of the Court; and
- (b) where the father and mother are not, or have not been, married to each other, the relationship between a child and his father, and all other lineal or collateral relationships, shall be recognised only—
 - (i) if paternity is admitted by or established against the father in his lifetime; and
 - (ii) where the purpose for which the relationship is to be determined enures for the benefit of the father, if paternity has been so admitted or established in the lifetime of the child.

(3) The estates of all persons who have died intestate as to the whole or any part thereof before the coming into operation of the Administration Act Amendment Act, 1971, shall be distributed in accordance with the enactments and rules of law which would have applied to them if that Act had not been passed. .

4. The principal Act is amended by adding after section 47 a section as follows—

Addition of
s. 47A.

47A. (1) Notwithstanding—

Protection of
executors,
administra-
tors and
trustees.

(a) the provisions of section twelve A of this Act; or

(b) the provisions of Part IX of the Wills Act, 1970,

for the purposes of the administration or distribution of any estate or any property no executor or administrator or trustee shall be under any obligation to inquire as to the existence of any person who could claim an interest in the estate or the property by virtue only of those provisions in so far as they confer any interest on illegitimate children or any person claiming through an illegitimate child.

(2) No executor or administrator or trustee shall be liable to any such person as is referred to in subsection (1) of this section in relation to any claim arising by reason of an executor or administrator or trustee having made any distribution of the estate or property held on trust, or otherwise acted in the administration of the estate or property held on trust, disregarding the interest of that person, if at the time he made the distribution or so acted the executor or administrator or trustee had no notice of the relationship on which the claim is based.

(3) Nothing in this section shall prejudice the right of any person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it. .