

PROPERTY LAW.

No. 19 of 1971.

AN ACT to amend the Property Law Act, 1969.

[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 *Property Law Act Amendment Act, 1971.* Short title and citation.

(2) In this Act the Property Law Act, 1969, is referred to as the principal Act. Act No. 32 of 1969.

(3) The principal Act as amended by this Act may be cited as the Property Law Act, 1969-1971.

Section 3
amended.

2. Section 3 of the principal Act is amended by substituting for the passage "PART III.—GENERAL RULES AFFECTING PROPERTY (ss. 17-31)." in lines five and six the passage "PART III.—GENERAL RULES AFFECTING PROPERTY (ss. 17-31A).".

Section 31A
added.

3. The principal Act is amended by adding after section 31 a section as follows—

Illegitimates
to be in-
cluded in
class refer-
ences.

31A. (1) This section shall come into operation on a date to be fixed by proclamation.

(2) This section applies only if and so far as a contrary intention is not expressed in the conveyance, and has effect subject to the terms of the conveyance and to the provisions thereof.

(3) In this Act, and in any conveyance made after the coming into operation of this section,—

(a) any reference (whether express or implied) to the child or children of any person shall be construed as, or as including, a reference to any illegitimate child of that person; and

(b) any reference (whether express or implied) to a person or persons related in some other manner to any person shall be construed as, or as including a reference to anyone who would be so related if he, or some other person through whom the relationship is deduced, had been born legitimate.

(4) Subsection (3) of this section applies only where the reference in question is to a person who is to benefit or to be capable of benefiting under the disposition or, for the purpose of designating such a person, to someone else to or through whom that person is related.

(5) For the purposes of this section, the relationship between a father and his illegitimate child, and any other relationship traced in any degree through that relationship, shall be recognised only if paternity is admitted by or established against the father in his lifetime; and where the purpose for which the relationship is to be determined is a purpose that enures for the benefit of the father the relationship shall be recognised only if paternity has been so admitted or established in the lifetime of the child.

(6) In any proceedings where a person relies on a matter of fact made relevant by the provisions of subsection (3) of this section, that fact shall not be taken to be proved unless it is established to the reasonable satisfaction of the Court.

(7) As respects conveyances executed on or after the date of the coming into operation of this section, any rule of law that a disposition in favour of illegitimate children not in being when the disposition takes effect is void as contrary to public policy is hereby abolished.

(8) Notwithstanding the provisions of subsection (3) of this section, a person who conveys or distributes any real or personal property to or amongst the persons entitled thereto without having ascertained that there is no person who is or may be entitled to any interest in that property by virtue of that subsection is not liable to any such person of whose claim he did not have notice at the time of the conveyance or distribution; but nothing in this section prejudices the right of any such 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. .