

WILLS.

No. 20 of 1971.

AN ACT to amend the Wills Act, 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 *Wills Act Amendment Act, 1971*. Short title and citation.

(2) In this Act the Wills Act, 1970, is referred to as the principal Act. Act No. 12 of 1970.

(3) The principal Act as amended by this Act may be cited as the Wills Act, 1970-1971.

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

Part IX
added.

3. The principal Act is amended by adding after section 28 a new Part as follows—

PART IX.—ILLEGITIMACY.

Application
of Part IX.

29. The provisions of this Part of this Act apply to the will of any person which is executed on or after the date of the coming into operation of the Wills Act Amendment Act, 1971, but does not apply to the will of any person which was executed before that date and, notwithstanding any rule of law, a disposition made by a will executed before that date shall not be treated for the purposes of this Part as made on or after that date by reason only that a codicil to the will is executed on or after that date.

Abolition of
rule regard-
ing illegiti-
mates not
in being.

30. As respects any will to which this Part applies, 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.

Determina-
tion of
relation-
ships.

31. (1) Unless the contrary intention appears by the will, where for the purpose of determining who is entitled to an interest in any property that is the subject of a disposition (whether that disposition is effected under that will or under the provisions of section 27 of this Act) it is necessary to determine any relationship, 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 construed 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.
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