

AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATION AND PROBATE ORDINANCE 1966

EXPLANATORY MEMORANDUM

No. 9 of 1967

The principal object of this Ordinance is to amend the law relating to succession on intestacy, mainly to increase the share of a surviving spouse and to restrict the classes who may take as next of kin.

Under the Ordinance, the surviving spouse will be entitled to the deceased's personal chattels, that is, household and personal articles and private motor cars. If there are issue, the spouse will take, in addition to the personal chattels, the first \$10,000 and, if there is one child, one-half of the balance or, if there is more than one child, one-third of the balance (at present only one-third in all cases). If there is no issue surviving, but a parent, brother or sister, the spouse will take, in addition to personal chattels, the first \$50,000 and one-half of the balance, the remainder going to parents or, if neither are alive, to brothers and sisters and/or their issue equally. If there is no parent, brother or sister, the spouse will take the whole (at present only half, the rest going to remote next of kin). If no spouse or issue survive, the estate will go to parents equally; if none, to brothers and sisters and/or their issue; if none, to grand-parents; if none, to uncles and aunts and/or their issue; if none, to the Crown as bona vacantia (at present, to any blood relation who can be traced).

Provision is being made for an illegitimate child to share in the estate of a parent and vice versa.

The opportunity has been taken to convert to decimal currency the scale of professional costs and fees, and other references to money.