

11 June 2025

Mr Dominico Fernandes
Executive Director
Legislative Services
Department of Justice
David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000

By email: legpolicy@justice.wa.gov.au

Dear Mr Fernandes

**STATUTORY REVIEW OF INTESTACY LEGACY AMOUNTS UNDER SECTION 14B(2)(a)
OF THE ADMINISTRATION ACT 1903 (WA)**

Thank you for your letter dated 4 June 2025 inviting the Law Society of Western Australia (the Law Society) to make a submission on the statutory review of intestacy legacies set out in section 14A(2) of the *Administration Act 1903 (WA)* (the Act).

The purpose of the 2022 amendments to the Act, including the review of statutory legacies in section 14B(2) and the statutory formula in section 14A(3), was to ensure that the statutory legacy amounts for a surviving spouse or de facto partner of a deceased person kept pace with inflation and took account of the average price of housing in Western Australia. This also applies to the other intestacy legacy amounts for parents and the specified relatives set out in section 14 of the Act.

The Law Society notes the rate of inflation has decreased since the 2023 review, however, the price of housing in Western Australia has continued to increase. REIWA reported the average Perth house price rose to \$770,000.00 (from \$540,000 in 2023) and average unit prices increased to \$530,000.00 (from \$408,000 in 2023) in the March 2025 quarter.

To assist a surviving spouse or de facto partner to purchase a home or to retain the family home (where it is wholly or partially registered in the sole name of the deceased), the intestacy and statutory legacies should be increased in line with the statutory formula. The other legacy amounts in the Act should be commensurately increased.

Regular reviews of and increases to the intestacy legacies also assist to minimise claims under the *Family Provision Act 1972 (WA)* by disaffected persons entitled in distribution to a deceased's intestate estate.

The Law Society supports the increase to the intestacy legacies in accordance with the statutory formula on the Attorney-General's review and as set out in your letter dated 4 June 2025.

If you have any questions or wish to discuss the above, please contact Susie Moir, General Manager Advocacy and Professional Development on smoir@lawsocietywa.asn.au or telephone 9324 8600.

Yours sincerely

A handwritten signature in grey ink, appearing to be 'GM', written in a cursive style.

Gary Mack
President