

1997
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY
THIRD ASSEMBLY

MOP.

25 SEP 1997

(As presented)

(Attorney-General)

Wills (Amendment) Bill 1997

—
A BILL
FOR

An Act to amend the *Wills Act 1968*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Wills (Amendment) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, "Principal Act" means the *Wills Act 1968*.¹

Insertion

5 4. After section 28 of the Principal Act the following section is inserted:

Devises to transsexual persons

"28A. (1) Where—

- (a) there is in a will a direct or indirect reference to the sex of a person or class of persons; and
- 10 (b) during the period between the making of the will and the death of the testator that person, or a person who, but for this section, would have been within that class (as the case requires), successfully undergoes sexual reassignment surgery;

15 then, unless the contrary intention appears from the will or from evidence admitted pursuant to section 12B, the will has effect as if the relevant person had not undergone the surgery.

"(2) In this section—

'sexual reassignment surgery' has the same meaning as in Part IV of the *Births, Deaths and Marriages Registration Act 1997*."

NOTE -

Principal Act

1. Reprinted as at 31 October 1992. See also Act No. 97, 1994.