

No. 46 of 1974

AN ORDINANCE

Relating to the Age of Majority.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-fourth day of October, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

LIONEL MURPHY
Attorney-General.

AGE OF MAJORITY ORDINANCE 1974

1. This Ordinance may be cited as the *Age of Majority Ordinance 1974*.^{*} Short title.
2. This Ordinance shall come into operation on 1 November 1974. Commencement.
3. This Ordinance shall be administered by the Attorney-General. Administration.
4. For the purposes of this Ordinance, a person shall be taken—Age attained on anniversary of birthday.
 - (a) to attain the age of 18 years on the eighteenth anniversary of the date of his birth; and
 - (b) to attain the age of 21 years on the twenty-first anniversary of the date of his birth.
5. (1) Subject to this Ordinance, a person attains full age for all purposes of the law of the Territory when he attains the age of 18 years. Age of majority eighteen years.
 - (2) A person who has attained the age of 18 years is not subject to any want of legal capacity by reason only of his age.
 - (3) Where, on 1 November 1974, a person had attained the age of 18 years but had not attained the age of 21 years, the provisions of this Ordinance apply to, and in relation to, that person as if he had attained the age of 18 years on 1 November 1974.

^{*} Notified in the *Australian Government Gazette* on 24 October 1974.

Construction of laws and instruments made after 1 November 1974.

6. (1) This section applies to—
- (a) a law in force in the Territory on, or at any time after, 1 November 1974; and
 - (b) an instrument (including a will or codicil) executed on or after that date.

(2) Subject to sub-section 7 (2), unless the contrary intention appears, the expressions “majority”, “full age”, “*sui juris*”, “minor”, “minority”, “infant”, “infancy”, “nonage”, and any similar expressions, when used in a law or instrument to which this section applies, shall be construed in accordance with section 5.

(3) Nothing in this Ordinance affects a reference in a law or instrument to an age expressed in years.

(4) Nothing in this Ordinance—

- (a) affects the validity or operation of a settlement or disposition of property made before 1 November 1974; or
- (b) affects the operation of any rule of law by which the validity or operation of such a settlement or disposition is to be determined.

Construction of wills made before 1 November 1974.

7. (1) Nothing in this Ordinance affects the construction of a will or codicil made before 1 November 1974.

(2) Unless the contrary intention appears, a codicil made on or after 1 November 1974, being a codicil to a will made before that date, shall be construed as if this Ordinance had not been made.

Distribution on intestacy.

8. Where a person died intestate before 1 November 1974, the administrator of the estate of the intestate is not, by reason only of this Ordinance, obliged to distribute any portion of the estate to a person before that person attains the age of 21 years.

Moneys payable under judgments, &c.

9. An order or direction in force immediately before 1 November 1974 in relation to money recovered by a minor in proceedings in a court or payable to a minor as a result of proceedings in a court has effect, on and after that date, as if a reference to the attainment by a minor of the age of 21 years (however expressed) were a reference to the attainment of the age of 18 years.

Repeal.

10. The *Infants (Housing Contracts) Ordinance* 1968 is repealed.

Savings.

11. (1) Nothing in this Ordinance affects a want of legal capacity arising otherwise than by reason of the age of a person.

(2) Nothing in this Ordinance affects the construction or operation of an industrial award or agreement.

(3) Nothing in this Ordinance affects the rights or obligations arising from a contract of employment made before 1 November 1974.