



Australian Capital Territory

# **Age of Majority Act 1974 No 46**

## **Republication No 4**

Republication date: 10 July 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Age of Majority Act 1974* as in force on 10 July 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

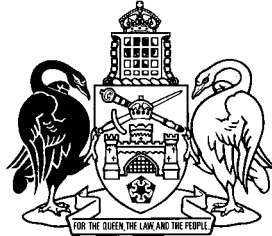
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Age of Majority Act 1974

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Australian Capital Territory

# Age of Majority Act 1974

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An Act relating to the age of majority

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**1 Name of Act**

This Act is the *Age of Majority Act 1974*.

**5 Age of majority 18 years**

- (1) Subject to this Act, a person attains full age for all purposes of the law of the Territory when he or she attains the age of 18 years.
- (2) A person who has attained the age of 18 years is not subject to any want of legal capacity only because of his or her age.
- (3) If, 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 Act apply to, and in relation to, that person as if he or she had attained the age of 18 years on 1 November 1974.

**6 Construction of laws and instruments made on or after 1 November 1974**

- (1) This section applies to—
  - (a) a law in force in the ACT 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 section 7 (2), 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 Act affects a reference in a law or instrument to an age expressed in years.
- (4) Nothing in this Act—
  - (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.

## **7 Construction of wills made before 1 November 1974**

- (1) Nothing in this Act 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 Act had not been made.

## **8 Distribution on intestacy**

If a person died intestate before 1 November 1974, the administrator of the estate of the intestate is not, only because of this Act, obliged to distribute any part of the estate to a person before that person attains the age of 21 years.

## **9 Money payable under judgments etc**

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.

## **11 Savings**

- (1) Nothing in this Act affects a want of legal capacity arising otherwise than because of the age of a person.
- (2) Nothing in this Act affects the construction or operation of an industrial award or agreement.
- (3) Nothing in this Act affects the rights or obligations arising from a contract of employment made before 1 November 1974.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	



### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Age of Majority Ordinance 1974* No 46 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Age of Majority Act 1974 No 46**

notified 24 October 1974

commenced 1 November 1974 (s 2)

as amended by

##### **Ordinances Revision Ordinance 1978 No 46**

notified 28 December 1978

commenced 28 December 1978

#### Legislation after becoming Territory enactment

##### **Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23 sch 1**

notified 4 June 1992 (Gaz 1992 No S71)

commenced 4 June 1992

##### **Legislation (Consequential Amendments) Act 2001 No 44 pt 10**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 10 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om 2001 No 44 amdt 1.122

s 3 om 1978 No 46

s 4 om 1992 No 23

#### Repeal

s 10 om 2001 No 44 amdt 1.122

### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1978 No 46	30 April 1991
2	Act 1992 No 23	30 April 1993
3	Act 1992 No 23	30 November 1996

Authorised by the ACT Parliamentary Counsel—also accessible at  
[www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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