



Australian Capital Territory

# **Age of Majority Act 1974**

**A1974-46**

**Republication No 5**

**Effective: 1 March 2011**

Republication date: 1 March 2011

Last amendment made by [A2011-3](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Age of Majority Act 1974* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 March 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 March 2011.

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 does not include 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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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 the person 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 the person's 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, the person as if the person 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, are to be interpreted 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, is to be interpreted 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.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 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* A1989-21, 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 A1974-46**

notified 24 October 1974

commenced 1 November 1974 (s 2)

as amended by

##### **Ordinances Revision Ordinance 1978 Ord1978-46**

notified 28 December 1978

commenced 28 December 1978

#### Legislation after becoming Territory enactment

##### **Statute Law Revision (Miscellaneous Provisions) Act 1992 A1992-23 sch 1**

notified 4 June 1992 (*Gaz 1992 No S71*)

commenced 4 June 1992

## Endnotes

4 Amendment history

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### **Legislation (Consequential Amendments) Act 2001 A2001-44 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](#))

### **Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.1**

notified LR 22 February 2011

s 1, s 2 commenced 22 February 2011 (LA s 75 (1))

sch 3 pt 3.1 commenced 1 March 2011 (s 2)

## 4 Amendment history

### **Commencement**

s 2 om [A2001-44](#) amdt 1.122

### **Administration**

s 3 om [Ord1978-46](#)

### **Age attained on anniversary of birthday**

s 4 om [A1992-23](#)

### **Age of majority 18 years**

s 5 am [A2011-3](#) amdts 3.1-3.3

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

s 6 am [A2011-3](#) amdt 3.4

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

s 7 am [A2011-3](#) amdt 3.5

### **Repeal**

s 10 om [A2001-44](#) amdt 1.122

## 5 Earlier replications

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

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

Replication No	Amendments to	Replication date
1	<a href="#">Ord1978-46</a>	30 April 1991
2	<a href="#">A1992-23</a>	30 April 1993
3	<a href="#">A1992-23</a>	30 November 1996
4	<a href="#">A2001-44</a>	10 July 2002

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