

AGE OF MAJORITY.

No. 46 of 1972.

AN ACT to amend the law relating to the age of majority; to make certain consequential amendments to several Acts; to repeal the Housing Advances (Contracts with Infants) Act, 1968; and for incidental and other purposes.

[Assented to 18th September, 1972.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Age of Majority Act, 1972.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“commencing day” means the date fixed by proclamation under section 2 of this Act to be the date on which this Act comes into operation;

“enactment” means—

- (a) an Act or a provision of an Act; and
- (b) an Imperial Act that applies in the State or a provision of such an Imperial Act,

and includes a regulation, rule, by-law, order in Council, proclamation, notice or other like document made or issued in the exercise of a power conferred by an Act, or by an Imperial Act, or by such a provision;

“instrument” means any written document of whatsoever nature, not being—

- (a) an enactment; or
- (b) a law of the Commonwealth or of a State other than this State, or any document made or having effect under such a law;

“laws of the State” does not include any law of the Commonwealth or any document made or having effect under such a law.

Attainment
of a
particular
age.

4. (1) For all the purposes of the laws of the State, the time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(2) This section has effect only where the relevant anniversary falls on the commencing day or on a subsequent day.

5. (1) Subject to the succeeding provisions of this section, for all the purposes of the laws of the State—

Persons of age of eighteen years or more to have full legal capacity.

- (a) a person who, on or after the commencing day, attains the age of eighteen years attains full age and full capacity on attaining that age; and
- (b) a person who, on the commencing day, is of or over the age of eighteen years but under the age of twenty-one years attains full age and full capacity on that day.

(2) Subsection (1) of this section applies and has effect, in the absence of a definition or of an indication of a contrary intention, for the purposes of the construction of the expressions “majority”, “full age”, “adult”, “full capacity”, “*sui juris*”, and similar expressions, and the expressions “infant”, “infancy”, “minor”, “nonage”, “minority”, and similar expressions in—

- (a) an enactment, whether passed or made before, on, or after the commencing day; and
- (b) an instrument executed or made on or after that day.

(3) This section does not apply so as to affect the operation or construction of any reference in an enactment or instrument to an age expressed in years.

(4) This section does not affect any deficiency of juristic competence or capacity that is attributable to insanity, or mental infirmity, or any other factor distinct from age.

(5) For the purposes of paragraph (b) of subsection (2) of this section and notwithstanding any rule of law, a will or codicil executed before the commencing day shall not be treated as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.

(6) Any order or direction in force immediately before the commencing day made pursuant to any enactment relating to the control of money recovered by or otherwise payable to a minor in any proceedings or as a result of the compromise or settlement of any claim for money or damages, shall have effect as if any reference to the minor's attaining the age of twenty-one years or full age, however expressed, were a reference to his attaining the age of eighteen years, or in relation to a person who by virtue of paragraph (b) of subsection (1) of this section attains full age on the commencing day, to that day.

(7) This section does not apply so as to affect the operation or construction of—

- (a) any industrial award, order, determination or agreement;
- (b) any instrument made or entered into pursuant to any enactment prescribing wages and other conditions of or relating to apprenticeship;
- (c) any provisions of any enactment governing or relating to conditions of employment or rights or obligations arising from employment.

(8) Nothing in this Act shall affect any estate, right or interest in any real or personal property to which any person has become absolutely entitled, whether beneficially or otherwise, before the commencing day.

(9) This Act, other than section 4, shall not affect the construction of any enactment where the enactment is incorporated in and has effect as part of any instrument, the construction of which is not affected by this Act, other than section 4.

(2) Each of the Acts specified in the Schedule to this Act is amended to the extent to which the Act so specified is expressed in that Schedule to be amended, and any Act so amended pursuant to this subsection may be cited by showing the figures representing the year of its passing followed by the passage “-1972”.

SCHEDULE

Section 6(2).

| Title of Act | Provision Amended | Amendment |
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| Administration Act, 1903-1971 | Section 25 | Substitute for the word “twenty-one” in line four, the word “eighteen”. |
| | Section 33 subsection (1), | Substitute for the word “twenty-one” in line five, the word “eighteen”. |
| | Section 37 | Substitute for the word “twenty-one” in line four, the word “eighteen”. |
| Betting Control Act, 1954-1970 | Section 21 paragraph (a) | Substitute for the word “twenty-one” in line three, the word “eighteen”. |
| | paragraph (c) | Substitute for the word “twenty-one” where it occurs in line one and again in line seven, the word “eighteen”. |
| | Section 22 | Substitute for the word “twenty-one” in line one, the word “eighteen”. |
| | Section 23 subsection (2), paragraph (b) | Substitute for the word “twenty-one” in line one, the word “eighteen”. |
| | subsection (2), paragraph (d) | Substitute for the word “twenty-one” in line two, the word “eighteen”. |
| Declarations and Attestations Act, 1913-1962 | Section 2 | Substitute for the word “twenty-one” in line one of the proviso, the word “eighteen”. |
| Health Act, 1911-1970 | Section 251 paragraph (5) | Substitute for the word “twenty-one” in line eighteen the word “eighteen”. |
| | Section 338A subsection (4) | Substitute for the word “twenty-one” in line two of the interpretation “child”, the word “eighteen”. |
| Juries Act, 1957-1961 | Section 4 subsection (1) | Substitute for the word “twenty-one” in line two, the word “eighteen”. |
| Land Act, 1933-1971 | Section 150 | Substitute for the word “twenty-one” in line one, the word “eighteen”. |
| Limitation Act, 1935-1954 | Section 40 | Substitute for the word “twenty-one” in line four, the word “eighteen”. |
| Local Courts Act, 1904-1970 | Section 57 | Substitute for the word “twenty-one” in line one, the word “eighteen” and delete the second proviso to the section. |
| Local Government Act, 1960-1971 | Section 35 subsection (1), paragraph (a) | Substitute for the word “twenty-one” the word “eighteen”. |
| | subsection (3), paragraph (c) | Substitute for the word “twenty-one” the word “eighteen”. |
| | Section 45 subsection (1), paragraph (a) | Substitute for the word “twenty-one” in line one, the word “eighteen”. |

SCHEDULE—continued.

| Title of Act | Provision Amended | Amendment |
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| Local Government Act, 1960-1971 (cont.) | Section 109 subsection (2), paragraph (c) | Substitute for the word "twenty-one" in line one, the word "eighteen". |
| Masters and Servants Act, 1892 | Section 3 | Substitute for the word "twenty-one" in line three of the interpretation "em- ployed", the word "eighteen". |
| | Section 16 | Substitute for the word "twenty-one" in lines one and two, the word "eighteen". |
| Totalisator Agency Board Betting Act, 1960-1970 | Section 42 paragraph (a) paragraph (c) | Substitute for the word "twenty-one" in line three, the word "eighteen". Substitute for the word "twenty-one" where it occurs in lines one and two and again in line seven, the word "eighteen". |
| | Section 43 | Substitute for the word "twenty-one" in line one, the word "eighteen". |
| | Section 44 paragraph (b) paragraph (d) | Substitute for the word "twenty-one," in line one, the word "eighteen". Substitute for the word "twenty-one" in line two, the word "eighteen". |
| Trustees Act, 1962-1968 | Section 58 subsection (1), paragraph (b) subsection (2), paragraph (a), sub-paragraph (i) subsection (2), paragraph (a), sub-paragraph (ii) | Substitute for the word "twenty-one" in line two, the word "eighteen". Substitute for the word "twenty-one" in line one, the word "eighteen". Substitute for the word "twenty-one" in line one, the word "eighteen". |