

Approved for Reprint 24 June 1981.

WESTERN AUSTRALIA.

AGE OF MAJORITY.

No. 46 of 1972.¹

[As amended by Act—
No. 33 of 1973, assented to 9 October 1973,
and reprinted pursuant to the Amendments Incorporation Act 1938.]

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 18 September 1972.]

BE it enacted—

1. This Act may cited as the *Age of Majority Act 1972-1973*.

Short title.
Amended by
No. 33 of
1973 s. 1.

2. This Act shall come into operation on a date to be fixed by proclamation.¹

Commence-
ment.

¹ Came into operation 1 November 1972. See *Gazette* 13/10/72, p. 4069.

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. Amended by No. 33 of 1973 s. 2.

- (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.

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(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.

(10) Nothing in this Act or in any amendment made by section 5 of this Act affects the time for bringing proceedings in respect of a cause of action that arose before the commencing day.

(11) Subsection (10) of this section is deemed to have come into operation on the 1st November, 1972.

6. (1) The Housing Advances (Contracts with Infants) Act 1968 is repealed.

Repeal and amendment of certain enactments.

(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
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) subsection (2), paragraph (d)	Substitute for the word "twenty-one" in line one, 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".

*Age of Majority.*SCHEDULE—*continued*

Title of Act	Provision Amended	Amendment
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) subsection (3), paragraph (c)	Substitute for the word “twenty-one” the word “eighteen”. 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”.
	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 “employed”, 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”.