

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

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No. 57 of 1974

**An Act to reduce generally the age of majority from twenty-one years to eighteen years, to provide for matters incidental thereto, to amend the law relating to the time when a particular age is attained and to make certain consequential amendments to various Acts**

[ASSENTED TO 27TH SEPTEMBER, 1974]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. **Short title.** This Act may be cited as the *Age of Majority Act 1974*.
2. **Commencement.** This Act shall commence on a date to be fixed by Proclamation which shall be published in the Gazette at least three months before the date so fixed.
3. **Act to bind the Crown.** This Act shall bind the Crown.

**4. Interpretation.** In this Act, unless the contrary intention appears—

“enactment” means—

- (a) an Act or a provision of an Act;
- (b) an Act of the Legislature of New South Wales continued in force in Queensland on the establishment of the Colony that applies in the State or a provision of such an Act; and
- (c) 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, or other document made or issued in the exercise of a power conferred by an Act, by such an Act of the Legislature of New South Wales, or by such an Imperial Act, or by such a provision;

“instrument” means a document of whatever nature (not being an enactment, or a law of the Commonwealth, or a document made or having effect under such a law);

“laws of the State” means the laws in force in the State for the time being, whether written or unwritten, and documents made or having effect under those laws, but does not include a law of the Commonwealth or a document made or having effect under such a law.

**5. Age of Majority.** (1) Subject to this section and to section 7, for all the purposes of the laws of the State—

- (a) a person who, on or after the date of commencement of this Act, attains the age of eighteen years attains full age and full capacity on attaining that age; and
- (b) a person who, on the date of commencement of this Act, 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 date.

(2) Subsection (1) 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*”, “coming of age”, and similar expressions, and the expressions “infant”, “infancy”, “minor”, “minority”, “*durante minore aetate*”, and similar expressions in—

- (a) an enactment, whether passed or made before, on, or after the date of commencement of this Act; and
- (b) an instrument executed or made on or after that date.

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

(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) and notwithstanding any rule of law, a will or codicil executed before the date of commencement of this Act shall not be treated as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

**6. Time at which a person attains a particular age.** (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 applies only where the relevant anniversary falls on or after the date of commencement of this Act and, in relation to any enactment or instrument, has effect subject to any provision contained in the enactment or instrument.

**7. Savings.** (1) This Act 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.

(2) Nothing in this Act affects any estate, right or interest in real or personal property to which a person has become absolutely entitled, whether beneficially or otherwise, before the date of commencement of this Act.

(3) Notwithstanding the provisions of this Act, a will or other testamentary disposition of a testator who died before the date of commencement of this Act shall be construed as if this Act had not commenced.

(4) Except to the extent that section 5 operates so as to enable a person to give a receipt or a discharge for or in respect of, or to assign or otherwise dispose of, or to disclaim rights or property, all property as to which a person has died intestate before the date of commencement of this Act shall be distributed in accordance with the enactments and rules of law that would have applied to it if this Act had not commenced.

(5) Where a trustee is empowered or directed by the provisions of a will or other testamentary disposition executed or made before the date of commencement of this Act by a testator who dies on or after that date to pay or apply income, or capital money, or any other capital asset for the maintenance, education, advancement or benefit of a person, nothing in this Act has the effect of limiting that power or direction.

(6) Where by an instrument executed or made before the date of commencement of this Act or by an enactment in force immediately before that date a trustee is empowered or directed to pay income to the parent or guardian of a person or to apply it for the maintenance, education, advancement, or benefit of a person, the trustee also has power to pay it to that person himself if that person has attained the age of eighteen years.

(7) Any order or directions in force immediately before the date of commencement of this Act in relation 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 a claim for money or damages has effect as if a 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 the case of a person to whom section 5 (1) (b) relates, to the date of commencement of this Act.

**8. Amendment and construction of certain Acts.** (1) The Acts specified in the Schedule are amended in the provisions and to the extent therein specified.

(2) An Act as amended by this Act in respect of any provision thereof may be collectively cited as indicated in relation to that Act in the Schedule.

THE SCHEDULE

[s. 8]

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE PREMIER</p>	
<p><i>The Assisted Students (Enforcement of Obligations) Act of 1951</i>                      In section 5 omit from paragraph (a) of subsection (4) the word "twenty-one" and substitute the word "eighteen".                      In section 7 omit from paragraph (i) of subsection (3) the word "twenty-one" and substitute the word "eighteen".</p>	<p><i>Assisted Students (Enforcement of Obligations) Act 1951-1974</i></p>
<p>ACTS ADMINISTERED BY THE HONOURABLE THE TREASURER</p>	
<p><i>The Life Assurance Companies Acts 1901 to 1962</i>                      In section 20 omit the words "the full age of twenty-one years" and substitute the words "full age".</p>	<p><i>Life Assurance Companies Act 1901-1974</i></p>
<p><i>Racing and Betting Act 1954-1972</i>                      In section 12 omit from subsection (1) paragraph (a) thereof.                      In section 24 omit from subsection (1) paragraph (a) thereof.                      In section 61 omit the word "twenty-one" (wherever occurring) and substitute the word "eighteen".                      In section 100 omit the word "twenty-one" (wherever occurring) and substitute the word "eighteen".</p>	<p><i>Racing and Betting Act 1954-1974</i></p>
<p><i>Workers' Compensation Act 1916-1973</i>                      In clause 20 of the Schedule omit the word "twenty-one" (wherever occurring) and substitute the word "eighteen".</p>	<p><i>Workers' Compensation Act 1916-1974</i></p>

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THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR MINES AND MAIN ROADS	
<p><i>The Miners' Homestead Leases Act</i> 1913-1965 Section 29A is repealed.</p>	<p><i>Miners' Homestead Leases Act</i> 1913-1974</p>
<p><i>Mining Act</i> 1968-1973 In section 102—(a) omit subsection (2); and (b) omit the word “twenty-one” (wherever occurring) and substitute the word “eighteen”.</p>	<p><i>Mining Act</i> 1968-1974</p>
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR JUSTICE AND ATTORNEY-GENERAL	
<i>Auctioneers and Agents Act</i> 1971-1972	
<p>In section 15 omit from paragraph (b) of subsection (5) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 34 omit from paragraph (b) of subsection (1) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 35 omit from paragraph (b) of subsection (6) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 36 omit from paragraph (b) of subsection (4) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 42 omit from paragraph (b) of subsection (1) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 46 omit from paragraph (b) of subsection (1) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	
<p>In section 54 omit from paragraph (b) of subsection (1) the words “an adult person” and substitute the words “twenty-one years of age”.</p>	<p><i>Auctioneers and Agents Act</i> 1971-1974</p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR JUSTICE AND ATTORNEY-GENERAL—<i>continued</i></p>	
<p><i>The Co-operative and Other Societies Act of 1967</i></p>	
<p>Paragraph (b) of subsection (2), and subsections (3) and (4), of section 39 are repealed.</p>	<p><i>Co-operative and Other Societies Act 1967-1974</i></p>
<p><i>The Criminal Code</i></p>	
<p>In section 217 omit from subsection (1) the word “twenty-one” and substitute the word “eighteen”.</p>	
<p>In section 351 omit from subsection (2) the word “twenty-one” and substitute the word “eighteen”.</p>	
<p>In section 361—</p> <ul style="list-style-type: none"> <li>(a) omit from subsection (1) the word “twenty-one” and substitute the word “eighteen”;</li> <li>(b) omit from subsection (4) the word “twenty-one” and substitute the word “eighteen”;</li> <li>(c) omit from subsection (5) the word “twenty-one” and substitute the word “eighteen”.</li> </ul>	
<p>In section 701 omit the word “twenty-one” wherever occurring and substitute the word “eighteen”.</p>	<p><i>The Criminal Code</i></p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<b>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR JUSTICE AND ATTORNEY-GENERAL—<i>continued</i></b>	
<p><i>The Equity Acts 1867 to 1960</i>                      In section 151 omit the words “the full age of twenty-one years” and substitute the words “full age”.                      In section 154 omit the word “twenty” and substitute the word “seventeen”.</p>	<i>Equity Act 1867–1974</i>
<p><i>Friendly Societies Act 1913–1974</i>                      In section 28 omit the word “twenty-one” (wherever occurring) and substitute the word “eighteen”.</p>	<i>Friendly Societies Act 1913–1974</i>
<p><i>The Magistrates Courts Acts 1921 to 1964</i>                      In section 4 omit from subsection (5) the word “twenty-one” and substitute the word “eighteen”.</p>	<i>Magistrates Courts Act 1921–1974</i>
<p><i>Perpetuities and Accumulations Act 1972</i>                      In section 9 omit the word “twenty-one” (wherever occurring) and substitute the word “eighteen”.</p>	<i>Perpetuities and Accumulations Act 1972–1974</i>
<p><i>The Probate Act of 1867</i>                      In section 28 omit the word “twenty-one” and substitute the word “eighteen”.</p>	<i>Probate Act 1867–1974</i>
<p><i>Public Curator Act 1915–1973</i>                      In section 53A omit from subparagraph (b) the word “twenty-one” and substitute the word “eighteen”.</p>	<i>Public Curator Act 1915–1974</i>
<p><i>Real Property Act 1861–1973</i>                      Section 111A is repealed.</p>	<i>Real Property Act 1861–1974</i>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR JUSTICE AND ATTORNEY-GENERAL— <i>continued</i>	
<i>The Succession Acts 1967 to 1968</i>	
In section 83 omit the word “twenty” and substitute the word “eighteen”.	
In section 84 omit the word “twenty-one” and substitute the word “eighteen”.	<i>Succession Act 1967–1974</i>
<i>Trustee Companies Act 1968</i>	
In section 30 omit from paragraph (a) of subsection (1) the word “twenty-one” and substitute the word “eighteen”.	<i>Trustee Companies Act 1968–1974</i>
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR EDUCATION AND CULTURAL ACTIVITIES	
<i>Education Act 1964–1973</i>	
In section 10 omit from subsection (1) the word “twenty-one” and substitute the word “eighteen”.	<i>Education Act 1964–1974</i>
<i>James Cook University of North Queensland Act 1970–1973</i>	
In section 8 omit from paragraph (a) of subsection (1) the word “twenty-one” and substitute the word “eighteen”.	<i>James Cook University of North Queensland Act 1970–1974</i>
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR HEALTH	
<i>Ambulance Services Act 1967–1972</i>	
In section 8 omit from paragraph (a) the word “twenty-one” and substitute the word “eighteen”.	
In section 24 omit from paragraph (a) the word “twenty-one” and substitute the word “eighteen”.	<i>Ambulance Services Act 1967–1974</i>
<i>Cremation Act 1913–1972</i>	
In section 6 omit the word “twenty-one” and substitute the word “eighteen”.	<i>Cremation Act 1913–1974</i>



THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR HEALTH—<i>continued</i></p>	
<p><i>Explosives Act</i> 1952–1972                      In section 22 omit from subsection (1) the word “twenty-one” (wherever occurring), and substitute the word “eighteen”.</p>	<p><i>Explosives Act</i> 1952–1974</p>
<p><i>Health Act</i> 1937–1973                      In section 168B omit the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Health Act</i> 1937–1974</p>
<p><i>Mental Health Act</i> 1974                      In section 17—                      (a) subsection (2) is repealed; and                      (b) subsection (1) is renumbered as section 17.</p>	<p><i>Mental Health Act</i> 1974</p>
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR TOURISM, SPORT AND WELFARE SERVICES</p>	
<p><i>Adoption of Children Act</i> 1964–1972                      In section 6 omit from the definition of “Child” the word “twenty-one” and substitute the word “eighteen”.                      In section 11 omit from paragraph (a) of subsection (1) the word “twenty-one” and substitute the word “eighteen”.                      In section 14 omit from subsection (2) the word “twenty-one” and substitute the word “eighteen”.                      In section 16 omit from paragraph (a) of subsection (1) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Adoption of Children Act</i> 1964–1974</p>
<p><i>Children’s Services Act</i> 1965–1973                      In section 8 omit from the definition of “infant” the word “twenty-one” and substitute the word “eighteen”.                      Section 57 is repealed.                      Subsection (3) of section 112 is repealed.</p>	<p><i>Children’s Services Act</i> 1965–1974</p>

THE SCHEDULE—continued

Act and Amendment	New Collective Title
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR DEVELOPMENT AND INDUSTRIAL AFFAIRS	
<p><i>Apprenticeship Act 1964-1972</i></p> <p>In section 2 omit from paragraph (d) of subsection (2) the word “ minors ” and substitute the words “ persons under the age of twenty-one years ”.</p> <p>In section 3 omit the definition of “ Minor ” and substitute the following definition—  ““Minor”—Any person under the age of eighteen years;”.</p> <p>In section 21 omit the word “ minor ” (wherever occurring) and substitute the words “ person under the age of twenty-one years ”.</p> <p>In section 32 omit from subsection (1) the word “ twenty-one ” (wherever occurring) and substitute the word “ eighteen ”.</p>	<p><i>Apprenticeship Act 1964-1974</i></p>
<p><i>Industrial Conciliation and Arbitration Act 1961-1974</i></p> <p>In section 13—</p> <p>(a) omit from subsection (4) the words “ an adult male employee ” and substitute the words “ a male employee who has attained the age of twenty-one years ”;</p> <p>(b) omit from subsection (5) the words “ an adult female employee ” and substitute the words “ a female employee who has attained the age of twenty-one years ”.</p> <p>In section 22 omit the word “ minors ” and insert the word “ persons ”.</p> <p>In section 23—</p> <p>(a) omit the words “ any junior or minor (being in each case a person under twenty-one years of age) ” and substitute the words “ any person under the age of twenty-one years ”;</p> <p>(b) omit the words “ juniors or minors ” (wherever occurring) and substituting the words “ persons under the age of twenty-one years ”;</p> <p>(c) omit the words “ adult workers ” and substitute the words “ workers who have attained the age of twenty-one years ”.</p>	<p><i>Industrial Conciliation and Arbitration Act 1961-1974</i></p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR DEVELOPMENT AND INDUSTRIAL AFFAIRS—<i>continued</i></p>	
<p><i>Inspection of Machinery Act</i> 1951–1973 Subrule (3) of Rule 7 of the Second Schedule is repealed.</p>	<p><i>Inspection of Machinery Act</i> 1951–1974</p>
<p><i>The Labour and Industry Acts</i> 1946 to 1963 Part VI is repealed.</p>	<p><i>Labour and Industry Act</i> 1946–1974</p>
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR PRIMARY INDUSTRIES</p>	
<p><i>The Agricultural Bank (Loans) Act</i> of 1959 In section 23 omit the word “twenty-one” (wherever occurring) and substitute the word “eighteen”.</p>	<p><i>Agricultural Bank (Loans) Act</i> 1959–1974</p>
<p><i>The Farm Produce Agents Act</i> of 1964 In section 7 omit from subsection (7) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Farm Produce Agents Act</i> 1964–1974</p>
<p><i>The Tobacco Industry Protection Act</i> of 1965 In section 8 omit from subsection (4) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Tobacco Industry Protection Act</i> 1965–1974</p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR WORKS AND HOUSING</p>	
<p><i>Co-operative Housing Societies Act 1958–1973</i>            In section 8 omit from subsection (2) the word “twenty-one” and substitute the word “eighteen”.            In section 13—            (a) omit from subsection (2) the words “, but a person who is under the age of twenty-one years shall not be competent to vote at the meeting for the formation of the society or to be elected or appointed an officer of the society, or to hold ordinary shares”;            (b) subsections (3) and (4) are repealed.</p>	<p><i>Co-operative Housing Societies Act 1958–1974</i></p>
<p><i>State Housing Act 1945–1973</i>            Section 21A is repealed.            In section 25B—            (a) omit from subsection (3) the word “twenty-one” (wherever occurring) and substitute the word “eighteen”;            (b) insert after subsection (4) the following subsection:—            “(4A) Subsection (3) applies subject to this subsection. In the case of an advance obtained from the Commission, or a contract to purchase a dwelling-house from the Commission entered into, on or after the date of the passing of <i>The State Housing Act Amendment Act of 1961</i> and before the coming into operation of the <i>Age of Majority Act 1974</i>, subject to subsection (5) the cover under such insurance and the benefit payable in respect of such cover shall be as prescribed by subsection (3) as in force immediately before the coming into operation of the said <i>Age of Majority Act 1974</i>.”.</p>	<p><i>State Housing Act 1945–1974</i></p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR CONSERVATION, MARINE AND ABORIGINAL AFFAIRS	
<p><i>Beach Protection Act</i> 1968–1972            In section 8 omit from paragraph (a) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Beach Protection Act</i> 1968–1974</p>
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR LANDS AND FORESTRY	
<p><i>Primary Producers’ Assistance Act</i> 1972            Subsection (2) of section 10 is repealed.</p>	<p><i>Primary Producers’ Assistance Act</i>            1972–1974</p>
<p><i>The Brigalow and Other Lands Development Acts</i> 1962 to 1967            Section 24 is repealed.</p>	<p><i>Brigalow and Other Lands            Development Act</i> 1962–1974</p>
<p><i>Land Act</i> 1962–1974            Subsection (2) of section 15 is repealed.</p>	<p><i>Land Act</i> 1962–1974</p>
<p><i>Land Surveyors Act</i> 1908–1974            In section 7 omit from subparagraph (i) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Land Surveyors Act</i> 1908–1974</p>
ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR LOCAL GOVERNMENT AND ELECTRICITY	
<p><i>Electrical Workers and Contractors Act</i> 1962–1971            In section 19 omit from paragraph (b) of subsection (2) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Electrical Workers and Contractors            Act</i> 1962–1974</p>

THE SCHEDULE—*continued*

Act and Amendment	New Collective Title
<p>ACTS ADMINISTERED BY THE HONOURABLE THE MINISTER FOR LOCAL GOVERNMENT AND ELECTRICITY—<i>continued</i></p> <p><i>Local Government Act 1936–1974</i>                      In Rule 33 of the Third Schedule omit from subrule (6) the word “twenty-one” and substitute the word “eighteen”.</p> <p><i>The National Trust of Queensland Act 1963 to 1964</i>                      In section 9 omit from paragraph (a) the word “twenty-one” and substitute the word “eighteen”.</p>	<p><i>Local Government Act 1936–1974</i></p> <p><i>National Trust of Queensland Act 1963–1974</i></p>

By Authority: S. G. REID, Government Printer, Brisbane—1974