

Authorised Version No. 014
Age of Majority Act 1977

No. 9075 of 1977

Authorised Version incorporating amendments as at
1 August 2015

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1 Short title and commencement	1
2 Attainment of a particular age	1
3 Persons of age of eighteen years or more to have full legal capacity	2
4 Construction of proclamations, regulations etc.	3
<hr/> <hr/>	
Endnotes	6
1 General information	6
2 Table of Amendments	8
3 Amendments Not in Operation	9
4 Explanatory details	10

Authorised Version No. 014
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An Act to lower the Age of Majority, to confer upon Persons who have attained the Age of eighteen Years the juristic Competence and Capacity of full Age, to make certain consequential Amendments to various Acts, and for other purposes.

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title and commencement

- (1) This Act may be cited as the **Age of Majority Act 1977**.
- (2) This Act shall come into operation on the day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2 Attainment of 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 has effect only where the relevant anniversary falls on the day of commencement of this Act or on a subsequent day.

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

- (1) Subject to this section for all the purposes of the laws of the State—
 - (a) a person who, on or after the day of commencement of this Act attains the age of eighteen years, attains full age and full capacity on attaining that age;
 - (b) a person, who on the day 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 day;
 - (c) the expression *minor* means a person not of full age.
- (2) This section shall not apply so as to affect the operation or construction of any reference in any Act, proclamation, regulation, by-law, local law, rule or instrument to be an age expressed in years.
- (3) This section shall not affect any deficiency of juristic competence or capacity that is attributable to insanity, or mental infirmity, or any other factor as distinct from age.
- (4) Where a beneficiary under a will or instrument of trust, who is sui juris, is by law entitled (either individually or in concert with other persons) to require the disposition of property subject to a trust before the time fixed under the provisions of the trust, that right shall be exercisable by a person who has not attained the age of twenty-one years only in respect of a will or instrument of trust executed on or after the commencement of this Act.

S. 3(2)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.1).

- (5) For the purposes of subsection (4) and notwithstanding any rule of law, a will or codicil executed before the commencement of this Act shall not be treated as executed on or after that commencement by reason only that the will or codicil is confirmed by a codicil executed on or after that commencement.
- (6) Where a person died intestate before the commencement of this Act, the administrator of the estate of the intestate shall not be obliged to distribute any portion of the estate to any person entitled to participate in the distribution before that person has attained the age of twenty-one years.
- (7) This section shall not affect any estate, right or interest in any real or personal property to which any person has become entitled absolutely, whether beneficially or otherwise, before the day of commencement of this Act.

4 Construction of proclamations, regulations etc.

- (1) The provisions of any proclamation, regulation, by-law, local law, rule or statutory instrument shall be construed as if they were so far modified as is necessary to give effect to the provisions of this Act.
- (2) In the absence of a definition or of an indication of a contrary intention the expressions "majority", "full age", "sui juris", "minor", "minority", "infant", "infancy" and any other similar expressions in any Act, proclamation, regulation, by-law, local law, rule or statutory instrument, whether passed, promulgated or made before or after the commencement of this Act, shall be construed in accordance with the provisions of this Act.

S. 4(1)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.2).

S. 4(2)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 3.2).

Age of Majority Act 1977
No. 9075 of 1977

- (3) This section shall not affect the construction of—
- (a) any industrial award, order, determination or agreement;
 - (b) any instrument made or entered into pursuant to any Act which prescribes wages or other conditions of or relating to apprenticeship;
 - (c) any provisions of any Act governing or relating to conditions of employment or rights or obligations arising from employment.

S. 5
repealed by
No. 9863
s. 2(Sch).

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Age of Majority Act 1977
No. 9075 of 1977

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**Sch.
(Heading)
repealed by
No. 21/2015
s. 3(Sch. 1
item 3).**

**Schs 1, 2
repealed by
No. 9863
s. 2(Sch.).**

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Age of Majority Act 1977** was assented to on 6 December 1977 and came into operation on 1 February 1978: Government Gazette 11 January 1978 page 97.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

Age of Majority Act 1977
No. 9075 of 1977
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the **Age of Majority Act 1977** by Acts and subordinate instruments.

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83: s. 1(2)
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 3.1, 3.2) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provisions amending the **Age of Majority Act 1977**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 3) on 1.8.15: s. 2(1)
Current State: This information relates only to the provisions amending the **Age of Majority Act 1977**

3 Amendments Not in Operation

Not updated for this publication.

4 Explanatory details

No entries at date of publication.