

**NORTHERN TERRITORY OF AUSTRALIA**

**CONTRACTS ACT 1978**

As in force at 31 May 1984

**Table of provisions**

1	Short title .....	1
2	Repeal .....	1
3	Commencement .....	1
4	Definition.....	1
5	Contracts by the Territory .....	1
6	This Act not to be taken as appropriating money.....	2
7	Delegation .....	2
8	Not to affect statutory corporations or other bodies .....	2

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 31 May 1984

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## CONTRACTS ACT 1978

### An Act relating to the making and execution of contracts affecting the Northern Territory

#### 1 Short title

This Act may be cited as the *Contracts Act 1978*.

#### 2 Repeal

The *Contracts Ordinance 1923* is repealed.

#### 3 Commencement

This Act shall come into operation on 1 July, 1978.

#### 4 Definition

In this Act, **contract** means an agreement creating rights or liabilities whether made orally or in writing or whether it arises by implication from circumstances or from acts of parties and, without derogating from the generality of the foregoing definition, includes a sale, purchase, mortgage, lease, licence or other dealing with property, guarantee, indemnity or other agreement in relation to a loan and an agreement for the performance of works or services.

#### 5 Contracts by the Territory

- (1) The Territory may enter into a contract.
- (2) A minister may on behalf of the Territory enter into a contract if that contract relates to a matter which concerns or is incidental to the administration of a department or of a law in force in the Territory.
- (3) A contract which, if it were made between natural persons would be required to be in writing to be enforceable by either party shall, if the Territory is a party to such a contract, be in writing and may be executed by a minister.
- (4) A contract which, if it were made between natural persons would be required to be under seal to be enforceable by either party shall, if the Territory is a party to such a contract, be executed by a minister

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and attested by another person who is not a party or signatory (except by way of attestation) to the contract.

- (5) A minister may do all things and execute all documents necessary or desirable to give effect to any contract entered into by the Territory.
- (6) Where a contrary intention appears in another law of the Territory, this section yields to the appearance of the contrary intention.

## **6 This Act not to be taken as appropriating money**

Nothing in this Act authorizes the appropriation of money to satisfy any liability under a contract made in accordance with this Act.

## **7 Delegation**

- (1) A minister may, by instrument in writing, delegate to a person his powers and functions under section 5:
  - (a) in relation to a contract or class of contracts;
  - (b) in relation to a specified district or part of the Territory; or
  - (c) in relation to a contract or class of contracts to be made under or for the purposes of an Act or a provision of an Act,

so that the delegated powers may be exercised by the delegate with respect to the contract or class of contracts specified in the instrument of delegation.

- (2) A delegation given under subsection (1):
  - (a) is revocable by the minister at will;
  - (b) does not prevent the exercise of a power, function or authority by the minister; and
  - (c) is subject to such limitations and conditions as are specified in the instrument of delegation.

## **8 Not to affect statutory corporations or other bodies**

Nothing in this Act prevents or inhibits the power of a statutory corporation or body to enter into contracts within the competence accorded to the statutory corporation or body by any law of the Territory regulating its powers and functions.

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Contracts Ordinance 1978 (Act No. 39, 1978)***

Assent date	29 June 1978
Commenced	1 July 1978 (s 2)

#### ***Statute Law Revision Act 1981 (Act No. 29, 1981)***

Assent date	25 March 1981
Commenced	25 March 1981

#### ***Contracts Amendment Act 1983 (Act No. 48, 1983)***

Assent date	12 October 1983
Commenced	12 October 1983

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

s 5 *Contracts Amendment Act 1983* (Act No. 48, 1983)

### 4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1.

### 5 LIST OF AMENDMENTS

lt	amd No. 29, 1981, s 2
s 1	amd No. 29, 1981, s 2
s 3	amd No. 29, 1981, s 2
s 4	amd No. 29, 1981, s 2; No. 48, 1983, s 3
s 5	amd No. 48, 1983, s 4
ss 6 – 8	amd No. 29, 1981, s 2