

CONTRACTS ORDINANCE 1978

No. 39 of 1978

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

[Assented to 29 June 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

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| Citation | 1. This Ordinance may be cited as the <i>Contracts Ordinance 1978</i> . |
| Repeal | 2. The <i>Contracts Ordinance 1923</i> is repealed. |
| Commencement | 3. This Ordinance shall come into operation on 1 July 1978. |
| Definition | 4. In this Ordinance, "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 or other dealing with property and an agreement for the performance of works or services. |
| Contracts by the Territory | <p>5.(1) The Territory may enter into a contract.</p> <p>(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.</p> <p>(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.</p> <p>(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 sealed with the Public Seal.</p> <p>(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.</p> |
| This Ordinance not to be taken as appropriating money | 6. Nothing in this Ordinance authorizes the appropriation of money to satisfy any liability under a contract made in accordance with this Ordinance. |
| Delegation | <p>7.(1) A minister may, by instrument in writing, delegate to a person his powers and functions under section 5—</p> <p>(a) in relation to a contract or class of contracts;</p> |

- (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 Ordinance or a provision of an Ordinance,

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 sub-section (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. Nothing in this Ordinance 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.

Not to
affect
statutory
corporations or
other bodies
