

# CLAIMS BY AND AGAINST THE GOVERNMENT ORDINANCE 1978

No. 46 of 1978

An Ordinance to provide for and regulate legal proceedings by and against the Government of the Territory

[Assented to 29 June 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

Short title            1. This Ordinance may be cited as the *Claims by and against the Government Ordinance 1978*.

Commencement        2. This Ordinance shall come into operation on 1 July 1978.

Recovery of debts    3. A debt, damage, duty, sum of money, land or goods due, payable or belonging to the Territory, or to a person for and on behalf of the Territory may be sued for and recovered by an action brought by the Territory for that purpose, in accordance with this Ordinance, in a Court of competent jurisdiction, as if the action were instituted by a resident of the Territory.

Recovery of money due under recognizance    4.(1) Where a person has entered into a recognizance and a Court declares that recognizance is forfeited or estreated, notwithstanding any other order made by the Court, a certificate under the hand of the judge or magistrate who ordered the forfeiture of, or estreated the recognizance, may be filed in a Court of competent jurisdiction.

(2) A certificate filed under sub-section (1) takes effect, and may be enforced, as a judgment of the Court in which it is filed, in favour of the Territory.

Action by or against the Territory    5.(1) Subject to this Ordinance, a claim whether in contract, tort or any other cause of action may be brought by or against the Territory by an action in a Court of competent jurisdiction as if the Territory had been a resident of the place appointed for the sittings of that Court.

(2) The Supreme Court has jurisdiction in matters between the Territory or a person suing or being sued on behalf of the Territory, and any other person or a person suing or being sued on behalf of that other person.

6. An action brought by or against the Territory shall be brought in the name of the Northern Territory of Australia.

Method of making the Territory a party to an action

7. In an action to which the Territory is a party, the rights of the parties shall, as nearly as possible, be the same and judgment may be given and costs may be awarded on either side as in an action between persons resident in the Territory.

Incidents of actions to which the Territory is a party

8.(1) No execution or attachment or process in the nature of execution or attachment shall be issued against the property or revenue of the Territory but, when judgment is given against the Territory in an action, the Master of the Supreme Court or a Clerk of the Local Court shall give to the party in whose favour the judgment is given a certificate setting out the terms of the judgment.

No execution against Territory

(2) On receipt of a certificate given under sub-section (1) the Treasurer shall satisfy the judgment out of money legally available.

---