



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 28 of 1979

An Act to make provision in relation to contracts entered into by minors; and for related purposes.

[Assented to 15th March, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

- Short title.** 1. This Act may be cited as the "Minors Contracts (Miscellaneous Provisions) Act, 1979".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Interpretation.** 3. In this Act, unless the contrary intention appears—
 "minor", in relation to a contract, includes a person who was, at the time of entering into the contract, a minor.
- Contract that is unenforceable by reason of minority remains unenforceable unless ratified in writing.** 4. Where a person has entered into a contract that is, by reason of his minority at the time of entering into the contract, unenforceable against him, the contract shall remain unenforceable against him unless it is ratified by him, in writing, on or after the day on which he attains his majority.
- Guarantees.** 5. (1) When a person (other than a minor) guarantees the performance by a minor of his obligations under a contract, the guarantee shall be enforceable against the guarantor to the same extent as if the minor had, before entering into the contract to which the guarantee relates, attained his majority.
 (2) This section does not operate to render a guarantee enforceable if it would, apart from this section, be unenforceable otherwise than by reason of the minority of the person whose obligations are guaranteed.
- Approval of minor's contract by court.** 6. (1) A contract with a minor shall have effect as if the minor had, before entering into the contract, attained his majority if, before the contract was entered into by the minor, its terms were approved by a court.

(2) An application for the approval of a court in respect of the terms of a proposed contract may be made by—

- (a) the minor, or his parent or guardian;
- or
- (b) any other party to the proposed contract.

(3) In this section—

“court” means—

- (a) the Supreme Court;
- or
- (b) a local court of full jurisdiction.

7. (1) Where—

- (a) a person has avoided a contract on the ground of his minority;
- and
- (b) before the avoidance of the contract, property passed thereunder to some other contracting party,

Restitution of property to minor.

a court may, on an application made by or on behalf of the minor, order restitution of that property.

(2) An order under this section—

- (a) may be made on such terms and conditions as the court considers just;
- and
- (b) may be made notwithstanding that the minor has received some benefit under the contract, or that any other party to the contract has partly performed his obligations under the contract.

(3) In this section—

“court” means—

- (a) the Supreme Court;
- (b) where the value of the property in respect of which restitution is sought does not exceed the jurisdictional limit of a local court of full jurisdiction—a local court of full jurisdiction;
- or
- (c) where the value of the property in respect of which restitution is sought does not exceed the jurisdictional limit of a local court of limited jurisdiction—a local court of limited jurisdiction.

8. (1) A court may—

- (a) on the application of a minor;
- or
- (b) on the application of a parent or guardian of a minor,

Appointment of agent to act on behalf of minor.

appoint a person to transact any specified business, or business of a specified class, or to execute any documents, on behalf of the minor.

(2) Where a person appointed to transact business on behalf of a minor under this section incurs any liabilities in the course of so doing those liabilities are enforceable against the minor.

(3) In this section—

“court” means—

(a) the Supreme Court;

or

(b) a local court of full jurisdiction.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor