

1992

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

MAINTENANCE (AMENDMENT) BILL 1992

EXPLANATORY MEMORANDUM

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**Terry Connolly MLA
ATTORNEY GENERAL**

MAINTENANCE (AMENDMENT) BILL 1992

OUTLINE

The *Maintenance Act 1968* (the Principal Act) provides for the payment of maintenance to dependant spouses and children. The Maintenance (Amendment) Bill 1992 amends the Principal Act to address gender terms and in respect of the appointment of officials under the Principal Act.

FINANCIAL CONSIDERATIONS

There are no costs associated with the amendments.

DETAILS

Clause 2 of the Bill provides for commencement of the Bill to be linked to the commencement of section 6 of the *Magistrates Court (Amendment) Act 1992*. Section 6 of the *Magistrates Court (Amendment) Act 1992* provides for arrangements for the appointment of officials of the Magistrates Court which parallel those in the Bill.

Under section 8 of the Principal Act the Minister shall appoint the Collector of Maintenance and may appoint a person to be a Deputy Collector of Maintenance.

Clause 4 of the Bill amends section 8 of the Principal Act to provide that the Collector of Maintenance rather than the Minister may appoint a person to be a Deputy Collector of Maintenance. In the event of a vacancy in the position of the Collector of Maintenance, the Minister may appoint a person to act as Collector of Maintenance. In the event of a vacancy in the position of a Deputy Collector of Maintenance the Collector of Maintenance will have the power to appoint a person to that position. The amendments are made in the interests of administrative efficiency.

Clause 5 of the Bill provides for a Schedule to the Bill which amends the Principal Act to substitute dual gender or neutral terms for masculine references and improves the drafting of some provisions.