



AUSTRALIAN CAPITAL TERRITORY

## Maintenance (Amendment) Act 1993

No. 5 of 1993

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### An Act to amend the *Maintenance Act 1968*

[Notified in ACT Gazette S23: 1 March 1993]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### Short title

1. This Act may be cited as the *Maintenance (Amendment) Act 1993*.

#### Commencement

2. This Act commences on the day on which section 6 of the *Magistrates Court (Amendment) Act 1993* commences.

#### Principal Act

3. In this Act, “Principal Act” means the *Maintenance Act 1968*.<sup>1</sup>

#### Collector and Deputy Collector

4. (1) Section 8 of the Principal Act is amended—
  - (a) by omitting from subsection (2) “The Minister” and substituting “The Collector of Maintenance”;
  - (b) by omitting subsection (3) and substituting the following subsection:

“(3) The Minister may appoint a person to act in the office of Collector of Maintenance.”; and
  - (c) by omitting subsection (6).

(2) Where immediately before the commencement of this Act a person held or acted in an office under section 8 of the Principal Act, the person shall continue to hold or act in that office as if he or she had been appointed under section 8 of the Principal Act as amended by this Act.

### **Further amendments**

5. The Principal Act is amended as set out in the Schedule.

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## **SCHEDULE**

Section 5

### **FORMAL AMENDMENTS**

#### **Section 11—**

Omit “he”, substitute “the defendant”.

#### **Subsection 27 (1)—**

(a) Insert “or she” after “he” (first and second occurring).

(b) Omit “he” (third occurring), substitute “the child”.

#### **Paragraph 37 (4) (a)—**

Omit “him”, substitute “the magistrate”.

#### **Subsection 43 (1)—**

Omit “it or he”, substitute “the Court or the magistrate”.

#### **Paragraph 45 (3) (b)—**

Omit “he”, substitute “the defendant”.

#### **Paragraph 45 (3) (c)—**

Omit “he performs his obligations under the maintenance order in respect of the period for which he”, substitute “the defendant performs his or her obligations under the maintenance order in respect of the period for which he or she”.

#### **Subsection 46 (1)—**

Omit “his” (first occurring), substitute “the defendant”.

#### **Paragraph 46 (1) (b)—**

Omit “his”, substitute “the defendant”.

#### **Subsection 47 (1)—**

Omit “his costs and charges”, substitute “the costs and charges of the person so directed”.

**SCHEDULE**—continued

**Subsection 47 (3)**—

Omit “made upon him”.

**Subsection 49 (4)**—

Omit “his wilful refusal or culpable neglect”, substitute “the wilful refusal or culpable neglect of the defendant”.

**Subsection 49 (7)**—

Omit “he”, substitute “the defendant”.

**Subsection 50 (2)**—

Omit “him”, substitute “the employer”.

**Subsection 53 (4)**—

Omit “in consequence of his treating”, substitute “if the person treats”.

**Section 57**—

Omit “Where a person on whom a copy of an attachment of earnings order that is directed to him is served”, substitute “Where a copy of an attachment of earnings order directed to a person is served on the person and that person”.

**Paragraph 57 (a)**—

Omit “on him”.

**Subsection 58 (2)**—

(a) Omit “A person to whom an attachment of earnings order is directed who makes an application under the last preceding subsection”, substitute “An applicant under subsection (1) to whom an attachment of earnings order is directed”.

(b) Omit “him”, substitute “the applicant”.

**Subsection 61 (1)**—

Omit “him in his employment, or alters his position to his prejudice”, substitute “an employee in his or her employment, or alters the position of an employee prejudicially”.

**Subsection 61 (3)**—

Omit “him”, substitute “the employee”.

**SCHEDULE**—continued**Subsection 64 (6)**—

Omit “him”, substitute “the person”.

**Subsection 65 (1) (definition of “court of summary jurisdiction”)**—

Insert “, her” after “his”.

**Paragraph 66 (2) (a)**—

(a) Omit “him” (first occurring), substitute “the Collector”.

(b) Insert “or her” after “him” (second occurring).

**Subsection 67 (2)**—

Omit “he”, substitute “the Collector”.

**Subsection 68 (1)**—

Omit “he shall, if it appears to him”, substitute “the Collector shall, if it appears to him or her”.

**Section 69**—

Omit “him”, substitute “that Collector”.

**Subsection 70 (3)**—

Omit “by him”.

**Subsection 78 (1)**—

Omit “him and he”, substitute “the person and he or she”.

**Subsection 80 (2)**—

Omit “him”, substitute “the administrative head”.

**Subsection 80 (4)**—

Omit “he”, substitute “the Collector”.

**Subsection 81 (1)**—

Omit “received by him”.

**Subsection 82 (1)**—

(a) Omit “he” (first occurring), substitute “the Collector”.

(b) Insert “or she” after “he” (second occurring).

**SCHEDULE**—continued

**Subsection 83 (1)**—

Omit “he shall, if it appears to him”, substitute “the Collector shall, if it appears to him or her”.

**Section 84**—

Omit “him”, substitute “the administrative head”.

**Paragraphs 84 (a) and (b)**—

Omit “he”, substitute “the administrative head”.

**Subsection 97 (2)**—

Omit “by him”.

**Subsection 97 (4)**—

(a) Omit “he” (first occurring), substitute “the Collector”.

(b) Insert “or she” after “he” (second occurring).

**Subsection 101 (2)**—

Omit “on him”.

**Paragraph 101 (2) (b)**—

Omit “his usual or last-known place of residence or business”, substitute “the usual or last-known place of residence or business of the person”.

**Paragraph 104 (2) (b)**—

Omit “him”, substitute “the defendant”.

**Subsection 104 (3)**—

Omit “he”, substitute “the Registrar”.

**Subparagraph 119 (1) (b) (i)**—

Omit “employer or, if he has more employers than one, of each of his employers”, substitute “or her employer or, if the defendant has more than one employer, of each employer”.

**Subparagraph 119 (1) (b) (iii)**—

Omit “any of his”, substitute “his or her employer or”.

**Paragraph 119 (1) (c)**—

(a) Omit “him or on his”, substitute “the person or on his or her”.

**SCHEDULE**—continued

(b) Omit “his” (second occurring), substitute “the person’s”.

**Paragraph 120 (1) (b)**—

Omit “his last known place of residence or business”, substitute “the last-known place of residence or business of the person”.

**Subsection 120 (3)**—

Omit “him”, substitute “the person”.

**Subsection 120 (5)**—

Omit “under his hand”.

**Further amendments**—

1. The following provisions are amended by inserting “or she” after “he” (wherever occurring):

Subsections 16 (7) and 23 (3), paragraph 27 (2) (a), subsections 27 (3), 44 (1) and (5), paragraph 45 (2) (a), subsections 46 (2) and 47 (2), paragraph 60 (1) (b), subsections 60 (2) and 61 (2), section 63, subsections 64 (4) and (6) and 65 (4), sections 69 and 71, subsection 81 (4), section 88, subsection 108 (2) and paragraph 119 (3) (b).

2. The following provisions are amended by inserting “or her” after “him” (wherever occurring):

Paragraphs 8 (7) (a) and (b), subsection 53 (4), paragraphs 60 (1) (a), 66 (2) (b) and (c), subsections 80 (1) and 104 (3) and paragraphs 119 (1) (a) and (3) (a).

3. The following provisions are amended by inserting “or her” after “his” (wherever occurring):

Subsection 45 (1), paragraph 45 (2) (a), subsections 45 (4), 46 (2) and 61 (3), section 62, paragraphs 64 (1) (a) and (3) (a), subsections 100 (1), 102 (6), 113 (1) and 114 (1) and paragraph 119 (1) (a).

**NOTE**

1. Reprinted as at 31 August 1991.

**NOTE ABOUT HEADINGS**

On the day on which the Act referred to above is amended by this Act, headings to sections of that Act are altered as set out in the following table:

Section	Alteration
57	Insert “ <b>or she</b> ” after “ <b>he</b> ”.
119	Insert “ <b>or her</b> ” after “ <b>his</b> ”.

*[Presentation speech made in Assembly on 10 December 1992]*