

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

## REGULATIONS UNDER THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ORDINANCE 1927.

I JOHN GREIG LATHAM, the Attorney-General of the Commonwealth, in pursuance of the powers conferred upon me by the *Maintenance Orders (Facilities for Enforcement) Ordinance 1927*, hereby make the following Regulations, to come into operation forthwith.

Dated this 28th day of June, 1928.

J. G. LATHAM,  
Attorney-General.

### MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) REGULATIONS.

- Short title. 1. These Regulations may be cited as the Maintenance Orders (Facilities for Enforcement) Regulations.
- Definitions. 2. In these Regulations, unless the contrary intention appears—  
“the Court” means any Court of Petty Sessions having jurisdiction in respect of the Territory;  
“the Ordinance” means the *Maintenance Orders (Facilities for Enforcement) Ordinance 1927*;  
“the Secretary” means the Secretary to the Attorney-General’s Department.

3. The certified copy of an order made by a court in England or Ireland or in any reciprocating State, not being a court of superior jurisdiction, and received by the Governor-General under section 3 of the Ordinance, may be sent to the Secretary, who shall forward the certified copy to the Clerk of the Court.

Certified copy of Maintenance Order made outside the Territory to be forwarded to the Clerk of the Court.

4.—(1.) The certified copy of a provisional order made by a court in England or Ireland or in any reciprocating State, not being a court of superior jurisdiction, and received by the Governor-General under section 6 of the Ordinance, may be sent to the Secretary, who shall forward the certified copy to the Clerk of the Court, with the accompanying documents, and a requisition for an issue of a summons.

Certified copy of a provisional order to be sent to the Clerk of the Court.

(2.) The requisition and summons shall be in accordance with Forms "A" and "B" respectively, in the Schedule to these Regulations or to the like effect.

5. The Clerk to whom any order is sent in accordance with the provisions of the preceding regulations, shall enter it into his records on the date on which he receives it, in the same manner as though the order had been made in his court, distinguishing it from other entries so as to show that it is entered in pursuance of the Ordinance.

Clerk to enter orders in records.

6.—(1.) Where a provisional order, made by the Court, and transmitted to a court in England or Ireland, or in any reciprocating State, has been remitted to the Court for the purpose of taking further evidence, the Clerk of the Court shall cause the matter to be brought before that court as soon as practicable.

Provisional order remitted for further evidence.

(2.) Before proceeding to take that evidence, the Court shall cause notice, in accordance with Form "C" in the Schedule to these Regulations, to be sent to the complainant.

7. When depositions taken by a court in England or Ireland or in any reciprocating State, in connexion with an order remitted to that court, for the purpose of taking further evidence, have been sent to the Court, the Clerk of the Court shall send a notice, in accordance with Form "D" in the Schedule to these Regulations, to the parties concerned, of the time and place at which the matter will be considered by the Court.

Notice to parties of consideration of matter whether further depositions taken.

8.—(1.) When an order provisionally made in England or Ireland or in any reciprocating State, has been confirmed with or without modification under section 6 of the Ordinance, or the Court has decided not to confirm it, or where, after confirmation it has been rescinded or varied, the Clerk of the Court shall send notice of the Court's decision to the Secretary for transmission to the court by which the provisional order was made.

Notice of court's decision to be sent to Secretary.

(2.) The notice required to be sent in pursuance of the last preceding regulation shall be in accordance with Form "E" in the Schedule to these Regulations, and shall be accompanied by a copy of the provisional order.

9. When the Court, whether on proceedings for confirmation or for rescission or variation, is satisfied that it is necessary to remit the case to the court which made the order, for the purpose of taking further evidence, the Clerk of the Court shall remit the case by sending to the Secretary for transmission to the clerk or some other officer of the court which made the order a notice in accordance with Form "F" in the Schedule to these Regulations, which shall set out matters in respect of which further evidence is necessary, and he shall attach a copy of the provisional order to the notice.

Manner of remission of case for further evidence.

10. When an order has been registered under section 3 of the Ordinance, or a provisional order has been confirmed under section 6 of the Ordinance, the Court shall direct that all payments due thereunder shall be made to some member of the Police Force, who shall be furnished with a copy of the order.

Payments under orders to be made to members of Police Force.

11.—(1.) The member of the Police Force to whom payments are directed to be made, shall collect the moneys due under the orders, and shall take all necessary proceedings for enforcing payment as provided by sub-section (2.) of section 8 of the Ordinance, and shall hand the moneys when so collected, to the Clerk of the Court for transmission to the clerk of the court from which the order originally issued.

Collection &c., of moneys due under orders.

(2.) A statement giving the names of the parties in the case, and particulars of the period covered by the payment, shall accompany each remittance, the cost of which shall be deducted by the Clerk of the Court from the amount to be remitted.

## THE SCHEDULE.

## THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

## Requisition for Summons.

(a) Clerk of  
Petty Sessions  
at.  
(b) State title  
of act.

To the (a)

WHEREAS upon the application of \_\_\_\_\_ a provisional order under the (b) \_\_\_\_\_ was made against \_\_\_\_\_ in the Court holden at \_\_\_\_\_ for the payment of \_\_\_\_\_ towards the maintenance of \_\_\_\_\_

And whereas a certified copy of the said order together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to me in the manner prescribed:

Now, therefore, I \_\_\_\_\_ the Secretary to the Attorney-General's Department, in accordance with the provisions of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1927*, do hereby forward you the said documents and request you to issue a summons against the said \_\_\_\_\_ calling upon him to appear before the Court of Petty Sessions to be holden at \_\_\_\_\_ to show cause why the said order should not be confirmed.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Secretary to Attorney-General's Department.

R.4.

Form B.

## THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

Summons to the Defendant to show cause why a Provisional Order should not be Confirmed.

To \_\_\_\_\_ of \_\_\_\_\_ in the Territory for the Seat of Government.

WHEREAS upon the application of \_\_\_\_\_ a provisional order under the \_\_\_\_\_ was made against you in the Court holden at \_\_\_\_\_ for the payment of \_\_\_\_\_ towards the maintenance of \_\_\_\_\_

And whereas a certified copy of the said order, together with the depositions of the witnesses and a statement of the grounds on which the order might have been opposed has been transmitted in the manner prescribed to the Secretary to the Attorney-General's Department, who has caused the said order, depositions and statement to be sent to the Court of Petty Sessions at \_\_\_\_\_ with a requisition that a summons be issued thereon:

This is therefore to command you to appear on \_\_\_\_\_ the day of \_\_\_\_\_, 19 \_\_\_\_\_, at ten o'clock in the forenoon at the Court of Petty Sessions at \_\_\_\_\_ before \_\_\_\_\_ to show cause why the said order made against you should not be confirmed in accordance with the *Maintenance Orders (Facilities for Enforcement) Ordinance 1927*.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Clerk of Petty Sessions at \_\_\_\_\_

R.6.

Form C.

## THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

In the Court of Petty Sessions holden at \_\_\_\_\_ in the \_\_\_\_\_

To \_\_\_\_\_ of \_\_\_\_\_ Complainant and \_\_\_\_\_ Defendant. Government. \_\_\_\_\_ in the Territory for the Seat of

Take notice that the provisional order for maintenance made against the above-named defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, on your complaint has been remitted by \_\_\_\_\_ Court at \_\_\_\_\_ for the purpose of further evidence in the matter being taken.

You are therefore required to appear before the Court of Petty Sessions at \_\_\_\_\_ in the said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at ten o'clock in the forenoon and there adduce to the Court further evidence touching the following matters:—

[Here set out matters.]

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Clerk of Petty Sessions at \_\_\_\_\_

R.7.

Form D.

## THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

In the Court of Petty Sessions holden at \_\_\_\_\_ in the \_\_\_\_\_

To \_\_\_\_\_ of \_\_\_\_\_ Complainant and \_\_\_\_\_ Defendant. Government. \_\_\_\_\_ in the Territory for the Seat

Take notice that certain depositions which may be inspected by you at my office and of which a copy will be supplied to you on payment of the prescribed fees have been forwarded to this Court by the \_\_\_\_\_ Court in \_\_\_\_\_ and that the further consideration of the

application now pending for the (a) of the provisional order (a) Confirmation,  
herein will be proceeded with at the at in the rescission, or  
said on the day of , 19 , at variation.  
ten of the clock in the forenoon.  
Dated the day of , 19  
Clerk of Petty Sessions at

R.8. Form E.  
THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

In the Court of Petty Sessions holden at in the  
Complainant and Defendant.

The order made in the above-mentioned case came before this Court on  
the day of , 19 , for (a)  
and after due inquiry the Court arrived at the following decision:— (a) Confirmation,  
rescission, or  
variation.

[Here set out the Court's decision.]

Dated the day of , 19

Clerk of Petty Sessions at  
To the Clerk of the Court at

R.9. Form F.  
THE TERRITORY FOR THE SEAT OF GOVERNMENT.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1927.*

In the Court of Petty Sessions holden at in  
Complainant and Defendant.

WHEREAS on the hearing of an application for the (a)  
of the provisional order herein, a copy of which is annexed, the Court was (a) Confirmation,  
satisfied that it was necessary to remit the case to the Court which made rescission, or  
the order for the purpose of taking further evidence on the matters indicated variation.  
hereunder.

I do, therefore, hereby remit the case to you accordingly, and request  
that the Court which made the order or some other competent Court will  
take further evidence on the following matters:—

[Here set out the matters on which the evidence is required.]

and will further deal with the case according to law.

Dated the day of , 19

Clerk of Petty Sessions at  
The Secretary, Attorney-General's Department, Canberra.