

MAINTENANCE ORDINANCE

MAINTENANCE REGULATIONS

REGULATIONS 1968, No. 8*

- Short title.** 1. These Regulations may be cited as the Maintenance Regulations.
- Commencement.** 2. These Regulations shall come into operation on the date of commencement of the *Maintenance Ordinance* 1968.†
- Definition.** 3.—(1.) In these Regulations, “the Ordinance” means the *Maintenance Ordinance* 1968.
- (2.) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in the First Schedule to these Regulations.
- Compliance with forms.** 4. Strict compliance with the forms in the First Schedule to these Regulations is not necessary and substantial compliance, or such compliance as the special circumstances of a particular case allow, is sufficient.
- Complaint.** 5. A complaint under the Ordinance shall be in accordance with Form 1.
- Collector's certificate.** 6. For the purpose of the definition of “collector's certificate” in sub-section (1.) of section 65 of the Ordinance, a collector's certificate shall be in accordance with Form 2.
- Applications.** 7. A proceeding in the Court under the Ordinance, other than a proceeding that is required by the Ordinance to be instituted by making a complaint to the Clerk, shall be instituted by filing in the office of the Clerk an application to the Court in accordance with Form 3.
- Reciprocating countries.** 8. For the purpose of sub-section (1.) of section 93 of the Ordinance—
- (a) each of the countries specified in Part I. of the Second Schedule to these Regulations; and
 - (b) each of the countries, each country being a Province of Canada, specified in Part II. of that Schedule,
- is declared to be a reciprocating country.

* Made under the *Maintenance Ordinance* 1968 on 11 November 1968; notified in the *Commonwealth Gazette* on 28 November 1968.

The form of introductory words used to make the Regulations was as follows:

“Whereas it is provided by sub-section (1.) of section 93 of the *Maintenance Ordinance* 1968 that, where the Attorney-General is satisfied that the law of a country makes provision for the enforcement in that country of maintenance orders made in another country and that under that law Territory orders may be made enforceable in that country, regulations may be made under that Ordinance declaring that country to be a reciprocating country for the purposes of Part IV. of that Ordinance:

“And whereas I, Nigel Hubert Bowen, the Attorney-General of the Commonwealth, am satisfied that the law of each country specified in the Second Schedule to these Regulations makes provision for the enforcement in that country of maintenance orders made in another country and that under that law Territory orders may be made enforceable in that country:

“Now therefore I, Nigel Hubert Bowen, the Attorney-General aforesaid, hereby make the following Regulations under the *Maintenance Ordinance* 1968.”

† The date fixed under section 2 of the *Maintenance Ordinance* 1968 for the commencement of that Ordinance was 1 January 1969; see *Commonwealth Gazette* 23 December 1968, p. 7571.

THE SCHEDULES

FIRST SCHEDULE

FORM 1

Regulation 5

AUSTRALIAN CAPITAL TERRITORY

Maintenance Ordinance

COMPLAINT

In the Court of }
Petty Sessions }

No. of 19 .

In the matter of a claim for a maintenance
order (*or as the case may be*) for the benefit
of
against .I, (*full name, address and occupation*), complain to the Clerk upon oath (on behalf of
or on my own behalf and on behalf of)
that (*full name, address and occupation of defendant*) has (*here set out particulars of the*
complaint) .2. On the hearing of this complaint, the Court will be asked to make the following
orders:—

1.

Dated this day of , 19 .

Sworn at
on the day
of , 19 ,
before me

(Signature)

Clerk of the Court of Petty Sessions.

MAINTENANCE ORDINANCE—

FIRST SCHEDULE—continued

FORM 2

Regulation 6

AUSTRALIAN CAPITAL TERRITORY

Maintenance Ordinance

Sections 67,77
and 82

COLLECTOR'S CERTIFICATE RELATING TO A MAINTENANCE ORDER

In the matter of an order made by the (here
set out the name of the Court) on the
day of , 19 , for the benefit of
against .

I, , of , the Collector
of Maintenance for the Australian Capital Territory, certify as follows:—

1. Attached to this certificate are three copies of each of the following documents, each document containing an order (or orders) of a court for or relating to the payment of maintenance by (full name and address of defendant) (hereinafter called "the defendant"):—
(Here set out, in respect of each document—
(a) particulars of the court by which and the date on which, the order was (or the orders were) made;
(b) in the case of any provisional order—particulars of the court by which, and the date on which, it was confirmed; and
(c) in the case of any order that was not made by, but is registered in, the Court of Petty Sessions—particulars of the date of registration.)
2. The documents so attached constitute certified copies of—
(a) a maintenance order under which the defendant is required to pay the sum of weekly (or as the case may be) for the maintenance of the complainant ;
(b) (If there are two or more complainants, set out in this and the following subparagraphs the like particulars relating to the order made in respect of each other complainant.)
3. The maintenance order (or Each maintenance order) is presently enforceable in the Australian Capital Territory but not under the law of a State or any other Territory of Australia.
or, in the case of an overseas order
3. The maintenance order (or Each maintenance order) is enforceable in the Australian Capital Territory under Division 3 of Part IV. of the Maintenance Ordinance 1968.
4. It appears to me that the defendant has ceased to reside in the Australian Capital Territory and is resident in (or is proceeding to) (here set out the name of the city or town and of the State, other Territory or country).
or, in the case of an overseas order
4. It appears to me that there are reasonable grounds for believing that the defendant has ceased to reside in the Australian Capital Territory and is resident in (or is proceeding to) (here set out the name of the city or town and of the State or other Territory).
5. The amount due and unpaid in respect of the maintenance order relating to the complainant , as at the day of 19 , is \$, and the portion of that amount in respect of which the defendant has served or is to be deemed to have served a period of imprisonment is \$.
6. (If there are two or more complainants, set out in this and the following paragraphs the like particulars relating to the amount owing in respect of each other complainant.)

Dated this day of 19 .

Collector of Maintenance.

FIRST SCHEDULE—continued

FORM 3

Regulation 7

AUSTRALIAN CAPITAL TERRITORY

Maintenance Ordinance

APPLICATION TO THE COURT OF PETTY SESSIONS

In the Court of }
Petty Sessions }

No. of 19 .

In the matter of an order made by the
(here set out the name of the Court) on the
day of , 19 ,for the benefit of
against .Application is made to the Court of Petty Sessions by (full name) (on behalf of
or on my own behalf and on behalf of
) for the following orders:—

1.

This application has been set down for hearing by the Court of Petty Sessions at
on the day of
, 19 , at o'clock in the noon, or so
soon thereafter as the course of business will permit.

Dated this day of 19 .

Applicant.

This application is filed by , the applicant, of
(full address and occupation).It is intended to serve this application on (full name, address and occupation). (or It is not
intended to serve this application on any person.)*To the abovenamed (full name of the person on whom a copy of the application is to be
served):If you do not attend the Court at the time and place specified above for hearing the
application, the Court may †(either issue a warrant for your arrest or) hear and determine
the application in your absence.* Leave out if
it is not
intended to
serve the
application
on any person.† Leave out the
words in
brackets
if the
application
is not an
application
to commit the
person to
prison.

SECOND SCHEDULE

Regulation 8

RECIPROCATING COUNTRIES

Part I.—Countries other than Provinces of Canada

Ceylon
Cook Islands
Cyprus
United Kingdom of Great Britain and Northern Ireland
India
Kenya
Malawi
New Zealand
Federal Republic of Nigeria
Niue
Pakistan
Republic of Singapore
Republic of South Africa
Republic of Zambia

Part II.—Provinces of Canada

Alberta
British Columbia
Manitoba
Newfoundland
Ontario
Prince Edward Island
Saskatchewan