

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 22 of 1932.

AN ORDINANCE

Relating to Matrimonial Causes.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1931*, as follows:—

1. This Ordinance may be cited as the *Matrimonial Causes Ordinance 1932*. Short title.

2. This Ordinance shall be administered by the Attorney-General and shall commence on a date to be fixed by the Attorney-General by notice in the *Gazette*. Administration and commencement.

3.—(1.) The Matrimonial Causes Act, 1899, of the State of New South Wales shall cease to be in force in the Territory. Application of State Act.

(2.) The Matrimonial Causes Act, 1899, of the State of New South Wales, as amended by the Matrimonial Causes (Amendment) Act, 1929, of that State, shall subject to this Ordinance apply in the Territory as a law of the Territory.

4.—(1.) In this Ordinance, unless the contrary intention appears— Definitions.

“the Act” means the Matrimonial Causes Act, 1899, of the State of New South Wales, as amended by the Matrimonial Causes (Amendment) Act, 1929, of that State, in its application to the Territory.

(2.) Any reference in the Act to “New South Wales” in relation to domicile or residence in relation to divorce shall be read as a reference to the Territory for the Seat of Government.

5. Section three of the Act is repealed and the following section inserted in its stead:—

“3. In this Act, unless the contrary intention appears— Definitions.

‘Judge’ or ‘Judge of the Supreme Court’ means a Justice of the High Court:

'Prescribed' means prescribed by this Act or rules made thereunder in so far as those rules are not inconsistent with rules made by the Justices of the High Court prescribing the practice and procedure of that Court in the exercise of jurisdiction under this Act;

'the Court' means the High Court constituted by a single Justice thereof, and, in relation to appeals, means a Full Court of the High Court;

'the Crown Solicitor' means the Crown Solicitor of the Commonwealth;

'the Full Court' means the Full Court of the High Court;

'the Registrar' means the District Registrar of the High Court at the District Registry in the Territory for the Seat of Government;

'the Supreme Court' means the High Court."

Claim by
husband.

6. Section fifty-two of the Act is amended—

(a) by inserting in sub-section (3.), after the word "applied", the words "in the State of New South Wales"; and

(b) by adding at the end of sub-section (3.) the words "of that State".

Enforcement
of decrees.

7. Section eighty-seven of the Act is amended by omitting the words "Supreme Court in the exercise of its equitable jurisdiction" and inserting in their stead the words "High Court in the exercise of jurisdiction conferred upon it by the *Judiciary Act 1903-1927* and the *High Court Procedure Act 1903-1925*".

Summary
proceedings to
enforce orders
for alimony or
maintenance.

8. Section ninety A of the Act is amended—

(a) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) The complaint shall be dealt with in like manner as a complaint under the *Court of Petty Sessions Ordinance (No. 2) 1930.*";

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

"(4.) A Magistrate may in and by an order made under this section do all or any of the things that a Magistrate may do under section One hundred and forty-eight of the *Court of Petty Sessions Ordinance (No. 2) 1930*, and that section shall apply accordingly."; and

(c) by omitting the words "the Justices" (wherever occurring) and inserting in their stead the words "a Magistrate".

Powers of
Registrar.

9. Section ninety-four of the Act is amended by adding at the end thereof the following sub-section:—

"(2.) An appeal shall lie to the Court from any decision, order or direction of the Registrar under this section."

10. Subject to Rules made by the Justices of the High Court under the Act and so far as such Rules do not extend, the practice and procedure of the Court in the exercise of jurisdiction under the Act shall be regulated as nearly as may be according to the Rules made under the *Judiciary Act* 1903-1927 and the *High Court Procedure Act* 1903-1925, and, so far as any of the foregoing Rules do not extend, as nearly as may be according to the practice and procedure for the time being of the Supreme Court of New South Wales in its Divorce Jurisdiction. Practice and
procedure of
Court.

Dated this twenty-first day of November, One thousand nine hundred and thirty-two.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. G. LATHAM

for Minister of State for the Interior.

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