

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 26 of 1934.

AN ORDINANCE

To amend 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, as amended for the time being by Ordinance.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, 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* 1910-1933, as follows:—

1. This Ordinance may be cited as the *Matrimonial Causes Ordinance* 1934. Short title and citation.

2. In this Ordinance, unless the contrary intention appears— Definition.

“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, as amended for the time being by Ordinance.

3. Sections twenty-two and twenty-three of the Act are repealed and the following section inserted in their stead:—

“22.—(1.) A decree *nisi* shall become absolute upon the Registrar entering on the petition a memorandum that he has made the decree absolute or upon being made absolute by the Court. Memorandum making decree absolute.

(2.) At the expiration of the time limited by the decree *nisi*, the Registrar shall enter on the petition the memorandum making the decree absolute unless—

(a) pursuant to the provisions of section thirty of this Act, matter in opposition to the decree absolute is then pending; or

(b) notice of appeal to the Full Court of the High Court against the decree *nisi* has been filed with the Registrar; or

(c) the petitioner by writing under his hand has directed that the decree *nisi* shall not be made absolute.

(3.) If, at the expiration of the time limited by the decree *nisi*, matter in opposition to the decree absolute is then pending, or if, within the time limited by the decree *nisi*, any notice of appeal to the Full Court of the High Court has been filed with the Registrar, the decree *nisi* shall not be made absolute except by the Full Court of the High Court on motion made thereto, and the Registrar shall not enter the memorandum making the decree absolute.

(4.) If the petitioner, within such time, gives a direction that the decree *nisi* shall not be made absolute, the decree *nisi* shall be discharged and become ineffectual for all purposes, and a memorandum that it has been discharged shall be entered upon the petition by the Registrar.

(5.) When the Registrar has entered the memorandum that the decree *nisi* has been made absolute or that it has been discharged, he shall give written notice to the parties to the suit that the decree *nisi* has been made absolute or has been discharged, as the case may be, and in cases of difficulty he may obtain the direction of the Court."

Dated this nineteenth day of December, 1934.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

ROBERT G. MENZIES

for Minister of State for the Interior.