

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 5 of 1938.

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 1938*. 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 by the *Matrimonial Causes Ordinance 1932*, the *Matrimonial Causes Ordinance 1933* and the *Matrimonial Causes Ordinance 1934*.

3. Section three of the Act is amended— Interpretation.

(a) by omitting from the definition of “the Court” the words “a Full Court of”; and

(b) by omitting from the definition of the “Full Court” the words “the Full Court of”.

4. Section twenty-two of the Act is repealed and the following section inserted in its stead:—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) matter in opposition to the decree absolute is then pending;
- (b) application has been made to the High Court for the new trial of any issue;
- (c) notice of appeal to the High Court against the decree *nisi* has been filed with the Registrar; or
- (d) the petitioner and the respondent by writing under their hands have 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 *nisi* is then pending, or if, within the time limited by the decree *nisi*, application has been made to the High Court for the new trial of any issue, or notice of appeal to the High Court has been filed with the Registrar, the decree *nisi* shall not be made absolute except by the Court on motion made thereto by the petitioner or the respondent, and the Registrar shall not have power to enter the memorandum making the decree absolute.

“(4.) If the petitioner and the respondent, within the time limited by the decree *nisi*, direct by writing under their hands 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 on 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, and in cases of difficulty he may obtain the direction of the Court.”.

5. Section twenty-nine of the Act is amended by inserting, after the word “twenty-one”, the words “and twenty-two”.

Dated this twenty-third day of February, 1938.

GOWRIE

Governor-General.

By His Excellency's Command,

ROBERT G. MENZIES

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.