

MAINTENANCE RECOVERY (RECIPROCITY WITH STATES)

No. 17 of 1966

An Ordinance to amend the *Maintenance Recovery (Reciprocity with States) Ordinance 1963.*

**Short title and
citation.**

1.—(1.) This Ordinance may be cited as the *Maintenance Recovery (Reciprocity with States) Ordinance 1966.**

(2.) The *Maintenance Recovery (Reciprocity with States) Ordinance 1963†* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Maintenance Recovery (Reciprocity with States) Ordinance 1963-1966.*

Interpretation.

2. Section 2 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the definition of “certified copy” and inserting in its stead the following definition:—

“ ‘certified copy’—

(a) in relation to a maintenance order or other order of a court (not being an order made under the *Matrimonial Causes Act 1959-1965*)—means a copy of the order certified to be a true copy by an officer of the court that made the order, or a copy of such a copy certified to be a true copy by an officer of the court in or by which the order has been registered or confirmed;

(b) in relation to a maintenance order or other order made under the *Matrimonial Causes Act 1959-1965*—means a certificate of the order issued under the

* Made on 29 September, 1966; notified in the *Commonwealth Gazette* and commenced on 15 December, 1966.

† Ordinance No. 16, 1963.

rules made under that Act, or a copy of such a certificate certified to be a true copy by an officer of the court in which the order has been registered under that Act; and

(c) in relation to a record of the depositions of a witness in proceedings before a court—means a copy of the record certified by an officer of the court to be a true copy of the record;”;

(b) by inserting in sub-section (1.), after the definition of “collector”, the following definition:—

“ ‘collector’s certificate’—

(a) in relation to a maintenance order made or registered in the Territory—means a certificate in accordance with or to the effect of Form 1A in the Schedule to this Ordinance signed by the Collector; and

(b) in relation to a maintenance order made or registered in a reciprocating State—means a certificate in or to the effect of such form prescribed by or under the law of that State as corresponds with Form 1A in the Schedule to this Ordinance;”;

(c) by omitting from sub-section (1.) the definition of “maintenance order” and inserting in its stead the following definition:—

“ ‘maintenance order’ means an order (whether made or pronounced before or after the commencement of this Ordinance) being—

(a) an order whereby a person is ordered to pay money, whether in a lump sum or by instalments, or to pay sums of money periodically, for or towards the maintenance of

another person, or otherwise to make provision for or towards the maintenance of another person or by way of recoupment of moneys spent in, or provided for, the maintenance of another person; or

(b) an order made for the payment, whether in whole or in part, of—

- (i) preliminary expenses;
- (ii) funeral expenses of a child, whether legitimate or not;
- (iii) funeral expenses of the mother of an illegitimate child; or
- (iv) the cost of medical, surgical, psychiatric, dental, hospital or nursing care or treatment of a person in respect of whom an order or nominal order of the kind referred to in paragraph (a) of this definition has been made,

and, if such an order has been varied, means the order so varied and all orders, wherever made, by which it has been varied and includes an order for the payment of costs in any proceedings in which an order referred to in paragraph (a) or (b) of this definition was made;”;

(d) by inserting in sub-section (1.), after the definition “order”, the following definition:—

“‘preliminary expenses’, in relation to a woman who has been or expects to be confined, means the following expenses:—

- (a) the expense of maintaining the woman for a period of two

months immediately before her confinement or expected confinement;

(b) reasonable medical, surgical, hospital and nursing expenses of her confinement or expected confinement; and

(c) the expense of maintaining the woman, and any child or children born to her during her confinement or expected confinement, for a period of three months immediately following the birth of that child or those children;"

3. Section 9 of the Principal Ordinance is amended—

(a) by inserting in paragraph (c) of sub-section (1.), after the word "certificate", the words "or three certified copies";

(b) by inserting in paragraph (d) of sub-section (1.), before the words "a certificate", the words "a collector's certificate referring to the maintenance order or";

(c) by inserting in sub-section (2.), after the word "certificate" (first and second occurring), the words "or certified copy"; and

(d) by adding at the end thereof the following sub-section:—

"(3.) Where a maintenance order made or registered in the Territory is, in pursuance of a request under this section, made enforceable in a reciprocating State—

(a) the order ceases to be in force in the Territory;

(b) the order remains unenforceable in the Territory unless and until it ceases to be enforceable in the reciprocating State; and

(c) every warrant or other process arising out of the order previously issued in the Territory and not executed ceases to have effect."

Transmission
of maintenance
orders for
enforcement in
reciprocating
States.

Enforcement in
the Territory of
maintenance
orders made
in reciprocating
States.

4. Section 10 of the Principal Ordinance is amended—

(a) by inserting in paragraph (a) of sub-section (1.), after the word “certificate”, the words “or certified copy”;

(b) by inserting in paragraph (b) of sub-section (1.), before the words “a certificate”, the words “a collector’s certificate referring to the maintenance order or”;

(c) by inserting in sub-section (3.), after the word “order” (second occurring), the words “or a certified copy of the order”; and

(d) by adding at the end thereof the following sub-sections:—

“ (4.) Where—

(a) a maintenance order made or registered in a reciprocating State is registered under this section; and

(b) the Collector receives from the collector of the reciprocating State a request in writing that the order be made no longer enforceable in the Territory,

the Collector shall cancel the registration of the order under this section by noting the fact and date of the cancellation in the Register opposite the entry in respect of the order.

“ (5.) Where the registration of the order is so cancelled—

(a) the order ceases to be enforceable in the Territory;

(b) the order remains unenforceable in the Territory unless and until it is again registered under this section; and

(c) every warrant or other process arising out of the order previously issued in the Territory and not executed ceases to have effect.”.

5. Section 11 of the Principal Ordinance is amended by inserting, after the word "certificate" (first, third, fourth, fifth, sixth and seventh occurring), the words "or certified copy".

Enforcement in the Territory of orders, &c., affecting maintenance orders made in reciprocating States.

6. Section 13 of the Principal Ordinance is amended—

Variation, &c., of maintenance orders.

(a) by inserting in sub-section (9.), before the words "the collector", the words "the Collector for transmission to";

(b) by omitting sub-section (10.) and inserting in its stead the following sub-section:—

"(10.) Where a provisional order is remitted by a court of a reciprocating State to the Court of Petty Sessions for the purpose of taking further evidence, the Court of Petty Sessions shall, after giving notice to the Collector and to such other persons and in such manner as it thinks fit, proceed to take the further evidence and any other evidence it thinks fit, and the Clerk of the Court of Petty Sessions shall cause a record, or a certified copy of a record, of the depositions of the witnesses who gave the further or other evidence to be sent to the Collector for transmission to the court that requested the taking of the further evidence.";

(c) by omitting from sub-section (12.) the words "the Clerk of the Court of Petty Sessions" and inserting in their stead the words "the Collector"; and

(d) by inserting, before the words "the court", the words "the collector of the reciprocating State for transmission to".

7. The Schedule to the Principal Ordinance is amended by inserting, before Form 1, the following form:—

Amendment of Schedule.

"FORM 1A.

AUSTRALIAN CAPITAL TERRITORY

Section 9.

Maintenance Recovery (Reciprocity with States) Ordinance 1963-1966.

COLLECTOR'S CERTIFICATE IN RESPECT OF MAINTENANCE ORDER.

Complainant

Defendant

I, _____, of

in the Australian Capital Territory certify as follows:—

1. I am the Collector of Inter-State Maintenance for the Australian Capital Territory under the provisions of the *Maintenance Recovery (Reciprocity with States) Ordinance 1963-1966.*

