

MATRIMONIAL CAUSES.

No. 29 of 1955.

An Act to amend the *Matrimonial Causes Act 1945*.

[Assented to 15th June, 1955.]

[Date of commencement, 13th July, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Matrimonial Causes Act 1955*.

(2.) The *Matrimonial Causes Act 1945** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Matrimonial Causes Act 1945-1955*.

2. Section two of the Principal Act is amended by inserting after the words—

“ Part III.—Institution of Matrimonial Causes by certain Persons Domiciled in Australia.”

the words—

“ Part IIIA.—Institution of Matrimonial Causes by certain Women.”.

3. Section seven of the Principal Act is repealed.

Preservation of jurisdiction otherwise than under Part II.
Preservation of jurisdiction otherwise than under Part III.

4. Section twelve of the Principal Act is repealed.

5. After Part III. of the Principal Act the following Part is inserted :—

“ PART IIIA.—INSTITUTION OF MATRIMONIAL CAUSES BY CERTAIN WOMEN.

“ 12A.—(1.) Where a woman is resident in a State or Territory and has resided there for not less than three years immediately prior to the institution of proceedings under this Part, she may institute proceedings in any matrimonial cause in the Supreme Court of that State or Territory as though she were, or had been for any period required by the law of that State or Territory, domiciled in that State or Territory.

Institution of matrimonial causes by women in certain cases.

“ (2.) The Supreme Court of each State is hereby invested with Federal jurisdiction, and jurisdiction is hereby conferred on the Supreme Court of each Territory, to hear and determine matrimonial causes instituted under the last preceding sub-section.

“ 12B. The Supreme Court of a State shall exercise any jurisdiction with which it is invested, and the Supreme Court of a Territory shall exercise any jurisdiction which is conferred on it, by the last preceding section in accordance with the law of that State or Territory.”.

Law to be applied in proceedings under Part IIIA.

6. Section thirteen of the Principal Act is repealed and the following sections are inserted in its stead :—

“ 13. A judgment, decree, order or sentence of the Supreme Court of a State or Territory given, made or pronounced in the exercise of any jurisdiction invested or conferred by this Act shall have effect throughout Australia.

Recognition of judgments, &c., under this Act.

Staying and referring of proceedings under this Act.

“ 13A.—(1.) Where it appears to the Supreme Court of a State or Territory in which proceedings in a matrimonial cause have been instituted under this Act—

- (a) that similar proceedings have been instituted between the same parties in the Supreme Court of another State or Territory ; or
- (b) that it is in the interests of justice that the proceedings be carried on in the Supreme Court of another State or Territory, being a State or Territory in which the parties are domiciled,

the first-mentioned Supreme Court may, on the application of the respondent or defendant, stay proceedings in the cause for such time as it thinks fit and, in the case of any cause to which paragraph (b) of this sub-section applies, may refer the cause to the Supreme Court of the other State or Territory.

“ (2.) Where a matrimonial cause is referred to the Supreme Court of a State or Territory under the last preceding sub-section, that court shall have the same jurisdiction to hear and determine the proceedings as it would have had if they had been instituted in that court otherwise than under this Act.

Preservation of jurisdiction otherwise than under this Act.

“ 13B. This Act shall not affect the jurisdiction of any court of a State or Territory existing otherwise than under this Act.”.
