



ANNO QUARTO

## ELIZABETHAE II REGINAE

A.D. 1955

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### No. 29 of 1955

An Act to amend the Maintenance Orders (Facilities for Enforcement) Act, 1922-1953.

[Assented to 1st December, 1955.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Maintenance Orders (Facilities for Enforcement) Act Amendment Act, 1955". Short titles.
- (2) The Maintenance Orders (Facilities for Enforcement) Act, 1922-1953, as amended by this Act, may be cited as the "Maintenance Orders (Facilities for Enforcement) Act, 1922-1955".
- (3) The Maintenance Orders (Facilities for Enforcement) Act, 1922-1953, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Paragraph (a) of section 4, paragraph (a) of section 5, and section 6 of this Act shall come into operation on a day to be fixed by proclamation. Commencement of ss. 4 (a), 5 (a) and 6 of Act.
4. Section 5 of the principal Act is amended—
  - (a) by striking out the words "such reciprocating State as aforesaid" in the last line of subsection (1) thereof and inserting in their place the words "a reciprocating State"; Amendment of principal Act, s. 5—  
Power to make provisional orders of maintenance against person resident outside South Australia.

- (b) by striking out the words "and acting for" in the seventh line of sub-section (4) thereof, and inserting in their place the word "in";
- (c) by inserting after subsection (4) thereof the following subsection :—

(4a) Where—

- (a) a provisional order made in South Australia has been confirmed; and
- (b) on an application for the variation or rescission of the order made in the place where the order was confirmed, the case has been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence,

that court or any other court of summary jurisdiction sitting in the same place, shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the same conditions as the evidence in support of an original application under this section.

The depositions of the evidence shall be sent to the Governor and dealt with in like manner as depositions taken on an original application under this section.

This subsection shall apply in respect of any case—

- (a) remitted before the commencement of the Maintenance Orders (Facilities for Enforcement) Act Amendment Act, 1955, where the matter has not been finally disposed of by a court of summary jurisdiction in South Australia before the commencement of that Act; or
- (b) remitted after the commencement of that Act.

Amendment of principal Act, s. 6—  
Power of court of summary jurisdiction to confirm maintenance orders made out of South Australia.

**5. Section 6 of the principal Act is amended—**

- (a) by striking out the words "by a court of summary jurisdiction in South Australia" in the fourth and fifth lines of subsection (1) thereof;
- (b) by inserting at the end thereof the following subsection :—

(8) This section shall apply to a provisional order for the variation of an order confirmed by a court in South Australia in the same way as to an original provisional maintenance order.

The provisional order for variation may be confirmed by any court of summary jurisdiction in South Australia.

This subsection shall apply in respect of any provisional order for variation—

- (a) made before the commencement of the Maintenance Orders (Facilities for Enforcement) Act Amendment Act, 1955, where the matter has not been finally disposed of by a court of summary jurisdiction in South Australia before the commencement of that Act; or
- (b) made after the commencement of that Act.

6. The following section is enacted and inserted in the principal Act after section 6 thereof:—

Enactment of  
s. 6a of  
principal Act—

6a. Where a provisional maintenance order has been made, and documents have been transmitted to the Governor, as mentioned in section 6 of this Act, and the Governor is satisfied that the person against whom the order was made is not resident in South Australia, the Governor may transmit the documents to the Governor of any part of His Majesty's dominions if the Governor has reasonable cause to believe that—

Transmission  
of provisional  
orders.

- (a) that person is resident or is likely to be resident in that part; and
- (b) the law of that part permits the confirmation in that part of a provisional maintenance order made in the place where the order was made and transmitted in the manner provided by this section; and
- (c) the law of the place where the order was made permits a provisional maintenance order made in that place and transmitted in the manner provided by this section to be confirmed in that part.

7. Section 12 of the principal Act is amended by striking out the words "is under the protection of His Majesty or territory which is" in the fourth, fifth and sixth lines of

Amendment of  
principal Act,  
s. 12—  
Reciprocal  
arrangements.

subsection (4) thereof and inserting in their place the words "at the time of the making of the proclamation was under the protection of His Majesty or was".

Amendment of  
principal Act,  
s. 13—  
Proclamations  
regarding  
transmission  
of orders.

**8. Section 13 of the principal Act is amended—**

- (a) by striking out the words "maintenance orders or by whom maintenance orders may be transmitted to him" at the end of subsection (1) thereof and inserting in their place the words "documents under this Act or by whom documents may be transmitted to him under this Act";
- (b) by striking out the words "maintenance order" in the first line of subsection (3) thereof and inserting in their place the word "documents";
- (c) by striking out subsection (4) thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.