



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953

No. 19 of 1953.

An Act to amend the Maintenance Orders (Facilities for Enforcement) Act, 1922-1925.

[Assented to 19th November, 1953.]

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, 1953". Short titles.

(2) The Maintenance Orders (Facilities for Enforcement) Act, 1922-1925, as amended by this Act, may be cited as the "Maintenance Orders (Facilities for Enforcement) Act, 1922-1953".

(3) The Maintenance Orders (Facilities for Enforcement) Act, 1922-1925, is hereinafter called "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. The long title of the principal Act is amended by inserting after the word "Protectorates" in the last line thereof the words "and elsewhere". Amendment of long title to principal Act.

4. Section 2 of the principal Act is amended—

(a) by striking out the words "British protectorate" in the last line of the definition of "Governor" therein and inserting in their place the words "part of His Majesty's dominions";

Amendment of principal Act, s. 2—

Interpretation.

(b) by inserting after the definition of "Governor" therein the following definition:—

"His Majesty's dominions" means—

(a) any territory which is under the dominion or protection of His Majesty; and

(b) any territory which is administered by the Government of any such territory as mentioned in paragraph (a) of this definition pursuant to any trusteeship agreement, trust, mandate, or other like arrangement.

(c) by striking out the words "the United Kingdom" in the second line of the definition of "reciprocating State" therein and inserting in their place the words "England or Ireland".

Amendment of principal Act, s. 6—

Power of court of summary jurisdiction to confirm maintenance order made out of South Australia.

5. Section 6 of the principal Act is amended by striking out the word "conclusive" in the penultimate line of subsection (3) thereof and inserting in its place the words "*prima facie*".

Amendment of principal Act, s. 12—

Reciprocal arrangements.

6. Section 12 of the principal Act is amended—

(a) by striking out the words "the United Kingdom" in the fourth line of subsection (1) thereof and inserting in their place the words "England or Ireland";

(b) by adding at the end thereof the following subsection:—

(4) Any proclamation made before the passing of the Maintenance Orders (Facilities for Enforcement) Act Amendment Act, 1953, declaring to be a reciprocating State territory which is under the protection of His Majesty or territory which is administered by the Government of any territory under the dominion or protection of His Majesty pursuant to any trusteeship agreement, trust, mandate, or other like arrangement shall not be held to be invalid by reason of the fact that the territory declared by the proclamation to be a reciprocating State was not part of His Majesty's dominions at the time of the making of the proclamation and the territory so declared to be a reciprocating State shall for the purposes of this Act be deemed to have been part of His Majesty's dominions.

7. The following section is enacted and inserted in the principal Act after section 12 thereof:—

Enactment of s. 13 of principal Act—

13. (1) The Governor may proclaim any person in lieu of the Governor of any named reciprocating State as the person to whom he may transmit maintenance orders or by whom maintenance orders may be transmitted to him.

Proclamation regarding transmission of orders.

(2) The Governor may by proclamation revoke or vary any proclamation made pursuant to subsection (1) of this section.

(3) Any maintenance order transmitted to or by a person proclaimed pursuant to subsection (1) of this section shall for the purposes of this Act be deemed to have been transmitted to or by the Governor of the reciprocating State named in the proclamation.

(4) In this section "maintenance order" includes a provisional maintenance order.

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

J. M. NAPIER, Governor's Deputy.