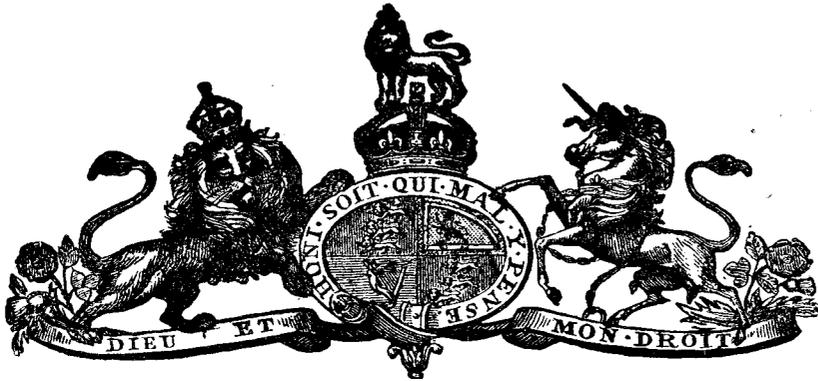


TASMANIA.



1934.

ANNO VICESIMO QUINTO

GEORGII V. REGIS.

No. 87.

ANALYSIS.

1. Short title
2. Amendment of section 62 of 12 Geo. V. No 40.

AN ACT to amend the *Maintenance Act 1921*.
 [4 January, 1935.]

A.D.
1934.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Maintenance Act (No. 2) 1934*.

Short title.

2 Section sixty-two of the Principal Act is hereby amended:—

1. By inserting the figure “(1)” before the word “The” in the first line thereof: and

Amendment of
section 62 of
12 Geo. V, No.
40.

4d.]

Maintenance (No. 2).

A.D. 1934.
—

II. By adding at the end thereof the following new subsections (2) and (3):—

“(2) In any case in which the court is of opinion that such non-compliance has not been wilful or negligent, and that under all the circumstances of the case it would be unjust to punish the offender in respect thereof, the court may refrain from committing the offender or inflicting any penalty upon him; but in such event the offender shall not be discharged from his liability for payment of the moneys then due under such order, nor shall the decision of the court to so refrain as aforesaid be pleaded by the offender as a bar to any subsequent proceedings against him under this Act for continued non-compliance with the order in respect of the payment of such moneys.

“(3) If at the time of such decision a separation order upon the application of the wife was in force against the offender, such decision shall not be pleaded by him in answer to any petition for divorce to be thereafter presented to the Supreme Court against him on the ground of desertion, arising from his non-compliance with the terms of such order as to payment of maintenance.”