

## MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) REGULATIONS\*

- Citation.** 1. These Regulations may be cited as the Maintenance Orders (Facilities for Enforcement) Regulations.\*
- Definitions.** 2. In these Regulations—  
     “the clerk of the court” means—  
         (a) in relation to the Supreme Court—the Master of that Court; and  
         (b) in relation to any other court—the clerk of that court;  
     “the Ordinance” means the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*.
- Reciprocating States.** 3. Each of the parts of the Queen’s dominions, each of the territories, each of the countries, and each part of a country, which is specified in the first column of the First Schedule to these Regulations is a reciprocating State for the purposes of the Ordinance.
- Proper authority.** 4. The person, officer or authority specified in the second column of the First Schedule to these Regulations opposite to the name of a reciprocating State is the proper authority for that reciprocating State.
- Notification of registration of maintenance order.** 5. Where a maintenance order is registered in the appropriate court in accordance with section 6 of the Ordinance, the officer in charge of the records of the court shall send to the Administrator, for transmission to the proper authority in the reciprocating State in which the order was made, a notice in accordance with Form 1 in the Second Schedule to these Regulations.
- Transmission of maintenance orders made under section 7 of the Ordinance.** 6. A court in the Northern Territory shall send with the copy of a maintenance order sent to the Administrator under section 7 of the Ordinance a notice in accordance with Form 2 in the Second Schedule to these Regulations.
- Endorsements on provisional orders made under section 8 of the Ordinance.** 7. Where a provisional order is made by a court in the Northern Territory under section 8 of the Ordinance, the formal title to the order of the court shall contain the word “Provisional”, and there shall be endorsed, at the foot of the order, the words “This order is provisional only and has no effect unless and until confirmed by a competent court in a country in which the defendant is proved to be resident.”.
- Transmission of provisional orders made under section 8 of the Ordinance.** 8. A court in the Northern Territory shall send to the Administrator with the documents referred to in sub-section (4.) of section 8 of the Ordinance, for transmission with those documents, a notice in accordance with Form 3 in the Second Schedule to these Regulations.
- Forms of notice under section 8 (5.).** 9. A notice under sub-section (5.) of section 8 of the Ordinance shall be in accordance with Form 4 in the Second Schedule to these Regulations.

\* Regulations 1957, No. 19, in force under the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*; made on 23rd October, 1957; notified in *Commonwealth of Australia Gazette* and commenced on 31st October, 1957.

10.—(1.) An order by the court under section 9 of the Ordinance confirming either with or without modification, or refusing to confirm, a provisional maintenance order shall be in accordance with Form 5 in the Second Schedule to these Regulations. Order confirming provisional order.

(2.) A copy of an order referred to in the last preceding sub-section shall be sent by the court to the Administrator for transmission to the proper authority in the reciprocating State in which the provisional order was made.

11. Where a court in the Northern Territory is satisfied that it is necessary to remit a case to the court which made the provisional order for the purpose of taking further evidence and proposes to so remit the case under sub-section (7.) or (8.) of section 9 of the Ordinance, the court shall send the case to the Administrator for transmission to the proper authority in the reciprocating State in which the provisional order was made, together with— Remission of case for purpose of taking further evidence.

(a) a notice in accordance with Form 6 in the Second Schedule to these Regulations in which there shall be included a statement setting out the matters on which the further evidence is to be taken; and

(b) the depositions of the witnesses heard before the court in the Northern Territory.

12. Where—

(a) a court in the Northern Territory has under sub-section (7.) or (8.) of section 9 of the Ordinance, remitted a case to the court which made a provisional order for the purpose of taking further evidence; and Notice to be given after further evidence has been taken.

(b) the depositions of the witnesses who gave the further evidence are received by the court in the Northern Territory,

the court shall fix a time and place for the further hearing of the case and shall cause a notice in accordance with Form 7 in the Second Schedule to these Regulations to be sent to the defendant.

13.—(1.) The court in which a maintenance order has been registered under the Ordinance or by which a provisional maintenance order has been confirmed under the Ordinance may, on the application of the clerk of the court, direct that all payments under the order shall be made to the clerk of the court. Enforcement of orders.

(2.) Where a court makes a direction under the last preceding sub-regulation, a notice in accordance with Form 8 in the Second Schedule to these Regulations shall be served on the defendant.

(3.) The clerk of the court shall collect all payments due under the order and may take, in his own name, the like proceedings for the enforcement of the order as if the order were a maintenance order made by the court which has directed that the payments under the order be so made.

(4.) The clerk of the court shall transmit all moneys so collected by him to the court which made the order or the provisional order.

THE SCHEDULES.

FIRST SCHEDULE. Regulations 3 and 4.  
RECIPROCATING STATES AND PROPER AUTHORITIES.

Reciprocating States.	Proper Authority.
Alberta .. ..	Attorney-General
Australian Capital Territory .. ..	Attorney-General
Bailiwick of Guernsey .. ..	Lieutenant-Governor
British Columbia .. ..	Attorney-General
British Solomon Islands .. ..	High Commissioner for the Western Pacific
Cook Islands (including Nieuwe) .. ..	Resident Commissioner
Cyprus .. ..	Governor
England .. ..	Secretary of State for Commonwealth Relations
Federation of Malaya .. ..	Attorney-General
Gilbert and Ellice Islands .. ..	High Commissioner for the Western Pacific
India .. ..	Ministry of External Affairs
Manitoba .. ..	Attorney-General
Newfoundland .. ..	Attorney-General
New South Wales .. ..	Governor
New Zealand .. ..	Minister of Justice
Northern Ireland .. ..	Secretary of State for Commonwealth Relations
Norfolk Island .. ..	Administrator
Nova Scotia .. ..	Attorney-General
Ontario .. ..	Attorney-General
Prince Edward Island .. ..	Attorney-General
Queensland .. ..	Minister for Justice
Sarawak .. ..	Governor
Saskatchewan .. ..	Attorney-General
Singapore .. ..	Governor
South Australia .. ..	Governor
Tasmania .. ..	Collector for Interstate Destitute Persons
Territory of Cocos (Keeling) Islands .. ..	Official Representative
Territory of New Guinea .. ..	Administrator of the Territory of Papua and New Guinea
Territory of Papua .. ..	Administrator of the Territory of Papua and New Guinea
Trust Territory of Western Samoa .. ..	Administrator
Union of South Africa .. ..	Secretary for Justice
Victoria .. ..	Governor
Western Australia .. ..	Governor

SECOND SCHEDULE.

FORM 1. Regulation 5.  
NOTICE OF REGISTRATION OF MAINTENANCE ORDER.  
Maintenance Orders (Facilities for Enforcement) Ordinance 1956.

In the Court holden at in the Northern Territory  
of Australia.  
Between Complainant  
and  
Defendant.

The maintenance order made against the abovenamed defendant by the Court in \_\_\_\_\_, a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*, has been registered in accordance with section 6 of that Ordinance in the \_\_\_\_\_ Court of the Northern Territory.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 \_\_\_\_\_  
 Officer in Charge of the Records of the Court.

FORM 2. Regulation 6.

**NOTICE TO BE SENT WITH CERTIFIED COPY OF MAINTENANCE ORDER  
 MADE IN THE NORTHERN TERRITORY.**

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the \_\_\_\_\_ Court holden at  
 in the Northern Territory of Australia.

Between  
 \_\_\_\_\_  
 and  
 \_\_\_\_\_  
 Complainant  
 Defendant.

Whereas this Court made, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, on the application of the abovenamed complainant, an order against the abovenamed defendant for the periodical payment of sums of money towards the maintenance of \_\_\_\_\_;

And whereas it has been proved to the satisfaction of this Court that the abovenamed defendant is resident in \_\_\_\_\_, a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*:  
 Now this Court sends the annexed certified copy of the abovementioned order to the Administrator of the Northern Territory for transmission to the proper authority in \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
 By the Court,  
 \_\_\_\_\_  
 Clerk of the Court.

FORM 3. Regulation 8.

**NOTICE TO BE SENT WITH CERTIFIED COPY OF PROVISIONAL  
 MAINTENANCE ORDER.**

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the \_\_\_\_\_ Court holden at  
 in the Northern Territory of Australia.

Between  
 \_\_\_\_\_  
 and  
 \_\_\_\_\_  
 Complainant  
 Defendant.

Whereas this Court made, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, on the application of the abovenamed complainant, a provisional order against the abovenamed defendant for the periodical payment of sums towards the maintenance of \_\_\_\_\_;

And whereas it has been proved to the satisfaction of this Court that the abovenamed defendant is resident in \_\_\_\_\_, a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*:

Now this Court sends, in pursuance of section 8 of that Ordinance, to the Administrator of the Northern Territory of Australia for transmission to the proper authority in that State the following documents:—

(a) the depositions taken on the hearing of the application;

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- (b) a certified copy of the provisional order;
- (c) a statement of the grounds on which the making of the order might, in the opinion of this Court, have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing; and
- (d) the information that this Court possesses for facilitating the identification of the defendant and ascertaining his whereabouts.

By the Court,

Clerk of the Court.

## FORM 4.

## Regulation 9.

## NOTICE OF INTENTION TO TAKE FURTHER EVIDENCE.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the Court holden at  
in the Northern Territory of Australia.

Between  
Complainant  
and  
Defendant.

Notice is hereby given that, the provisional order made in this matter of the day of , 19 , having come on for hearing before the Court in , a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*, that Court did, on the day of , 19 , direct that the case be remitted to this Court for the purpose of taking further evidence. You are therefore required to appear before this Court at on the day of , 19 , at the hour of o'clock in the noon and there give or adduce to the Court evidence on the following matters:—

Dated this day of , 19 .

By the Court,

Clerk of the Court.

To the Defendant.

## FORM 5.

## Regulation 10.

## DECISION OF A COURT ON AN APPLICATION FOR THE CONFIRMATION OF A PROVISIONAL MAINTENANCE ORDER MADE BY A COURT IN A RECIPROCATING STATE.

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the Court holden at in th  
Northern Territory of Australia.

Between  
Complainant  
and  
Defendant.

The provisional maintenance order made against the abovenamed defendant by th Court in , a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*, having come on for hearing before this Court on the day of , 19 , this Court confirms the order without modification (*or confirms the order with the modifications set out hereunder or refuses to confirm the order*).

Dated this day of , 19 .

By the Court,

Clerk of the Court.

FORM 6.

Regulation 11.

**NOTICE SETTING OUT MATTERS ON WHICH FURTHER EVIDENCE IS TO BE TAKEN.**

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the Court holden at  
in the Northern Territory of Australia.

Between Complainant  
and  
Defendant.

The provisional maintenance order made against the abovenamed defendant by the Court in the , a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956* (or An application by the abovenamed defendant for a variation or remission of the provisional maintenance order made by the Court in , a reciprocating State for the purposes of the *Maintenance Orders (Facilities for Enforcement) Ordinance 1956*, and confirmed by this Court under section 9 of that Ordinance) having come on for hearing before this Court on the day of , 19 , this Court, being satisfied that it is necessary to remit the case to the Court in for the purpose of taking evidence on the matters specified below, hereby sends the case to the Administrator of the Northern Territory for transmission to the proper authority in for the purpose of taking further evidence on the following matters:—

2. The depositions of the witnesses heard before this Court are attached.

Dated this day of , 19 .  
By the Court,  
Clerk of the Court.

FORM 7.

Regulation 12.

**NOTICE FOR THE TIME AND PLACE FIXED FOR FURTHER HEARING.**

*Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the Court holden at  
in the Northern Territory of Australia.

Between Complainant  
and  
Defendant.

Notice is hereby given that this Court has fixed the day of , 19 , at confirmation for the further hearing of the application for the variation of the maintenance order rescission in this matter, the hearing of which was adjourned for the purposes of taking further evidence. You may appear and be heard at the time and place so fixed.

2. The depositions containing the further evidence are available for inspection at and you may, if you so desire, obtain a copy of the depositions on payment of a fee of .

Dated this day of , 19 .  
By the Court,  
Clerk of the Court.

To the Defendant.

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FORM 8.

Regulation 13.

**NOTICE DIRECTING PAYMENTS TO BE MADE TO THE CLERK OF  
THE COURT.***Maintenance Orders (Facilities for Enforcement) Ordinance 1956.*

In the Court holden at  
in the Northern Territory of Australia.

Between  
Complainant  
and  
Defendant.

Notice is hereby given that this Court has directed that all payments under the maintenance order registered in this Court in this matter (*or* under the provisional maintenance order confirmed by this Court in this matter) be made to the Clerk of this Court at

Dated this                      day of                      , 19   .

By the Court,

Clerk of the Court.

To the Defendant.