

MAINTENANCE.

No. 39 of 1972.

AN ACT to amend the *Maintenance Act 1967*.

[7 December 1972.]

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—(1) This Act may be cited as the *Maintenance Act 1972*.

Short title and citation.

(2) The *Maintenance Act 1967*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section fourteen of the Principal Act the following section is inserted:—

“14A Where, on the hearing of a complaint under any of the foregoing provisions of this Division, the court is not satisfied that grounds exist for the making of any such an order thereon as is referred to in section fourteen but is satisfied—

Powers of court to make orders on dismissal of complaint.

(a) that the complaint was made in good faith for the obtaining of such an order; and

(b) that there is no reasonable likelihood of the party to the marriage by or on whose behalf the complaint was made and the other party to the marriage becoming reconciled,

the court may, nevertheless, if it considers that it is desirable so to do, make any such order as is referred to in paragraph (b) or paragraph (d) of that section.”

3 Section sixteen of the Principal Act is amended by inserting after subsection (2) the following subsection:—

Relief in cases of *de facto* relationships.

“(2A) Where, on the hearing of a complaint under subsection (1) of this section, the court is not satisfied that grounds exist for the making of an order thereunder on that complaint but is satisfied—

(a) that the complaint was made in good faith for the obtaining of such an order; and

(b) that there is no reasonable likelihood of the woman by or on whose behalf the complaint was made and the man against whom it was made becoming reconciled,

the court may, nevertheless, if it considers that it is desirable so to do, make any such order as is referred to in paragraph (b) or paragraph (c) of subsection (2) of this section.”

4 Section forty-six of the Principal Act is amended by omitting from subsection (4) the word “to” (second occurring).

Recognition for due compliance with order.

5 Section one hundred and fifteen of the Principal Act is amended by omitting from subsection (2) the word “held” and substituting therefor the word “heard”.

Procedure by way of application to court.