

NORTHERN TERRITORY OF AUSTRALIA

MAINTENANCE REGULATIONS

As in force at 22 January 1982

Table of provisions

1	Short title	1
2	Commencement	1
3	Definition.....	1
4	Compliance with forms	1
5	Complaint	1
6	Collector's certificate.....	1
7	Applications	1
8	Reciprocating countries	2

The Schedules

First Schedule

Second schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 22 January 1982

MAINTENANCE REGULATIONS

Regulations under the *Maintenance Act*

1 Short title

These Regulations may be cited as the *Maintenance Regulations*.

2 Commencement

These Regulations shall come into operation on the date of commencement of the *Maintenance Ordinance 1971*.

3 Definition

- (1) In these Regulations, ***the Ordinance*** means the *Maintenance Ordinance*.
- (2) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in the First Schedule.

4 Compliance with forms

Strict compliance with the forms in the First Schedule is not necessary and substantial compliance, or such compliance as the special circumstances of a particular case allow, is sufficient.

5 Complaint

A complaint under the Ordinance shall be in accordance with Form 1.

6 Collector's certificate

For the purpose of the definition of ***collector's certificate*** in subsection (1) of section 65 of the Ordinance, a collector's certificate shall be in accordance with Form 2.

7 Applications

A proceeding in a Court under the Ordinance, other than a proceeding that is required by the Ordinance to be instituted by

making a complaint, shall be instituted by lodging with the Clerk for Courts of Summary Jurisdiction in the place where the application is lodged an application in accordance with Form 3.

8 Reciprocating countries

For the purpose of subsection (1) of section 93 of the Ordinance:

- (a) each of the countries specified in Part I of the Second Schedule; and
- (b) each of the countries, each country being a Province of Canada, specified in Part II of that Schedule,

is declared to be a reciprocating country.

The Schedules

First Schedule

FORM 1

regulation 5

THE NORTHERN TERRITORY OF AUSTRALIA

Maintenance Ordinance 1971

COMPLAINT

Defendant's Address

Complainant's Address

The complaint of _____ of _____
taken this _____ day of _____ 19____, before the
undersigned, a Justice of the Peace of the Northern Territory of Australia, who
upon oath or affirmation states (on behalf of _____
or on the complainant's own behalf and on
behalf of _____) that (full name, address and occupation of
defendant) has (here set out particulars of the complaint).

2. On the hearing of this complaint, the Court will be asked to make the following orders:

1.

Taken and sworn (or _____)
affirmed) before me the _____)
day and year first _____)
above-mentioned at _____)
in the said Territory _____)
Justice of the Peace

FORM 2

regulation 6

THE NORTHERN TERRITORY OF AUSTRALIA

Maintenance Ordinance 1971

sections 67, 77 and 82

COLLECTOR'S CERTIFICATE RELATING TO A MAINTENANCE ORDER

In the matter of an order made
by the (here set out the name
of the Court) on the day
of , 19 , for the
benefit of
against .

I, of , the Collector of Maintenance for the Northern Territory of Australia, certify as follows:

1. Attached to this certificate are 3 copies of each of the following documents, each document containing an order (or orders) of a court for or relating to the payment of maintenance by (full name and address of defendant) (herein-after called ***the defendant***):

(Here set out, in respect of each document:

- (a) particulars of the court by which and the date on which, the order was (or the orders were) made;
- (b) in the case of any provisional order – particulars of the court by which, and the date upon which, it was confirmed; and
- (c) in the case of any order that was not made by it, but is registered, in a Court of Summary Jurisdiction – particulars of the date of registration.)

2. The documents so attached constitute certified copies of:

- (a) a maintenance order under which the defendant is required to pay the sum of weekly (or as the case may be) for the maintenance of the complainant.
- (b) (If there are 2 or more complainants, set out in this and the following subparagraph the like particulars relating to the order made in respect of each other complainant.)

3. The maintenance order (or Each maintenance order) is enforceable in the Northern Territory of Australia under Division 3 of Part IV of the *Maintenance Ordinance 1971*.

or, in the case of an overseas order

3. The maintenance order (or Each maintenance order) is presently enforceable in the Northern Territory of Australia but not under the law of a State or any other Territory of Australia.

4. It appears to me that the defendant has ceased to reside in the Northern Territory of Australia and is resident in (or is proceeding to) (here set out name of the city or town and of the State, other Territory or country).

or, in the case of an overseas order

4. It appears to me that there are reasonable grounds for believing that the defendant has ceased to reside in the Northern Territory of Australia and is resident in (or is proceeding to) (here set out the name of the city or town and of the State or other Territory).

5. The amount due and unpaid in respect of the maintenance order relating to the complainant _____, as at the _____ day of _____ 19____, is \$ _____, and the portion of that amount in respect of which the defendant has served or is to be deemed to have served a period of imprisonment is \$ _____.

6. (If there are 2 or more complainants, set out in this and the following paragraphs the like particulars relating to the amount owing in respect of each other complainant.)

Dated this _____ day of _____, 19____.

Collector of Maintenance

Second schedule

RECIPROCATING COUNTRIES

Part I – Countries other than Provinces of Canada

Ceylon

Cook Islands

Republic of Cyprus

Fiji

Guernsey, Alderney and Sark

Republic of India

Jersey

Republic of Kenya

Republic of Malawi

Malaysia

Malta

Isle of Man

New Zealand

Niue

Pakistan

Sierra Leone

Republic of Singapore

Republic of South Africa

United Republic of Tanzania

Trinidad and Tobago

Uganda

United Kingdom of Great Britain and Northern Ireland

Independent State of Western Samoa

Republic of Zambia

Part II – Provinces of Canada

Alberta

British Columbia

Manitoba

Newfoundland

Ontario

Prince Edward Island

Saskatchewan

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Maintenance Regulations (SL No. 15, 1971)***

Notified	9 June 1971
Commenced	30 June 1971 (r 2, s 2 <i>Maintenance Act 1971</i> (Act No. 26, 1971) and <i>Gaz No. 24</i> , 16 June 1971, p 206)

Amendment of the Maintenance Regulations (SL No. 16, 1973)

Notified	20 September 1973
Commenced	20 September 1973

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (as amended) to the following provisions: rr 3, 4, 8 and First Schedule.

4 LIST OF AMENDMENTS

second sch amd No. 16, 1973 1973