



## VICTORIA

Published by Authority

## GOVERNMENT GAZETTE

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 35]

FRIDAY, MAY 2.

[1958

## MAINTENANCE (CONSOLIDATION) ACT 1957.

At the Executive Council Chamber, Melbourne, the  
twenty-ninth day of April, 1958.

## PRESENT:

His Excellency the Governor of Victoria.

Mr. Rylah  
Mr. CameronMr. Chandler  
Mr. Porter.

UNDER and by virtue of the powers and authorities conferred by the *Justices Act 1957* (No. 6082) and the *Maintenance (Consolidation) Act 1957* (No. 6116) His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby make the following Rules and Regulations (that is to say):—

## MAINTENANCE RULES 1958.

## SECTION 1.—PRELIMINARY.

101. (1) These rules and regulations may be cited as the Maintenance Rules 1958.

(2) The Maintenance Orders (Facilities for Enforcement) Rules 1926, the Inter-State Destitute Persons Relief Regulations 1930, the rules under section 5 of the *Justices Act 1928* and section 15 of the *Maintenance Act 1928* made on the 23rd day of August, 1932 and the 21st day of December, 1932 and the *Justices Act (Maintenance Order Enforcement) Rules 1954* are hereby rescinded.

(3) These rules and regulations are divided into sections as follows:—

Section 1.—Preliminary.

Section 2.—Enforcement of Orders by a Clerk of Petty Sessions.

Section 3.—Registration of Supreme Court Orders.

Section 4.—Provisional Orders for Variation, Suspension or

Discharge of an Order.

Section 5.—Inter-State Maintenance.

Section 6.—Overseas Maintenance.

Section 7.—Miscellaneous.

102. In these rules and regulations unless inconsistent with the context or subject-matter—

- “ Act ” means the *Maintenance (Consolidation) Act 1957*;
- “ The collector ” means the collector for inter-State maintenance appointed under Part IV. of the Act;
- “ Assistant collector ” means an assistant collector for inter-State maintenance appointed under Part IV. of the Act.

SECTION 2.—ENFORCEMENT OF ORDERS BY A CLERK OF PETTY SESSIONS.

201. The rules in this section shall apply to enforcement of orders by a clerk of petty sessions under Part I. of the Act.

202. Every application to a clerk of petty sessions for action to enforce an order shall be in the form or to the effect of Form No. 1 in the Schedule and shall be delivered or forwarded by post to the clerk of the court of petty sessions by which the order was made or in which it is recorded.

203. The clerk may take all steps necessary or expedient to enforce the order where the application is made—

- (a) by or on behalf of the parent guardian or other person having the lawful care or charge of an infant in whose favour the order was made; or
- (b) by or on behalf of a person (not being such an infant) in whose favour the order was made and it appears to the clerk that it is impracticable or unduly inconvenient for that person to attend the court, at the hearing of any proceedings to enforce the order.

204. If the clerk is of opinion that the appropriate proceedings for the enforcement of the order are proceedings under the *Imprisonment of Fraudulent Debtors Act 1928*, the applicant, on being requested by him to do so, shall furnish him with an application for a summons for commitment in the form or to the effect of Form No. 2 in the Schedule and an affidavit in support of such application in the form or to the effect of Form No. 3 in the Schedule.

SECTION 3.—REGISTRATION OF SUPREME COURT ORDERS.

301. The rules in this section shall apply to proceedings under Part I. of the Act for registration in a court of petty sessions of an order made in the Supreme Court or by a Judge thereof and to enforcement of such orders after registration.

302. If the order directing the payments to be made to a clerk of petty sessions is not contained in the original order the Prothonotary shall, when forwarding a certified copy of the original order to the clerk of petty sessions pursuant to the provisions of the Act, forward a certified copy of the order directing payments to be made to the clerk of petty sessions.

303. Upon receipt of the documents mentioned in the preceding rule the clerk of petty sessions shall enter the order in a register to be kept by him in the form or to the effect of Form No. 4 in the Schedule.

304. Notice in writing of the registration of the order, in the form or to the effect of Form No. 5 in the Schedule, shall be served personally on the person liable to make payment under the order before any proceedings to enforce any arrears under the order are taken in a court of petty sessions.

305. Where an order has been registered under rule 303 hereto the Forms Nos. 6 and 7 in the Schedule or forms to the like effect may be used for the purpose of proceedings under the *Imprisonment of Fraudulent Debtors Act 1928*.

SECTION 4.—PROVISIONAL ORDERS FOR VARIATION, SUSPENSION OR DISCHARGE OF AN ORDER.

401. The rules in this section shall apply to proceedings under Part IV. of the Act for variation suspension or discharge of an order.

402. Notice of application for variation, suspension or discharge of an order being enforced in Victoria under Part IV. of the Act shall be in the form or to the effect of Form No. 8 in the Schedule.

403. When a provisional order is made the formal order shall be headed with the word "Provisional" and at the foot thereof shall be written or printed the following words:—"This order is provisional only and shall have no force or effect unless and until confirmed by a competent court in the State of . . . (naming the State where the original order was made)".

404. When a provisional order made by the court of petty sessions at Melbourne and transmitted to the collector for the State in which the original order was made has been remitted to the said court at Melbourne for the purpose of taking further evidence, the clerk or proper officer of the court of petty sessions at Melbourne shall send notice by post to the defendant and to the collector of the time and place at which the matter will be considered by the court. Such notice shall be in the form or to the effect of Form No. 9 in the Schedule.

405. Notice of application by the collector for confirmation of a provisional order made in another State shall be in the form or to the effect of Form No. 10 in the Schedule.

406. When a provisional order made in another State has been confirmed with or without modification or discharged by a court in this State the clerk or proper officer of the court shall send notice thereof to the court which made the provisional order. Such notice shall be in the form or to the effect of Form No. 11 in the Schedule.

407. Where the court before which a provisional order comes for confirmation orders that the case be remitted for the taking of further evidence, the clerk or proper officer of the court shall remit the case and send a notice in the form or to the effect of Form No. 12 in the Schedule setting out the matters in respect of which further evidence is necessary.

408. When depositions taken by a court in another State in connexion with a provisional order remitted to that court for the purpose of taking further evidence have been sent to a court in this State, the clerk or proper officer of the court in this State shall send notice to the complainant and the collector of the time and place at which the matter will be considered by the court. Such notice shall be in the form or to the effect of Form No. 13 in the Schedule.

#### SECTION 5.—INTER-STATE MAINTENANCE.

501. In the regulations in this section "Part IV." means Part IV. of the Act.

502. The duties of the collector shall be—

- (a) to collect moneys as provided by Part IV. either personally or by the assistant collectors or other officers appointed under that Part, and to give receipts on printed forms for such moneys;
- (b) to keep a cash book which shall show all moneys received by him and the disposition thereof;
- (c) to keep a ledger or ledgers which shall show—
  - (i) the amount due by any person paying or liable to pay money to the collector;
  - (ii) the amounts paid by any such person from time to time;
  - (iii) the amount (if any) due to any person to whom money is being paid or should be paid;
  - (iv) the total amount collected for any other State;
  - (v) the cost of such collection in fees paid, proportion of officers' salaries and other expenses;
  - (vi) the total amount received for any other State;
  - (vii) the total cost of the collector's branch in salaries, stationery, postage fees and other expenses;
  - (viii) the total sum collected in each year as revenue for this State;
  - (ix) the total sum collected for deposit accounts.

- (d) to prepare and present to the Attorney-General on or before the first day of August in each year an audited account of the transactions of the financial year ending on the thirtieth day of June in each year. The collector shall, in such statement, show the cost of his branch, the total amount collected as revenue and for deposit respectively, the total amount paid to other Government Departments in this State for fees or otherwise, the amount paid as expenses in and for other States, and the total amounts collected for and by each State, and any other information directed by the Attorney-General from time to time;
- (e) to direct and supervise the operations of all assistant collectors and other officers appointed under Part IV.;
- (f) to direct and conduct the correspondence of his branch;
- (g) to remit weekly, whenever possible, any sums of money collected for any other State or for any person in this State. The costs of postage and exchange may be deducted from the amounts remitted or due.

503. Assistant collectors shall, in the exercise of their duties, carry out the instructions of the collector and shall be responsible to him.

504. The Forms Nos. 14 to 35 in the Schedule or forms to the like effect may be used in proceedings under Part IV.

#### SECTION 6.—OVERSEAS MAINTENANCE.

601. The rules of this section shall apply to proceedings under Part V. of the Act.

602. The certified copy of a maintenance order made by a court in England or Northern Ireland or in a reciprocating State, shall, unless the maintenance order was made by a court of superior jurisdiction, be sent to the clerk of petty sessions at Melbourne who shall register it by entering it in a book to be kept for that purpose. Notice in writing of the registration of the order in the form or to the effect of Form No. 26 in the Schedule shall thereupon be served on the person against whom the order is made.

603. Where a provisional order is made under the Act the formal order shall be headed with the word "Provisional", and at the foot thereof shall be written or printed the following words:—"This order is provisional only, and shall have no force or effect unless and until confirmed by a competent court in the country where the defendant is proved to be resident."

604. The statement required under the provisions of the Act of the grounds on which the making of the order might have been opposed shall be in the form or to the effect of Form No. 27 in the Schedule, so far as the same is applicable, and shall be signed by the justices constituting the court.

605. When a provisional order made by a court in this State and transmitted to a court in England or Northern Ireland or in a reciprocating State has been remitted for the purpose of taking further evidence the clerk or proper officer of the court in this State shall send notice to the complainant of the time and place at which the matter will be considered by the court. Such notice shall be in the form or to the effect of Form No. 28 in the Schedule.

606. The requisition to be sent by the law officer under the provisions of the Act shall be in the form or to the effect of Form No. 29 in the Schedule. Such requisition shall be sent to the clerk of the court of petty sessions at Melbourne.

607. The summons to be issued under the provisions of the Act shall be in the form or to the effect of Form No. 30 in the Schedule.

608. When the court before which any provisional order comes for confirmation is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking further evidence, the clerk or proper officer of the court shall remit the case

by sending to the law officer for transmission to the clerk or other officer of the court which made the order a notice in the form or to the effect of Form No. 31 in the Schedule which shall set out the matters in respect of which further evidence is necessary

609. When depositions taken by a court in England or Northern Ireland or in a reciprocating State in connexion with an order remitted to that court for the purpose of taking further evidence have been sent to a court in this State, the clerk or proper officer of such court shall send notice to the defendant of the time and place at which the matter will be considered by the court. Such notice shall be in the form or to the effect of Form No. 32 in the Schedule.

610. Where a maintenance order provisionally made in England or Northern Ireland or in a reciprocating State has been confirmed with or without modification by the court of petty sessions or the court has decided not to confirm it, the clerk of the court or proper officer shall send notice thereof to the court from which it issued and also to the law officer. Such notice shall be in the form or to the effect of Form No. 33 in the Schedule.

611. All moneys due under any order registered or confirmed under the provisions of the Act shall be payable to the clerk of petty sessions at Melbourne, who shall collect all such moneys and shall remit the moneys so collected to the court from which the maintenance order originally issued. The cost of such remittance (if any) shall be deducted by him from the amount to be remitted. When necessary the said clerk of petty sessions at Melbourne or any officer of the Public Service employed in the office of the said clerk may institute proceedings to enforce payment of any money due under any order so registered or confirmed.

612. The Forms Nos. 34 to 39 in the Schedule or forms to the like effect may be used in proceedings under the Act.

#### SECTION 7.—MISCELLANEOUS.

701. Every summons on a complaint for maintenance of an illegitimate child, or for confinement expenses in respect of the birth of an illegitimate child, shall have endorsed thereon or annexed thereto a statement showing the date or dates, as near as possible, when it will be alleged sexual intercourse between the parties took place, and, where the child has already been born, such statement shall also show the date of birth of the child, and whether the birth was or was not premature. Such statement shall be signed by the complainant and stamped or initialed by the clerk of petty sessions or justice issuing the summons.

702. Except where otherwise provided the provisions of section 23 of the *Justices Act* 1957 shall apply to the service, and proof thereof, of summonses and notices under the Act and Rules.

703. The Forms Nos. 40 and 41 in the Schedule or forms to the like effect may be used in proceedings under Part I. of the Act.

THE SCHEDULE.

FORM No. 1.

*Maintenance Rules 1958.*

APPLICATION FOR PROCEDURE TO ENFORCE MAINTENANCE ORDER.

Complainant  
Defendant

Particulars of Order:

To the Clerk of Petty Sessions

at

I,

of

being (Show capacity in which application is made. See section 11 of *Maintenance (Consolidation) Act 1957.*)

hereby apply to you to take all steps necessary or expedient to enforce the order made in this case.

1. I enclose duty stamps to the value of \_\_\_\_\_ to cover the fees required on the service and issue of process.

2. \*It is, for the reasons set out hereunder, <sup>funduly inconvenient</sup> ~~impracticable~~ for the

complainant to attend the Court at the hearing of any proceedings to enforce the order, viz.:—

\*Where the application is made on behalf of an infant, paragraph 2 need not be answered.

† Strike out the words which are not applicable.

3. In support of this application I furnish you with the following answers to the questions set out hereunder:—

- (1) What is defendant's full name?
- (2) What is his present place of abode?
- (3) Is that his usual place of abode? If not, what is his usual place of abode and when is it expected that he will resume residing there?
- (4) If defendant works for wages, what is his occupation, and what is the name and address of his employer, and, so far as is known, how much does he earn per week?
- (5) If defendant is working on his own account, where is his place of business situated, and what is the nature of his business?
- (6) What are defendant's assets, if any?
- (7) Have any payments been made by the defendant otherwise than through the Court? If so, show amounts, and dates of payment.
- (8) What is the amount of the arrears of maintenance due under the order as at the date of this application?

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

FORM No. 2.

*Maintenance Rules 1958.*

APPLICATION FOR SUMMONS FOR COMMITMENT (MAINTENANCE).

In the Court of Petty Sessions

At

In the \_\_\_\_\_ Bailiwick

Between  
and

Complainant  
Defendant

Particulars of Order:

I,

of

being (Show capacity in which application is made. See section 11 of *Maintenance (Consolidation) Act 1957.*)

apply for the issue of a summons for commitment against the said defendant, and I state that I rely upon the following grounds for obtaining an order of committal of the defendant, that is to say:—

1. That since the respective dates upon which the sums became due in respect of which the defendant has made default the defendant has or has had or could by reasonable effort have had sufficient means and ability to pay the said sums respectively and has refused or neglected or refuses or neglects to pay the same.

\*2. That the defendant is about to leave Victoria without paying the said sums.

\*3. That the defendant is about to depart elsewhere within Victoria with intent to evade payment of the said sums.

\* Strike out that which is inapplicable.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 \_\_\_\_\_  
 Signature of Applicant.

FORM No. 3.

*Maintenance Rules 1958.*

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SUMMONS FOR COMMITMENT (MAINTENANCE).

In the Court of Petty Sessions

at

In the

Bailiwick

Complainant

Defendant

Date of complaint:

Nature of complaint: Deserting wife and child.  
 Leaving wife and child without means of support.

I,

of

make oath and say:—

I am the complainant in this matter (or, as the case may be)\*

By an order of the Court of Petty Sessions at \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, it was ordered that the above-named defendant should pay to the Clerk of Petty Sessions at \_\_\_\_\_ the sum of £ \_\_\_\_\_ per week for the maintenance of \_\_\_\_\_ the first of such weekly payments to be made on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and thereafter on each succeeding \_\_\_\_\_ day, and that the said defendant has not paid certain of the said weekly payments, amounting in all to the sum of £ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

In and by the said order the said defendant was ordered to pay the sum of £ \_\_\_\_\_ for costs, and that the said sum is still wholly due and unpaid (or unpaid to the extent of £ \_\_\_\_\_).

The said defendant resides within Victoria.

†To the best of my information and belief, since the respective dates on which the said weekly sums became due which the defendant has failed to pay as aforesaid the said defendant has or has had or could by reasonable effort have had sufficient means and ability to pay such sums respectively and has refused or neglected or refuses or neglects to pay the same.

†The said defendant is about to leave Victoria without paying the said sums.

†The said defendant is about to depart elsewhere within Victoria with intent to evade payment of the said sums.

\* Show capacity in which affidavit is made. See section 11, *Maintenance (Consolidation) Act 1957.*

† Strike out that which is inapplicable.

Sworn at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 Before me,

Justice of the Peace,  
 Clerk of Petty Sessions.

FORM No. 4.

*Maintenance Rules 1958.*

REGISTER.

SUPREME COURT ORDERS REGISTERED IN THE COURT OF PETTY SESSIONS AT \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

No.

Name of person in whose favour order made.

Name of person required to make payments.

Date of order for maintenance.

Particulars of order.

Order directing payments to be made to Clerk of Petty Sessions at \_\_\_\_\_ made by \_\_\_\_\_ on \_\_\_\_\_

Registered  
 Clerk of Petty Sessions.

Date.	Nature of Proceeding.	Remarks.

FORM No. 5.  
Maintenance Rules 1958.

NOTICE OF REGISTRATION OF ORDER.

In the Court of Petty Session at  
In the Bailiwick, State of Victoria.

In the matter of  
(names of parties)

To the above-named of  
I hereby give you Notice that I have this day registered in the Court of Petty Sessions at a certified copy of the order made in the Supreme Court of Victoria on in the above case, and transmitted to me for registration by the Prothonotary in pursuance of Part I. of the Maintenance (Consolidation) Act 1957 whereby you were ordered to pay (set out effect of order)

Such order is of the same force and effect and may be enforced in the same manner as an order made under Part I. of the Maintenance (Consolidation) Act 1957, save that such order shall not be discharged, modified or varied by a Court of Petty Sessions.

All payments hereunder must be made to the Clerk of Petty Sessions at

Given under my hand this day of 19  
at Clerk of Petty Sessions at

FORM No. 6.  
Maintenance Rules 1958.

In the Court of Petty Sessions at  
In the Bailiwick  
Complainant  
Defendant

I,  
of  
the above-named complainant, make oath and say—

1. That an order for maintenance was made against the said defendant by the Supreme Court of Victoria on the day of 19, directing him to pay the weekly sum of for the maintenance of the said complainant and the weekly sum of for the maintenance of each of his children.

2. That an order directing the said payment to be made to the Clerk of Petty Sessions at was made by (a Judge of) the said Supreme Court on the day of 19, and such direction has not been revoked.

3. That the said orders were registered by the Clerk of Petty Sessions at on the day of 19

4. That the said order for maintenance remains unsatisfied to the extent of being weeks arrears of maintenance due to the day of 19

5. That I am informed and verily believe that the said defendant has or has had or could by reasonable effort have had since the date of said order for maintenance sufficient means and ability to pay the sums in respect of which he has made default and has refused or neglected or refuses or neglects to pay the same.

(or that the said defendant is about to leave Victoria without paying the said sums;

or, that the said defendant is about to depart elsewhere within Victoria with intent to evade payment of the said sums.)

Sworn at this day of 19

Before me,

Justice of the Peace.  
Clerk of Petty Sessions.

FORM No. 7.  
Maintenance Rules 1958.  
SUMMONS TO DEBTOR.

In the Court of Petty Sessions  
at  
In the Bailiwick  
Complainant  
Defendant

To of  
Whereas an order for maintenance was made against you by the Supreme Court of Victoria on the day of 19, directing that you pay the sum of per week for the maintenance of your



And whereas an order directing that any moneys payable under such order to be paid to the Clerk of Petty Sessions at \_\_\_\_\_ was made by (a Judge of) the Supreme Court on the \_\_\_\_\_ day of 19 \_\_\_\_\_

And whereas the said original order was registered by the Clerk of the Court of Petty Sessions at \_\_\_\_\_ on the \_\_\_\_\_ day of 19 \_\_\_\_\_

And whereas the arrears under the said order so registered amount to the sum of £ \_\_\_\_\_ on \_\_\_\_\_

These are therefore to command you to appear personally before the Court of Petty Sessions at Melbourne on the \_\_\_\_\_ day of 19 \_\_\_\_\_ at the hour of ten o'clock in the forenoon to be examined by the said Court touching your estate and effects and as to the property and means you have or have had or could by reasonable effort have had of paying and discharging the said sum.

Dated at Melbourne this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Clerk of Petty Sessions.

If you disobey this summons the Court may make an order of committal against you in your absence.

FORM No. 8.

*Maintenance Rules 1958.*

Application under Part IV. of the *Maintenance (Consolidation) Act 1957* to vary a Maintenance Order.

In the Court of Petty Sessions  
at Melbourne  
In the Central Bailiwick

Complainant  
Defendant

Whereas an order was made by the Court at \_\_\_\_\_ in the State of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, whereby the said defendant was ordered to pay (set out effect of order).

And whereas the said order is enforceable in Victoria under the provisions of Part IV. of the *Maintenance (Consolidation) Act 1957*.

Take notice that the said defendant intends to apply to the Court of Petty Sessions at Melbourne on the \_\_\_\_\_ day of 19 \_\_\_\_\_ for an order that such order should be varied (or suspended, or discharged).

The Defendant's address for service is \_\_\_\_\_ to which or at which all notices may be posted or left.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Defendant.

To the Collector for the State of Victoria  
and,  
To the Collector for the State of \_\_\_\_\_  
and,  
To the Clerk of Petty Sessions at Melbourne.

FORM No. 9.

*Maintenance Rules 1958.*

NOTICE TO ADDUCE FURTHER EVIDENCE.

In the Court of Petty Sessions  
at Melbourne  
In the Central Bailiwick, State of Victoria.

Complainant  
Defendant

Take notice that the provisional order made on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, on your application to vary (or suspend) (or discharge) the original order for maintenance has been remitted by the \_\_\_\_\_ Court at \_\_\_\_\_ in the State of \_\_\_\_\_ for the purpose of further evidence being taken.

You are therefore required to appear before the said Court of Petty Sessions at Melbourne, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, at ten o'clock in the forenoon and there adduce to the Court further evidence touching the following matters:—

(here set out matters)  
Dated at Melbourne the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Clerk of Petty Sessions.

To \_\_\_\_\_ of \_\_\_\_\_  
and,  
To the Collector for Inter-State Maintenance for Victoria.

FORM No. 10.

Maintenance Rules 1958.

In the  
State of Victoria.

Balliwick

Complainant  
Defendant

Whereas upon the application of the said defendant a provisional order was made by the Court at in the State of varying (or suspending or discharging) the original order for maintenance made by the said Court of Petty Sessions at on the day of 19

And whereas a certified copy of the said provisional order, together with the depositions of witnesses has been received by the Collector for Inter-State Maintenance for the State of Victoria.

Take notice that the Collector for Inter-State Maintenance on behalf of the said defendant will apply to at on the day of 19 at in the noon to confirm the said provisional order.

Dated at Melbourne the day of 19

Collector for Inter-State Maintenance  
for the State of Victoria.

To of  
and,  
To

FORM No. 11.

Maintenance Rules 1958.

In the  
In the  
State of Victoria.

Court  
Balliwick

Complainant  
Defendant

The provisional order for variation (or suspension or discharge) of the original order for maintenance in the above-mentioned case came before this Court on the day of 19, for confirmation, and after due inquiry the Court arrived at the following decision:—

Dated the day of 19

Clerk or Proper Officer of the Court.

To the Clerk of the Court,

FORM No. 12.

Maintenance Rules 1958.

In the  
In the  
State of Victoria.

Court  
Balliwick

Complainant  
Defendant

Whereas on the hearing of an application for confirmation of a provisional order for variation (or suspension or discharge) of the original order for maintenance, the Court was satisfied that it was necessary to remit the case to the Court which made the provisional order for the purpose of taking further evidence on the matter indicated hereunder.

I do hereby remit the case to you accordingly and request that the Court which made the provisional order will take further evidence on the following matters:—

(Set out the matters on which the evidence is required.)

and will deal with the case according to law.

Dated at the day of 19

Clerk or Proper Officer of the Court.

To the Clerk of the Court,

FORM No. 13.

Maintenance Rules 1958.

In the  
In the  
State of Victoria.

Court  
Balliwick

Complainant  
Defendant

Take notice that certain depositions (which may be inspected by you at this office) have been forwarded to this Court by the Court at in the State of , and that further

consideration of the application now pending for confirmation of the provisional order for variation (or suspension or discharge) of the original order herein, will be proceeded with at the Court at on the day of 19, at O'clock in the forenoon.

Dated the day of 19 Clerk or Proper Officer of the Court.  
 To of  
 and,  
 To the Collector for Inter-State Maintenance for Victoria.

FORM No. 14.  
*Maintenance Rules 1958.*  
 SUMMONS FOR RELIEF.

(Pursuant to Part IV. of the *Maintenance (Consolidation) Act 1957.*)  
 In the Court of Petty Sessions at  
 In the Bailiwick

Complainant  
 Defendant

To  
 of

Whereas an application for a summons for relief under the above-mentioned Act has this day been made by of before the undersigned, one of Her Majesty's Justices of the Peace in and for the Bailiwick of the State of Victoria: And whereas the said application was supported by an affidavit sworn (or a declaration made) by the said (or by of, on behalf of the said ) wherein it is alleged as follows, namely that (set out the facts alleged in the affidavit or declaration, for example) of is the husband of the said (name of person seeking relief) that to the best of the knowledge and belief of the said the said is now residing at in the (name of State) and has been residing there since about that the said left the said without adequate means of support; and that the said (set out means of support and employment as alleged in the affidavit or declaration) or an order was made at in the Bailiwick of the said State on the day of in due course of law made by (a Stipendiary Magistrate or a Justice or Justices of the Peace) having jurisdiction in that behalf (or the Court of Petty Sessions then and there sitting) whereby the said as the parent (or husband or the person liable to support or a person liable to contribute towards the support) was ordered (or directed) to pay (or make provision) for the support of the said by (set out to whom and in what manner maintenance ordered to be paid) which said order remains wholly unsatisfied (or unsatisfied in part an amount of £ being now in arrears): These are therefore to command you, in Her Majesty's name, to be and appear at the Court of Petty Sessions at in the State of Victoria at o'clock in the noon on the court day appointed for the holding of such court next following the day after service of this summons upon you (not counting the day of such service) before such Justice or Justices of the Peace as may then be there, to show cause why you should not support or contribute towards the support of the complainant (or of the said ) (or should not pay all moneys due and to become due under the order hereinafter referred to) and to be further dealt with according to law.

Given under my hand this day of in the year 19 at in the State of Victoria.  
 Justice of the Peace.

FORM No. 15.  
*Maintenance Rules 1958.*  
 PROOF OF SERVICE.

I, of in the State of Victoria make oath (or solemnly and sincerely declare):—  
 1. That I did on the day of 19 between the hours of and duly serve the within-named with the within summons by delivering a copy

thereof to him personally (or if service attempted and evaded set out particulars and date of attempted service and grounds for alleged intentional evasion).

2. That I believe the person upon whom the within summons was served as aforesaid (or the person upon whom service of the within summons was attempted and who evaded service thereof as aforesaid), to be the within-named the person upon whom the same was to be served.

Sworn before me at in the State of Victoria the day of 19

A Commissioner of the Supreme Court of Victoria for taking Affidavits (or Justice of the Peace in and for the State of ) (or a person authorized to take declarations or affidavits in the State of ).

FORM No. 16.  
Maintenance Rules 1958.  
MAINTENANCE ORDER.

(Pursuant to Part IV. of the Maintenance (Consolidation) Act 1957.)

In the Court of Petty Sessions at  
In the Bailiwick

Complainant  
Defendant

Be it remembered that on the day of 19 upon application made by (or on behalf of) in the State of Victoria, in the Commonwealth of Australia, before one of Her Majesty's Justices of the Peace in and for the Bailiwick of the State of Victoria, on the ground (set out the ground stated in the summons which will be one of the grounds mentioned in subdivision (a) of section 47 of the Act with the addition of that mentioned in subdivision (b) of the same section) a summons was signed and issued under the above-mentioned Act, by the said Justice of the Peace, directed to the said to show cause why he (or she) should not support (or as the case may be) the said

And now on this day, to wit, the day of 19, in the State of Victoria, the parties aforesaid appear before me (or us) (or the said appears before me (or us) but the said although duly called, does not appear by himself (or herself) his (or her) counsel (or attorney) and it is now satisfactorily proved to me (or us) that the said summons has been served on the said (or it having been proved to my (or our) satisfaction that a reasonable attempt has been made to serve the said summons on the said and that the said has intentionally evaded service thereof).

And I (or we) having heard the matter of the said summons and the evidence, and being satisfied that the said is able to support (or contribute towards the support of) the said do order and adjudge the said to pay to (or to of on behalf of) the said the sum of for past maintenance forthwith (or if by instalments say what amount and when) and the further sum of on day in every week (or other period fixed) hereafter until further order be made. And I (or we) do also order the said to pay to the said the sum of for his (or her) costs on this behalf.

Dated at this day of 19

Justice of the Peace.  
(or as the case may be)

FORM No. 17.  
Maintenance Rules 1958.

Form of Endorsement directing Enforcement in Victoria of Order of another State.

The within (order or duplicate order or copy of an order certified as correct under the hands of the Justice making the same or Certificate of an order made registered or confirmed by the Court of Petty Sessions or other

court) at \_\_\_\_\_ in the State of \_\_\_\_\_ under the  
 hand of the Clerk of the said Court at \_\_\_\_\_ ) having been  
 produced to me together with the affidavit required by section 54 of the  
*Maintenance (Consolidation) Act 1957* I, the undersigned Justice of the  
 Peace for the State of Victoria on the application of the Collector for Inter-  
 State Maintenance for the State of Victoria hereby under the powers in that  
 behalf conferred by the said Act direct that the within Order be enforced  
 within the State of Victoria.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_  
 Justice of the Peace.

FORM No. 18.  
*Maintenance Rules 1958.*

For endorsement on the copy of the order, &c., received from another  
 State which is intended to be served on Defendant.

I, \_\_\_\_\_ of \_\_\_\_\_  
 the Collector for Inter-State Maintenance for the State of Victoria to hereby  
 certify that the within writing purporting to be a copy of an order (or as  
 the case may be) made at \_\_\_\_\_ in the State of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ against the within named  
 is a correct copy of the order (or as the case may be) and of the endorse-  
 ment thereon by \_\_\_\_\_ a Justice of the Peace for the  
 Bailiwick directing that the order as aforesaid be enforced within the State  
 of Victoria.

Given under my hand at \_\_\_\_\_ the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_  
 Collector for Inter-State Maintenance.

FORM No. 19.  
*Maintenance Rules 1958.*  
 DEMAND FOR PAYMENT BY COLLECTOR.  
*Maintenance (Consolidation) Act 1957, Part IV.*

In the matter of \_\_\_\_\_  
 To \_\_\_\_\_

An order made at \_\_\_\_\_ in the State of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ directing (or ordering)  
 that you should support (or contribute towards the support) of the persons  
 (or person) therein named having been under the provisions of Part IV. of  
 the *Maintenance (Consolidation) Act 1957* in due course of law directed to  
 be enforced within the State of Victoria and you have been duly served with  
 the material necessary to make such order enforceable: This is to give you  
 Notice that all moneys by the said order adjudged ordered or directed to  
 be payable thereunder are now payable to me as Collector for Inter-State  
 Maintenance under the said Act: And I hereby demand payment from you  
 forthwith of the sum of \_\_\_\_\_ (made up as below) being the  
 amount due under the above order to date: And I direct that the periodical  
 sum (or sums) adjudged ordered or directed to be paid under such order as  
 it (or they) accrues (or accrue) due to (or are) to be paid to me as such  
 Collector at \_\_\_\_\_ on or before the due date fixed by the  
 order for the payment of the same.

Further take notice that failing compliance with the requirements of  
 this demand proceedings will be forthwith taken to enforce the order as  
 power is conferred by the Act referred to on a Court of Petty Sessions or  
 Justices to enforce the order by distress and in default of distress by  
 imprisonment or without ordering any such distress by imprisonment for  
 such period as the Court or Justices may fix.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 Collector for Inter-State Maintenance.

Date.	Particulars of Amount Due.	£	s.	d.
	Past maintenance for period noted in margin ..			
	or			
	Amount due in respect of past maintenance (£ _____ )			
	for period noted in margin directed to be paid by			
	weekly instalments of £ _____ each			
	which are in arrear _____ weeks of maintenance			
	for period noted in the margin at _____ per week			
	Costs fixed by Court .. ..			
	Total due to date .. ..			

FORM No. 20.

Maintenance Rules 1958.

SHOW CAUSE SUMMONS TO ENFORCE ORDER RECEIVED FROM ANOTHER STATE.

In the Court of Petty Sessions

at Melbourne

In the Central Bailiwick

In the matter of the enforcement under Part IV. of the Maintenance (Consolidation) Act 1957 of an Order made at in the State of on the and (at the instance of the Assistant Collector for Inter-State Maintenance for Victoria).

In the matter of

Complainant

and

Defendant

To of

You are hereby summoned to appear on the day of 19 at o'clock in the forenoon at Melbourne in the State of Victoria before the Court of Petty Sessions to show cause why the amount of f due on the day of 19 by you under the Order dated the day of 19 duly made at in the State of

by a Justice of the Peace (or a court of Petty Sessions or as the case may be) then and there having jurisdiction in that behalf whereby you were directed (here insert substance of Order) (which Order has under the provisions of Part IV. of the Maintenance (Consolidation) Act 1957 become enforceable in Victoria against you) should not be levied by distress and in default of distress by imprisonment or without ordering any such distress, by imprisonment for such period as the Court may fix.

Dated at Melbourne the day of 19 Clerk of Petty Sessions.

Form No. 21.

Maintenance Rules 1958.

WARRANT OF DISTRESS UPON AN ORDER FOR MAINTENANCE MADE IN A STATE OTHER THAN VICTORIA.

In the Court of Petty Sessions

at

In the Bailiwick

In the matter of the enforcement under Part IV. of the Maintenance (Consolidation) Act 1957 of an Order made at in the State of and (at the instance of the Collector for Inter-State Maintenance of Victoria).

In the matter of

Complainant

and

Defendant

To all members of the Police Force of the State of Victoria.

Whereas (set out circumstances applicable thus:—) any Order (or a duplicate of an Order) made by a Justice (or Justices) of the Peace for the State of and signed by him (or them) or a copy of an Order made by a Justice (or Justices) of the Peace of the State of such copy being certified as correct under the hand (or hands) of the said Justice (or Justices) or a certificate of an Order made by the Court at in the State of such certificate being under the hand of the of the said Court (if so and the seal thereof) whereby of (hereinafter called the defendant) was ordered (set out as in Order) has been received in the State of Victoria and has been endorsed by a Justice of the Peace for the State of Victoria with a direction signed by him that the said Order be enforced within the State of Victoria and whereas the said defendant was on the day of 19 adjudged to be in default under the said Order in the sum of f due to the day of 19 and it was ordered that such amount should be recovered by distress and in default of such sufficient distress that the said defendant be imprisoned for the space of and the said defendant not having paid the said sum of f These are, therefore, to command you, in Her Majesty's

name, forthwith to make distress of the goods and chattels, money, bank notes, cheques, bills of exchange, promissory notes, bonds, specialties, or securities of money of the said defendant and—

(1) If after the making of the distress the defendant consents in writing to the distress being sold otherwise than by public auction and if within the space of five clear days next after the making of such distress the said sums together with reasonable charges of taking and keeping the said goods and chattels shall not be paid that then you do sell the said goods and chattels so by you distrained in accordance with the said consent; or

(2) If after the making of the distress the defendant consents in writing to the distress being sold without the publication of the advertisement referred to in section 115 (2) of the Justices Act and if within the space of five clear days next after the making of such distress the said sums, together with reasonable charges of taking and keeping the said goods and chattels shall not be paid that then you do sell the said goods and chattels so by you distrained by public auction; or

(3) If after the making of such distress and the publication of the said advertisement the said sums together with reasonable charges of taking and keeping the said goods and chattels and the cost of the publication of the said advertisement shall not be paid before the expiration of five clear days at least from the publication of the said advertisement then you do sell the said goods and chattels so by you distrained by public auction.

And that you do pay the proceeds of the sale of the said goods and chattels and such money and bank notes so distrained unto the Clerk of Petty Sessions at Melbourne in the said State, and that you do as by law empowered hold and realize and, if occasion require, sue on the said cheques, bills of exchange, promissory notes, bonds, specialties, or securities of money, and do pay the money realized or recovered on the same unto the said Clerk of Petty Sessions that he may pay and apply the same as by law is directed, and if no such distress can be found then that you certify the same unto a Justice, to the end that such further proceedings may be had thereon as to the law doth appertain.

Dated the                      day of                      19                      at  
in the State of Victoria.    Clerk of Petty Sessions.

## FORM No. 22.

*Maintenance Rules 1958.*WARRANT OF COMMITMENT UNDER AN ORDER FOR MAINTENANCE  
MADE IN A STATE OTHER THAN VICTORIA.

In the Court of Petty Sessions

at

In the State of

In the matter of the enforcement of an Order made at  
in the State of                      (at the instance of the Collector  
for Inter-State Maintenance of Victoria) in the matter of

Complainant  
Defendant

To all members of the Police Force in the State of Victoria and to the Keeper of Her Majesty's Gaol at Pentridge in the said State or any other Gaol which is more accessible or more convenient.

Whereas (set out circumstances applicable as shown in Form No. 22)

whereby the above-named                      hereinafter  
called the defendant was ordered (set out as in order)  
has been received in the State of Victoria and has been endorsed  
by                      a Justice of the Peace for the State of Victoria with  
a direction signed by him that the said Order be enforced within the State  
of Victoria.

And whereas the said defendant was on the                      day  
of                      19                      adjudged to be in default under the said Order  
in the sum of £                      due to the                      day of  
19                      , and it was ordered that in default of payment of the said sum the  
said defendant be imprisoned for the space of                      and the said  
defendant not having paid the said sum of £                      : These are there-  
fore to command you, the members of the said Police Force, to take the  
said Defendant unless the said sum of £                      shall be sooner paid to  
you and him safely to convey to the Gaol aforesaid and there deliver him  
to the Keeper thereof, together with this precept, and I do hereby command  
you the said Keeper of the said Gaol to receive the said defendant into your  
custody and imprison him for the space of                      unless  
the said sum shall be sooner paid to you, and for so doing this shall be your  
sufficient warrant.

Dated at                      this                      day of                      19                      .  
Clerk of Petty Sessions.

Defendant's Address:—

FORM No. 23.

*Maintenance Rules 1958.*

REQUEST THAT AN ORDER BE MADE ENFORCEABLE.

(Pursuant to Part IV. of the *Maintenance (Consolidation) Act 1957.*)

Whereas an Order was on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 made by \_\_\_\_\_ in the State of Victoria against  
 of \_\_\_\_\_ for the payment of \_\_\_\_\_  
 towards the maintenance of \_\_\_\_\_  
 remains wholly unpaid: And whereas the said  
 (a) has gone to reside \_\_\_\_\_  
 (b) is resident \_\_\_\_\_  
 outside the said State of Victoria, namely, at \_\_\_\_\_  
 in the State of \_\_\_\_\_ : Now, I  
 Collector for Inter-State Maintenance in the said State of Victoria, do hereby  
 request that the said Order may be made enforceable in the said State  
 of \_\_\_\_\_

Signed by the said Collector of Inter-State Maintenance at  
 in the State of Victoria, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
 \_\_\_\_\_  
 Collector for Inter-State Maintenance.  
 (a) or (b) Strike out inapplicable matter.

FORM No. 24.

*Maintenance Rules 1958.*

APPLICATION FOR ENFORCEMENT OF ORDER.

Whereas an Order as hereunder set forth was made by the Court of  
 Petty Sessions at \_\_\_\_\_ on the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_ in favour of me the Complainant, and the said  
 Defendant against whom the order was made  
 (a) has gone to reside in \_\_\_\_\_  
 (b) is resident in the State of \_\_\_\_\_  
 I do now apply to the Collector for Inter-State Maintenance for the State  
 of Victoria to send to the Collector for Inter-State Maintenance for the  
 State of \_\_\_\_\_ the documents mentioned in section 60 of the  
*Maintenance (Consolidation) Act 1957* for enforcement of such order in the  
 said State of \_\_\_\_\_

Dated at \_\_\_\_\_ in the State of Victoria, this  
 day of \_\_\_\_\_ 19 \_\_\_\_\_ Signature of Claimant.  
 (a) or (b) Strike out inapplicable matter.

PARTICULARS OF ORDER REFERRED TO ABOVE.

	Complainant
	Defendant
Order made on the _____ day of _____ 19 _____ for	
maintenance of said Complainant and (or) her children respectively	
named _____	
Weekly payment (or as the case may be) _____	
First payment payable to Clerk of Petty Sessions at _____	
on the _____ day of _____ 19 _____	
Total payments made to _____ day of _____ 19 _____	
in respect of said Complainant f _____ and her children f _____	
Balance f _____ due on the _____ day of _____ 19 _____	
	Signature of Claimant.

FORM No. 25.

*Maintenance Rules 1958.*

CERTIFICATE OF A MAINTENANCE ORDER.

I, \_\_\_\_\_ being the  
 Clerk of the Court of Petty Sessions at \_\_\_\_\_  
 in the State of Victoria, do hereby certify that on the \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_ at the Court of Petty Sessions at \_\_\_\_\_  
 on the complaint of \_\_\_\_\_ (hereinafter  
 called the complainant) and after due proceedings and inquiry thereof, an  
 order in writing was made by the said Court of Petty Sessions at \_\_\_\_\_  
 then and there having sufficient power and authority in that behalf, and  
 whereby it was ordered that \_\_\_\_\_ (hereinafter



called the defendant) should pay to the Clerk of Petty Sessions at  
for the maintenance of his wife the said complainant, the sum of  
a week and for the maintenance of his child  
the sum of  
a week for each of the said child to be paid weekly week by week, the  
first of such weekly payments to be made on  
the day of 19 . And it was further ordered  
that the said defendant should pay to the said complainant the sum  
of for costs.

Given under my hand and the seal of the Court of Petty Sessions at  
this day of 19

Clerk of Petty Sessions.

FORM No. 26.

*Maintenance Rules 1958.*

NOTICE OF REGISTRATION OF ORDER.

In the Court of Petty Sessions  
at Melbourne  
In the Central Bailiwick, State of Victoria

Complainant  
Defendant

To the above-named Defendant  
of

I hereby give you Notice that I have this day registered in the Court of  
Petty Sessions, at Melbourne, a certified copy of the order made at

on in the above case, and transmitted to  
me for registration under Part V. of the *Maintenance (Consolidation) Act*  
1957 whereby you were ordered to pay (here set out effect of order).

Such order is of the same force and effect, and all proceedings may be  
taken thereon in the same manner as if it had been a maintenance order  
originally made in Victoria.

All payments hereunder must be made to the Clerk of Petty Sessions, at  
Melbourne.

Given under my hand this day of , 19 at  
Melbourne.

Clerk of Petty Sessions, Melbourne.

FORM No. 27.

*Maintenance Rules 1958.*

In the Court of Petty Sessions  
at  
In the Bailiwick, State of Victoria

Complainant  
Defendant

The grounds on which the making of the order herein might have been  
opposed if the above-named Defendant had been duly served with a  
summons and had appeared at the hearing are—

(1) (a) That the said complainant is not in fact the wife of the said  
Defendant.

(b) That the said child (children) was (were) not born in  
wedlock, and has (have) not been legitimated.

(2) That the said  
not, in fact, without means of support.

(3) That the said Defendant is not able to maintain the said  
or to contribute to the maintenance of the said

(4) That the said Defendant had just cause or excuse to fail to  
provide his said wife with maintenance.

(5) (Any other grounds that may appear to be applicable.)

Given under my hand this day of 19

Justice of the Peace,  
Stipendiary Magistrate.

FORM No. 28.  
Maintenance Rules 1958.

In the Court of Petty Sessions  
 at  
 In the Bailiwick, State of Victoria

Complainant  
 Defendant

To \_\_\_\_\_, of \_\_\_\_\_

Take notice that the provisional order for maintenance made against the above-named Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, on your complaint has been remitted by \_\_\_\_\_ Court at \_\_\_\_\_ for the purpose of further evidence in the matter being taken.

You are therefore required to appear before the Court of Petty Sessions, at \_\_\_\_\_, in the said State on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon and there adduce to the Court further evidence touching the following matters:—  
 (Here set out matters.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk of Petty Sessions.

FORM No. 29.  
Maintenance Rules 1958.  
REQUISITION FOR SUMMONS.

To the Clerk of Petty Sessions  
 Melbourne

Whereas upon the application of \_\_\_\_\_ a provisional order under the (state title of Act) was made against \_\_\_\_\_ in the Court holden at \_\_\_\_\_ for the payment of \_\_\_\_\_ towards the maintenance of \_\_\_\_\_

And whereas a certified copy of the said order with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to me in the manner prescribed: Now therefore, I, \_\_\_\_\_ the law officer for the State of Victoria, in accordance with the provisions of the *Maintenance (Consolidation) Act 1957*, do hereby forward you the said documents, and request that a summons be issued against the said \_\_\_\_\_ calling upon him to appear before the Court of Petty Sessions to be holden at Melbourne to show cause why the said Order should not be confirmed.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Law Officer.

FORM No. 30.  
Maintenance Rules 1958.  
SUMMONS TO THE DEFENDANT TO SHOW CAUSE WHY A PROVISIONAL ORDER SHOULD NOT BE CONFIRMED.

In the Court of Petty Sessions  
 at Melbourne  
 In the Central Bailiwick, State of Victoria

Complainant  
 Defendant

To \_\_\_\_\_ of \_\_\_\_\_

Whereas upon the application of \_\_\_\_\_ a provisional order under the \_\_\_\_\_ was made against you in the Court holden at \_\_\_\_\_ for the payment of \_\_\_\_\_ towards the maintenance of \_\_\_\_\_

And whereas a certified copy of the said order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted in the manner prescribed to the Law Officer, Melbourne, in the said State, who has caused the said order, depositions, and statement to be sent to the Clerk of Petty Sessions, Melbourne, with a requisition that a summons be issued thereon.

This is therefore to command you to appear on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon, at the Court of Petty Sessions, at Melbourne, to show cause why the said order made against you should not be confirmed in accordance with the statute in such case made and provided.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Justice of the Peace,  
 Clerk of Petty Sessions,  
 Melbourne.

## FORM No. 31.

*Maintenance Rules 1958.*

In the Court of Petty Sessions, at Melbourne,  
in the Central Bailiwick, State of Victoria.

Complainant  
Defendant

Whereas on the hearing of an application for the confirmation of the provisional order herein, the Court was satisfied that it was necessary to remit the case to the Court which made the order for the purpose of taking further evidence on the matters indicated hereunder.

I do hereby remit the case to you accordingly, and request that the Court which made the order or some other competent Court will take further evidence on the following matters:— (Here set out matters on which the evidence is required.)

and will deal with the case according to law.

Dated the                      day of                      , 19

The Law Officer, Melbourne.

Clerk of Petty Sessions,  
Melbourne.

## FORM No. 32.

*Maintenance Rules 1958.*

In the Court of Petty Sessions, at Melbourne,  
In the Central Bailiwick, State of Victoria.

Complainant  
Defendant

To                                      of

Take notice that certain depositions (which may be inspected by you at my office) have been forwarded to this Court by the                      Court in                      , and that the further consideration of the application now pending for the confirmation of the provisional order herein will be proceeded with at the Court of Petty Sessions at Melbourne on                      the                      day of                      , 19                      at                      o'clock in the forenoon.

Dated the                      day of                      , 19

Clerk of Petty Sessions, Melbourne.

## FORM No. 33.

*Maintenance Rules 1958.*

In the Court of Petty Sessions, at Melbourne,  
In the Central Bailiwick, State of Victoria.

Complainant  
Defendant

The order made in the above-mentioned case came before this Court on the                      day of                      19                      , for confirmation, and after due inquiry the Court arrived at the following decision:—

Dated the                      day of                      , 19

Clerk of Petty Sessions.

To the Clerk of the Court,

and to the Law Officer, Melbourne.

## FORM No. 34.

*Maintenance Rules 1958.*

## COMPLAINT ON OATH.

In the Court of Petty Sessions  
at

In the                      Bailiwick,  
State of Victoria.

Complainant  
Defendant

The complaint of the said

of

in the State of Victoria,

defendant, on the

day of

19

, at

, in the said Bailiwick and State, did without

just cause or excuse desert or leave his wife; the said complainant, (or child or children) without means of support.

Complainant.

Taken and sworn before me  
this day of 19 .

Stipendiary Magistrate.  
Justice of the Peace.

And I apply that an order be made against the defendant under the provisions of the Act above mentioned.

Complainant.

FORM No. 35.

Maintenance Rules 1958.

PROVISIONAL MAINTENANCE ORDER.

In the Court of Petty Sessions

at  
In the Bailiwick,  
Victoria

Complainant  
Defendant

Be it remembered, that on the day of 19 complaint on oath was made by before me, a Stipendiary Magistrate in and for the State of Victoria or Justice of the Peace for the Bailiwick for that on the day of at in the said Bailiwick the (name the defendant) did without just cause or excuse desert (or leave) his wife the said complainant (or child or children) (name of child or children) born to him in wedlock, without means of support, and afterwards, to wit, on this day of 19 the said complainant appeared before me (or us) the undersigned sitting as a Court of Petty Sessions at in the said Bailiwick:

And having inquired into and heard the matter of the said complaint, and it having been proved on oath of the said complainant (as well as other corroborative evidence, if applicable) that the said defendant is the of the said and that the said defendant is of ability to contribute to the support of the said

and that is in fact without means of support, I (or we) do order and adjudge the said defendant for the support of the said to pay to the Clerk of Petty Sessions for the time being at aforesaid for the use and maintenance of the said the weekly sum next following which in my (or our) discretion I (or we) consider a reasonable amount, to wit, the sum of a week and to be paid weekly week by week.

Given under my (or our) hand(s) at in the said Bailiwick this day of

Stipendiary Magistrate.  
Justices of the Peace.

This order is provisional only and shall have no force or effect unless and until confirmed by a competent court of the country where defendant is proved to be resident.

Stipendiary Magistrate.  
Justices of the Peace.

FORM No. 36.

Maintenance Rules 1958.

MAINTENANCE ORDER.

In the Court of Petty Sessions at Melbourne,

In the Central Bailiwick, Victoria

Complainant  
Defendant

Be it remembered that on the day of a complaint was made to by a married woman residing at (hereinafter called the complainant) that her husband (hereinafter called the defendant) did (set out nature of complaint) and the complainant having applied to the said Court at for a provisional maintenance order against the defendant according to the form of the Statutes in that case made and provided and the complaint having been adjudged to be true, it was provisionally ordered that the said defendant pay to the for the use of the complainant the weekly sum of sterling and for the maintenance of each child the weekly sum of sterling together with the sum of sterling for her costs

in obtaining the said order, such order having been made provisionally and not having any effect unless and until confirmed by a competent Court in that part of Her Majesty's Dominions known as Victoria, Australia.

And whereas by due course of law (under the provisions of Part V. of the *Maintenance (Consolidation) Act 1957*) the Clerk of Petty Sessions at Melbourne (the prescribed officer of the Court of Summary Jurisdiction) duly summoned the said defendant to appear at the Court of Petty Sessions at Melbourne on the \_\_\_\_\_ day of \_\_\_\_\_ to show cause why the said provisional order should not be confirmed.

And whereas the said defendant, (although duly called not having appeared by himself or his counsel or solicitor and it now being satisfactorily proved on oath that the said defendant has been duly served with a summons in this behalf which required him to be and appear here on this day before the said Court of Petty Sessions to show cause why the said provisional order should not be confirmed) or (having appeared before me and appearing has shown cause (failed to show cause) why the said provisional order in respect of the complainant should not be confirmed and has shown cause (failed to show cause) why the said provisional order in respect of the children should not be confirmed) (as applicable).

Now I (or we) the undersigned sitting as a Court of Petty Sessions at Melbourne in the State of Victoria being satisfied that the said provisional order ought to be confirmed (in respect of the children only, if applicable):

Do hereby (rescind the provisional order in respect of the complainant, if applicable) confirm the provisional order (in respect of the children) with a modification that the said defendant pay to the Clerk of Petty Sessions for the time being at Melbourne aforesaid for the use of the said

the weekly sum next following which in my (or our) discretion I (or we) consider a reasonable amount, to wit, the sum of \_\_\_\_\_ Australian Currency a week to be paid weekly week by week, the first of such weekly payments to be made on \_\_\_\_\_ day next, and the like sum of \_\_\_\_\_ on every succeeding \_\_\_\_\_ day in each successive week.

Given under my (or our) hand(s) at Melbourne in the said Bailiwick this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Stipendiary Magistrate.  
Justices of the Peace.

FORM No. 37.

*Maintenance Rules 1958.*

APPLICATION FOR SUMMONS FOR COMMITMENT.

In the Court of Petty Sessions  
at Melbourne,

In the Central Bailiwick

Between

and

Complainant

Defendant

Nature of Complaint:—

Maintenance Order pursuant to Part V. of the  
*Maintenance (Consolidation) Act 1957.*

I apply for the issue of a summons of commitment against the said defendant, and I state that I rely upon the following grounds for obtaining an order of commitment of the defendant (that is to say):—

That since the making of the said order the said defendant has or has had or could by reasonable effort have had sufficient means and ability to pay the sum of which he has made default and has refused or neglected and still refuses or neglects to pay the same or any part thereof.

Dated at Melbourne in Victoria this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

An Officer employed in the Office of  
the Clerk of Petty Sessions at Melbourne.

FORM No. 38.

*Maintenance Rules 1958.*

In the Court of Petty Sessions  
at Melbourne,

In the Central Bailiwick

Complainant

Defendant

I, \_\_\_\_\_ of Melbourne, in the State of Victoria, an officer of the Public Service employed in the office of the Clerk of Petty Sessions at Melbourne, make oath and say:—

1. That a provisional order of maintenance was made against the said defendant on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_

the Court of Summary Jurisdiction at \_\_\_\_\_ England, directing him to pay the weekly sum of \_\_\_\_\_ for the maintenance of his wife the said complainant and the weekly sum of \_\_\_\_\_ for the maintenance of each of his \_\_\_\_\_ children.

2. That the said order was confirmed (or registered) by the Court of Petty Sessions at Melbourne on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ under the provisions of Part V. of the *Maintenance (Consolidation) Act 1957* with a modification that

and it was directed that the first weekly payment of \_\_\_\_\_ be made on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and that all payments thereunder be made to the Clerk of Petty Sessions at Melbourne.

3. That the said order remains unsatisfied to the extent of £ \_\_\_\_\_ being \_\_\_\_\_ weeks arrears of maintenance due to

4. That I am informed and verily believe that since the making of the said order the said defendant has or has had or could by reasonable effort have had sufficient means and ability to pay the amount due and has refused or neglected and still refuses or neglects to pay the same or any part thereof.

Sworn at Melbourne in the said State  
this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_

Before me—  
\_\_\_\_\_

FORM No. 39.  
*Maintenance Rules 1958.*

WARRANT OF COMMITMENT FOR DISOBEDIENCE OF AN ORDER FOR MAINTENANCE.

In the Court of Petty Sessions  
at Melbourne  
In the Central Balliwick in  
Victoria

Informant  
Defendant

To all members of the Police Force in Victoria, and to the Keeper of Her Majesty's Gaol, Pentridge in the said State, or any other gaol which is more accessible or more convenient.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at the Court of Summary Jurisdiction \_\_\_\_\_ a(n) (provisional) order was made against the said defendant directing him to pay the sum of \_\_\_\_\_ which order was at \_\_\_\_\_ Melbourne aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, under the provision of Part V. of the *Maintenance (Consolidation) Act 1957* confirmed (registered), with a modification, to wit, that and the said order has now become enforceable in the State of Victoria.

And whereas he has not paid certain of the said weekly payments as aforesaid, amounting in all to the sum of £ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, to the said Clerk of Petty Sessions at Melbourne, to whom such payments should have been made, and the said Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, did order that unless the said \_\_\_\_\_ did pay the sum of £ \_\_\_\_\_

forthwith or by instalments of \_\_\_\_\_ the first payment to be made to the Clerk of Petty Sessions, Melbourne, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, he be imprisoned for \_\_\_\_\_ and the said \_\_\_\_\_ having made default by not paying the said sum of £ \_\_\_\_\_ forthwith or by instalments as aforesaid, the sum of £ \_\_\_\_\_ still remaining due and unpaid.

You, the said member of the Police Force, are commanded to take the said defendant and convey him to the said Gaol and deliver him to the Keeper thereof: And you, the said Keeper, are hereby required to receive him into your custody in the said Gaol and him there safely to keep for the space of \_\_\_\_\_ or until you receive a certificate (signed by the Clerk of Petty Sessions) that the said Defendant has paid or satisfied the said sums or until the said Defendant shall be otherwise discharged by due course of law.

Dated at Melbourne this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Clerk of Petty Sessions.

FORM No. 40.

*Maintenance Rules 1958.*COMPLAINT ON OATH UNDER PART I. OF THE MAINTENANCE  
(CONSOLIDATION) ACT 1957 AND SUMMONS THEREON.

In the Court of Petty Sessions at

In the

Bailiwick.

of

Complainant

Defendant

The complaint of the said  
of

in the State of Victoria,

who saith that the said defendant on the  
day of 19

at

in the said Bailiwick and State, did without

just cause or excuse desert or leave his wife, the said complainant, and  
also his child (or children) (add name or names)born to him in wedlock (or of the body of the said complainant) without  
means of support.

Complainant.

To the above-named defendant.

Whereas the above complaint has this day been laid and sworn by the above-named complainant before me, Clerk of Petty Sessions at  
in and for the said Bailiwick of the said State: These are therefore to command you in Her Majesty's name to be and appear on the  
day of 19 at the hour of o'clock in  
the noon, at the said Court of Petty Sessions at  
to answer to the said complaint, to show cause why you should not support your said wife and (child or children) and to be further dealt with according to law.

Dated at

19

the

day of

Justice of the Peace.

Clerk of Petty Sessions.

To the Defendant: Take notice that on the hearing of this complaint I intend to apply to the Court that the legal custody of the children of the marriage (here insert names of children) while under the age of sixteen years, be committed to me. (Delete if unnecessary.)

Complainant.

FORM No. 41.

*Maintenance Rules 1958.*

## WARRANT OF COMMITMENT.

In the Court of Petty Sessions

at

In the

Bailiwick

In Victoria.

Complainant

Defendant

To all members of the Police Force of Victoria, and to the Keeper of Her Majesty's Gaol at Pentridge in the said State or any other gaol which is more accessible or more convenient.

Whereas the said Court did on the day of  
, 19, order that the said Defendant should pay  
to the Clerk of Petty Sessions at the weekly sum of  
£ for the maintenance of his wife  
child the first of such weekly payments to be made  
on day, the day of 19,  
and thereafter on each succeeding day:

And whereas he has not paid certain of the said weekly payments amounting in all to the sum of £ on the day of 19: And whereas in and by the same order it was ordered that he should pay to the said Complainant the sum of £ for costs.

The said Court on the day of  
did order that unless the said Defendant pay to the Clerk of Petty Sessions at the said sums of £, and £ for the said costs together with the costs occasioned by the said last-mentioned summons and examination amounting to a

further sum of £    forthwith or by instalments of  
the first payment to be made to the Clerk of  
Petty Sessions at    on the    day of  
   he is imprisoned for    and the said  
having made default by not paying the said sum of £  
forthwith or by instalments, the sum of    still remain-  
ing due and unpaid.

You, the said members of the Police Force, are commanded to take the  
said Defendant and convey him to the said Gaol and deliver him to the  
Keeper thereof, and you, the said Keeper, are hereby required to receive  
him into your custody in the said Gaol, and him there safely to keep for  
the space of    or until you shall receive a certificate  
signed by the Clerk of Petty Sessions that the said Defendant has paid or  
satisfied the said sums, or until the said Defendant shall be otherwise  
discharged by due course of law.

Dated at    this    day of    19  
   Clerk of Petty Sessions.

And the Honorable Murray Victor Porter, for and on behalf of Her  
Majesty's Attorney-General in and for the State of Victoria, shall give  
the necessary directions herein accordingly.

A. MAHLSTEDT,  
Clerk of the Executive Council.