

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 68 of 1981

**An Act to amend the Maintenance Act 1965–1978 in certain  
particulars**

[ASSENTED TO 14TH SEPTEMBER, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Maintenance Act Amendment Act 1981*.

(2) In this Act the *Maintenance Act 1965–1978* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Maintenance Act 1965–1981*.

**2. Amendment of s. 126. Court may require defendant to state his employer etc.** Section 126 of the Principal Act is amended by—

(a) inserting, as subsection (1), the following subsections:—

“(1) In this section, the term “defendant” includes a person in respect of whom an application is made under subsection (2).

Subsection (2) applies in relation to—

(a) an order made in Queensland or elsewhere that is at the material time in force and is enforceable in Queensland under this Act;

and

(b) a nominal order made under section 21 that is at the material time in force whether or not proceedings may be duly taken at that time to enforce the order.

(2) The clerk of the court at any place within the Magistrates Court District in which a person against whom is an order in relation to which this subsection applies resides or carries on or is employed at a place of business may at any time make an *ex parte* application to the court for the exercise of one or more of the powers referred to in subsection (3).”;

(b) renumbering the provisions of the existing subsection (1) as subsection (3) and, in that subsection—

(i) inserting after the words “proceedings under this Act” the words “(whether instituted under subsection (2) or any other provision of this Act)”;

(ii) inserting in provision (a) after the words “any order” the words “that is or may become”;

(c) renumbering the provisions of the existing subsection (2) as subsection (4) and, in that subsection, omitting the expression “(1)” and substituting the expression “(3)”;

(d) inserting after subsection (4), as so renumbered, the following subsection:—

“(5) If the court to which application is made under subsection (2) gives a direction referred to in subsection (3), a copy of its order shall be served on the person to whom it is directed in the same manner as a summons may be served under the *Justices Act 1886–1980* and the provisions of section 56 of that Act shall apply accordingly.”;

(e) renumbering the provisions of the existing subsection (3) as subsection (6) and, in that subsection, omitting the words "one hundred pounds" and substituting the expression "\$200".

(f) adding at the end of the section the following subsections:—

"(7) Where a person fails to attend before a court as required by an order made under subsection (3) and served on him the court may issue a warrant directed to any member or members of the Police Force by name or generally to all members of the Police Force or to the holder of an office nominated by the court and ordering such person's apprehension and production before the court with a view to his complying with the order made under subsection (3).

(8) A warrant issued under subsection (7)—

- (a) shall be lawful authority to the person to whom it is directed to apprehend the person in respect of whom it is issued at any place where he may be found within Queensland and to bring him before the court at the place where the warrant was issued;
- (b) shall be, as nearly as may be, in the form required for a warrant issued under the *Justices Act* 1886–1980;
- (c) shall remain in force until it is executed; and
- (d) where it is directed to all members of the Police Force, may be executed by any member thereof as if it were directed to him by name."

**3. Amendment of currency references.** The provisions of the Principal Act referred to in the first column of the following Table are amended as indicated in that Table:—

"TABLE

Provision Amended	Omit	Substitute
section 45 (1) .. ..	"fifty pounds" .. ..	"\$100"
section 47 (3) .. ..	"one hundred pounds" .. ..	"\$200"
section 59 (1) .. ..	"one hundred pounds" .. ..	"\$200"
section 60 (1) .. ..	"one hundred pounds" .. ..	"\$200"
section 135 .. ..	"one hundred pounds" .. ..	"\$200"."