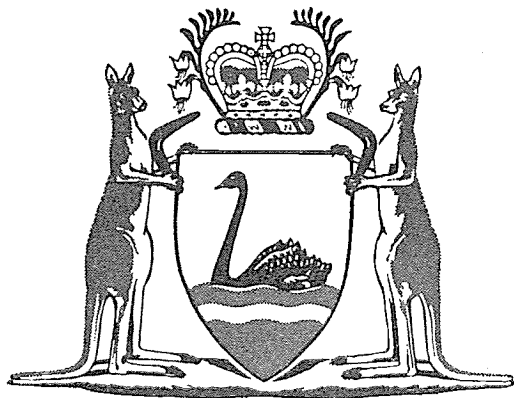


[4725]



Government Gazette

OF

WESTERN AUSTRALIA

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PERTH: WEDNESDAY, 20th DECEMBER

[1972.

MARRIED PERSONS AND CHILDREN
(SUMMARY RELIEF) ACT,
1965-1972

MARRIED PERSONS
AND CHILDREN
(SUMMARY RELIEF)
RULES, 1966

(AMENDMENTS)

Married Persons and Children (Summary Relief)
Act Amendment Act, 1972.

PROCLAMATION

WESTERN AUSTRALIA, TO WIT, DOUGLAS KENDREW, Governor. [L.S.]	} By His Excellency Major-General Sir Douglas Anthony Kendrew, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.
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WHEREAS it is enacted by section 2 of the Married Persons and Children (Summary Relief) Act Amendment Act, 1972, that the Act shall come into operation on a date to be fixed by proclamation: Now, therefore, I, the Governor acting with the advice and consent of the Executive Council, do hereby fix the 1st day of January, 1973 as the date on which the Married Persons and Children (Summary Relief) Act Amendment Act, 1972, shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 13th day of December, 1972.

By His Excellency's Command,
THOMAS D. EVANS,
Attorney General.

GOD SAVE THE QUEEN ! ! !

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT, 1965-1972.

Crown Law Department,
Perth, 13th December, 1972.

HIS Excellency the Governor in Executive Council, acting under the provisions of section 110 of the Married Persons and Children (Summary Relief) Act, 1965-1972, and section 11 of the Interpretation Act 1918-1972, has been pleased to make the rules set out in the schedule hereunder.

W. J. ROBINSON,
Under Secretary for Law.

Schedule.

RULES.

1. In these rules the Married Persons and Children (Summary Relief) Rules 1966, published in the *Government Gazette* on the 25th February, 1966, as amended from time to time and reprinted in the *Government Gazette* on the 12th March, 1970, are referred to as the principal rules.
2. Rule 9 of the principal rules is revoked and a new rule substituted as follows:—
 9. (1) The cause of complaint upon which the complainant relies and the relief sought under the Act shall be set forth in the complaint.
 - (2) Subject to subrule (3) of this rule a separate complaint shall be made for each cause of complaint under Division 1 of Part III of the Act.
 - (3) A complaint made under section 10 of the Act may contain any one or more causes of complaint as provided by that section.
3. Rule 10 of the principal rules is revoked and a new rule substituted as follows:—
 10. Where a summons is issued by a Justice of the Peace, the Clerk of the Court in which it is lodged may insert such date for hearing as is suitable to the Court and may amend the date for hearing as required until service is effected.
4. Rule 14 of the principal rules is amended by deleting the words "Child Welfare Department" and substituting the words "Department for Community Welfare".
5. Rule 23 of the principal rules is amended—
 - (a) by deleting subrule (1) and substituting two new subrules as follows:—
 - (1) A defendant or third party may require particulars of the complaint:—
 - (a) within a reasonable period prior to the return date; or
 - (b) after the return date but before a day is fixed for the hearing of the complaint,
 and the Court may, on the application of the party by whom the particulars are required, order the particulars to be given within a specified period.
 - (1a) Where the Court is satisfied that hardship would otherwise result, the Court may extend the period within which particulars may be required, and may adjourn a hearing until a day after that period. ;
 - (b) as to subrule (3), by deleting the passage "prior to the return date or the day fixed for the hearing of a complaint, the Court, may" and substituting the passage "the Court may," ;
 - (c) by adding after subrule (4) a new subrule as follows—
 - (4a) Where the party or parties are represented by solicitors and, on the return day for hearing of the complaint, the case is not proceeded with on that day, then before it is again listed for trial a notice shall be filed stating—
 - (a) that the case is ready for trial;
 - (b) the estimated time the hearing will take;

- (c) that all requests for particulars and discovery of documents have been completed; and
 - (d) the election as to the constitution of the court.
6. Rule 27 of the principal rules is revoked and a new rule substituted as follows:—
- 27 (1) Any person making application for an order under section 24B of the Act may apply at the hearing or make *ex parte* application to the Court prior to the hearing.
- (2) Where an application under section 24B of the Act is made *ex parte* it may be heard in chambers and shall be supported by affidavit.
- (3) A copy of the order, signed by the clerk shall be served on the party required to comply with the order or his solicitor in accordance with section 102 of the Act.
7. Rule 28 of the principal rules is amended—
- (a) by redesignating the rule as subrule (1); and
 - (b) by adding a new subrule (2) as follows:—
- (2) An application under this rule shall be supported by an affidavit setting forth the facts upon which the applicant relies and the application may be heard in Chambers.
8. Rule 36 of the principal rules is amended—
- (a) by deleting the words “is made affecting” and substituting the passage “, whether arising from an original complaint or by way of an order for ancillary relief, affects”;
 - (b) by deleting the words “or affecting” and substituting the words “or affects”.
9. Rule 38 of the principal rules is revoked.
10. Rule 39 of the principal rules is amended—
- (a) by deleting the passage “subsection (3) of section 28” and substituting the passage “section 30A”;
 - (b) as to paragraph (b), by deleting the passage “pursuant to subsection (1) of section 28 of the Act,” ;
 - (c) by deleting paragraph (c) and substituting a new paragraph as follows—
- (c) an affidavit deposing—
 - (i) that no part of the amount of the arrears of maintenance certified under section 30A of the Act has been paid to the dependant or to any other person for the dependant's benefit, in money, money's worth or by any benefit given in lieu of money; and
 - (ii) as to the matters required by subsection (4) of section 30A of the Act.
11. Rule 40 of the principal rules is amended by deleting the passage “subsection (1) of section 28” and substituting the passage “section 30B”.
12. Rule 41 of the principal rules is revoked.
13. Rule 42 of the principal rules is revoked.
14. Rule 44 of the principal rules is revoked.
15. Rule 46 of the principal rules is amended—
- (a) by adding after the words “by virtue of” the words “Part IIIA or” ; and
 - (b) by substituting for the word “affected” the word “effected”.
16. Rule 47 of the principal rules is amended by adding after the passage “Guardianship of Infants Act, 1926-1965,” the passage “or the Guardianship of Children Act, 1972,” .
17. Rule 48 of the principal rules is amended by substituting for the word “warrant”, in each place where it appears, the word “summons”.

18. The principal rules are amended by adding after rule 48 a new rule as follows:—

48A. (1) The clerk of the Court shall not register a maintenance agreement under Part IIIA of the Act unless he is satisfied either by production of the original document, or by an affidavit deposing as to the provisions of that agreement corroborated in some material particular by other evidence of the existence of a written agreement.

(2) Notice is lodged stating the addresses of the parties, the arrears at the date of registration and if not shown in the agreement the ages of the children affected by the agreement.

(3) On registration the clerk shall send by ordinary post, to the person required to make payments under the maintenance agreement, notice of the registration and the arrears of maintenance (if any) at the date of registration.

19. Rule 50 of the principal rules is amended—

(a) by deleting the passage “under a suspended warrant, in accordance with an order made under section 32 of the Act” and substitute the passage “under an order for enforcement made pursuant to Division 1B of Part IV of the Act”;

(b) by deleting the words “the warrant was issued” and substituting the words “the enforcement proceedings were taken”;

(c) by deleting the words “under section 32” and substituting the words “for enforcement”; and

(d) by deleting the words “instalments due on the warrant” and substituting the words “instalments due on the order for enforcement”.

20. The principal rules are amended by deleting Forms 2, 3, 4, 11, 12, 13, 14, and 15 appearing in the First Schedule thereto and substituting therefor the following new forms:—

(Page 1.)	Form 2.
.....SUMMARY RELIEF COURT	
	Complaint No.
	Fee Paid
	Assess. No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

ORIGINATING COMPLAINT AND SUMMONS.

The Complaint of (1)

of in the following matter against:

(2).....(known as the defendant)

of (3)..... (4).....

(Occupation)

made (or sworn) this day of 19 , before the undersigned, one of Her Majesty’s Justices of the Peace (or Clerk of the Court) (or Clerk of Petty Sessions) says that the defendant—

(5)

AND the complainant applies for relief under the Act, namely an Order that (6)

.....
Signature of Complainant.

The defendant has been summoned to appear personally before the Summary Relief Court at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon (on the first Friday following thirty days after service of this summons at 10 o'clock in the forenoon) to answer the complainant and to be further dealt with according to law.

..... JUSTICE OF THE PEACE.

or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

..... * This form should be used in applications under sections 10, 14, 17, 18, 19 or 64 where the relief claimed does not arise out of, or would not have the effect of varying, an existing order. In every other case, Form 3 should be used.

..... (1) Full name of complainant. (2) Full name of defendant. (3) Address of defendant. (4) Description of defendant. (5) Here insert allegation or ground of complaint in accordance with notes on reverse of this form. (6) Here insert relief sought in accordance with notes.

..... (Reverse of Page 1)

ADJOURNMENTS AND INTERIM ORDERS.....

.....

.....

Justice of the Peace.

Magistrate.

DATE OF TRIAL.....

CONSTITUTION OF COURT.....

APPEARANCE Complainant
Defendant.....

FINDING ON EACH ALLEGATION.....

.....

ORDER.....

.....

.....

.....

.....

.....

DATED this _____ day of _____, 19____.

..... Justice of the Peace.

..... Magistrate.

(Page 3)

Form 2.

SUMMARY RELIEF COURT.

Complaint No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

SUMMONS TO DEFENDANT.

The Complaint of

of in the following matter against:

..... (known as the defendant)

of,

(Occupation)

made (or sworn) this day of 19 .., before the undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the Court) (or Clerk of Petty Sessions) says that the defendant—

AND the complainant applies for relief under the Act, namely an Order that

NOW THEREFORE you the defendant are summoned to appear personally before the Summary Relief Court at on the day of 19 .., at o'clock in the noon (on the first Friday following thirty days after service of this summons at 10 o'clock in the forenoon) to answer the complaint and to be further dealt with according to law.

..... JUSTICE OF THE PEACE or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Page 1)

Form 3.

.....SUMMARY RELIEF COURT.

Complaint No.
Fee Paid
Assess No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant
Defendant

*COMPLAINT FOR ANCILLARY RELIEF.

The Complaint of (1)
of in the following matter against:
..... (known as the defendant)
of (2), (3)
(Occupation)

made *(or sworn) this day of 19, before
the undersigned, **one of Her Majesty's Justices of the Peace (or Clerk of
the Court) (or Clerk of Petty Sessions) says that
(a) On the day of, 19,
at (4) the abovenamed (5)
did obtain an Order of the Court whereby
it was ordered (*inter alia*) that (6)

(b) (7) and

AND the complainant applies for relief under the Act, namely an Order
that (8)

.....
Signature of Complainant.

THE DEFENDANT has been summoned to appear personally before the
Summary Relief Court at on the
..... day of 19, at the hour of
..... o'clock in the noon to answer the
application for relief under the Act.

MADE before me at this day
of 19

.....
**JUSTICE OF THE PEACE
or Clerk of the Court or Clerk of Petty Sessions.

(Page 2)

Form 3.

SUMMARY RELIEF COURT

Complaint No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....

Defendant.....

SUMMONS TO DEFENDANT.

The Complaint of..... in the following matter against:
of..... (known as the defendant)
of..... (Occupation)

made (or sworn) this day of 19, before the
undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the
Court) (or Clerk of Petty Sessions) says that
(a) On the day of , 19, at
the abovenamed did obtain
an Order of the Court whereby it was ordered (inter alia) that
and

(b)

AND the complainant applies for relief under the Act, namely an Order that

NOW THEREFORE you are summoned to appear personally before the
Summary Relief Court at on the
day of 19, at the hour of
o'clock in the noon to answer the
application for relief under the Act.
GIVEN under my hand at this day
of 19

JUSTICE OF THE PEACE

or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Reverse of Page 2)

INDORSEMENT OF SERVICE

On the day of 19,
at I served the within-named
with the within summons
by delivering a duplicate to him personally.

(Signature).....
(Date).....

(Page 3)

Form 3.

SUMMARY RELIEF COURT

Complaint No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant
Defendant

SUMMONS TO DEFENDANT.

The Complaint of
of in the following matter against:
.....(known as the defendant)
of,
..... (Occupation)

made (or sworn) this day of 19, before the
undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the
Court) (or Clerk of Petty Sessions) says that (a) On the
day of, 19, at
the abovenamed did obtain an Order of the
Court whereby it was ordered (*inter alia*) that

and

(b)

AND the complainant applies for relief under the Act, namely an Order that

NOW THEREFORE you are summoned to appear personally before the
Summary Relief Court at on
the day of 19, at the hour of
..... o'clock in the noon to answer the
application for relief under the Act.

GIVEN under my hand at this day
of 19

JUSTICE OF THE PEACE

or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Page 1)

Form 4.

SUMMARY RELIEF COURT

Complaint No.
Fee Paid
Assess. No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant
Defendant

COMPLAINT FOR COMMITMENT FOR DISOBEDIENCE OF A MAINTENANCE ORDER.

The Complaint of in the following matter against:
..... (known as the defendant)
of (Occupation)

made (or sworn) this day of 19, before
the undersigned, *one of Her Majesty's Justices of the Peace (or Clerk of
the Court) (or Clerk of Petty Sessions) says that—

1. In the Summary Relief Court at in the
State of Western Australia, on the day of
..... 19, the defendant was ordered to (or an
order was registered or confirmed whereby the defendant was required) to
pay to the Clerk of the Summary Relief Court at
the sum of \$ each week being 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 in each successive week.

2. The defendant has disobeyed or failed to comply with the order in that
he has not paid certain of the said weekly payments amounting in all to the
sum of \$ on the day of 19.

*(And that of the said amount the said
appeared in the Summary Relief Court at
in the said State on the day of 19,
in respect of the amount of and the said
Court declined to order that the said
be imprisoned):
Whereupon the complainant requires that the defendant be dealt with
according to law.

SIGNATURE OF COMPLAINANT.

The defendant has been summoned to appear personally before the Summary
Relief Court at on the
day of 19, at o'clock in the noon
to answer the complaint and to be further dealt with according to law.

JUSTICE OF THE PEACE
or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

*Strike out which is not applicable.

(Reverse of Page 1)

ADJOURNMENTS
.....
.....
.....

Magistrate.

DATE OF TRIAL
.....

APPEARANCE Complainant
Defendant

FINDING

Arrears of Maintenance due at date of trial \$.....
.....
.....
.....

ORDER

*That the defendant pay the amount of \$
forthwith on or before the day of
19....., but the warrant of commitment not to issue while he pays
the amount due by weekly instalments of \$.....
first payment on Friday the day of 19.....

COSTS

In default of payment the defendant to be imprisoned for a term of
..... days
.....
.....
.....

DATED this day of , 19 .. .

Magistrate.

*Strike out which is not applicable.

(Page 2)

Form 4.

SUMMARY RELIEF COURT.

Complaint No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....

Defendant.....

SUMMONS TO DEFENDANT FOR DISOBEDIENCE OF A MAINTENANCE ORDER.

The Complaint of in the following matter against: (known as the defendant) of (Occupation)

made (or sworn) this day of 19....., before the undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the Court) (or Clerk of Petty Sessions) says that

1. In the Summary Relief Court at in the State of Western Australia, on the day of 19....., you the defendant were ordered to (or an order was registered or confirmed whereby you the defendant were required) to pay to the Clerk of the Summary Relief Court at the sum of \$ each week being 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 in each successive week.

2. You have disobeyed or failed to comply with the order in that you have not paid certain of the said weekly payments amounting in all to the sum of \$ on the day of 19.....

(And that of the said amount you appeared in the Summary Relief Court at in the said State on the day of 19....., in respect of the amount of and the said Court declined to order that you be imprisoned):

Whereupon the complainant requires that you the defendant be dealt with according to law.

NOW THEREFORE YOU the defendant are summoned to appear personally before the Summary Relief Court at on the day of 19....., at o'clock in the noon to answer the complaint and to be further dealt with according to law.

JUSTICE OF THE PEACE.

or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Reverse of Page 2)

INDORSEMENT OF SERVICE.

On the day of 19..... at I served the within-named with the within summons by delivering a duplicate to him personally.

(Signature)..... (Date).....

(Page 3)

Form 4.

SUMMARY RELIEF COURT

Complaint No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....

Defendant.....

SUMMONS TO DEFENDANT FOR DISOBEDIENCE OF A MAINTENANCE ORDER.

The Complaint of..... in the following matter against:..... (known as the defendant) of..... (Occupation)

made (or sworn) this..... day of..... 19..... before the undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the Court) (or Clerk of Petty Sessions) says that

1. In the Summary Relief Court at....., in the State of Western Australia, on the..... day of..... 19....., you the defendant were ordered to (or an order was registered or confirmed whereby you the defendant were required to pay to the Clerk of the Summary Relief Court at the sum of \$..... each week being for the maintenance of..... the first of such weekly payments to be made on..... day the....., 19....., and thereafter on each succeeding..... day in each successive week.

2. You have disobeyed or failed to comply with the order in that you have not paid certain of the said weekly payments amounting in all to the sum of \$..... on the..... day of..... 19.....

(And that of the said amount you appeared in the Summary Relief Court at..... in the said State on the..... day of..... 19....., in respect of the amount of..... and the said Court declined to order that you be imprisoned):

Whereupon the complainant requires that you the defendant be dealt with according to law.

NOW THEREFORE YOU the defendant are summoned to appear personally before the Summary Relief Court at..... on the..... day of..... 19....., at..... o'clock in the..... noon to answer the complaint and to be further dealt with according to law.

JUSTICE OF THE PEACE.

or Clerk of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Page 1)

Form 11.

SUMMARY RELIEF COURT.

Complaint No.....
Fee Paid.....
Assess. No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....
Defendant.....

COMPLAINT FOR COMMITMENT AND WARRANT OF APPREHENSION.

The Complaint of.....
of.....in the following matter against:
of..... (known as the defendant)

sworn this day of 19, before the
undersigned, one of Her Majesty's Justices of the Peace (or Clerk of the
Court) (or Clerk of Petty Sessions) says that—

1. In the Summary Relief Court at
in the State of Western Australia, on the day of
order was registered or confirmed whereby the defendant was ordered to pay
to the Clerk of the Summary Relief Court at
the sum of \$ each week being 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 in each
successive week.

2. The defendant has disobeyed or failed to comply with the order in that
he has not paid certain of the said weekly payments amounting in all to the
sum of \$
on the day of , 19 .

3. The whereabouts of the defendant are unknown to the complainant.

4. The defendant is about to move out of the State
into a distant part of the State.

5. The defendant when served with a summons may remove and that such
removal may unreasonably delay the hearings of the complaint or tend to de-
feat the enforcement of the order.

NOW THEREFORE the complainant applies for a warrant of apprehension of
the defendant and for his being brought before a court and dealt with in ac-
cordance with Part IV of the Act.

SIGNATURE OF COMPLAINANT.

SWORN before me the day and year first abovementioned, at
in the said State.

JUSTICE OF THE PEACE
or Clerk of the Court or Clerk of Petty Sessions.

WARRANT ISSUED..... DATE...../...../.....

CLERK OF THE COURT.

(Reverse of Page 2)

ADJOURNMENTS
.....
.....
.....

.....
Magistrate.

DATE OF TRIAL
.....

APPEARANCE Complainant
Defendant

FINDING

Arrears of Maintenance due at date of trial \$
.....
.....

ORDER

*That the defendant pay the amount of \$..... forthwith.....
..... on or before the day of
19..... but the warrant of commitment not to issue while he pays the
amount due by weekly instalments of \$..... first payment on
Friday the day of 19.....

COSTS

In default of payment the defendant to be imprisoned for a term
of days.....

DATED this day of , 19 .. .

.....
Magistrate.

*Strike out which is not applicable.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

WARRANT OF COMMITMENT FOR DISOBEDIENCE OF A MAINTENANCE ORDER.

IN THE SUMMARY RELIEF COURT
Sitting at

Complaint No.....

IN THE MATTER of the complaint of

Complainant

against

Defendant

TO all Police Officers in the State of Western Australia and to the Superintendent (or keepers) of Her Majesty's Prisons (or gaols) in the said State

WHEREAS:

of
(hereinafter called "the defendant") was on the day of
19, ordered by the Summary Relief Court at in default
of payment of the amount of \$ being arrears of maintenance due and
unpaid by the defendant, under an order made (or registered or confirmed) on
the day of 19, in the Court at
and costs therein, to be imprisoned for the term of days. And whereas
the said amount (or amount of \$ being the balance of the said
amount) still remains due and unpaid.

THESE are therefore to command you to arrest the said
and convey him to the prison or gaol nearest to the place of his arrest and
deliver him to the superintendent or keeper thereof together with this Warrant
and the said superintendent or keeper is hereby required to receive him into
his custody in the said prison or gaol therein to imprison him for a term of
days unless the sum hereinafter specified and the costs and
expenses of issuing and executing this warrant are sooner paid: But if the
said shall pay any portion of the
total amount payable under this Warrant then the period of imprisonment
shall thereby be reduced by a period which bears the same ratio to the period
of imprisonment as the portion paid bears to the total amount payable and
the prisoner shall be released at the expiry of the reduced period

Table with 2 columns: Description, Amount. Rows: Amount due \$, Costs \$, Issue and execution fees \$, Total amount payable \$

GIVEN under my hand and the Seal of the Court at

this day of 19

CLERK OF THE COURT.

ENDORSEMENT BY POLICE OFFICER.

Form 13.

.....SUMMARY RELIEF COURT.

Complaint No.....

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant

Defendant

APPLICATION FOR ENFORCEMENT OF A MAINTENANCE ORDER.

To the Clerk of the Summary Relief Court at

WHEREAS

1. In the Court at in the State of Western Australia on the day of 19 , an order was made whereby the Complainant Defendant was ordered to pay to me the said Complainant Defendant the sum of \$ per week being maintenance for myself at \$ per week and \$ per week for each of children.

2. I request you to take all steps necessary or expedient to enforce the order on my behalf including commitment to prison.

3. I understand I shall have the same liability for all costs properly incurred in or about the proceedings as if the proceedings had been taken by me.

4. I undertake—

- (a) not to receive any moneys direct but should they come into my possession I will immediately notify you and act on your instructions;
(b) not to enter into any negotiation or agreement concerning the payment of maintenance without notifying you.

5. The arrears outstanding as at this date are \$.

6. In support of this application I furnish you the following particulars as set out below.

Form 14.

SUMMARY RELIEF COURT.

Complaint No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant

Defendant

ORDER FOR SUSPENSION OF A COMMITMENT ORDER.

In the Summary Relief Court at , in the State of Western Australia, on the day of 19 , the defendant was ordered to (or an order was registered or confirmed whereby the defendant was required) to pay to the Clerk of the Summary Relief Court at the sum of \$ each week being 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 in each successive week.

The defendant has disobeyed or failed to comply with the order in that he has not paid certain of the said weekly payments amounting in all to the sum of \$ on the day of 19 , and was summoned to appear at this court on day 19 , at o'clock in the noon.

And upon the said having appeared and the Court being satisfied as to the arrears of maintenance and the defendant has disobeyed or failed to comply with the order.

NOW THIS COURT doth order that the arrears of maintenance are \$ and the defendant be imprisoned for a term of days but the warrant for commitment is not to issue while he pays the amount due on or before the day of 19 /or by instalments of \$ per week first payment on Friday the day of 19 and orders that such payments are to be paid to the Clerk of the Court first abovementioned for disbursement to the person named in the maintenance order.

The defendant in addition to paying the instalments so ordered will continue to make the periodical payments in the terms of the maintenance order under which this commitment order was made.

DATED at the day of 19 .

MAGISTRATE.

(Page 1)

Form 15.

.....SUMMARY RELIEF COURT.

Complaint No.

Fee Paid

Assess. No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....

Defendant

NOTICE OF APPLICATION.

TAKE NOTICE that I _____ of
_____, intend to make
application to the Summary Relief Court at _____,
for an order pursuant to section _____ of the Act that—

Dated at _____ this _____ day of _____ 19 _____.

.....
APPLICANT.

TO The Clerk of the Summary Relief Court

.....
NOTICE OF HEARING.

TO:
TAKE NOTICE that the above application has been set down for hearing at
the Summary Relief Court at _____, at
o'clock in the _____ noon on the _____ day of
19 _____.

Dated at _____ this _____ day of _____ 19 _____.

.....
CLERK OF THE COURT.

(Page 2)

Form 15

.....SUMMARY RELIEF COURT.

Complaint No.....
Fee Paid.....
Assess. No.....

Western Australia.
Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....
Defendant.....

NOTICE OF APPLICATION.

TAKE NOTICE that I _____ of _____
_____, intend to make application
to the Summary Relief Court at _____, for an
order pursuant to section _____ of the Act that—

Dated at _____ this _____ day of _____ 19 .

.....
APPLICANT.

TO The Clerk of the Summary Relief Court
.....

NOTICE OF HEARING

TO:

TAKE NOTICE that the above application has been set down for hearing at
the Summary Relief Court at _____,
at _____ o'clock in the _____ noon on the _____ day of
_____ 19 .

Dated at _____ this _____ day of _____ 19 .

.....
CLERK OF THE COURT.

(Reverse of Page 2)

INDORSEMENT OF SERVICE.

On the _____ day of _____ 19
 at _____ I served the within-named
 _____ with the within summons
 by delivering a duplicate to him personally.

(Signature).....

(Date).....

(Page 3)

Form 15.

..... SUMMARY RELIEF COURT.

Complaint No.

Fee Paid

Assess. No.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

Complainant.....

Defendant.....

NOTICE OF APPLICATION.

TAKE NOTICE that I , intend to make application to the Summary Relief Court at order pursuant to section of the Act that—

Dated at this day of 19 .

..... APPLICANT.

TO The Clerk of the Summary Relief Court

NOTICE OF HEARING.

TO:

TAKE NOTICE that the above application has been set down for hearing at the Summary Relief Court at , at o'clock in the noon on the day of 19 .

Dated at this day of 19 .

..... CLERK OF THE COURT.

21. The principal rules are amended by adding after Form 15 in the First Schedule thereto a new form 15A as follows:—

Form 15A.

Western Australia.

Married Persons and Children (Summary Relief) Act, 1965.

WARRANT TO APPREHEND UNDER SECTION 101C.

Complaint No.....

IN THE SUMMARY RELIEF COURT

Sitting at

IN THE MATTER of the complaint of

against

Complainant

Defendant

TO ALL POLICE OFFICERS IN THE STATE OF WESTERN AUSTRALIA

WHEREAS on the day of 19

a complaint was made that the defendant has

and the summons was then issued to—

of

commanding him to

appear at the Summary Relief Court at

in the said State on the day of

19, at o'clock in the forenoon, to appear before the said Court

to answer the said complaint

to give evidence on behalf of Complainant/Defendant.

And whereas the said

neglected to appear at the time and place appointed by the said summons and

it has been proved that the said summons was duly served upon the said

THESE are therefore to command you to forthwith apprehend the said

and to bring him before Summary Relief Court at

to answer the said complaint

to give evidence on behalf of the complainant/defendant and to be further

dealt with according to law.

GIVEN under my hand and the Seal of the Court at

in the said State this day of

19 .

.....
MAGISTRATE.

22. The principal rules are amended by deleting the Second Schedule thereto and substituting a new Second Schedule as follows:—

Second Schedule.

FEEES.

	\$
1. Any complaint	0.50
2. Summons to a defendant	0.50
3. Notice to a third party	0.50
4. Summons to witness	0.50
5. Certified copy of an order	0.50
6. Search of central registry index	0.50
7. Application (including interlocutory)	0.50
8. Filing any affidavit (not being an affidavit verifying default of payment)	0.50
9. On registration of any order or agreement for enforcement (other than order under the Child Welfare Act)	1.00
10. Service on any summons or notice	1.00
11. Mileage on service of summons or notice or execution of warrant 10c per kilometre, one way only	
12. Warrant issue and execution	3.00
13. Certified copy Magistrate's notes of evidence—if typed per folio (72 words)	0.10
photocopy per page foolscap size	0.30