

Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

No. 115]

PERTH: WEDNESDAY, 20th DECEMBER

T1972.

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.

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, the backer of the Lagrangian 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. RIHES

- 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.
- 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
 - "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 RELII	EF COURT
	Complaint No.
	Fee Paid
	Assess. No.
Western Au	istralia.
Married Persons and Children	(Summary Relief) Act, 1965.
ORIGINATING COMPLA	INT AND SUMMONS.
The Complaint of (1)	
of	in the following matter against:
(2)	
of (3)	(4)
	(Occupation)
made (or sworn) this day of the undersigned, one of Her Majesty's Ju Court) (or Clerk of Petty Sessions) says (5)	19 , before ustices of the Peace (or Clerk of the that the defendant—

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:

(Reverse of Page 1)

ADJOURNMENT	rs and inte	RIM O	RDERS			····
	***********				***************************************	

					• • • • • • • • • • • • • • • • • • • •	
Justice of	the Peace.			M	agistrate.	
DATE OF TRIA	т.					
CONSTITUTION						
CONSTITUTION				• • • • • • • • • • • • • • • • • • • •		
APPEARANCE	Complainant					
AFFEARANCE	Defendant	*************				
FINDING ON E	ACH ALTEC					
TINDING ON E	ACH ALLEG	ATTON		• • • • • • • • • • • • • • • • • • • •		

	***************************************		***************************************		•••••	

ODDED	***************************************		********			
ORDER						
***************************************	***************************************					
					• • • • • • • • • • • • • • • • • • • •	•••••
***************************************	***************************************		•••••			
					• • • • • • • • • • • • • • • • • • • •	
				• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •	
						• • • • • • • • • • • • • • • • • • • •

			***************************************		• • • • • • • • • • • • • • • • • • • •	

			•••••			
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					• • • • • • • • • • • • • • • • • • • •	
W. A. CONTROL	-					
DATED this	day	of		, 19	•	
Justic	e of the Peace				strate.	

^{*} 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.

(Page 2)	Form 2.
SUMMARY RELIEF Western Australia.	COURT. Complaint No
Married Persons and Children (Summar)	Poliof) Act 1965
ORIGINATING COMPLAINT AND	
The Complaint of	
of in th	
of,	(Occupation)
made (or sworn) this day of undersigned, one of Her Majesty's Justices of the F (or Clerk of Petty Sessions) says that the defend	19 , before the ceace (or Clerk of the Court) dant—
AND the complainant applies for relief under the	e Act, namely an order that
NOW THEREFORE you the defendant are sumbefore the Summary Relief Court at on the day of in the noon (on the first Friday following this summons at 10 o'clock in the forenoon) to a be further dealt with according to law.	19 , at o'clock thirty days after service of
	FICE OF THE PEACE t or Clerk of Petty Sessions.
THIS SUMMONS was issued by:	
(Reverse of Page 2)	
INDORSEMENT OF SERV	ICE.
On the day of at	19 I served the within-named
by delivering a duplicate to him personally.	with the within summons
· · · · · · · · · · · · · · · · · · ·	

(Page 3)	Form 2.
SUM	MARY RELIEF COURT.
	Complaint No
	-
Western Austr	alia.
Married Persons and Children (Su	nmary Relief) Act, 1965.
SUMMONS TO DEF	ENDANT.
The Complaint of	
of	in the following matter against:
of,	
,	(Occupation)
made (or sworn) this day of	
undersigned, one of Her Majesty's Justices of (or Clerk of Petty Sessions) says that the def-	
•	
AND the complainant applies for relief under	er the Act namely an Order that
AND the complaniant applies for rener under	er the Act, namely an Order that
NOW DITEDERODE you the defendant an	
NOW THEREFORE you the defendant ar before the Summary Relief Court at	e summoned to appear personally
on the day of	19 ,
at o'clock in the	noon (on the first Friday
following thirty days after service of this forenoon) to answer the complaint and to	
to law.	be furnier deart with according
••••	JUSTICE OF THE PEACE
or Clerk of the C	ourt or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Page 1)	Form 3.
SUN	MARY RELIEF COURT.
	Complaint No. Fee Paid Assess No.
Western A	ustralia.
Married Persons and Children	(Summary Relief) Act, 1965.
	Complainant Defendant
*COMPLAINT FOR A	NCILLARY RELIEF.
The Complaint of (1)	
of	(known as the defendant)
of (2),	(3)(Occupation)
made **(or sworn) this	day of 19 , before
the undersigned, **one of Her Majesty the Court) (or Clerk of Petty Sessions):	
(a) On the day	
at (4)	the abovenamed (5)
	obtain an Order of the Court whereby
it was ordered (inter alia) that (6)	
(b) (T)	and
(b) (7)	
AND the complainant applies for relithat (8)	ef under the Act, namely an Order
	Signature of Complainant.
THE DEFENDANT has been summor Summary Relief Court at day of o'clock in t application for relief under the Act.	${ m on}$ the 19 , at the hour of
	41.1
MADE before me at of 19 .	this day
or Clerk of t	**JUSTICE OF THE PEACE the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

**Strike out which is not applicable.

*This form should be used for applications under Divisions 2 and 3 of Part III and section 29 of the Act, where the relief claimed arises out of, or would have the effect of varying, an existing order. In every other case Form 2 should be used.

(1) Full name of complainant. (2) Address of defendant. (3) Description of defendant. (4) Place at which recited order was made. (5) "the abovenamed complainant" or "defendant" who ever obtained the recited order. (6) Insert provisions of the recited order which are to be the subject of the present complaint. (7) Set out briefly facts of changed circumstances or upon which complainant relies for relief. (8) Set out relief which complainant now seeks (e.g. suspension, variation or discharge of recited order, as the case may be).

	(Rever	se of Page	1)	
ADJOURNMENTS	S AND INTERIM	ORDERS		
Justice	of the Peace.		Mag	istrate.
DATE OF TRIA	ն			
CONSTITUTION	OF COURT			
APPEARANCE 3	Complainant			
APPEARANCE 1	Defendant			
THE TAKE ON THE	CII AII ECATION			
FINDING ON EA	CH ALLEGATION			
ORDER				
DATED this		day of		, 19 .
TILLU UIII				, 20 .
Justice	of the Peace.			istrate.

(Page 2)		Form 3.
	SUMMARY	RELIEF COURT
	_	int No
	Western Australia.	
36		
Married Persons at	nd Children (Summa	
	-	ainant
	Defend	lant
SUI	MMONS TO DEFEND	DANT
The Complaint of		
of	in	the following matter against: (known as the defendant)
of		(Occupation)
Court) (or Clerk of Petty	Sessions) says that	19 , before the the Peace (or Clerk of the
(a) On the the abovenamed	day of	, 19 , at did obtain
an Order of the Court where		
	-	and
(b)		
(8)		
AND the complainant appli	es for relief under th	ne Act, namely an Order that
NOW THEREFORE you	are summoned to	appear personally before the
Summary Relief Court at day	of	on the
uay	o'clock in the	19 , at the hour of noon to answer the
application for relief under		
GIVEN under my hand at	10	this day
of	19	
		STICE OF THE PEACE or Clerk of Petty Sessions.
THIS SUMMONS was issue	ed by:	
	, m my .	
	(Reverse of Page 2)
IND	ORSEMENT OF SEI	RVICE
On the	day of	19 .
at	~~J U1	I served the within-named
In deliceration 2 2 2	1.4	with the within summons
by delivering a duplicate to	nım personally.	
)
	(Date)

(Page 3)	Form 3.
SUMMARY RE	LIEF COURT
Co	mplaint No
Western Australia.	
Married Persons and Children (Summar	v Relief) Act. 1965
Married Lordons and Omidron (Summar,	Complainant
	Defendant
SUMMONS TO DEFENDA	ANT.
The Complaint of	•••••
of in t	the following matter against:(known as the defendant)
of, ((Decupation)
made (or sworn) this day of	19 , before the
undersigned, one of Her Majesty's Justices of t Court) (or Clerk of Petty Sessions) says that (a)	
day of , 19 , at	V.10
the abovenamed court whereby it was ordered (inter alia) that	lid obtain an Order of the
Court whereby it was ordered thires unas bliat	
	and
	anu
(b)	
AND the complainant applies for relief under the	Act namely an Order that
ing one companion applies for roller under one	Tion, namely an Oracl man
NOW THEREFORE you are summoned to a Summary Relief Court at	ppear personally before the
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 of 19 .	this day
10 .	
	FICE OF THE PEACE
or Clerk of the Court of THIS SUMMONS was issued by:	or Clerk of Petty Sessions.
LEIGH DUIVERVEURE WAS ISSUED DV.	

(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
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 19 day of 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)	
ADJOURNMENT	rs		
		Magistrate.	
D	_		
DATE OF TRIA	ш		
	Complainant		
APPEARANCE	Defendant		
******	***************************************		
FINDING			
Arrears of	Maintenance due at	date of trial \$	·····
ORDER			
*That the	defendant pay the am	ount of \$	
forthwit	th on or before the	day of	
19	, but the warrant of	commitment not to issue w	hile he pays
the amo	ount due by weekly in	nstalments of \$	······································
first pay	ment on Friday the	day of	19
COSTS			
		efendant to be imprisoned for	
		days	
DATED this	day of		, 19 .
		Magistrate.	

*Strike out which is not applicable.

(Page 2)	Form 4. SUMMARY RELIEF COURT.
	Complaint No
Western	n Australia.
Married Persons and Childre	en (Summary Relief) Act, 1965.
Comple	ainant
Defend	lant
	T FOR DISOBEDIENCE OF A ANCE ORDER.
The Complaint of	
	in the following matter against: (known as the defendant)
	(Occupation)
made (or sworn) thisd before the undersigned, one of Her I of the Court) (or Clerk of Petty Sess	ay of
1. In the Summary Relief Court at	
in the State of Western Australia, on 19 , you the defendant were or confirmed whereby you the defendant the Summary Relief Court at	dered to (or an order was registered or at were required) to pay to the Clerk of the sum of
\$ each week being for the first of such weekly payments to	
day of	, 19 , and
therafter on each succeeding week.	day in each successive
	comply with the order in that you have payments amounting in all to the sum day of ,
(And that of the said amount you in the Summary Relief Court at said State on the	appeared in the
19, in respect of the amount of declined to order that you imprisoned):	
-	s that you the defendant be dealt with
NOW THEREFORE YOU the defer before the Summary Relief Court at day	
o'clock in the further dealt with according to law.	noon to answer the complaint and to be
Or Clark	JUSTICE OF THE PEACE. To of the Court or Clerk of Petty Sessions.
	of the court of clerk of reply pessions.
THIS SUMMONS was issued by:	
	rse of Page 2)
	NT OF SERVICE.
On the	day of 19 I served the within-named
at	with the within summons
by delivering a duplicate to him pers	
(Sig	gnature)
	(Date)

(Page 3)	Form 4.
	SUMMARY RELIEF COURT Complaint No
Wester	n Australia.
Married Persons and Childr	en (Summary Relief) Act, 1965.
	plainantefendant
	DISOBEDIENCE OF A MAINTENANCE RDER.
The Complaint of	
	in the following matter against:
of	(known as the defendant)
	(Occupation)
made (or sworn) this before the undersigned, one of Her to of the Court) (or Clerk of Petty Sess	day of 19 , Majesty's Justices of the Peace (or Clerk ions) says that
1. In the Summary Relief Court at State of Western Australia, on the	, in the day of
to (or an order was registered or co required to pay to the Clerk of the the sum of \$	19 , you the defendant were ordered onfirmed whereby you the defendant were Summary Relief Court at each week being for the maintenance of the first of such
weekly payments to be made on day of succeeding	day the , 19 , and thereafter on each day in each successive week.
	comply with the order in that you have payments amounting in all to the sum of day of
(And that of the said amount appeared in the Summary Relief in the said State on the in respect of the amount of Court declined to order that you	you Court at day of 19, and the said
according to law. NOW THEREFORE YOU the defended before the Summary Relief Court at	res that you the defendant be dealt with dant are summoned to appear personally on
the dain the further dealt with according to law.	
or Clerk	JUSTICE OF THE PEACE. k of the Court or Clerk of Petty Sessions.

THIS SUMMONS was issued by:

(Page 1)	Form 11.
s	SUMMARY RELIEF COURT.
	Complaint NoFee PaidAssess. No
Western	Australia.
Married Persons and Children	n (Summary Relief) Act, 1965.
	Complainant Defendant
COMPLAINT FOR COMMITMENT A	AND WARRANT OF APPREHENSION.
The Complaint of	
of	in the following matter against: (known as the defendant)
sworn this day of	19 , before the ustices of the Peace (or Clerk of the
1. In the Summary Relief Court at in the State of Western Australia, on 19	, the defendant was ordered to (or an
to the Clerk of the Summary Relief C the sum of \$ of	reby the defendant was required) to pay ourt at each week being for the maintenance
the first of such weekly payments to be day the and thereafter on each succeeding successive week.	e made on day of , 19 day in each
2. The defendant has disobeyed or he has not paid certain of the said w sum of \$ on the day	failed to comply with the order in that eekly payments amounting in all to the
	of , 19 . nt are unknown to the complainant.
b. The whereabouts of the defenda	out of the State
4. The defendant is about to move	into a distant part of the State.
5. The defendant when served with removal may unreasonably delay the heat the enforcement of the order.	a a summons may remove and that such nearings of the complaint or tend to de-
NOW THEREFORE the complainant the defendant and for his being broug cordance with Part IV of the Act.	applies for a warrant of apprehension of the before a court and dealt with in ac-
 ;	SIGNATURE OF COMPLAINANT.
SWORN before me the day and year fin the said State.	rst abovementioned, at
or Clerk	JUSTICE OF THE PEACE of the Court or Clerk of Petty Sessions.
WARRANT ISSUED	DATE/
	CLERK OF THE COURT.

(Page 2)	Form 11.
	Complaint No
Western A	ustralia.
Married Persons and Children	(Summary Relief) Act, 1965.
-	
WARRANT OF A	PPREHENSION.
TO all Police Officers in the State of V	Vestern Australia
WHEREAS	
The Complaint of	
01	
of	
sworn this day of	(Occupation) 19 , before the
undersigned, one of Her Majesty's Justice (or Clerk of Petty Sessions) says that—	
1. In the Summary Relief Court at	
in the State of Western Australia, on the the defendant was ordered to (or an ord	-
the defendant was required) to pay to t	
at	the sum of \$
each week being for the maintenance of the first of such weekly payments to b	
the day of	, 19
and thereafter on each succeeding in each successive week.	day
he has not paid certain of the said wee	ailed to comply with the order in that ekly payments amounting in all to the ay of , 19 .
3. The whereabouts of the defendan	t are unknown to the complainant.
4 The defendant is about to move	out of the State.
4. The defendant is about to move	into a distant part of the State.
The defendant when served with removal may unreasonably delay the hea the enforcement of the order.	a summons may remove and that such urings of the complaint or tend to defeat
defendant	forthwith to apprehend the abovenamed and to bring him before the n to be dealt with in accordance with
Given under my hand and the Seal of t this day of	he Court at
or Clerk o	JUSTICE OF THE PEACE of the Court or Clerk of Petty Sessions.

ENDORSEMENT BY POLICE OFFICER.

	(Reverse of Page 2)	
ADJOURNM	ENTS	
		Magistrate.
DATE OF	TRIAL	
APPEARAN	CE Complainant	
	Defendant	
	7 m 1 d 1 d 1 d 1 d 1 d 1 d 1 d 1 d 1 d 1	
Arrears of	Maintenance due at date of trial \$	
ORDER		
*That t	he defendant pay the amount of \$	forthwith
19	but the warrant of commitment not t	day of
ame	ount due by weekly instalments of \$day the	first payment on
FIR	ay the tay of	19
COSTS		
In	default of payment the defendant to be	e imprisoned for a term
	of days	
DATED this	day of	, 19 .
		Magistrate.

*Strike out which is not applicable.

Form 12.

Western Australia.

Married Persons and Children (Summary Relief) Ac	t, 1965.
WARRANT OF COMMITMENT FOR DISOBEDIENC MAINTENANCE ORDER.	E OF A
IN THE SUMMARY RELIEF COURT Com Sitting at	plaint No
IN THE MATTER of the complaint of	Complainant
against	Defendant
TO all Police Officers in the State of Western Australia and intendent (or keepers) of Her Majesty's Prisons (or gaols) in	d to the Super-
WHEREAS:	
of payment of the amount of \$ being arrears of main unpaid by the defendant, under an order made (or registered of the day of 19 , in the Court at and costs therein, to be imprisoned for the term of day the said amount (or amount of \$ being the bala 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 deliver him to the superintendent or keeper thereof together we and the said superintendent or keeper is hereby required to his custody in the said prison or gaol therein to imprison him days unless the sum hereinafter specified an expenses of issuing and executing this warrant are sooner principles.	or confirmed) or to the said of his arrest and ith this Warrant receive him into m for a term of the costs and paid: But if the
said shall pay an total amount payable under this Warrant then the period shall thereby be reduced by a period which bears the same ra of imprisonment as the portion paid bears to the total amount the prisoner shall be released at the expiry of the reduced perion	tio to the period
Amount due	\$
	\$
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 MAINTEN	IANCE ORDER.

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

WHEREAS

- (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 \$

To the Clerk of the Summary Relief Court at

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

7. revo	This authority ke it in writing.	to rema	n in	full	force	and	effect	until	such	time	as	Ι
DAT	TED at		his				day	of				
19												
					S	SIGN	ATURE	OF	APPL	ICAN'	Г.	•••
	WITN	ESS.										
(a)	Address of personagments.	on ordered	l to	make	;							
(b)	Is that his usua what is his usua is it expected the residing there?	l address	and	when	.							~~~
(c)	If he works for occupation, and and address of h far as is known, wage?	what is is employ	the er, ar	name nd, so								
(d)	If he is working where is his pla ated, and what business?	ce of bus	ness	situ-								
(e)	What are his as	ssets, if a	ny?								Pro service to	

(f) Have any payments been made by him otherwise than through the Court? If so, show amounts and dates of payment.

			Form 14.
	SUMMA	RY RELIEF COU	RT.
		Complaint N	To
	Western Austra	lia.	
Married Persons	and Children (Sum	mary Relief) Act	, 1965.
	(Complainant	
	1	Defendant	
ORDER FOR SU	SPENSION OF A C	COMMITMENT O	RDER.
In the Summary Relief State of Western Australi			, in the day of
order was registered or of pay to the Clerk of the S the sum of \$	19 , the confirmed whereby	ırt at	dered to (or an as required) to
the first of such weekly p	ayments to be mad	le on	day the
on each succeeding	lay of	19 , ch successive week	and thereafter
Ť	•		
The defendant has diso has not paid certain of sum of \$ and was summoned to ap 19 , at	the said weekly pa on the	yments amountin day of on day	g in all to the 19 ,
And upon the said and the Court being satis fendant has disobeyed or		ears of maintenan	naving appeared ace and the de-
NOW THIS COURT doth and the defendant be im warrant for commitment before the instalments of \$ day of paid to the Clerk of the person named in the mai	prisoned for a terr is not to issue whil day of per week first pa 19 and orde Court first abovem	m of le he pays the am ayment on Friday ers that such pays	days but the nount due on or 19 /or by the ments are to be
The defendant in additi to make the periodical pa which this commitment of	yments in the terms		
DATED at	the	day of	19 .
		м.	AGISTRATE.

(Page 1)			Form 15.
	SUMM	ARY RELIEF COU	RT.
		Complaint N	ſo
		Fee Paid	
		Assess. No.	
*	Western Aust	ralia.	
Married Persons	and Children (St	ummary Relief) Act	, 1965.
		Complainant	***************************************
		Defendant	
1	OTICE OF APPI	LICATION.	
TAKE NOTICE that I			of
			intend to make
application to the Summ	_		,
for an order pursuant to	section	of the Act that	
Dated at	this	day of	19 .
			APPLICANT.
TO The Clerk of the Sur	nmary Relief Co	ırt	
	NOTICE OF H	EARING.	
TO:			
TAKE NOTICE that the	above application	n has been set down	n for hearing at
the Summary Relief Cour	t at		, at
o'clock in the	noon on the	-	day of
	19 .		
Dated at	this	day of	19 .
	••••		THE COURT.

25
(Reverse of Page 1)

Adjournments						
					,	
			1	Magistrate.		
	Compleinant					
APPEARANCE.	Complainant Defendant					
ORDER						
						• • • • • • • • • • • • • • • • • • • •
,						
						• • • • • • • • • • • • • • • • • • • •
			• • • • • • • • • • • • • • • • • • • •			
						••••••
DATED this		day	of		•	19 .
					•	
	•	••••••	••••••	Magistrate.		

(Page 2)		F	orm 15
•	SUMMA	ARY RELIEF COURT.	
		Complair	nt No
			d
			Io
		n Australia.	
Married I	ersons and Child	ren (Summary Relief) Act,	
		Complainant	
		Defendant	
	NOTICE OF	APPLICATION.	
TAKE NOTICE that	I		of
		, intend to m	ake application
to the Summary Re	lief Court at		, for an
order pursuant to s	ection	of the Act that—	
Dated at	this	day of	19 .
		APPLICANT.	
	~	• -	
TO The Clerk of the	ie Summary Reii	ef Court	
	NOTICE	OF HEARING	
TO:			
TAKE NOTICE that	t the above appl	ication 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.
		V=======	0001021

(Reverse of Page 2)

INDORSEMENT OF SERVICE.

On the	day of				19
at		I serv	ed t	he with	in-named
		with	the	within	summons
by delivering a duplicate	to him personally.				
	(Signature)		• • • • • • • • • • • • • • • • • • • •		

(Page 3)				Form 15.
			SUMMARY R	ELIEF COURT.
			Complaint No.	
			Fee Paid	
			Assess. No.	
Monri			Australia. (Summary Relief)	Act 1065
1714111			ant	
			ıt	
	L	CICIICAI	,	•••••••••••••••••••••••••••••••••••••••
	NOTIC	E OF A	PPLICATION.	
TAKE NOT	ICE that I			of
		, inter	nd to make	application
to the Summa	ary Relief Court at	;		, for an
order pursuan	t to section			of the Act that—
Date 3 at	41.	•-	dec et	10
Dated at	tn	nis	day of	19 .
			APPI	JCANT.
TO The Clerk	of the Summary F	Relief Co	ourt	
	•			
	NOT	ICE OF	HEARING.	
TO:				
		applicat	tion has been set de	
	Relief Court at		, at	
in the	noon on the		day of	19 .
Dated at	t	his	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:-

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

Complainant

against

Defendant

TO ALL POLICE OFFICERS IN THE STATE OF WESTERN AUSTRALIA day of WHEREAS on the

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

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.

FEES.

									\$
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 inte	erlocut	ory)				••••		0.50
8.	Filing any affidavit (not payment)					ying d 		of 	0.50
9.	On registration of any ord than order under the Child							her 	1.00
10.	Service on any summons or	notice	·				••••		1.00
11.	Mileage on service of sum 10c per kilometre, one way							ant 	
12.	Warrant issue and execution	on		••••					3.00
13.	Certified copy Magistrate's words)	notes 	of evid		if typ				0.10
	photocopy per page foolsca	p size							0.36