

INTERSTATE MAINTENANCE RECOVERY.

11° Elizabeth II., No. XXV.

No. 25 of 1962.

AN ACT to amend the Interstate Maintenance Recovery Act, 1959-1960.

[Assented to 4th October, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Interstate Maintenance Recovery Act Amendment Act, 1962.* Short title and citation.

(2) In this Act the Interstate Maintenance Recovery Act, 1959-1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Interstate Maintenance Recovery Act, 1959-1962.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 5 amended.

3. Section five of the principal Act is amended by adding after the interpretation, "maintenance order", the following interpretation:—

"Married Persons' Relief Court" means the Married Persons' Relief Court established under the Married Persons (Summary Relief) Act, 1960; .

S. 14
amended.

4. Section fourteen of the principal Act is amended by substituting for the words, "may forthwith" in line sixteen of subsection (1), the words, "shall forthwith register the order in accordance with the provisions of section fourteen A of this Act and may thereafter".

S. 14A
added.

5. The principal Act is amended by adding after section fourteen the following section:—

Maintenance
order made
in another
State to be
registered
in Married
Persons'
Relief Court.

14A. (1) The collector shall lodge or cause to be lodged in the Married Persons' Relief Court, held at Perth, one of the certified copies of the maintenance order together with the affidavit and request, referred to in subsection (1) of section fourteen of this Act, and thereupon the order shall be registered in that court.

(2) The collector may apply to the Married Persons' Relief Court to direct the manner of enforcement of the order on default of payment, and jurisdiction is hereby conferred on that court to direct such manner of enforcement as provided by the Justices Act, 1902.

S. 15
amended.

6. Section fifteen of the principal Act is amended—

(a) by inserting after the word, "State" secondly occurring in line four of subsection (1), the words, "registers the order in accordance with the provisions of section fourteen A of this Act and"; and

- (b) by substituting for the words, "a court of summary jurisdiction in this State" where they occur in lines six and seven of subsection (2), and again in lines one and two of subsection (3), the passage, "the Married Persons' Relief Court", in each case.

7. Section seventeen of the principal Act is amended by adding after paragraph (b) of subsection (1) the following paragraph:—

S. 17
amended.

(c) The provisions of section one hundred and fifty-five A of the Justices Act, 1902, shall apply also in respect of any warrant for imprisonment that has been issued prior to the commencement of the Interstate Maintenance Recovery Act Amendment Act, 1962, in the enforcement of a maintenance order that has become enforceable in this State pursuant to this Part of this Act and which warrant is unexecuted.

8. Section eighteen of the principal Act is amended—

S. 18
amended.

(a) by substituting for the passage, "appropriate court mentioned in paragraph (b) of this subsection" in lines eight and nine of paragraph (a) of subsection (1), the passage, "Married Persons' Relief Court (hereafter in this section referred to as "the court")" ;

(b) by substituting for paragraphs (b) and (c) of subsection (1) the following paragraphs:—

(b) Subject to this Act, jurisdiction is hereby conferred on the court to hear and determine the application in accordance with the practice and procedure of the court, and to make an order under section nineteen of this Act.

(c) When hearing and determining an application under this section, the court shall be constituted by a stipendiary magistrate appointed or deemed to have

S. 16A
added.

2. The principal Act is amended by adding, after section sixteen, the following section:—

Mooring
licenses.

16A. (1) The Minister may grant a license to any person conferring on that person the right to use exclusively, or in common with another person or other persons, the waters specified in the license, for the purpose of mooring vessels.

(2) A license may be granted under this section upon such terms and subject to such conditions as the Minister thinks fit.

S. 207
amended.

3. Section two hundred and seven of the principal Act is amended—

(a) by adding, immediately after paragraph (h) of subsection (1), the following paragraph—

(ha) regulating, or prohibiting, the use of any specified waters for any purpose or purposes;

(b) by adding, immediately after paragraph (i) of subsection (1), the following paragraph—

(ia) the registration of any, or any class of, pleasure boat, limited in their application to time, place or circumstance, the cancellation of, and the fees payable on, registration;

(c) by substituting for the word, “ten”, in paragraph (j) of subsection (1) the word, “twenty”;

and

(d) by repealing subsection (2) and re-enacting it with amendments, as follows:—

(2) Without limiting the powers conferred by subsection (1) of this section, the Governor may, by regulation, empower the Department to regulate, by notices published from time to time in