

Unvalidated References:
Maintenance Orders Enforcement Act 1970

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 279.

Maintenance Orders Enforcement Regulation 1971

ARRANGEMENT OF SECTIONS.

1. Complaints.
2. Summonses, etc.
3. Certificate of the Clerk.
4. Collector's certificate.
5. Applications to the Court generally.
6. Applications by the Collector.
7. Orders of the Court.
- [8. *Repealed*]
9. Provisional orders under Section 49 of the Act.
10. Determination as to earnings.
11. Reciprocating countries.

SCHEDULE 1

SCHEDULE 2 – RECIPROCATING COUNTRIES.

Maintenance Orders Enforcement Regulation 1971

MADE under the *Maintenance Orders Enforcement Act 1970*.

Dated 200 .

1. COMPLAINTS.

A complaint under the Act shall be in Form 1.

2. SUMMONSES, ETC.

- (1) A summons under Sections 43 and 65 of the Act shall be in Form 2.
- (2) A direction under Section 74 of the Act shall be in Form 3.

3. CERTIFICATE OF THE CLERK.

A certificate of the Clerk—

- (a) under Section 7 of the Act shall be in Form 4; and
- (b) under Section 25 of the Act shall be in Form 5.

4. COLLECTOR'S CERTIFICATE.

A collector's certificate referred to in Section 27 of the Act shall be in Form 6.

5. APPLICATIONS TO THE COURT GENERALLY.

¹An application to the Court—

- (a) for an order under Section 4(1) of the Act shall be in Form 7; and
- (b) for an order under Section 8(1) of the Act shall be in Form 8; and
- (c) for an order under Section 10(1) of the Act shall be in Form 9; and
- (d) for an attachment of earnings order under Section 13(1) of the Act shall be in Form 10; and
- (e) for an order discharging, suspending or varying an attachment of earnings order under Section 16 of the Act shall be in Form 11; and
- (f) for a determination under Section 22 of the Act shall be in Form 12; and
- (g) [*Repealed.*]
- (h) for a provisional order under Section 40 of the Act shall be in Form 14; and
- (i) by the defendant for a provisional order under Section 49(1) of the Act suspending or varying an overseas order shall be in Form 15; and
- (j) by the complainant for a provisional order under Section 49(2) of the Act varying or reviving an overseas order shall be in Form 16; and
- (k) by the defendant under Section 73 of the Act to set aside an order of the Court made under Section 66 of the Act or for the rehearing of the matter shall be in Form 17.

6. APPLICATIONS BY THE COLLECTOR.

²An application to the Court by the Collector—

- (a) [*Repealed.*]
- (b) for the issue of a summons under Section 43 of the Act shall be in Form 19; and
- (c) for an order under Section 54 of the Act shall be in Form 20.

7. ORDERS OF THE COURT.

³An order of the Court—

- (a) that the defendant enter into a recognizance under Section 8 of the Act shall be in accordance with Paragraph (a) of Form 21; and
- (b) for execution against the property of the defendant under Section 10 of the Act shall be in accordance with Paragraph (b) of Form 21; and

¹ Section 5 amended by No. 27 of 1976, s1.

² Section 6 amended by No. 27 of 1976, s2.

³ Section 7 amended by No. 27 of 1976, s3.

- (c) for an attachment of earnings order under Section 13 of the Act shall be in accordance with Paragraph (c) of Form 21; and
- (d) for the discharge, suspension or variation under Section 16 of the Act of an attachment of earnings order shall be in accordance with Paragraph (d) of Form 21.
- (e) [*Repealed.*]

8⁴. [REPEALED.]

9. PROVISIONAL ORDERS UNDER SECTION 49 OF THE ACT.

A provisional order made on the application of—

- (a) the defendant for the discharge of an overseas order under Section 49(1) of the Act shall be in Form 23; and
- (b) the complainant for the variation or revival of a Papua New Guinea order enforceable in a reciprocating country under Section 49(2) of the Act shall be in Form 24.

10. DETERMINATION AS TO EARNINGS.

A determination by the Court under Section 22 of the Act as to whether moneys are earnings for the purposes of an attachment of earnings order shall be in Form 25.

11. RECIPROCATING COUNTRIES.

For the purposes of Part III of the Act, it is hereby declared, under Section 55 of the Act, that—

- (a) each of the countries specified in Part 1 of Schedule 2 is a reciprocating country; and
- (b) each of the countries specified in Part 2 of that Schedule has restricted reciprocity with Papua New Guinea.

⁴ Section 8 of the *Maintenance Orders Enforcement Regulation* (Chapter 279) was repealed by No. 27 of 1976, s4.

SCHEDULE 1

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 1 – COMPLAINT.

Reg., Sec. 1. Form 1.

COMPLAINT.

In the District Court at . . . No. . . . of 20...

Complainant.

Defendant.

I, (*insert full name, address and occupation*), complain to the Clerk on oath on my own behalf (*or on behalf of or on my own behalf and on behalf of . . .*) that (*full name, address and occupation of defendant*) has (*set out particulars of the complaint*).

On the hearing of this complaint the Court will be asked to make the following orders:—

Sworn at . . . , 20...

Before me . . .

(*Signature of Deponent*).

Clerk of the Court.

Sch. 1

Maintenance Orders Enforcement Regulation 9999

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 2 – SUMMONS.

Act, Secs. 43, 65. Form 2.

SUMMONS.

Complainant.
Defendant.

In the District Court at ... No. ... of 20...

To ... of ...

Whereas a complaint has this day been made before the undersigned that you (*state shortly the matter of the complaint*).

Now in pursuance of the powers conferred by Section 43 or Section 65 of the *Maintenance Orders Enforcement Act 19...*, Clerk of the District Court at ... command you to appear before the District Court at ... on ... 19..., at ... a.m./p.m. to answer the complaint and to be further dealt with according to law.

Dated ... 20...

Clerk of the Court.

The complainant's address for service is ... , at which all notices or documents may be served.

PROOF OF SERVICE (*to be endorsed on summons*).

I, ... , of ... , make oath and say (*or affirm*) that on ... , 20..., at ... , I served the defendant named in this summons with the summons by delivering a copy of it to him personally, and at the same time showing him the original summons.

Sworn (*or affirmed*) before me ... at ... , ... , 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 3 – DIRECTION UNDER SECTION 74 OF THE MAINTENANCE
ORDERS ENFORCEMENT ACT.***

Act, Sec. 74. Form 3.

**DIRECTION UNDER SECTION 74 OF THE MAINTENANCE ORDERS
ENFORCEMENT ACT.**

Complainant.

Defendant.

In the District Court at

To . . . of . . .

These are to require you to appear before the District Court at . . . , on . . . 20... at . . .
a.m./p.m., to give evidence to the Court (*insert particulars of evidence sought under
Section 74 (a), (b) or (c) as the case may be, of the Maintenance Orders Enforcement
Act*).

Dated . . . 20...

Clerk of the Court.

The complainant's address for service is . . . , at which all notices or documents may
be served.

PROOF OF SERVICE (*to be endorsed on summons*).

I, . . . of . . . , make oath and say (*or affirm*) that on . . . 20... at . . . , I served the
defendant named in this summons with the summons by delivering a copy of it to him
personally and at the same time showing him the original summons.

Sworn (*or affirmed*) before me . . . at . . . , . . . 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 4 – CERTIFICATE OF AMOUNT DUE AND PAYABLE.

Act, Sec. 7. Form 4.

CERTIFICATE OF AMOUNT DUE AND PAYABLE.

Name and address of Complainant:

Name and address of Defendant:

Court at which orders made:

Date(s) of orders:

Particulars of orders:

Name of person entitled to receive the money ordered to be paid:

It having been made to appear, on oath, to me that default has been made by the defendant in making the payments directed by the above-mentioned order(s), I certify that the sum due under the order(s) and unpaid at the date of this certificate is K . . .

Dated . . . 20..

Clerk of the Court.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 5 – CERTIFICATE UNDER SECTION 25(4) OF THE
MAINTENANCE ORDERS ENFORCEMENT ACT.***

Act, Sec. 25(4). Form 5.

**CERTIFICATE UNDER SECTION 25(4) OF THE MAINTENANCE ORDERS
ENFORCEMENT ACT.**

Complainant.

Defendant.

In the District Court at . . .

Whereas the Court at . . . did on . . . , 20... , order that (*insert the name of the employee in relation to whom the order was made*) be reimbursed the amount of wages lost by him in accordance with the provisions of Section 25 of the *Maintenance Orders Enforcement Act*:

I certify that the amount ordered by the Court to be reimbursed is K . . . and the person by whom that amount is payable is (*insert the name(s) of the person(s) ordered to make retribution*) and the person to whom the amount is payable is (*insert the name of the person to whom retribution is to be made*).

Dated . . . 20...

Clerk of the Court.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 6 – COLLECTOR’S CERTIFICATE.

Act, Secs. 27, 29, 39, 44. Form 6.

In the matter of a claim for a maintenance order (or as the case may be) for the benefit of . . . against . . .

COLLECTOR'S CERTIFICATE.

I . . . , of . . . , the Collector of Maintenance of Papua New Guinea, certify as follows:—

- (a) Attached to this certificate are three copies of each of the following documents, each document containing an order (or orders) of a Court for or relating to the payment of maintenance by (full name and address of defendant) (hereinafter called "the defendant"):—
- (i) particulars of the Court by which and the date on which, the order was (or the orders were) made; and
 - (ii) in the case of a provisional order—particulars of the Court by which, and the date on which, it was confirmed; and
 - (iii) in the case of an order that was not made by, but is registered in, the Court—particulars of the date of registration.
- (b) The documents so attached constitute certified copies of a maintenance order under which the defendant is required to pay the sum of K . . . weekly (or as the case may be) for the maintenance of the complainant.
- Note: If there are two or more complainants, set out in this and the following subparagraphs the like particulars relating to the order made in respect of each other complainant.*
- (c) The maintenance order (or each maintenance order) is presently enforceable in Papua New Guinea; (or in the case of a Papua New Guinea order under Division III. 2 of the Maintenance Orders Enforcement Act), is enforceable in a State.
- (d) In the case of an overseas order the maintenance order (or each maintenance order) is enforceable in Papua New Guinea under Division III. 3 of the Maintenance Orders Enforcement Act.
- (e) In the case of an overseas order it appears to me that there are reasonable grounds for believing that the defendant has ceased to reside in Papua New Guinea and is resident in (or is proceeding to) (set out the name of the city or town and of the State, Territory or country).
- (f) The amount due and unpaid in respect of the maintenance order relating to the complaint, as at . . . 20 . . . , is K . . . , and the portion of that amount in respect of which the defendant has served or is to be deemed to have served a period of imprisonment is K . . .

Note: If there are two or more complainants, set out in this paragraph the like particulars relating to the amount owing in respect of each other complainant.

Dated . . . 20 . . .

Collector.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 7 – APPLICATION TO COMMIT THE DEFENDANT TO PRISON.

Act, Sec. 4(1). Form 7.Reg., Sec. 5(a).

APPLICATION TO COMMIT THE DEFENDANT TO PRISON.

In the District Court at

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made by the Court . . . at . . . and was (or were) registered in this Court on . . . 20...:

I (*insert the name of the person for whose benefit the order was made*) apply for an order under Section 4 of the *Maintenance Orders Enforcement Act* to commit the defendant to prison for failure to comply with the maintenance order(s).

The arrears under the maintenance order(s) amount to K. . . as specified in Certificate of the Clerk of the Court attached to this application.

Dated . . . 20...

This application has been set down for hearing by the Court at . . . on . . . 20..., at a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the applicant, of (*full address and occupation*).

To (*full name of the defendant*): . . .

If you do not attend the Court at the time and place specified above for hearing the application, the Court may issue a warrant for your arrest and determine the application in your absence.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 8 – APPLICATION BY THE COMPLAINANT THAT THE
DEFENDANT ENTER INTO RECOGNIZANCE.***

Act, Sec. 8(1). Form 8.Reg., Sec. 5(b).

APPLICATION BY THE COMPLAINANT THAT THE DEFENDANT ENTER INTO RECOGNIZANCE.

In the District Court at . . .

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made by the Court . . . at . . . and was (or were) registered in this Court on . . . 20...

I (*insert the name of the person for whose benefit the order was made*) apply for an order under Section 8(1) of the *Maintenance Orders Enforcement Act* that the defendant enter into a recognizance, with or without sureties, to the satisfaction of the Clerk for the due performance of his obligations under the maintenance order(s) during a period specified in the order (not exceeding 12 months).

Dated . . . 20...

This application has been set down for hearing by the Court at . . . on . . . 20..., at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the applicant, of (*full address and occupation*).

To (*full name of the defendant*).

If you do not attend the Court at the time and place specified above for hearing the application, the Court may issue a warrant for your arrest *or* hear and determine the application in your absence.

PROOF OF SERVICE (*to be endorsed on summons*).

I, . . . of . . . , make oath and say (*or affirm*) that on . . . 20..., at . . . , I served the defendant named in the summons with this application by delivering a copy of it to him personally, and at the same time showing him the original application.

Sworn (*or affirmed*) before me . . . at . . . , . . . 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 9 – APPLICATION FOR SEIZURE OF GOODS, ETC.

Act, Sec. 10(1). Form 9.Reg., Sec. 5(c).

APPLICATION FOR SEIZURE OF GOODS, ETC.

In the District Court at . . .

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made by the Court at . . . and was (or were) registered in this Court on . . . 20...

I (*insert the name of the person for whose benefit the order was made*) apply for an order under Section 10(1) of the *Maintenance Orders Enforcement Act* that the Court direct a specified person, during a period specified in the order, to seize and sell (*insert details of any goods, etc., to be seized and sold*) and to demand and receive (*insert any annuity, rents or other income payable to the defendant or credited to the defendant in a bank account*) to the extent necessary to satisfy the order.

The arrears under the maintenance order(s) amount to K. . . as specified in the Certificate of the Clerk of the Court attached to this application.

Dated . . . 20...

This application has been set down for hearing by the Court at . . . , on . . . 20... , at . . . a.m./p.m., or so soon after/wards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the applicant, of (*full address and occupation*).

It is intended to serve this application on (*full name, address and occupation*).

To (*full name of the person on whom a copy of the application is to be served*):

PROOF OF SERVICE (*to be endorsed on summons*).

I, . . . of . . . , make oath and say (*or affirm*) that on . . . 20... , at . . . , I served the . . . named in the summons with this application by delivering a copy of it to him personally, and at the same time showing him the original application.

Sworn (*or affirmed*) before me . . . at . . . , 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 10 – APPLICATION FOR ATTACHMENT OF EARNINGS ORDER.
Act, Sec. 13(1). Form 10.Reg., Sec. 5(d).

APPLICATION FOR ATTACHMENT OF EARNINGS ORDER.

In the District Court at . . .

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made by the Court . . . at . . . and was (or were) registered in this Court on . . . 20...;

I (insert the name of the person entitled to receive payments under the maintenance order) apply for an attachment of earnings order under Section 13 of the *Maintenance Orders Enforcement Act*.

The amount under the maintenance order (or maintenance orders) amount to K . . . as specified in the Certificate of the Clerk of the Court attached to this application, and amount to an amount equal to not less than (insert four weekly payments or as the case may be), and the defendant has consistently failed to comply with the requirements of the order.

Name and address of employer (these particulars need not be supplied. See Sec. 13(2) of the *Maintenance Orders Enforcement Act*).

Dated . . . 20...

This application has been set down for hearing by the . . . Court at . . . on . . . 20 . . . , at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the applicant, of (full address and occupation).

It is intended to serve this application on (full name, address and occupation) (or it is not intended to serve this application on any person).

PROOF OF SERVICE (to be endorsed on application).

I, . . . of . . . , make oath and say (or affirm) that on . . . 20 . . . , at . . . , I served the employer with this application by delivering a copy of it to him personally, and at the same time showing him the original application.

Sworn (or affirmed) before me . . . at . . . , . . . 20...

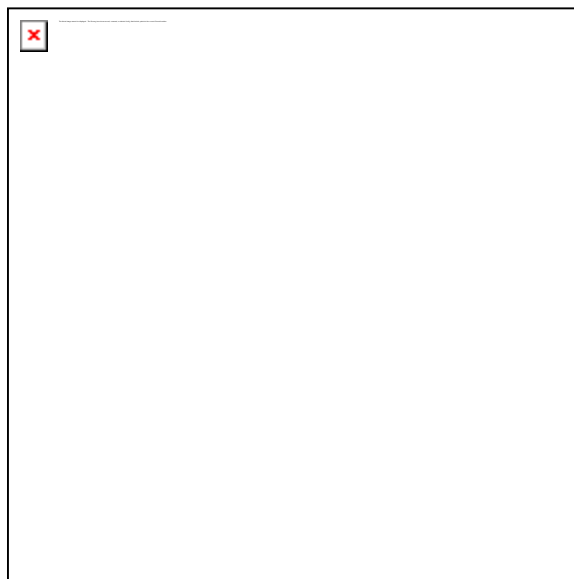
Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 11 – APPLICATION FOR AN ORDER DISCHARGING,
SUSPENDING OR VARYING AN ATTACHMENT OF
EARNINGS ORDER.***

Act, Sec. 16. Form 11.Reg., Sec. 5(e).



PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 12 – APPLICATION FOR DETERMINATION AS TO EARNINGS.

Act, Sec. 22 Form 12.Reg., Sec. 5(f).

APPLICATION FOR DETERMINATION AS TO EARNINGS.

In the District Court at . . .

Complainant.

Defendant.

Whereas an attachment of earnings order was made by the Court at . . . on . . . 20...,
and that order was directed to *(insert name(s) of person(s) to whom the attachment of
earnings order was directed)*:

I *(insert the name of the person to whom the attachment of earnings order was
directed or the defendant or of the person in whose favour the attachment of earnings
order was made, as the case requires)* apply to determine whether the following
payment(s) or class of payment(s):—

are earnings for the purpose of the order.

Dated . . . 20...

(Signature of Applicant.)

This application has been set down for hearing by the Court at . . . on . . . 20..., at . . .
a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the applicant, of *(full address and occupation)*.

It is intended to serve this application on *(full name, address and occupation)*, (or it is
not intended to serve this application on any person).

PROOF OF SERVICE *(to be endorsed on application)*.

I, . . . of . . . , make oath and say *(or affirm)* that on . . . , 20..., I served . . . , named in
the application with this summons by delivering a copy of it to him personally, and at
the same time showing him the original application.

Sworn *(or affirmed)* before me . . . at . . . , . . . 20...

Justice of the Peace.

⁵PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 14 – APPLICATION FOR A PROVISIONAL ORDER AGAINST A
PERSON RESIDENT OR PROCEEDING TO A
RECIPROCATING COUNTRY.***

Act, Sec. 40. Form 14.Reg., Sec. 5(h).

⁵ Schedule 1, Form 13 repealed by No. 27 of 1976, s5; Schedule 1, Form 18 repealed by No. 27 of 1976, s5; Schedule 1, Form 22 repealed by No. 27 of 1976, s. 5(b).

**APPLICATION FOR A PROVISIONAL ORDER AGAINST A PERSON
RESIDENT OR PROCEEDING TO A RECIPROCATING COUNTRY.**

In the District Court at . . .

Complainant.

Defendant.

I (*insert name and address of person making the application*) apply for a provisional maintenance order for the following maintenance:—

(*insert details of maintenance sought*)

against (*insert the name of the defendant*) on the grounds that I believe for the following reasons that the defendant is residing in or proceeding to the reciprocating country of . . . :—

(*insert grounds for belief that defendant is residing in or proceeding to that country.*)

Dated . . . 20...

To the Collector . . .

This application has been set down for hearing by the Court at . . . on . . . 20..., at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

This application is filed by . . . , the applicant, of (*full address and occupation*).

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 15 – APPLICATION BY THE DEFENDANT FOR A PROVISIONAL
ORDER DISCHARGING, SUSPENDING OR VARYING
AN OVERSEAS ORDER.***

Act, Sec. 49(1). Form 15.Reg., Sec. 5(i).

**APPLICATION BY THE DEFENDANT FOR A PROVISIONAL ORDER
DISCHARGING, SUSPENDING OR VARYING AN OVERSEAS ORDER.**

In the District Court at . . .

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made at . . ., in the reciprocating country of . . . and was (were) registered in the District Court at . . . on . . . 20.., under which the defendant was ordered to pay to . . . at . . . the following maintenance for his wife and children (*insert particulars of the maintenance order*):—

I (*insert the name of the defendant*) apply for a provisional order that the overseas order be discharged, suspended or varied in the following manner:—

on the following grounds:—

Dated . . . 20..

To the Collector . . .

This application has been set down for hearing by the Court at . . . on . . ., 20.., at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20..

This application is filed by . . ., the defendant, of (*full address and occupation*).

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 16 – APPLICATION BY THE COMPLAINANT FOR A
PROVISIONAL ORDER VARYING OR REVIVING AN
OVERSEAS ORDER.***

Act, Sec. 49(2). Form 16.Reg., Sec. 5(j).

APPLICATION BY THE COMPLAINANT FOR A PROVISIONAL ORDER VARYING OR REVIVING AN OVERSEAS ORDER.

In the District Court at . . .

Complainant.

Defendant.

Whereas a maintenance order (or maintenance orders) was (or were) made at . . . , in the reciprocating country of . . . and was (or were) registered in the District Court at . . . on . . . 20... , under which the defendant was ordered to pay to . . . at . . . the following maintenance for his wife and children (*insert particulars of the maintenance order*):—

I (*insert the name of the complainant*) apply for a provisional order that the overseas order be varied, (or if the order has been suspended be revived) in the following manner:—

on the following grounds:—

Dated . . . 20...

To the Collector:

This application has been set down for hearing by the Court at . . . on . . . 20... , at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

This application is filed by . . . , the complainant, of (*full address and occupation*).

PROOF OF SERVICE (*to be endorsed on application*).

I, . . . of . . . , make oath and say (or affirm) that on . . . 20... , at . . . , I served the complainant named in the application with this application by delivering a copy of it to him personally, and at the same time showing him the original application.

Sworn (or affirmed) before me . . . at . . . , . . . 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 17 – APPLICATION BY DEFENDANT TO SET ASIDE AN ORDER
UNDER SECTION 66 OF THE MAINTENANCE
ORDERS ENFORCEMENT ACT.***

Act, Sec. 73. Form 17.Reg., Sec. 5(k).

APPLICATION BY DEFENDANT TO SET ASIDE AN ORDER UNDER SECTION 66 OF THE MAINTENANCE ORDERS ENFORCEMENT ACT.

In the District Court at . . .

Complainant.

Defendant.

Whereas in the absence of the defendant an order was made by the Court at . . . on . . . 20... , under Section 66 of the *Maintenance Orders Enforcement Act* and 21 days have not elapsed since the date that order has come to my knowledge:

I (*insert the name of the defendant*) apply to set aside the order (*or for an order that the matter be reheard*).

Dated . . . 20...

(*Signature of Applicant.*)

To (*insert the full name and address of complainant*). This application has been set down for hearing by the . . . Court at . . . on . . . 20... , at . . . a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

Clerk of the Court.

This application is filed by . . . , the defendant, of (*full address and occupation*).

PROOF OF SERVICE (*to be endorsed on application*).

I, . . . of . . . , make oath and say (*or affirm*) that on . . . 20... , at . . . , I served the complainant named in the application with this application by delivering a copy of it to him personally, and at the same time showing him the original application.

Sworn (*or affirmed*) before me at . . . , . . . 20...

Justice of the Peace.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 19 – APPLICATION BY THE COLLECTOR FOR A SUMMONS TO
THE DEFENDANT.***

Act, Sec. 43. Form 19.Reg., Sec. 6(b).

APPLICATION BY THE COLLECTOR FOR A SUMMONS TO THE DEFENDANT.

In the District Court at . . .

Complainant.

Defendant.

Whereas on . . . 20..., the Court at . . . in the reciprocating country of . . . made a provisional order (*insert particulars of order*):

And whereas I have received from the Principal Legal Adviser—

And whereas I have received from the Attorney-General—

- (a) a certified copy of the order; and
- (b) the depositions of the witnesses in the proceedings; and
- (c) a statement of the grounds on which the making of the order could have been opposed:

I apply to the Court for a summons to be issued calling on the defendant to appear before the Court to show cause why that overseas order should not be confuted.

Dated . . . 20...

Collector.

This application is filed by the Collector, of (*full address*).

This application has been set down for hearing by the Court at . . . on . . .

20..., at a.m./p.m., or so soon afterwards as the course of business permits.

Dated . . . 20...

(*Note: Date of hearing shall be not less than seven days after the application is served on the Collector.*)

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 20 – .

Act, Sec. 54. Form 20.Reg., Sec. 6(c).

**APPLICATION BY THE COLLECTOR FOR AN ORDER TO CONFIRM A
PROVISIONAL OVERSEAS ORDER.**

In the District Court at . . .

Complainant.

Defendant.

Whereas on . . . 20..., the Court at . . . in the reciprocating country of . . . made a provisional order (*insert particulars of the discharge, suspension, variation or revival of the Papua New Guinea order enforceable in that reciprocating country or the overseas order enforceable in Papua New Guinea*):

And whereas I have received—

- (a) a certified copy (*or certified copies*) of the provisional order(s); and
- (b) the depositions of the witnesses who gave evidence:

I apply on behalf of (*insert the name of the party on whose application the order was made*) for an order confirming that provisional order.

Dated . . . 20...

Collector.

To (*insert the name and address of the respondent to the application*).

This application has been set down for hearing by the Court at . . . on . . .

20..., at . . . a.m./p.m., or so soon afterwards as the course of business will permit.

This application is filed by the Collector, of (*full address*).

Dated . . . 20...

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

Form 21 – ⁶ORDER OF THE COURT.

Act, Sec. 8, 10,13, 16, 37. Form 21.Reg., Sec. 7.

⁶ Schedule 1, Form 21 amended by No. 27 of 1976, s5(b).

ORDER OF THE COURT.

In the District Court at . . .

Complainant.

Defendant.

On hearing . . . and on reading . . . filed in this Court on . . . 20...

It is ordered that—

(a) Whereas the Court did on . . . 20..., make a maintenance order against the defendant for the payment of K. . . . to *(insert name(s) of person(s) in whose favour the maintenance order was made)* and has considered the application on behalf of those persons filed in this Court on . . . 20..., under Section 8 of the *Maintenance Orders Enforcement Act*:

The defendant enter into a recognizance *(if with a surety or sureties insert particulars of sureties required by the Court)* for the due performance of his obligations under the maintenance order during the period ending on . . . 20..., *(not being for a longer period than 12 months)*.

or

(b) Whereas the Court did on . . . 20..., make a maintenance order against the defendant for the payment of K. . . . to *(insert name(s) of person(s) in whose favour the maintenance order was made)* and has considered the application on behalf of those persons filed in this Court on . . . 20..., under Section 10 of the *Maintenance Orders Enforcement Act*:

The Court directs that *(insert name and description of person to execute order)* seize and sell any goods, chattels and securities belonging to the defendant to the extent necessary to satisfy the amount of K. . . . owing under the maintenance order and to demand and receive the following annuity/rent/income/proceeds of bank account* *(insert details of annuity, rent, etc., to be confiscated)*.

*Strike out whichever is inapplicable.

or

- (c) Whereas the Court did on . . . 20..., make a maintenance order against the defendant for the payment of K . . . to *(insert name(s) of person(s) in whose favour the maintenance order was made)* and has considered the application on behalf of those persons filed in this Court on . . . 20..., under Section 13 of the *Maintenance Orders Enforcement Act* for the attachment of the wages of *(insert name of defendant)* who is employed by . . . (hereinafter referred to as "the employer") at . . . as a . . . :

And whereas the Court is satisfied that the defendant is a person to whom earnings are payable or are likely to become payable by the employer and that, at the time when the application for this order was made there was due under the maintenance order and unpaid an amount equal to not less than four weekly payments—

- (1) that the employer make payments out of those earnings to the Collector for transmission to . . . ; and
- (2) that, for the purpose of calculating those payments, the notional deduction rate shall be K . . . a week *(or as the case may be)* and that the protected earnings rate is K . . . a week *(or as the case may be)*.

This order is directed to the above-named employer.

Note: Section 13(10) of the Act provides that this order does not come into force until the expiration of seven days after the day on which the order is served on the person to whom the order is directed.

- (d) Whereas the Court did on . . . , 20..., make an attachment of earnings order against the defendant and has now considered the application of *(insert the name of the person making the application)* for an order under Section 16 of the *Maintenance Orders Enforcement Act* discharging *(or suspending or varying)* the attachment of earnings order filed in this Court on . . . , 20...—

- (1) the attachment of earnings order is discharged *(or suspended until . . . 20..., (or as the case may be) or varied)* in the following manner:—

or

- (2) the employer named in the attachment of earnings order make no further deductions under the order *(or make no further deductions under the order until . . . 20..., (or as the case may be) or vary the deductions under the order)* in the following manner:—

This order is directed to the above-named employer.

Note: Section 16(2) of the Act provides that an order suspending or varying an attachment of earnings order shall not come into force until the expiration of seven days after the date on which a copy of the order is served on the person to whom the attachment of earnings order is directed.

Dated . . . 20...

By the Court.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 23 – PROVISIONAL ORDER DISCHARGING, SUSPENDING OR
VARYING AN OVERSEAS ORDER.***

Act, Sec. 49(1). Form 23.Reg., Sec. 9(a).

PROVISIONAL ORDER DISCHARGING, SUSPENDING OR VARYING AN OVERSEAS ORDER.

In the District Court at . . .

Complainant.

Defendant.

On hearing the defendant and on reading the application of the defendant dated . . . 20... and filed in this Court on . . . 20..., and being satisfied that the overseas order made on . . . 20..., by the court at . . . in the reciprocating country of . . . should be discharged (*or suspended or varied as the case requires*) it is ordered that the overseas order be discharged (*or suspended or varied*) as follows:—

This order has no effect until it is confirmed (with or without modification) by the appropriate authority of the reciprocating country of . . .

Dated . . . 20...

By the Court.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 24 – PROVISIONAL ORDER FOR THE VARIATION OR REVIVAL
OF A PAPUA NEW GUINEA ORDER ENFORCEABLE
IN A RECIPROCATING COUNTRY.***

Act., Sec. 49(2). Form 24.Reg., Sec. 9(b).

**PROVISIONAL ORDER FOR THE VARIATION OR REVIVAL OF A PAPUA
NEW GUINEA ORDER ENFORCEABLE IN A RECIPROCATING
COUNTRY.**

In the District Court at

Complainant.

Defendant.

On hearing the complainant and on reading the application of the complainant, dated . . . 20..., and filed in this Court on . . . 20..., requesting that the Papua New Guinea order made on . . . 20..., by the court at . . . which was registered under the law of the reciprocating country of . . . on . . . 20..., be varied (*or suspended or revived, as the case requires*) and being satisfied that the Papua New Guinea order should be varied (*or suspended or revived*), it is ordered that the order be varied (*or suspended or revived*) as follows:—

This order has no effect until it is confirmed (with or without modification) by the appropriate authority of the reciprocating country of

Dated . . . 20...

By the Court.

PAPUA NEW GUINEA.

Maintenance Orders Enforcement Act 1970.

***Form 25 – DETERMINATION UNDER SECTION 21 OF THE
MAINTENANCE ORDERS ENFORCEMENT ACT.***

Act, Sec. 22. Form 25.Reg., Sec. 10.

**DETERMINATION UNDER SECTION 21 OF THE MAINTENANCE ORDERS
ENFORCEMENT ACT.**

In the District Court at

Complainant.

Defendant.

Whereas an attachment of earnings order was made by this Court on . . . 20..., and was directed to (*insert the name of the employer to whom the order was directed*):

And on hearing the application by the employer filed in this Court on . . . 20..., it is determined that the following moneys are (*or are not*) earnings for the purposes of that order:

Dated . . . 20...

By the Court.

SCHEDULE 2 – ⁷RECIPROCATING COUNTRIES.

Act, Sec. 55. Reg., Sec. 11.

PART 1⁸ – ⁹RECIPROCATING COUNTRIES.

Alberta, Province of
 Australia
 British Columbia, Province of
 Cook Islands (including Niue)
 Kiribati
 Manitoba, Province of
 Newfoundland, Province of
 New Zealand, Dominion of
 Norfolk Island
 Nova Scotia, Province of
 Ontario, Province of
 Prince Edward Island, Province of
 Saskatchewan, Province of
 Solomon Islands
 Tuvalu
 United Kingdom
 Western Samoa, Independent State of

PART 2 – RECIPROCATING COUNTRIES WITH RESTRICTED RECIPROCITY.

<i>Country.</i>	<i>Nature of restriction.</i>
Jersey, States of	Enforceable in Papua only.

⁷ Schedule 2 amended by No. 16 of 1983, s2 and s3.

⁸ Schedule 2, Part I amended by No. 27 of 1976, s6, No. 16 of 1983, s2 and s3.

⁹ Schedule 2, Part I amended by No. 27 of 1976, s6, No. 16 of 1983, s2 and s3.

Maintenance Orders Enforcement Regulation 1971