



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1978

**An Act to amend the Maintenance Act 1965–1974 and the
Children’s Services Act 1965–1977 each in certain
particulars**

[ASSENTED TO 2ND JUNE, 1978]

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

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Maintenance Act and Another Act Amendment Act 1978*.

2. Arrangement. This Act is arranged as follows:—

PART I—PRELIMINARY, ss. 1–3;

PART II—AMENDMENTS OF THE MAINTENANCE ACT 1965–1974,
ss. 4–13;

PART III—AMENDMENTS OF THE CHILDREN’S SERVICES ACT 1965–
1977, ss. 14–16.

3. Commencement. This Act shall commence on a date appointed by Proclamation.

PART II—AMENDMENTS OF THE MAINTENANCE ACT 1965–1974

4. Citation. (1) In this Part, the *Maintenance Act* 1965–1974 is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Maintenance Act* 1965–1978.

5. Amendment of s. 3. Section 3 of the Principal Act is amended by omitting from the words comprising the reference to *Division 1* where they occur after the words comprising the reference to PART III the word “*Imprisonment*,” and the word “*Recognizances*,”.

6. Amendment of heading preceding s. 41. The Principal Act is amended by omitting from the words comprising the heading “*Division 1*” immediately preceding section 41 the word “*Imprisonment*,” and the word “*Recognizances*,”.

7. Repeal of ss. 42, 43, 44. Sections 42, 43 and 44 of the Principal Act are repealed.

8. Repeal of s. 46. Section 46 of the Principal Act is repealed.

9. Amendment of s. 81. Section 81 of the Principal Act is amended by, in subsection (2), omitting all words from and including the words “section, and,” to the end of the subsection and substituting the word “section.”.

10. Amendment of s. 91. Section 91 of the Principal Act is amended by, in subsection (2), omitting all words from and including the words “section, and,” to the end of the subsection and substituting the word “section.”.

11. Amendment of s. 136. Section 136 of the Principal Act is amended by omitting subsection (5).

12. Repeal of s. 138. Section 138 of the Principal Act is repealed.

13. Effect of Act on power to imprison and persons in prison. (1) A person shall not be imprisoned or otherwise placed in custody after the commencement of this Act by reason of—

(a) his disobedience of or failure to comply with an order for the payment of money for or towards the maintenance of another person made or deemed to have been made under the *Maintenance Act* 1965–1978;

(b) his failure to comply with an undertaking given or order made for the payment of money for or towards the maintenance of any child or infant under the *Children’s Services Act* 1965–1978.

(2) A person who is in prison or other custody at the commencement of this Act by reason of his disobedience of or failure to comply with an order or undertaking referred to in subsection (1) shall be released from that prison or custody forthwith.

(3) The release from prison or other custody under subsection (2) of a person who was in that prison or custody by reason of his failure to pay arrears due under an order or undertaking referred to in subsection (1) does not discharge the person from liability to pay those arrears.

PART III—AMENDMENTS OF THE CHILDREN'S SERVICES ACT 1965–1977

14. Citation. (1) In this Part, the *Children's Services Act 1965–1977* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Children's Services Act 1965–1978*.

15. Amendment of s. 124. Section 124 of the Principal Act is amended by omitting subsections (1) and (2).

16. Repeal of s. 130. Section 130 of the Principal Act is repealed.