



# Maintenance Orders (Commonwealth Officers) Regulations 2018

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 March 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules .....	1
5	Definitions .....	1
6	Service of orders on the Commonwealth or a Commonwealth authority .....	2
7	Classes of moneys exempt from application of applied laws .....	2
<b>Schedule 1—Repeals</b>		<b>3</b>
	<i>Maintenance Orders (Commonwealth Officers) Regulations 1969</i>	3



## 1 Name

This instrument is the *Maintenance Orders (Commonwealth Officers) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	16 March 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Maintenance Orders (Commonwealth Officers) Act 1966*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) attachment of earnings order;
- (b) Commonwealth authority;
- (c) maintenance order;
- (d) Territory;
- (e) the Commonwealth.

In this instrument:

*Act* means the *Maintenance Orders (Commonwealth Officers) Act 1966*.

*applied law* means the provisions of a law of a State or Territory applying under the Act.

## Section 6

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*electronic communication* has the same meaning as in the *Electronic Transactions Act 1999*.

### **6 Service of orders on the Commonwealth or a Commonwealth authority**

- (1) For the purposes of paragraph 8(b) of the Act, this section sets out how any of the following orders made under an applied law, or a copy of any such order, may be served on the Commonwealth or a Commonwealth authority:
  - (a) an attachment of earnings order directed to the Commonwealth or a Commonwealth authority;
  - (b) an order discharging, suspending or varying an attachment of earnings order directed to the Commonwealth or a Commonwealth authority.
- (2) The order or copy may be served by leaving it at, or sending it to, the head office, a registered office or a principal office of:
  - (a) if the order is directed to the Commonwealth—the Commonwealth body that is responsible for the payment of moneys to the person liable to make a payment under the maintenance order to which the attachment of earnings order relates; or
  - (b) if the order is directed to a Commonwealth authority—the Commonwealth authority.
- (3) For the purposes of subsection (2), the order or copy may be sent by pre-paid post or by means of an electronic communication.
- (4) This section does not limit the ways the order or copy may be served.

### **7 Classes of moneys exempt from application of applied laws**

For the purposes of paragraph 8(a) of the Act, the following classes of moneys are exempt from the application of applied laws:

- (a) moneys payable under the *Veterans' Entitlements Act 1986*;
- (b) moneys payable under the *Military Rehabilitation and Compensation Act 2004*.

## **Schedule 1—Repeals**

### ***Maintenance Orders (Commonwealth Officers) Regulations 1969***

#### **1 The whole of the instrument**

Repeal the instrument.