

1990  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Truck (Amendment) Bill 1990**

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**A BILL**

FOR

**An Act to amend the Truck Act 1900 of the State of New South Wales in its application in the Territory**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

1. This Act may be cited as the *Truck (Amendment) Act 1990*.

**5 Commencement**

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

10 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

12119/90 (T9/90) Cat. No. 90 4874 9

145/11.9.1990

**Principal Act**

3. In this Act, "Principal Act" means the Truck Act 1900 of the State of New South Wales in its application in the Territory.

**Wages payable in money**

4. Section 1 of the Principal Act is amended by adding at the foot of subsection (1) the following penalty: 5

"Penalty:

- (a) if the offender is a natural person—\$2,000;
- (b) if the offender is a body corporate—\$10,000."

**Stipulation as to mode of spending wages**

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5. Section 2 of the Principal Act is amended by adding at the foot of the section the following penalty:

"Penalty:

- (a) if the offender is a natural person—\$2,000;
- (b) if the offender is a body corporate—\$10,000."

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**Payment of wages**

6. Section 3 of the Principal Act is amended by adding at the foot of the section the following penalty:

"Penalty:

- (a) if the offender is a natural person—\$2,000;
- (b) if the offender is a body corporate—\$10,000."

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**Sharpening and repairing tools**

7. Section 6 of the Principal Act is amended by adding at the foot of the section the following penalty:

"Penalty:

- (a) if the offender is a natural person—\$500;
- (b) if the offender is a body corporate—\$2,500."

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**Substitution**

8. Section 9 of the Principal Act is repealed and the following section substituted:

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**Illegal contracts and payments**

"9. An employer shall not enter a contract or make a payment declared under this Act to be illegal and void (whether wholly or in part).

Penalty:

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- (a) if the offender is a natural person—\$2,000;
- (b) if the offender is a body corporate—\$10,000."

**Further amendments**

9. The Principal Act is amended as set out in the Schedule.
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**SCHEDULE**

Section 9

**FURTHER AMENDMENTS****Subsection 1 (1)—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his".

**Subsection 1 (2)—**

Omit "workman", substitute "worker".

**Section 2—**

- (a) Insert "or herself" after "himself" (wherever occurring).
- (b) Insert "or her" after "his" (wherever occurring).
- (c) Omit "workman" (wherever occurring), substitute "worker".

**Section 3—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his" (wherever occurring).
- (c) Insert "or her" after "him" (wherever occurring).

**Section 4—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his" (wherever occurring).

**Subsections 4 (1) and (2)—**

Insert "or her" after "his".

**Section 5—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his" (wherever occurring).

**Section 6—**

Omit "workman", substitute "worker".

**Section 7—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his".
- (c) Insert "or she" after "he".

**Subsection 10 (1)—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his" (wherever occurring).

**Subsection 10 (2)—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "him".
- (c) Insert "or her" after "his" (wherever occurring).

**Subsection 10 (3)—**

- (a) Omit "workman" (wherever occurring), substitute "worker".
- (b) Insert "or her" after "his" (wherever occurring).

**SCHEDULE—continued**

**Subsection 10 (4)—**

- (a) Omit “workman”, substitute “worker”.
- (b) Insert “or her” after “his” (wherever occurring).

**Subsection 10 (5)—**

- (a) Omit “workman or his wife”, substitute “worker and his or her spouse”.
- (b) Omit “workman” (second and third occurring), substitute “worker”.
- (c) Insert “or her” after “his” (last occurring).

**Subsection 10 (6)—**

Omit “seamen”, substitute “mariners”.

**Section 10—**

Omit “workman”, substitute “worker”.

**Section 12 (definitions of “Contract” and “Employer”)—**

Omit “workman”, substitute “worker”.

**Section 12 (definition of “Workman”)—**

Omit “Workman”, substitute “worker”.