

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**TRUCK (AMENDMENT) BILL 1990**

**EXPLANATORY MEMORANDUM**

**Circulated by Authority of the Attorney-General**

**Bernard Collaery MLA**

## **TRUCK (AMENDMENT) BILL 1990**

The New South Wales Acts Act 1986 (the NSW Act) consolidated the laws of New South Wales which applied in the Territory prior to the establishment of the Territory as the Seat of Government. The inherited New South Wales Acts are specified in Schedule 2 to the NSW Act. One of those acts is the Truck Act 1900.

The Truck Act 1900 relates to contracts made with respect to wages and requires wages to be paid in money and not in goods.

The Truck (Amendment) Bill 1990 amends provisions in the Truck Act 1990 which contain inappropriate definitions of offences. The Bill gives effect to an undertaking given to the Senate Standing Committee on Regulations and Ordinances prior to self-Government arising from its consideration of the NSW Act. The Bill also revises penalty provisions in the Principal Act and makes certain changes of a drafting nature to reflect current drafting practice.

The Bill will have no effect on income or expenditure.

Details of each of the provisions of the Bill are included in the Attachment.

## ATTACHMENT

TRUCK (AMENDMENT) BILL 1990

Clause 1 provides for the short title of the Bill, once enacted, to be the Truck (Amendment) Act 1990.

Clause 2 makes provision for the commencement of the Bill.

Clause 3 defines the Principal Act to be the Truck Act 1990.

Clauses 4, 5 and 6 amend sections 1,2 and 3 of the Principal Act, respectively by adding a penalty of \$2000 if the offender is a natural person and \$10,000 if the offender is a body corporate for a breach of the section in each case. Sections 1 and 3 provide for wages for workmen to be paid only in money. Section 2 provides that no contract of employment may stipulate the mode of spending wages.

Clause 7 amends section 6 of the Principal Act which provides that no deduction from wages can be made for the repair of tools except by agreement, by adding a penalty of \$500 if the offender is a natural person and \$2,500 if the offender is a body corporate.

Clause 8 repeals section 9 of the Principal Act to remove an inadequate definition of offences and substitutes a new section 9 which provides that entry into a contract or the making of a payment declared under the Act to be illegal and void is an offence and provides a penalty of \$2,000 if the offender is a natural person and \$10,000 if the offender is a body corporate.

Clause 9 provides for the amendment of the Act as set out in the Schedule. The Schedule makes amendment of various provisions to ensure that the provisions are expressed in gender neutral terms.