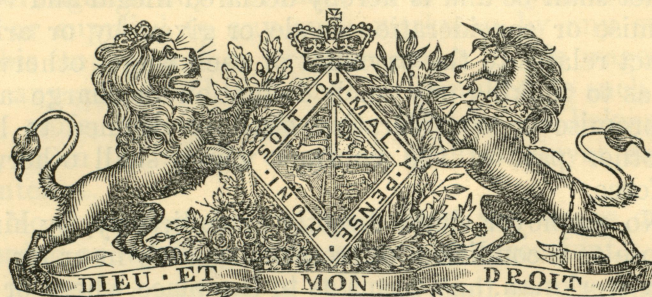


I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 16 November, 1900, A.M. }*

*F. W. WEBB,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. 55, 1900.

An Act to regulate contracts made with respect to, and the payment of, Wages ; to prohibit such payment being made in goods or otherwise than in money ; and to regulate the service of legal process. [Assented to, 22nd November, 1900.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) In every contract hereafter made with any workman, the wages of such workman shall be made payable in money only, and not otherwise ; and if by agreement, custom, or otherwise, a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance, or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

Wages to be payable in money.

No deduction for interest.

(2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*J. H. CANN,
Chairman of Committees of the Legislative Assembly.*

Truck.

Contracts to be void
if in contravention
of this section.

(2) If in any such contract the whole or any part of such wages shall be made payable in any manner other than in money, or shall provide for any deduction or charge as aforesaid in respect of any advance of the whole or part of the wages of such workman, such contract shall be and is hereby declared illegal and void in so far as any promise or consideration made or given by or arising out of such contract relates to the payment of such wages otherwise than in money, or as to making any such deduction or charge as aforesaid; and such promise or consideration shall be deemed to be severable from the other part of the contract which shall otherwise be and remain in force.

No contract to
stipulate as to mode
of spending wages.

2. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman, any terms as to the place where, or the manner in which, or the person with whom any wages or portion of wages paid to the workman are or is to be expended, or any terms requiring him to reside upon the lands of such employer; and no employer shall, by himself or his agent, dismiss any workman from his employment on account of the place where, or the manner in which, or the person with whom any wages or portion of wages paid by the employer to such workman were or was expended, or were or was not expended, or on account of the workman not residing upon the lands of the employer.

All wages to be paid
in money.

3. The entire amount of the wages earned by or payable to any workman shall be actually paid to such workman in money, and not otherwise, at intervals of not more than fourteen days, if demanded, any contract to the contrary notwithstanding; and every payment made to any such workman by his employer of or in respect of any such wages by the delivering to him of goods, or otherwise than in money, except as hereinafter mentioned, shall be and is hereby declared illegal and void; and every workman shall be entitled to recover from his employer in any Court of competent jurisdiction the whole or so much of the wages earned by such workman as shall not have been actually paid to him by his employer in money.

No set-off to be
allowed for goods
supplied to workman
by employer.

4. In any action hereafter brought or commenced by any workman against his employer for the recovery of any sum of money due to such workman as his wages—

- (1) the defendant shall not be allowed to make any set-off nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods had or received by the plaintiff as or on account of his wages, or by reason or in respect of any goods sold, delivered, or supplied at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest;

(2)

Truck.

(2) the defendant shall not be entitled to any set-off in respect of any goods supplied to the plaintiff by any person under any order or direction of the defendant or his agent.

5. No employer shall have or be entitled to maintain any action in any Court against any workman for or in respect of any goods sold, delivered, or supplied to any such workman by any such employer whilst in his employment as or on account of his wages, or for or in respect of any goods sold, delivered, or supplied to such workman at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

Employer not to have action for goods supplied to workman.

6. No deduction shall be made from the wages of a workman for sharpening or repairing tools, except by agreement.

No deduction from wages for sharpening or repairing tools, except by agreement.

7. Nothing contained in this Act shall be construed to prohibit the making of or render invalid any contract for the payment or any actual payment to any workman of the whole or any part of his wages in a cheque, or draft, payable to the bearer on demand drawn upon any bank carrying on business in New South Wales or in an order in writing for the payment of money to the bearer on demand, drawn upon any person, company, or association carrying on business in New South Wales, other than a retail shopkeeper or publican, if such workman shall freely consent to receive such cheque, draft, or order, but all payments so made with such consent, shall, for the purposes of this Act, be as valid as if made in money : Provided that if wages shall be paid to any workman by a cheque, draft, or order in writing as aforesaid, and the same shall be dishonoured, such workman shall be entitled to recover from his employer, in addition to any wages due or payable to any such workman, such reasonable damages as he may have sustained in consequence of the dishonour of such cheque, draft, or order in writing, and such damages shall be recoverable in any Court of competent jurisdiction.

Payment of wages may be made by cheque.

Remedies of workman.

Recover wages and reasonable damages.

Any court of competent jurisdiction.

8. Service of any legal process for, or incidental to, the recovery of wages or damages for non-payment thereof, or with respect to the dishonour of any cheque, draft, or order given in respect of such wages, may be effected on the employer by leaving such process with, or delivering the same to, the manager or overseer for the time being of the works at, or in respect of which, such wages shall have been earned. This section shall not affect any other mode of service allowed by law.

Service of legal process.

Delivering to manager or overseer at works.

9. If the employer of any workman shall, by himself or the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared to be illegal and void, wholly or in part, or if the employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be deemed guilty of an offence,

Penalties for breaches of Act.
£10, £25, £50.

Truck.

offence, and be liable to the following penalties:—For the first offence, a penalty not exceeding ten pounds; for the second offence, a penalty not exceeding twenty-five pounds; for any subsequent offence, a penalty not exceeding fifty pounds.

Cases to which this Act does not apply.
Medicine, fuel, tools, implements, &c.

10. This Act shall not extend or apply—

May supply tools, outfit to bushmen, to extent of two months' wages.

Provender for horses employed.

Use of tenement or house.

Advance in sickness.

Seamen or farmers or shearers.

Recovery of penalties.

Definitions

- (1) where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by any such workman employed in his trade, labour, or occupation;
- (2) where an employer or his agent supplies or contracts to supply to any workman who has engaged with him to fell bush, to ringbark trees, or to clear land of bush, the necessary outfit and means of support and materials or tools requisite for commencing his engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman in such engagement;
- (3) where such employer or his agent supplies or contracts to supply to any workman any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such workman in his trade, labour, or occupation;
- (4) where such employer or his agent allows such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege in addition to money wages as a remuneration for his services;
- (5) to prevent any employer from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the family of such workman by his order, nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman;
- (6) to seamen or domestic servants or to persons employed in or in connection with agricultural or pastoral pursuits:

Provided that no deduction or stoppage of wages shall exceed the amount of money advanced, or the value of any fuel, tools, implements, hay, corn, provender, victuals, drink, or materials supplied to such workman.

11. Any penalty imposed by this Act may be recovered summarily before a stipendiary or police magistrate, or any two or more justices of the peace in petty sessions.

12. In this Act, unless inconsistent with the context, the word—"Contract" includes any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of

Truck.

of wages, whether written or oral, direct or indirect, to which the employer and workman are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them.

“Employer” includes any master, manager, foreman, clerk, or other person engaged in the hiring, employment, or superintendence of the service, work, or labour of any workman within the meaning of this Act.

“Money” means coin of the realm of Great Britain and Ireland current in New South Wales, and includes postal notes, Post Office orders, and the notes of any joint stock bank or association carrying on the business of a banker in New South Wales under the authority of any charter issued or granted by the Crown and actually in force, or under any Imperial Act or any Act of the Legislature of the said Colony now or hereafter in force.

“Wages” includes any money or thing had or contracted to be paid, delivered, or given, as a recompense, reward, or remuneration, for any service, work, or labour done or to be done, whether within a certain time, or to a certain amount, or for a time or amount uncertain.

“Workman” means any person in any manner employed in work of any kind or in manual labour, whether under the age of twenty-one years or above that age.

13. This Act shall come into operation on the first day of January, one thousand nine hundred and one, and may be cited as the “Truck Act of 1900.” Commencement and short title.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,
Sydney, 22nd November, 1900.

FREDK. M. DARLEY,
Lieutenant-Governor.

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TRUCK BILL.

SCHEDULE of the Amendments referred to in Message of 14th November, 1900.

- Page 3, clause 7, line 17. *After* "cheque" *insert* "or"
- Page 3, clause 7, line 17. *After* "draft" *insert* "payable to the bearer on demand drawn upon any
"bank carrying on business in New South Wales"
- Page 3, clause 7, line 18. *After* "or" *insert* "in an"
- Page 3, clause 7, line 20. *Omit* "the"
- Page 3, clause 7, line 21. *Omit* "of a banker"
- Page 3, clause 7, lines 21 and 22. *Omit* "either generally or with any particular persons or class of
"persons only" *insert* "other than a retail shopkeeper or publican"
- Page 3, clause 7. *Omit* subsection (1).
- Page 4, clause 10, line 16. *After* "bush" first occurring *insert* "to ringbark trees"
- Page 4, clause 10, line 35. *After* "seaman" *insert* "or domestic servants"
- Page 4, clause 10, line 35. *After* "in" *insert* "or in connection with"
- Page 5, clause 12, line 14. *After* "includes" *insert* "postal notes, Post Office orders, and"
- Page 5, clause 12, line 18. *After* "under" *insert* "any Imperial Act or"
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THE HISTORY

OF THE

REIGN OF

CHARLES

THE FIRST

OF GREAT BRITAIN

AND

OF IRELAND

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 31 October, 1900. }*

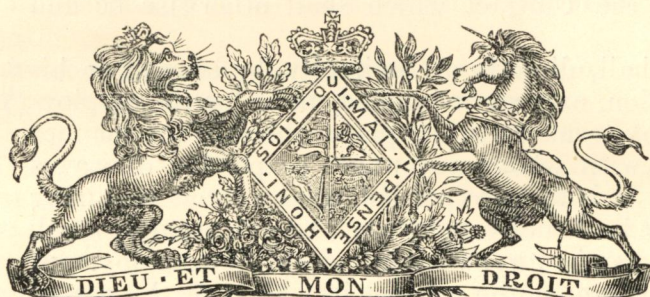
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 14th November, 1900. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. , 1900.

An Act to regulate contracts made with respect to, and the payment of, Wages ; to prohibit such payment being made in goods or otherwise than in money ; and to regulate the service of legal process.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 1. (1) In every contract hereafter made with any workman, ^{Wages to be payable in money.} the wages of such workman shall be made payable in money only, and not otherwise ; and if by agreement, custom, or otherwise, a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it
10 shall not be lawful for the employer to withhold such advance, or ^{No deduction for interest.} make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

305—A

(2)

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Truck.

(2) If in any such contract the whole or any part of such wages shall be made payable in any manner other than in money, or shall provide for any deduction or charge as aforesaid in respect of any advance of the whole or part of the wages of such workman, 5 such contract shall be and is hereby declared illegal and void in so far as any promise or consideration made or given by or arising out of such contract relates to the payment of such wages otherwise than in money, or as to making any such deduction or charge as aforesaid; and such promise or consideration shall be deemed to be severable 10 from the other part of the contract which shall otherwise be and remain in force.

Contracts to be void if in contravention of this section.

2. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman, any terms as to the place where, or the manner 15 in which, or the person with whom any wages or portion of wages paid to the workman are or is to be expended, or any terms requiring him to reside upon the lands of such employer; and no employer shall, by himself or his agent, dismiss any workman from his employment on account of the place where, or the manner in which, or the person 20 with whom any wages or portion of wages paid by the employer to such workman were or was expended, or were or was not expended, or on account of the workman not residing upon the lands of the employer.

No contract to stipulate as to mode of spending wages.

3. The entire amount of the wages earned by or payable to 25 any workman shall be actually paid to such workman in money, and not otherwise, at intervals of not more than fourteen days, if demanded, any contract to the contrary notwithstanding; and every payment made to any such workman by his employer of or in respect of any such wages by the delivering to him of goods, or otherwise than in 30 money, except as hereinafter mentioned, shall be and is hereby declared illegal and void; and every workman shall be entitled to recover from his employer in any Court of competent jurisdiction the whole or so much of the wages earned by such workman as shall not have been actually paid to him by his employer in money.

All wages to be paid in money.

4. In any action hereafter brought or commenced by any 35 workman against his employer for the recovery of any sum of money due to such workman as his wages—

No set-off to be allowed for goods supplied to workman by employer.

(1) the defendant shall not be allowed to make any set-off nor to 40 claim any reduction of the plaintiff's demand, by reason or in respect of any goods had or received by the plaintiff as or on account of his wages, or by reason or in respect of any goods sold, delivered, or supplied at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or 45 interest;

(2)

Truck.

(2) the defendant shall not be entitled to any set-off in respect of any goods supplied to the plaintiff by any person under any order or direction of the defendant or his agent.

5 5. No employer shall have or be entitled to maintain any action in any Court against any workman for or in respect of any goods sold, delivered, or supplied to any such workman by any such employer whilst in his employment as or on account of his wages, or for or in respect of any goods sold, delivered, or supplied to such workman at any shop, store, house, or premises kept by or belonging to such
10 employer, or in the profits of which such employer shall have any share or interest.

Employer not to have action for goods supplied to workman.

6. No deduction shall be made from the wages of a workman for sharpening or repairing tools, except by agreement.

No deduction from wages for sharpening or repairing tools, except by agreement.

7. Nothing contained in this Act shall be construed to prohibit
15 the making of or render invalid any contract for the payment or any actual payment to any workman of the whole or any part of his wages in a cheque, or draft, payable to the bearer on demand drawn upon any bank carrying on business in New South Wales or in an order in writing for the payment of money to the bearer on demand, drawn
20 upon any person, company, or association carrying on the business of a banker in New South Wales, ~~either generally or with any particular persons or class of persons only,~~ other than a retail shopkeeper or publican if such workman shall freely consent to receive such cheque, draft, or order, but all payments so made with such consent, shall, for the
25 purposes of this Act, be as valid as if made in money: Provided

Payment of wages may be made by cheque.

(1) ~~that no such cheque shall be crossed;~~

(2) that if wages shall be paid to any workman by a cheque,
30 draft, or order in writing as aforesaid, and the same shall be dishonoured, such workman shall be entitled to recover from his employer, in addition to any wages due or payable to any such workman, such reasonable damages as he may have sustained in consequence of the dishonour of such cheque, draft, or order in writing, and such damages shall be
35 recoverable in any Court of competent jurisdiction.

Remedies of workman.

Recover wages and reasonable damages.

Any court of competent jurisdiction.

8. Service of any legal process for, or incidental to, the recovery of wages or damages for non-payment thereof, or with respect to the dishonour of any cheque, draft, or order given in respect of such wages, may be effected on the employer by leaving such process with, or delivering the same to, the manager or overseer for the time being
40 of the works at, or in respect of which, such wages shall have been earned. This section shall not affect any other mode of service allowed by law.

Service of legal process.

Delivering to manager or overseer at works.

9. If the employer of any workman shall, by himself or the agency of any other person or persons, directly or indirectly enter into
45 any contract or make any payment hereby declared to be illegal and void,

Penalties for breaches of Act.

£10, £25, £50.

Truck.

void, wholly or in part, or if the employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be deemed guilty of an offence, and be liable to the following penalties:—For the first offence, 5 a penalty not exceeding ten pounds; for the second offence, a penalty not exceeding twenty-five pounds; for any subsequent offence, a penalty not exceeding fifty pounds.

10. This Act shall not extend or apply—

- 10 (1) where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by any such workman employed in his trade, labour, or occupation; Cases to which this Act does not apply. Medicines, fuel, tools, implements, &c.
- 15 (2) where an employer or his agent supplies or contracts to supply to any workman who has engaged with him to fell bush to ringbark trees or to clear land of bush, the necessary outfit and means of support and materials or tools requisite for commencing his engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman in such engagement; May supply tools, outfit to bushmen, to extent of two months' wages.
- 20 (3) where such employer or his agent supplies or contracts to supply to any workman any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such workman in his trade, labour, or occupation; Provender for horses employed.
- 25 (4) where such employer or his agent allows such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege in addition to money wages as a remuneration for his services; Use of tenement or house.
- 30 (5) to prevent any employer from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the family of such workman by his order, nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman; Advance in sickness.
- 35 (6) to seamen or domestic servants or to persons employed in or in connection with agricultural or pastoral pursuits; Seamen or farmers or shearers.

Provided that no deduction or stoppage of wages shall exceed the amount of money advanced, or the value of any fuel, tools, implements, hay, corn, provender, victuals, drink, or materials supplied to 40 such workman.

11. Any penalty imposed by this Act may be recovered summarily before a stipendiary or police magistrate, or any two or more justices of the peace in petty sessions. Recovery of penalties.

Truck.

12. In this Act, unless inconsistent with the context, the word— Definitions.
- “Contract” includes any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, direct or indirect, to which the employer and workman are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them.
- “Employer” includes any master, manager, foreman, clerk, or other person engaged in the hiring, employment, or superintendence of the service, work, or labour of any workman within the meaning of this Act.
- “Money” means coin of the realm of Great Britain and Ireland current in New South Wales, and includes postal notes, Post Office orders, and the notes of any joint stock bank or association carrying on the business of a banker in New South Wales under the authority of any charter issued or granted by the Crown and actually in force, or under any Imperial Act or any Act of the Legislature of the said Colony now or hereafter in force.
- “Wages” includes any money or thing had or contracted to be paid, delivered, or given, as a recompense, reward, or remuneration, for any service, work, or labour done or to be done, whether within a certain time, or to a certain amount, or for a time or amount uncertain.
- “Workman” means any person in any manner employed in work of any kind or in manual labour, whether under the age of twenty-one years or above that age.
13. This Act shall come into operation on the first day of January, one thousand nine hundred and one, and may be cited as the “Truck Act of 1900.” Commencement and short title.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 31 October, 1900. }*

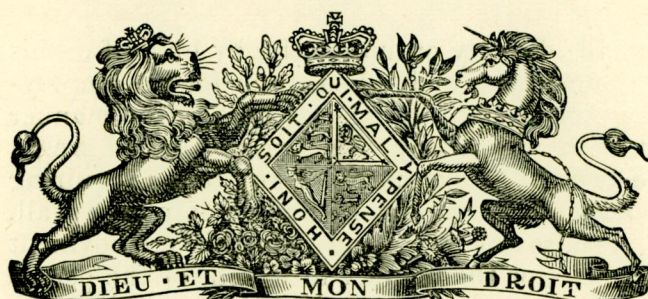
*F. W. WEBB,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, November, 1900. }*

Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. , 1900.

An Act to regulate contracts made with respect to, and the payment of, Wages ; to prohibit such payment being made in goods or otherwise than in money ; and to regulate the service of legal process.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 1. (1) In every contract hereafter made with any workman, ^{Wages to be payable in money.} the wages of such workman shall be made payable in money only, and not otherwise ; and if by agreement, custom, or otherwise, a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it
- 10 shall not be lawful for the employer to withhold such advance, or ^{No deduction for interest.} make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

305—A

(2)

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Truck.

(2) If in any such contract the whole or any part of such wages shall be made payable in any manner other than in money, or shall provide for any deduction or charge as aforesaid in respect of any advance of the whole or part of the wages of such workman, 5 such contract shall be and is hereby declared illegal and void in so far as any promise or consideration made or given by or arising out of such contract relates to the payment of such wages otherwise than in money, or as to making any such deduction or charge as aforesaid; and such promise or consideration shall be deemed to be severable 10 from the other part of the contract which shall otherwise be and remain in force.

Contracts to be void if in contravention of this section.

2. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman, any terms as to the place where, or the manner 15 in which, or the person with whom any wages or portion of wages paid to the workman are or is to be expended, or any terms requiring him to reside upon the lands of such employer; and no employer shall, by himself or his agent, dismiss any workman from his employment on account of the place where, or the manner in which, or the person 20 with whom any wages or portion of wages paid by the employer to such workman were or was expended, or were or was not expended, or on account of the workman not residing upon the lands of the employer.

No contract to stipulate as to mode of spending wages.

3. The entire amount of the wages earned by or payable to 25 any workman shall be actually paid to such workman in money, and not otherwise, at intervals of not more than fourteen days, if demanded, any contract to the contrary notwithstanding; and every payment made to any such workman by his employer of or in respect of any such wages by the delivering to him of goods, or otherwise than in 30 money, except as hereinafter mentioned, shall be and is hereby declared illegal and void; and every workman shall be entitled to recover from his employer in any Court of competent jurisdiction the whole or so much of the wages earned by such workman as shall not have been actually paid to him by his employer in money.

All wages to be paid in money.

35 4. In any action hereafter brought or commenced by any workman against his employer for the recovery of any sum of money due to such workman as his wages—

No set-off to be allowed for goods supplied to workman by employer.

(1) the defendant shall not be allowed to make any set-off nor to 40 claim any reduction of the plaintiff's demand, by reason or in respect of any goods had or received by the plaintiff as or on account of his wages, or by reason or in respect of any goods sold, delivered, or supplied at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or 45 interest;

(2)

Truck.

- (2) the defendant shall not be entitled to any set-off in respect of any goods supplied to the plaintiff by any person under any order or direction of the defendant or his agent.
- 5 **5.** No employer shall have or be entitled to maintain any action in any Court against any workman for or in respect of any goods sold, delivered, or supplied to any such workman by any such employer whilst in his employment as or on account of his wages, or for or in respect of any goods sold, delivered, or supplied to such workman at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.
- 6.** No deduction shall be made from the wages of a workman for sharpening or repairing tools, except by agreement.
- 7.** Nothing contained in this Act shall be construed to prohibit the making of or render invalid any contract for the payment or any actual payment to any workman of the whole or any part of his wages in a cheque, or draft, payable to the bearer on demand drawn upon any bank carrying on business in New South Wales or in an order in writing for the payment of money to the bearer on demand, drawn upon any person, company, or association carrying on the business of a banker in New South Wales, either generally or with any particular persons or class of persons only, other than a retail shopkeeper or publican if such workman shall freely consent to receive such cheque, draft, or order, but all payments so made with such consent, shall, for the purposes of this Act, be as valid as if made in money: Provided
- (1) ~~that no such cheque shall be crossed;~~
- (2) that if wages shall be paid to any workman by a cheque, draft, or order in writing as aforesaid, and the same shall be dishonoured, such workman shall be entitled to recover from his employer, in addition to any wages due or payable to any such workman, such reasonable damages as he may have sustained in consequence of the dishonour of such cheque, draft, or order in writing, and such damages shall be recoverable in any Court of competent jurisdiction.
- 8.** Service of any legal process for, or incidental to, the recovery of wages or damages for non-payment thereof, or with respect to the dishonour of any cheque, draft, or order given in respect of such wages, may be effected on the employer by leaving such process with, or delivering the same to, the manager or overseer for the time being of the works at, or in respect of which, such wages shall have been earned. This section shall not affect any other mode of service allowed by law.
- 9.** If the employer of any workman shall, by himself or the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared to be illegal and void,

Employer not to have action for goods supplied to workman.

No deduction from wages for sharpening or repairing tools, except by agreement.

Payment of wages may be made by cheque.

Remedies of workman.

Recover wages and reasonable damages.

Any court of competent jurisdiction.

Service of legal process.

Delivering to manager or overseer at works.

Penalties for breaches of Act. £10, £25, £50.

Truck.

void, wholly or in part, or if the employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be deemed guilty of an offence, and be liable to the following penalties:—For the first offence, 5 a penalty not exceeding ten pounds; for the second offence, a penalty not exceeding twenty-five pounds; for any subsequent offence, a penalty not exceeding fifty pounds.

10. This Act shall not extend or apply—

- 10 (1) where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by any such workman employed in his trade, labour, or occupation; Cases to which this Act does not apply. Medicine, fuel, tools, implements, &c.
- 15 (2) where an employer or his agent supplies or contracts to supply to any workman who has engaged with him to fell bush to ringbark trees or to clear land of bush, the necessary outfit and means of support and materials or tools requisite for commencing his engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman in such engagement; May supply tools, outfit to bushmen, to extent of two months' wages.
- 20 (3) where such employer or his agent supplies or contracts to supply to any workman any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such workman in his trade, labour, or occupation; Provender for horses employed.
- 25 (4) where such employer or his agent allows such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege in addition to money wages as a remuneration for his services; Use of tenement or house.
- 30 (5) to prevent any employer from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the family of such workman by his order, nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman; Advance in sickness.
- 35 (6) to seamen or domestic servants or to persons employed in or in connection with agricultural or pastoral pursuits; Seamen or farmers or shearers.

Provided that no deduction or stoppage of wages shall exceed the amount of money advanced, or the value of any fuel, tools, implements, hay, corn, provender, victuals, drink, or materials supplied to 40 such workman.

11. Any penalty imposed by this Act may be recovered summarily before a stipendiary or police magistrate, or any two or more justices of the peace in petty sessions. Recovery of penalties.

Truck.

12. In this Act, unless inconsistent with the context, the word— Definitions.
 “Contract” includes any agreement, understanding, device, con-
 trivance, collusion, or arrangement whatsoever on the subject
 of wages, whether written or oral, direct or indirect, to which
 5 the employer and workman are parties, or are assenting, or
 by which they are mutually bound to each other, or whereby
 either of them shall have endeavoured to impose an obligation
 on the other of them.
 10 “Employer” includes any master, manager, foreman, clerk, or
 other person engaged in the hiring, employment, or superin-
 tendence of the service, work, or labour of any workman
 within the meaning of this Act.
 15 “Money” means coin of the realm of Great Britain and Ireland
 current in New South Wales, and includes **postal notes,**
Post Office orders, and the notes of any joint stock bank or
 association carrying on the business of a banker in New
 South Wales under the authority of any charter issued or
 granted by the Crown and actually in force, or under **any**
 20 **Imperial Act** or any Act of the Legislature of the said Colony
 now or hereafter in force.
 “Wages” includes any money or thing had or contracted to be paid,
 delivered, or given, as a recompense, reward, or remuneration,
 for any service, work, or labour done or to be done, whether
 25 within a certain time, or to a certain amount, or for a time
 or amount uncertain.
 “Workman” means any person in any manner employed in
 work of any kind or in manual labour, whether under the
 age of twenty-one years or above that age.
 13. This Act shall come into operation on the first day of Commencement and
short title.
 30 January, one thousand nine hundred and one, and may be cited as
 the “Truck Act of 1900.”

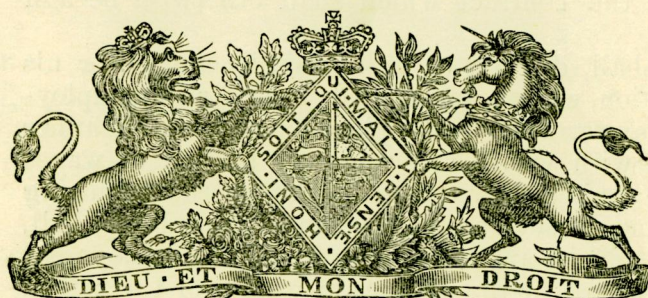
1. In the first place, it is necessary to have a clear understanding of the nature and scope of the problem. This involves a thorough study of the facts and circumstances surrounding the case.
2. The second step is to identify the parties involved and their interests. This is essential for determining the legal rights and obligations of each party.
3. The third step is to determine the applicable law. This involves a search of the relevant statutes, regulations, and case law.
4. The fourth step is to analyze the facts in light of the law. This involves a careful examination of the evidence and a logical application of legal principles.
5. The fifth step is to reach a conclusion. This involves a synthesis of the facts and the law, and a determination of the outcome of the case.
6. The sixth step is to prepare a written opinion. This involves a clear and concise statement of the facts, the law, and the conclusion.
7. The seventh step is to present the opinion to the court. This involves a formal presentation of the written opinion and oral arguments.
8. The eighth step is to receive the court's decision. This involves a formal announcement of the court's ruling and the reasons for it.
9. The ninth step is to implement the decision. This involves taking the necessary steps to carry out the court's order.
10. The tenth step is to review the decision. This involves a final check of the facts and the law to ensure that the decision is correct and fair.
11. The eleventh step is to appeal the decision if necessary. This involves filing a petition with the appropriate appellate court.
12. The twelfth step is to wait for the appellate court's decision. This involves a period of time during which the appellate court reviews the case.
13. The thirteenth step is to implement the appellate court's decision. This involves taking the necessary steps to carry out the appellate court's order.
14. The fourteenth step is to review the appellate court's decision. This involves a final check of the facts and the law to ensure that the decision is correct and fair.
15. The fifteenth step is to conclude the case. This involves a final statement of the outcome of the case and the reasons for it.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 31 October, 1900.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. , 1900.

An Act to regulate contracts made with respect to, and the payment of, Wages ; to prohibit such payment being made in goods or otherwise than in money ; and to regulate the service of legal process.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 1. (1) In every contract hereafter made with any workman, ^{Wages to be payable} the wages of such workman shall be made payable in money only, and ^{in money.} not otherwise ; and if by agreement, custom, or otherwise, a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it
10 shall not be lawful for the employer to withhold such advance, or ^{No deduction for} make any deduction in respect of such advance on account of poundage, ^{interest.} discount, or interest, or any similar charge.

Truck.

(2) If in any such contract the whole or any part of such wages shall be made payable in any manner other than in money, or shall provide for any deduction or charge as aforesaid in respect of any advance of the whole or part of the wages of such workman, 5 such contract shall be and is hereby declared illegal and void in so far as any promise or consideration made or given by or arising out of such contract relates to the payment of such wages otherwise than in money, or as to making any such deduction or charge as aforesaid; and such promise or consideration shall be deemed to be severable 10 from the other part of the contract which shall otherwise be and remain in force.

Contracts to be void if in contravention of this section.

2. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman, any terms as to the place where, or the manner 15 in which, or the person with whom any wages or portion of wages paid to the workman are or is to be expended, or any terms requiring him to reside upon the lands of such employer; and no employer shall, by himself or his agent, dismiss any workman from his employment on account of the place where, or the manner in which, or the person 20 with whom any wages or portion of wages paid by the employer to such workman were or was expended, or were or was not expended, or on account of the workman not residing upon the lands of the employer.

No contract to stipulate as to mode of spending wages.

3. The entire amount of the wages earned by or payable to 25 any workman shall be actually paid to such workman in money, and not otherwise, at intervals of not more than fourteen days, if demanded, any contract to the contrary notwithstanding; and every payment made to any such workman by his employer of or in respect of any such wages by the delivering to him of goods, or otherwise than in 30 money, except as hereinafter mentioned, shall be and is hereby declared illegal and void; and every workman shall be entitled to recover from his employer in any Court of competent jurisdiction the whole or so much of the wages earned by such workman as shall not have been actually paid to him by his employer in money.

All wages to be paid in money.

35 4. In any action hereafter brought or commenced by any workman against his employer for the recovery of any sum of money due to such workman as his wages—

No set-off to be allowed for goods supplied to workman by employer.

(1) the defendant shall not be allowed to make any set-off nor to 40 claim any reduction of the plaintiff's demand, by reason or in respect of any goods had or received by the plaintiff as or on account of his wages, or by reason or in respect of any goods sold, delivered, or supplied at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or 45 interest;

(2)

Truck.

(2) the defendant shall not be entitled to any set-off in respect of any goods supplied to the plaintiff by any person under any order or direction of the defendant or his agent.

5 5. No employer shall have or be entitled to maintain any action in any Court against any workman for or in respect of any goods sold, delivered, or supplied to any such workman by any such employer whilst in his employment as or on account of his wages, or for or in respect of any goods sold, delivered, or supplied to such workman at any shop, store, house, or premises kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

Employer not to have action for goods supplied to workman.

6. No deduction shall be made from the wages of a workman for sharpening or repairing tools, except by agreement.

No deduction from wages for sharpening or repairing tools, except by agreement.

7. Nothing contained in this Act shall be construed to prohibit the making of or render invalid any contract for the payment or any actual payment to any workman of the whole or any part of his wages in a cheque, draft, or order in writing for the payment of money to the bearer on demand, drawn upon any person, company, or association carrying on the business of a banker in New South Wales, either generally or with any particular persons or class of persons only, if such workman shall freely consent to receive such cheque, draft, or order, but all payments so made with such consent, shall, for the purposes of this Act, be as valid as if made in money: Provided

Payment of wages may be made by cheque.

(1) that no such cheque shall be crossed;

25 (2) that if wages shall be paid to any workman by a cheque, draft, or order in writing as aforesaid, and the same shall be dishonoured, such workman shall be entitled to recover from his employer, in addition to any wages due or payable to any such workman, such reasonable damages as he may have sustained in consequence of the dishonour of such cheque, draft, or order in writing, and such damages shall be recoverable in any Court of competent jurisdiction.

Remedies of workman.

Recover wages and reasonable damages.

Any court of competent jurisdiction.

8. Service of any legal process for, or incidental to, the recovery of wages or damages for non-payment thereof, or with respect to the dishonour of any cheque, draft, or order given in respect of such wages, may be effected on the employer by leaving such process with, or delivering the same to, the manager or overseer for the time being of the works at, or in respect of which, such wages shall have been earned. This section shall not affect any other mode of service allowed by law.

Service of legal process.

Delivering to manager or overseer at works.

9. If the employer of any workman shall, by himself or the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared to be illegal and void, wholly or in part, or if the employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer

Penalties for breaches of Act. £10, £25, £50.

Truck.

employer or agent, as the case may be, shall be deemed guilty of an offence, and be liable to the following penalties:—For the first offence, a penalty not exceeding ten pounds; for the second offence, a penalty not exceeding twenty-five pounds; for any subsequent offence, a penalty not exceeding fifty pounds.

10. This Act shall not extend or apply—

- 10 (1) where an employer or his agent supplies or contracts to supply to any workman any medicine or medical attendance, or any fuel, materials, tools, appliances, or implements to be by any such workman employed in his trade, labour, or occupation; Cases to which this Act does not apply.
Medicine, fuel, tools, implements, &c.
- 15 (2) where an employer or his agent supplies or contracts to supply to any workman who has engaged with him to fell bush or to clear land of bush, the necessary outfit and means of support and materials or tools requisite for commencing his engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman in such engagement; May supply tools, outfit to bushmen, to extent of two months' wages.
- 20 (3) where such employer or his agent supplies or contracts to supply to any workman any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such workman in his trade, labour, or occupation; Provender for horses employed.
- 25 (4) where such employer or his agent allows such workman the use of a tenement as part of his wages or in addition to his wages, or any other allowance or privilege in addition to money wages as a remuneration for his services; Use of tenement or house.
- 30 (5) to prevent any employer from advancing any money for the relief of such workman or his wife or family in sickness, or from advancing any money to any member of the family of such workman by his order, nor from deducting or contracting to deduct any such sum or sums of money as aforesaid from the wages of such workman; Advance in sickness.
- (6) to seamen or to persons employed in agricultural or pastoral pursuits; Seamen or farmers or shearers.

35 Provided that no deduction or stoppage of wages shall exceed the amount of money advanced, or the value of any fuel, tools, implements, hay, corn, provender, victuals, drink, or materials supplied to such workman.

40 11. Any penalty imposed by this Act may be recovered summarily before a stipendiary or police magistrate, or any two or more justices of the peace in petty sessions. Recovery of penalties.

45 12. In this Act, unless inconsistent with the context, the word— Definitions.
 “Contract” includes any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, direct or indirect, to which the

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the employer and workman are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them.

5 “Employer” includes any master, manager, foreman, clerk, or other person engaged in the hiring, employment, or superintendence of the service, work, or labour of any workman within the meaning of this Act.

10 “Money” means coin of the realm of Great Britain and Ireland current in New South Wales, and includes the notes of any joint stock bank or association carrying on the business of a banker in New South Wales under the authority of any charter issued or granted by the Crown and actually in force, or under any Act of the Legislature of the said Colony now

15 “Wages” includes any money or thing had or contracted to be paid, delivered, or given, as a recompense, reward, or remuneration, for any service, work, or labour done or to be done, whether within a certain time, or to a certain amount, or for a time or amount uncertain.

20 “Workman” means any person in any manner employed in work of any kind or in manual labour, whether under the age of twenty-one years or above that age.

13. This Act shall come into operation on the first day of Commencement and
25 January, one thousand nine hundred and one, and may be cited as short title.
the “Truck Act of 1900.”

