



AUSTRALIAN CAPITAL TERRITORY

## **Truck (Amendment) Act 1990**

**No. 35 of 1990**

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

*[Notified in ACT Gazette S72: 30 October 1990]*

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*.

#### **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*.
- (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.

### **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:

“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**

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.”.

### **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.”.

### **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.”.

### **Substitution**

**8.** Section 9 of the Principal Act is repealed and the following section substituted:

### **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:

- (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”.

**SCHEDULE**—continued**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).

**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”.

**SCHEDULE**—continued

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

Omit “Workman”, substitute “worker”.

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*[Presentation speech made in Assembly on 18 September 1990.]*

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