

Agreements Validating.

Act No. 58, 1902.

An Act to consolidate the enactments relating to the validity of agreements made elsewhere for personal service in New South Wales.
[4th September, 1902.]

AGREEMENTS
VALIDATING.

WHEREAS doubts have arisen as to the validity in the State of New South Wales of agreements for hiring and service made or entered into by persons elsewhere than in the said State, but intended to take effect therein, and it is expedient to remove the said doubts, and also to simplify the proofs respecting the making of such agreements: Be it therefore enacted by the King'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:—

Preamble.

1. This Act may be cited as the "Agreements Validating Act, 1902."

Short title.

2. The Agreements Validating Act, thirty-nine Victoria number twenty-nine, is hereby repealed.

Repeal.

3. Every contract or agreement made in any place beyond New South Wales, between any persons for any personal services to be rendered or performed within the said State, for and during any period not exceeding two years from the arrival in the said State of the person by whom such services are to be rendered or performed, or for any period not exceeding two years and three months from the date of such agreement, shall be as valid binding and effectual between the parties as if the said contract or agreement had been duly made and entered into in the said State:

Contracts made in places beyond New South Wales to be valid.

39 Vic. No. 29, s. 1.

Provided that such contract or agreement has been made and subscribed in the presence of some officer duly authorised in that behalf by the Governor of New South Wales, and is attested by such officer, and has thereon his certificate in the form or to the effect of the Schedule annexed to this Act.

Such officer shall in all cases where any such agreement shall be made or entered into by any person as agent for or on behalf of any other person be bound to ascertain that such person so signing as such agent was duly authorised so to do, and the certificate of such officer shall be conclusive evidence of such agency.

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Signature of officer
need not be proved.
39 Vic. No. 29, s. 2.

4. It shall not be necessary in any manner to prove in evidence the signature of the said officer to the said certificate, if it purports to have been given by him as such duly authorised officer.

Certificate to be
evidence that the
parties respectively
executed it.
Ibid. s. 3.

5. The production of an agreement so attested and having thereon such certificate as aforesaid in any Court within the said State and proof to the satisfaction of the Court that the complainant or defendant, as the case may be, disputing the authenticity of such agreement was known, at any time since the date of the same agreement, by the name and designation appearing on the face thereof, shall be deemed and held to be evidence that he is the person mentioned therein, and that he duly executed the same.

Agreements need not
be stamped or sealed.
Ibid. s. 4.

6. It shall not be essential to the validity of any such contract or agreement that it should be either stamped or sealed, unless a corporation is a contracting party, notwithstanding that all such written instruments are required by the law of the land in which such contract or agreement was made to be stamped or sealed, or both, before they can be put in evidence.

Parties compellable
to re-execute
agreements.
Ibid. s. 5.

7. On the demand of either party to any such agreement as aforesaid made out of New South Wales, the other party thereto shall re-execute the same at any time after his arrival in the State, and if he refuses or neglects so to do, he shall be liable to a penalty not exceeding twenty pounds. Such penalty shall be paid to the party laying the complaint, and its infliction or satisfaction shall not be deemed to annul or otherwise affect the agreement.

Service of process.
Ibid. s. 6.

8. Any summons or other legal document in respect of any complaint or other legal proceedings for the breach of any agreement as aforesaid, or of any of the preceding provisions of this Act, may be served upon either party personally or by delivering the same to any person being apparently above the age of fourteen years resident at the last known place of abode of the person named in such summons or other legal document.

Penalties.
Ibid. s. 9.

9. Whosoever, forges, alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate under this Act purporting to be a certificate given by an officer duly authorised by the Governor to sign certificates under this Act, shall be liable to penal servitude for a term not exceeding five years and not less than three years or to imprisonment for any term not exceeding two years.

Masters and Servants.

SCHEDULE.

Section 3.

I HEREBY certify that the above contract was made and subscribed by the parties in my presence. And I further certify that previous thereto I fully informed the said

(*the contracting party of the second part*) of the current rate of wages for persons of his trade or calling and of the current prices within the State of New South Wales for house-rent, food, and clothing, according to the latest advices received by me from the Agent-General of New South Wales [*or other officer duly authorised in that behalf by the Governor and Executive Council of the said State*]. And I further certify that the said

(*the contracting party of the second part*) declared in my presence that he fully understood the terms and conditions of the said contract. And I further certify that I am duly authorised by the Governor and Executive Council of New South Wales to grant this certificate.

Given under my hand at [insert the town, county, and country,
thus: at *Portsmouth, in the County of Hampshire, England*] this
day of _____, 19 .

A.B. (*add name of office, &c.*)
