

ATTACHMENT OF WAGES LIMITATION ACT.

Act No. 44, 1940.

An Act to amend the law relating to attachment of wages and salary; to amend the Common Law Procedure Act, 1899, and certain other Acts in certain respects; to repeal the Attachment of Wages Limitation Act, 1900; and for purposes connected therewith. [Assented to, 9th December, 1940.]

George VI.
No. 44, 1940.

BE it 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:—

1. (1) This Act may be cited as the "Attachment of Wages Limitation Act, 1940."

Short title
and com-
mencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Common Law Procedure Act, 1899, is amended—

Amendment
of Act No.
21, 1899,
Sec. 181.

(a) by inserting after subsection two of section one hundred and eighty-one the following new subsections—

New subsecs.
(3) and (4).

(3) No order for the attachment of wages or salary of any servant or employee shall be made in any case where such wage or salary does not exceed the rate of three pounds per week; and where such wage or salary is at a greater rate than three pounds per week an order shall be made only for the attachment of amounts of the wage or salary in excess of that rate.

Wages or
salary of
£3 per week
or under
not to be
attached.

(4)

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Wages of
rationed
relief
worker not
to be
attached.

(4) Notwithstanding anything contained in subsection three of this section no order for the attachment of wages of any employee shall be made in any case where—

(a) the employee is a person who is employed on relief work and who, under the modes, terms and conditions of such employment, is so employed for rationed periods only; and

(b) the wages are wages payable to him in respect of such employment.

In this subsection "relief work" means any work which has been declared by the Governor to be a work for the unemployed, by any proclamation, for the time being in force, made under section 8B of the Industrial Arbitration (Eight Hours) Amendment Act, 1930, as inserted by the Industrial Arbitration (Eight Hours) Amendment Act, 1937, or under section seventy-one of the Industrial Arbitration Act, 1940.

Sec. 185.
(Discharge
of garni-
shee.)

(b) by inserting in section one hundred and eighty-five after the word "reversed" the words "and a payment into Court by the garnishee, before the return day of the order referred to in subsection two of section one hundred and eighty-one of this Act, shall have the same force and effect as if made under any such proceeding as aforesaid."

Repeal of
Act No.
6, 1900.

(2) The Attachment of Wages Limitation Act, 1900, is repealed.

Amendment
of Act No.
23, 1912.

(3) The District Courts Act, 1912-1936, is amended—

Sec. 117.
(Attach-
ment of
Debts.)

(a) (i) by inserting in subsection one of section one hundred and seventeen, after the word "resides" the words "or carries on business";

(ii) by omitting from subsection two of the same section the words "two pounds" wherever occurring and by inserting in lieu thereof the words "three pounds";

(iii)

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(iii) by inserting after subsection two of the same section the following new subsection—

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(3) Notwithstanding anything contained in subsection two of this section no order for the attachment of wages of any employee shall be made in any case where—

Wages of rationed relief worker not to be attached.

(a) the employee is a person who is employed on relief work and who, under the modes, terms, and conditions of such employment, is so employed for rationed periods only; and

(b) the wages are wages payable to him in respect of such employment.

In this subsection "relief work" means any work which has been declared by the Governor to be a work for the unemployed, by any proclamation, for the time being in force, made under section 8B of the Industrial Arbitration (Eight Hours) Amendment Act, 1930, as inserted by the Industrial Arbitration (Eight Hours), Amendment Act, 1937, or under section seventy-one of the Industrial Arbitration Act, 1940.

(b) by inserting in section one hundred and twenty-two after the word "reversed" the words "and a payment by the garnishee to the registrar before the return day of the summons shall be deemed to be a payment made under a proceeding herein provided."

Sec. 122.
(Discharge of garnishee.)

(4) The Small Debts Recovery Act, 1912-1933, is amended—

Amendment of Act No. 33, 1912.

(a) by omitting from subsection five of section fifty-six the words "two pounds" wherever occurring and by inserting in lieu thereof the words "three pounds";

Sec. 56.
(Garnishee orders.)

(b) by inserting after subsection five of the same section the following new subsection:—

(5A) Notwithstanding anything contained in subsection five of this section no order for the attachment

Wages of rationed relief worker not to be attached.

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attachment of wages of any employee shall be made in any case where—

- (a) the employee is a person who is employed on relief work and who, under the modes, terms and conditions of such employment, is so employed for rationed periods only; and
- (b) the wages are wages payable to him in respect of such employment.

In this subsection "relief work" means any work which has been declared by the Governor to be a work for the unemployed, by any proclamation, for the time being in force, made under section 86 of the Industrial Arbitration (Eight Hours) Amendment Act, 1930, as inserted by the Industrial Arbitration (Eight Hours) Amendment Act, 1937, or under section seventy-one of the Industrial Arbitration Act, 1940.
