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PROOF

No. , 1933.

A BILL

To define the responsibility of contractors for debts owing to workmen and tradesmen by sub-contractors; to amend the Contractors' Debts Act of 1897; and for purposes connected therewith.

[MR. L. O. MARTIN ;— *August, 1933.*]

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 "Contractors' Debts (Amendment) Act, 1933." Short title.

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Contractors' Debts (Amendment).

(2) The Contractors' Debts Act of 1897, as amended by this Act, may be cited as the Contractors' Debts Act, 1897-1933.

Amendment of Act No. 29, 1897.

2. The Contractors' Debts Act of 1897 is amended by inserting at the end of section eighteen the following new subsections:— 5

Sec. 18.
(Contractor to be liable for wages or moneys due by sub-contractor.)

(2) The contractor shall be liable only—

(a) for wages due to a workman at or accruing due after the time of the receipt of a written notice by the workman to the contractor that the workman has been employed by the sub-contractor and claims to hold the contractor liable for the payment of his wages; 10

(b) for material supplied or material and work and labour supplied by a tradesman to the sub-contractor at or supplied after the time of the receipt of a written notice by the tradesman to the contractor that he has been engaged by the sub-contractor to make such supply and claims to hold the contractor responsible to pay for such supply; 20

and in either case only to the extent of the moneys payable by the contractor under the sub-contract to the sub-contractor but not actually paid at the time of the receipt of such written notice. 25

Any notice under this subsection shall state an address at which a contractor's notice may be served on the workman or tradesman.

(3) Where any such notice has been received by the contractor he may not later than one week after the receipt thereof give written notice (in this subsection referred to as the "contractor's notice") to the workman or tradesman that as from a date to be specified therein (such date being not earlier than one week after the date upon which the contractor's notice is received by the workman or tradesman) the contractor will not be responsible for payment of such wages or for payment for such supply. 30 35

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Contractors' Debts (Amendment).

5 Where a contractor's notice has been given the foregoing provisions of this section shall not operate to impose any liability on the contractor in respect of wages accruing due to a workman after the date specified in the contractor's notice or in respect of materials or materials and work and labour supplied by a tradesman after such date, as the case may be.

10 (4) A contractor may retain any moneys which become due to the sub-contractor under the sub-contract and apply the same *pari passu* in or towards satisfaction of any claim for wages or the supply of materials or materials and work and labour for the payment of or for which the contractor is liable under the foregoing provisions of this section.

15 Any payments made by the contractor in respect thereof shall be deemed to be payments to the sub-contractor by the contractor and to be payments by the sub-contractor to the claimants.

20 (5) Any notice under this section may be given by post.