

*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.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 27 November, 1940.*

## New South Wales.



ANNO QUARTO

# GEORGII VI REGIS.

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Act No. , 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.

**B**E 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.



*Attachment of Wages Limitation.*

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

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

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

New subsecs. (3) and (4).

10 (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.

15 (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—

Wages of rationed relief worker not to be attached.

20 (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

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

30 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.

35 (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

Sec. 185. (Discharge of garnishee.)



*Attachment of Wages Limitation.*

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."

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(2) The Attachment of Wages Limitation Act, 1900, is repealed.

Repeal of Act No. 6, 1900.

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

Amendment of Act No. 23, 1912.

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

Sec. 117. (Attachment of Debts.)

15

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

20

(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.

25

(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

30

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

35

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.

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(b)



*Attachment of Wages Limitation.*

5 (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.)

10 (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:—

15 (5A) Notwithstanding anything contained in subsection five 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.

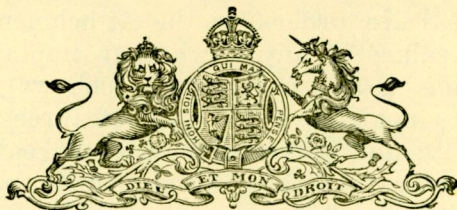
20 (a) the employee is a person who is employed on relief work and who, under the modes, terms and conditions of such employment, is so employed for rationed periods only; and

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

30 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 35 seventy-one of the Industrial Arbitration Act, 1940.



# New South Wales.



ANNO QUARTO

## GEORGII VI REGIS.

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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.]

**B**E 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.



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*Attachment of Wages Limitation.*

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

New subsecs.  
(3) and (4).

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

Wages of  
rationed  
relief  
worker not  
to be  
attached.

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

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

(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.

(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



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*Attachment of Wages Limitation.*

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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.”

(2) The Attachment of Wages Limitation Act, 1900, is repealed. Repeal of Act No. 6, 1900.

(3) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 23, 1912.

(a) (i) by inserting in subsection one of section one hundred and seventeen, after the word “resides” the words “or carries on business”; Sec. 117. (Attachment of Debts.)

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

(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)



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*Attachment of Wages Limitation.*

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Sec. 122.  
(Discharge  
of garni-  
shee.)

- (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."

Amendment  
of Act No. 33,  
1912.

Sec. 56.  
(Garnishee  
orders.)

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

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

Wages of  
rationed  
relief  
worker not  
to be  
attached.

(5A) Notwithstanding anything contained in subsection five 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 8<sub>B</sub> 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.

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By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1940.

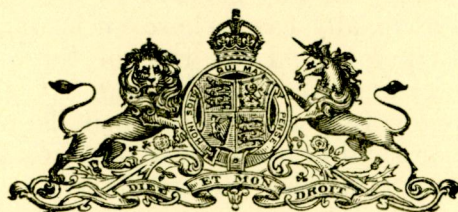
[3d.]



*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.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 4 December, 1940.*

## New South Wales.



ANNO QUARTO

## GEORGII VI REGIS.

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### 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.]

**B**E 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.**

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

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*



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*Attachment of Wages Limitation.*

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

New subsecs.  
(3) and (4).

Wages or  
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Wages of  
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to be  
attached.

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

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

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

(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.

(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.

(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

the



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*Attachment of Wages Limitation.*

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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."

(2) The Attachment of Wages Limitation Act, 1900, is repealed. Repeal of Act No. 6, 1900.

(3) The District Courts Act, 1912-1936, is amended— Amendment of Act No. 23, 1912.

(a) (i) by inserting in subsection one of section one hundred and seventeen, after the word "resides" the words "or carries on business"; Sec. 117. (Attachment of Debts.)

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

(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)



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*Attachment of Wages Limitation.*

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Sec. 122.  
(Discharge  
of garnishee.)

- (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."

Amendment  
of Act No. 33,  
1912.

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

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

Wages of  
rationed  
relief  
worker not  
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(5A) Notwithstanding anything contained in subsection five 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.

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

WAKEHURST,  
Governor.

*Government House,  
Sydney, 9th December, 1940.*