

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
30th October, 1895.*

Mr. Pinkerton.

TRUCK ACT AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Truck Act, 1891" (hereinafter called "the principal Act").

WHEREAS there has lately grown up amongst certain employers a practice of taking out accident insurance policies, to insure their workmen against accident and themselves against liability under the Employers' Liability Acts, and of compelling their workmen to contribute, as premium for such insurance, sums at a rate proportionate to their wages: And whereas such practice is unjust and oppressive: And whereas the principal Act is being evaded in other ways:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Truck Act Amendment Act, 1895," and it shall be read with the principal Act.
2. In this Act, if not inconsistent with the context,—
"The Employers' Liability Acts" means "The Employers' Liability Act, 1882," and includes every other enactment under which an employer incurs any liability to compensate his workman in case of accident.
3. From and after the commencement of this Act—
It shall not be lawful for any employer to directly or indirectly take or receive any money from any workman in his employ, whether by way of deduction from wages or otherwise howsoever, in respect of any policy of insurance against accidents:
It shall not be lawful for any insurance company, or any person on its behalf, to directly or indirectly take or receive from any workman any money in respect of any policy of insurance which in any way, directly or indirectly, purports to both indemnify the employer against any of his liability

under the Employers' Liability Acts and also to make payments to the workman in case of injury by accident or otherwise.

Moneys so deducted may be recovered.

4. All money so taken or received as aforesaid from any workman may by him be at any time recovered back, with full costs of suit, from the employer, company, or person who took or received it, notwithstanding that it was so taken or received with the consent of the workman. 5

Consent of workman no defence.

5. In any proceedings or suit against an employer—

(1.) For the breach of any of the provisions of the principal Act or this Act; or 10

(2.) For the recovery by the workman of money alleged to have been paid by him to his employer, or deducted by his employer from wages, in breach of any provisions of the principal Act or this Act,— 15

the fact that the workman consented thereto shall not avail in any way as an answer or defence.

Section 6 of principal Act amended.

6. Subsection two of section six of the principal Act is hereby amended by repealing the word "plaintiff" where it last occurs in the subsection, and substituting therefor the word "defendant." 20

Not to apply to workmen employed on the co-operative system.

7. Nothing in the principal Act or this Act shall apply to workmen employed on the co-operative system in connection with any department of the Government.

Amendment of section 19 of the principal Act.

8. Subsection two of section nineteen of the principal Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:— 25

"(2.) Where an employer or his agent supplies or contracts to supply to any workman or workmen who have engaged with him to work on a road contract situated more than four miles from a store with the necessary outfit and means of support, and materials or tools requisite for commencing their engagement, to any amount not exceeding in any case the amount of two months' wages to be earned by such workman or workmen in such engagement." 30