

Words struck out by the Committee of the Whole are shown with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Hon. Mr Shand

WAGES PROTECTION

ANALYSIS

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A BILL INTITULED

An Act to consolidate and amend the law relating to the payment of wages

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

1. **Short Title and commencement**—(1) This Act may be cited as the Wages Protection Act 1964.
- 10 (2) This Act shall come into force on the first day of January, nineteen hundred and sixty-five.

2. **Interpretation**—In this Act, unless the context otherwise requires,—
- 15 “Bank” means a bank within the meaning of the Trustee Act 1956:

No. 101—2

“Employer” means a person employing any worker or workers; and includes the manager, foreman, clerk, agent, or other person engaged on his behalf in the hiring, employment, or supervision of the service or work of any worker:

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“Money” means any coins or banknotes the tender of which is legal tender:

“Person” includes a corporation sole; and also includes a body of persons whether incorporated or not:

“Wages” means salary or wages; and includes time and piece wages, overtime, bonus, or other special payments agreed to be paid to a worker for the performance of service or work:

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“Worker” means any person in any manner employed in any service or work for wages.

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Cf. 1939, No. 27, s. 2

3. Act to bind the Crown—This Act shall bind the Crown.

4. Wages to be payable in money—(1) Except as otherwise provided in this Act, the entire amount of wages payable to any worker shall be paid to the worker in money when they become payable.

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(2) Any worker shall be entitled to recover by action in a Magistrate’s Court any amount paid otherwise than in money.

(3) Notwithstanding anything in this Act, where any wages have become payable to a worker employed by the Crown or any local authority it shall be lawful for those wages to be paid by cheque.

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(4) For the purposes of this section, the expression “local authority” means any local authority within the meaning of the Local Authorities Loans Act 1956 (including any local authority within the meaning of paragraphs (a) and (b) of the definition of that expression in section 2 of that Act).

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Cf. 1939, No. 27, ss. 4, 5, 8

5. Employer not to stipulate as to mode of spending wages—It shall be unlawful for any employer to impose any requirement on any worker as to the place or manner in which or the person with whom the worker shall expend wages received by him, or any part thereof, or to dismiss any worker on account of the place or manner in which or the person with whom he expends the said wages.

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Cf. 1939, No. 27, s. 6

5 **6. Agreement as to manner of payment of wages—**(1) Notwithstanding anything in subsection (1) of section 4 of this Act, where the worker consents in writing thereto, the wages payable to him or any part thereof may be paid by postal order, by money order, by cheque, or by lodgment at a bank to the credit of an account standing in the name of the worker.

10 (2) In any case where the worker requests in writing that his wages or any part thereof be paid to him in any of the ways provided for in subsection (1) of this section it shall be lawful for the employer to make payment in that way.

(3) Every cheque by which payment is made under subsection (1) or subsection (2) of this section shall be made payable to or to the order of the person to whom the wages are payable.

15 (4) In any case where a worker's wages become payable at a time when he is absent from the proper or usual place for payment thereof, payment may be made by means of a postal order or money order or cheque notwithstanding that no consent to payment in that manner has been given as required by subsection (1) of this section or no request made under subsection (2) of this section.

20 (5) Any contract for the payment of wages by cheque, draft, or order in writing for the payment of money to the bearer on demand drawn on any bank made before the passing of this Act shall continue to have effect according to its tenor notwithstanding the provisions of this section.

Cf. 1939, No. 27, s. 9

30 **7. Deductions from wages by agreement—**(1) Notwithstanding the provisions of section 4 of this Act, any employer may with the consent in writing of the worker make deductions for any lawful purpose from wages payable to the worker or may on the written request of the worker agree to make deductions for any lawful purpose.

35 (2) If any deduction or any part of any deduction was not consented to or requested by the worker or if consent is obtained by a threat of dismissal, or otherwise by duress, the worker shall be entitled to recover the amount of the deduction or that part, as the case may be, by action in a Magistrate's Court.

40 Cf. 1939, No. 27, s. 19

8. Limitation of actions—No action under section 4 or section 7 of this Act shall be brought after the expiration of two years from the date on which the cause of action arose.

9. Consents may be varied or withdrawn—Any request made or any consent given under section 6 or section 7 of this Act may be varied or withdrawn on notice given in writing by the worker who made the request or gave the consent. 5

10. Offences—(1) Where any payment is made by or on behalf of any employer in contravention of this Act, or where any employer or any person on his behalf contravenes or fails to comply with any of the provisions of this Act, the employer shall be deemed to have committed an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 10

(2) All proceedings in respect of offences against this Act shall be taken only on the information of an Inspector of Factories. 15

Cf. 1939, No. 27, s. 15

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11. Savings of other enactments—This Act shall be read subject to the provisions of any other Act and nothing in this Act shall make unlawful compliance with or otherwise derogate from any of the provisions of any award or industrial agreement made under the Industrial Conciliation and Arbitration Act 1954 or any agreement made under section 3 of the Labour Disputes Investigation Act 1913 relating to deductions from wages for time lost through sickness, accident, default of the worker, or absence with consent of the employer. 20 25

New

11. Savings of other enactments—This Act shall be read subject to the provisions of any other Act; and nothing in this Act shall derogate from or make it unlawful to comply with any provision of any award, industrial agreement, or like agreement, or of any order of any Court or tribunal. 30 35

12. Act to be administered in Department of Labour—(1) This Act shall be administered in the Department of Labour.

(2) The First Schedule to the Labour Department Act 1954 is hereby amended by adding the words "The Wages Protection Act 1964".

13. **Repeals**—The following enactments are hereby re-
5 pealed:

(a) Part I of the Wages Protection and Contractors' Liens Act 1939:

(b) Section 2 of the Wages Protection and Contractors' Liens Amendment Act 1958.