

INDUSTRIAL ARBITRATION (DECIMAL CURRENCY) ACT.

Act No. 35, 1965.

An Act to provide, in consequence of the enactment of Elizabeth II,
No. 35, 1965
the Currency Act 1965 of the Parliament of the Commonwealth of Australia, for the interpretation and variation of awards made, and the variation of industrial agreements filed, under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and for the payment of amounts due under those awards; to amend the Industrial Arbitration Act, 1940, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 20th December, 1965.]

BE

No. 35, 1965

BE it enacted by the Queen'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:—

Short title
and con-
struction.

1. This Act may be cited as the "Industrial Arbitration (Decimal Currency) Act, 1965", and shall be read and construed with the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

Interpreta-
tion.

2. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Appointed day" means the day upon which Part II of the Commonwealth Act commences.

"Commonwealth Act" means the Currency Act 1965 of the Parliament of the Commonwealth of Australia and includes any Act passed in amendment of or substitution for that Act.

"Decimal currency" means the currency provided for by Part II of the Commonwealth Act.

"Old currency" means the currency provided for by the Acts repealed by the Commonwealth Act.

Variation of
awards and
industrial
agreements.

3. (1) Subject to appeal to the commission, the registrar shall, in such manner as he may deem appropriate, vary the terms of awards to the extent necessary for the purpose of inserting therein references to amounts of money expressed in terms or in a manner used in connection with decimal currency in lieu of references to amounts of money expressed in terms or in a manner used in connection with old currency and to the extent necessary for any other purposes consequential upon the enactment of the Commonwealth Act (section eighteen excepted).

(2)

(2) Upon application made as prescribed and subject **No. 35, 1965** to appeal to the commission, the registrar may vary the terms of an industrial agreement in the like manner and to the like extent as is referred to in subsection one of this section.

(3) For the purposes of this section, the registrar may rescind or vary any variation made pursuant thereto.

(4) A variation made pursuant to this section before the appointed day—

- (a) shall not be made to take effect before the appointed day; and
- (b) shall, if the award or agreement in respect of which it is made is to come into force after the appointed day, take effect upon the day it comes into force.

4. A reference in an award to an amount of money expressed in terms or in a manner used in connection with old currency shall, on and after the appointed day and until varied pursuant to section three of this Act, be construed as a reference to the equivalent amount of money, as specified in subsection four of section eight of the Commonwealth Act, expressed in terms or in a manner used in connection with decimal currency. Interpretation of awards.

5. Upon payment, under an award varied pursuant to section three or construed pursuant to section four of this Act, of any amount due to an employee in respect of a period of employment or in respect of any piecework, the employer— Payments in respect of fractions of a cent.

- (a) shall, if the calculation of the total amount so due for payment to the employee results in an amount that includes a fraction of a cent, pay to the employee, in respect of that fraction, one cent; and
- (b) shall not, in any case, pay to the employee an amount less than that the employer would have been required to pay pursuant to that award if it had

No. 35, 1965

had not been so varied or construed, having regard to the equivalents specified in subsection four of section eight of the Commonwealth Act.

Registrar
may refer
to commis-
sion in
court
session.

6. The registrar may refer any matter arising under this Act to the commission in court session for its opinion and direction.

Existing
jurisdiction
preserved.

7. Nothing in this Act shall affect the jurisdiction conferred upon the commission, a conciliation commissioner or a committee by the Industrial Arbitration Act, 1940, as amended by subsequent Acts.
