

Decimal Currency Act 1965 No 33

[1965-33]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Decimal Currency Act 1965 No 33



New South Wales

An Act to provide for the interpretation, amendment and operation of laws of New South Wales where necessary or desirable in consequence of the enactment of the [Currency Act 1965](#) of the Commonwealth of Australia; and for purposes connected therewith.

1 Name of Act, citation and commencement

- (1) This Act may be cited as the [Decimal Currency Act 1965](#).
- (2) This Act, sections 3, 4, 5, 6, 9, 10 and 11 excepted, shall commence upon the day upon which it receives the Royal assent.
- (3) Sections 3, 4, 5, 6, 9, 10 and 11 shall commence upon the appointed day.

2 Interpretation

- (1) 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.

Law of the State means:

- (a) a law in force in New South Wales on the appointed day, or
- (b) a law passed or made before the appointed day that comes into force in New South Wales on or after the appointed day,

to which the Commonwealth Act does not extend.

Old currency means the currency provided for by the Acts repealed by the Commonwealth Act.

Special law means this Act and:

- (a) a law of the State:
 - (i) that it is not competent for the legislature of New South Wales to amend,
 - (ii) in respect of which the State of New South Wales has agreed to make no amendment without the concurrence of the Commonwealth of Australia,
 - (iii) in respect of which any amendment would be required to be reserved for the signification of Her Majesty's pleasure thereon,
 - (iv) that is an amending provision (within the meaning of the [Reprints Act 1972](#)),
 - (v) that, being a provision of an Act, has been amended otherwise than by an amending provision (within the meaning of the [Reprints Act 1972](#)),
 - (vi) that is an award made or an industrial agreement filed under the provisions of the [Industrial Arbitration Act 1940](#), as amended by subsequent Acts,
 - (b) that part of a law of the State that is a copy of an agreement or arrangement or proposed agreement or arrangement or that sets forth any matter to be embodied in a proposed agreement or arrangement,
 - (c) an Act specified in the first column of the Second Schedule, to the extent specified opposite that Act in the second column of that Schedule,
 - (d) a law of the State embodied in an Appropriation Act, a Supply Act, a General Loan Account Appropriation Act or an Act that authorises the raising of a specific loan,
 - (e) any provision of an Act imposing, increasing, reducing or suspending rates of:
 - (i) income tax,
 - (ii) income and wages tax,
 - (iii) unemployment relief tax,
 - (iv) social services tax, or
 - (v) family endowment tax,
 - (f) a Private Act,
 - (g) a law of the State that is an Imperial Act.
- (2) In the Schedules to this Act, a reference to an Act means that Act, as amended by subsequent Acts other than this Act.
- (3) For the purposes of this Act, the equivalent in decimal currency of an amount of

money in old currency shall be calculated on the basis specified in subsection (4) of section 8 of the Commonwealth Act.

3 Interpretation of laws of the State

A reference in a law of the State, other than a special law, not being a special law referred to in paragraph (f) or (g) of the definition of **Special law** in subsection (1) of section 2, to an amount of money or a percentage, rate or proportion, expressed in terms or in a manner used in connection with old currency shall, unless the context or subject matter is such that it would be inappropriate or the contrary intention appears, be construed as a reference to the equivalent amount of money, or the same percentage, rate or proportion, as the case may be, expressed in terms or in a manner used in connection with decimal currency.

4 Amendments of Acts

- (1), (2) (Repealed)
- (3) The provisions of the [Reprints Act 1972](#) shall apply to and in respect of the amendments made by this section.

5 Acts providing for borrowing etc of money

- (1) In this section:

Applied in relation to money includes borrowed, expended, paid, accepted, deducted, contributed and any other manner of dealing with money and **application** has a corresponding meaning.
- (2) This section shall apply to references in laws of the State to amounts of money that were, before the appointed day, authorised or required by those laws to be applied:
 - (a) for a specified purpose,
 - (b) in a specified manner,
 - (c) in specified circumstances, or
 - (d) during a period, whether defined or not, that commenced before and concludes on or after the appointed day.
- (3) Where, before the appointed day the whole or part of the amount of money authorised or required to be applied as referred to in subsection (2) has not been applied, the amount of money that on and after the appointed day may be so applied shall be the equivalent in decimal currency of the amount of money that, immediately before the appointed day, has not been so applied.

6 Calculations related to references in old currency

(1) In this section:

Reference in old currency means a reference to an amount of money, or a percentage, rate or proportion, expressed in terms or in a manner used in connection with old currency.

Reference in decimal currency means a reference to an amount of money, or a percentage, rate or proportion, expressed in terms or in a manner used in connection with decimal currency.

(2) For the purpose of making a calculation or determination:

(a) that is required by a law of the State to be made by reference to old currency and is relevant to some matter arising before the appointed day, such calculation or determination may be made in old currency and the result expressed, in terms or in a manner used in connection with decimal currency, as the equivalent amount of money in that currency,

(b) that is required by a law of the State to be made by relating a reference in decimal currency to a reference in old currency:

(i) the reference in old currency shall, where it is a reference in a law of the State, be construed as a reference to the equivalent amount of money expressed in terms or in a manner used in connection with decimal currency,

(ii) the reference in decimal currency shall, where the reference in old currency is a reference to which subsection (2) of section 18 of the Commonwealth Act applies, be construed as a reference to the equivalent amount of money, or the same percentage, rate or proportion, as the case may be, expressed in terms or in a manner used in connection with old currency.

(3) Subparagraph (ii) of paragraph (b) of subsection (2) shall cease to have effect upon the date fixed pursuant to section 21 of the Commonwealth Act.

7 Regulations

(1) The Governor may, where it is necessary or convenient in consequence of the enactment of the Commonwealth Act or this Act:

(a) to amend an Act that is not within paragraph (a) or (b) of the definition of **Special law** in subsection (1) of section 2, or

(b) to except an Act from the operation of subsection (2) of section 4, either wholly or to a specified extent,

make regulations amending the Schedules to this Act and the Schedules, as so amended, shall be the Schedules to this Act.

- (2) The Governor may make regulations that in the Governor's opinion are necessary or convenient for or with respect to:
 - (a) the resolution of any dispute, doubt or difficulty that arises or may arise in the operation of laws of the State in consequence of the enactment of the Commonwealth Act or this Act,
 - (b) the administration of this Act or the carrying out of its objects and purposes, or
 - (c) the alteration or amendment of registers, rolls, lists, records and the like containing references to amounts of money or percentages, rates or proportions expressed in terms or in a manner used in connection with old currency and the effect of such alterations or amendments.
- (3) (Repealed)
- (4)
 - (a) Regulations made under this section before the appointed day shall take effect on the appointed day or on some later day specified in the regulations.
 - (b) Regulations made under this section after the appointed day shall take effect on the day of publication or on some other day specified in the regulations, being a day before or after the day of publication, but not earlier than the appointed day.

8 Regulations etc under other Acts

- (1) Where an Act confers no power to make regulations, rules, ordinances, orders or by-laws, the Governor shall be deemed to have power pursuant to that Act to make regulations thereunder which, in the Governor's opinion, are necessary or convenient in consequence of the enactment of the Commonwealth Act and this Act.
- (2) (Repealed)
- (3) Where an Act confers a power to make regulations, rules, ordinances, orders or by-laws that is insufficient to authorise the making of regulations, rules, ordinances, orders or by-laws that are necessary or convenient in consequence of the enactment of the Commonwealth Act or this Act, the power conferred shall be deemed to extend to the making of such regulations, rules, ordinances, orders or by-laws, as the case may be.
- (4) Notwithstanding anything contained in the Act pursuant to which they are made, regulations, rules, ordinances, orders or by-laws made pursuant to subsection (1) or subsection (3) or under any other power to make them for the same purposes may be made to take effect on the day of publication in the Gazette or on some other day specified in the regulations, being a day before or after the day of publication in the Gazette, but not earlier than the appointed day.

9 Forms

- (1) Where, immediately before the appointed day, a law of the State prescribes a form that contains a reference to or provision for the specification of an amount of money, or a percentage, rate or proportion, expressed in terms or in a manner used in connection with old currency, or any symbol or other type designed to assist in the expression of an amount of money in old currency that form may continue to be issued after the appointed day for use pursuant to subsection (2).
- (2) Any such form issued after the appointed day shall be the relevant prescribed form if it is altered to express amounts of money or percentages, rates or proportions in terms or in a manner used in connection with decimal currency in lieu of old currency in conformity with the form as prescribed after the appointed day.

10 Liabilities in arrears or unascertained

- (1) Except as might otherwise expressly be provided, nothing in this Act and no amendment of the laws of the State made by or pursuant to this Act or in any other manner that substitutes for a reference in any such law to an amount of money expressed in terms or in a manner used in connection with old currency a reference to an amount of money expressed in terms or in a manner used in connection with decimal currency (whether the substituted reference is to the equivalent amount of money or not) shall operate to extinguish, wholly or in part, a liability to pay money (certain or contingent) that arose under any such law before the appointed day or that might have arisen under any such law if this Act had not been passed or the relevant amendment made, whether or not the amount of money payable pursuant to that liability is ascertainable or becomes due for payment before or after the appointed day.
- (2) Where any liability referred to in subsection (1) is to pay an amount of money ascertained under the relevant law in old currency and payable after the appointed day, the amount so ascertained shall, for the purpose of making payment, be deemed to be an amount payable immediately before the appointed day.
- (3) Nothing in subsection (2) shall affect the operation of any law relating to the limitation of actions.

11 Citation of Acts

- (1) This section shall apply to Acts amended by section 4.
- (2) Where an Act to which this section applies may be cited in a manner that includes as part of the citation a reference to more than one secular year, that Act, as amended by subsequent Acts and by this Act, may be cited in the same manner amended by omitting the figures identifying the later of those years and by inserting in lieu thereof the figures "1965".

First Schedule (Repealed)

Second Schedule

(Section 2)

| First Column | | Second Column |
|------------------|---|---|
| Reference to Act | Subject | Extent of exclusion |
| 30 Vic | <i>The City of Newcastle Gas and Coke Company's Incorporation Act 1866.</i> | Preamble. |
| 51 Vic No 9 | Centenary Celebration | Sections 5 and 6. |
| 56 Vic No 1 | Funded Stock | The whole. |
| No 18, 1897 | Municipal Loans Further Validation | The whole. |
| No 13, 1898 | Wills, Probate and Administration | Sections 50 and 61A. |
| No 1, 1901 | Sydney Harbour Trust | Section 77N. |
| No 94, 1902 | Treasury Bills | The whole. |
| No 28, 1906 | Police Regulation (Superannuation) | Table contained in subsection (4) of section 7. Table contained in subsection (4) of section 10. |
| No 34, 1906 | Municipal Loans Authorisation and Validation. | The whole. |
| No 48, 1906. | (Repealed) | (Repealed) |
| No 49, 1906 | Mining | Section 70C. |
| No 53, 1906 | David Berry Hospital | The preamble and section 5. |
| No 1, 1911 | Royal Agricultural Society | The whole. |
| No 25, 1912 | Gaming and Betting | Subsection (1A) of section 50E. Paragraph (a) of subsection (2) of section 50E. |
| No 30, 1912 | Government Railways | Section 41S. |
| No 44, 1912 | Water | Section 73A. |
| No 7, 1913 | Crown Lands Consolidation | The words "two pence" wherever occurring in section 52. Subsection (1) of section 216. Section 286. |
| No 6, 1914. | Savings Bank Amalgamation | Subsection (3) of section 12. |
| No 24, 1914. | Local Government Validation and Enabling. | The whole. |

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| No 29, 1915 | City and Suburban Electric Railways. | Section 5. The words “three hundred thousand pounds” in section 5C. |
| No 57, 1915 | Finance (Taxation) | Sections 2, 7, 8, 9, 10, 11 and 12. |
| No 69, 1915 | Meat Industry | Subsection (1) of section 25A. |
| No 28, 1916 | Superannuation | The whole. |
| No 82, 1916 | Destitute Children’s Society (Vesting). | The whole. |
| No 19, 1917 | University Prizes and Medals Alteration. | The whole. |
| No 41, 1919 | Local Government | Sections 368, 400B and 655. |
| No 43, 1919 | (Repealed) | (Repealed) |
| No 47, 1920 | Stamp Duties | The whole. |
| No 29, 1922 | Local Government (Validation and Amendment). | Sections 3 and 39. |
| No 27, 1923 | Anzac Memorial (Building) | The preamble. |
| No 5, 1924 | Red Cross War Chest Farm Colony Transfer. | The whole. |
| No 7, 1925 | George’s River Bridge (Guarantee) | The whole. |
| No 18, 1927 | Government Insurance | Subsection (1) of section 4A. |
| No 33, 1927 | Local Government (Amendment) | Section 24. |
| No 11, 1928 | George’s River Bridge (Further Guarantee). | The whole. |
| No 28, 1928 | McGarvie Smith Institute Incorporation. | Paragraph (j) of section 5. |
| No 38, 1928 | Closer Settlement Fund | Schedule 2. |
| No 41, 1928 | Local Government (Amendment) | Section 16. |
| No 11, 1929 | Deficiency (Revenue) | The whole. |
| No 17, 1929 | Burrinjuck Hydro-Electric (Administration). | Sections 3 and 7. |
| No 18, 1929 | Public Works (Port Kembla Electricity). | Sections 3 and 11. |
| No 22, 1929 | Wheat Marketing (Barring of Claims). | The whole. |
| No 18, 1930 | Transport | Subsections (1) and (2) of section 40. |
| No 31, 1930 | Superannuation (Amendment) | The whole. |
| No 35, 1930 | Wade Shire Rates Validation | The whole. |
| No 38, 1930 | Farrer Memorial Research Scholarship Fund. | The whole. |
| No 44, 1931 | Interest Reduction | Subsection (2) of section 7. |
| No 64, 1932 | Finances Adjustment (Further Provisions). | The whole. |

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| No 19, 1933 | Finances Adjustment (Further Provisions). | The whole. |
| No 14, 1934 | Gold Clauses (Construction) | The whole. |
| No 57, 1934 | Government Guarantees | The Schedule. |
| No 32, 1935 | Saint Andrew's Cathedral Site | The whole. |
| No 36, 1936 | Australian Iron and Steel Limited Agreement Ratification. | Section 6. |
| No 5, 1937 | University (J. B. Watt Travelling Scholarships). | The whole. |
| No 8, 1937 | King George V and Queen Mary Maternal and Infant Welfare Foundation. | The whole. |
| No 10, 1937 | Local Government (Amendment) | Sections 9, 16 and 17. |
| No 16, 1937 | Finances Adjustment | The whole. |
| No 31, 1938 | Walker Trusts | The whole. |
| No 34, 1938 | General Motors-Holden's Agreement Ratification. | The whole. |
| No 2, 1940 | Industrial Arbitration | Sections 54, 57, 61J, 61K, 61U, 61V and 61Z. Subsection (2) of section 61AA. Section 88D. |
| No 28, 1941 | Auctioneers, Stock and Station and Real Estate Agents. | Subsection (1) of section 14. Subsections (3), (4), (6) and (7) of section 75. |
| No 45, 1941 | Coal and Oil Shale Mine Workers (Superannuation). | Section 6. Subsection (3) of section 19. |
| No 14, 1943 | Loans (Validation) | Schedule. |
| No 19, 1943 | New South Wales Government Engineering and Shipbuilding Undertaking. | Subsection (1) of section 7. |
| No 30, 1944 | Deficiency (Revenue) | The whole. |
| No 19, 1945 | Local Government (Amendment) | Section 30 and Schedule 1. |
| No 26, 1945 | Bulli (Slacky Flat) Land Sale | The whole. |
| No 32, 1945 | Governor General's Residence (Grant) | The whole. |
| No 14, 1948 | Camperdown Cemetery | Section 8. |
| No 44, 1948 | Local Government (Further Amendment). | Section 6. |
| No 12, 1950 | Broken Hill Proprietary Company Limited (Steelworks) Agreement Ratification. | The whole. |

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| No 34, 1950 | Hunter Valley Conservation Trust | Paragraph (c) of subsection (1) of section 49. |
| No 40, 1950 | Electricity Commission (Balmain Electric Light Company Purchase). | The whole. |
| No 11, 1951 | (Repealed) | (Repealed) |
| No 53, 1951 | Superannuation (Amendment) | The whole. |
| No 26, 1952 | Closer Settlement (Maryvale Estate) | The whole. |
| No 28, 1952 | General Loan Account (Expenditure Validation). | First Schedule. |
| No 26, 1953 | King George V and King George VI Memorial. | The whole. |
| No 34, 1954 | Australian Oil Refining Limited Agreement Ratification. | The whole. |
| No 6, 1955 | Superannuation (Amendment) | The whole. |
| No 18, 1955 | Pastures Protection (Amendment) | Section 3. |
| No 30, 1955 | Stamp Duties (Amendment) | Section 4. |
| No 42, 1955 | Housing (Amendment) | Section 4. |
| No 18, 1956 | Gaming and Betting (Poker Machines) Taxation. | Subsection (1) of section 2. Section 2B. Section 5. |
| No 26, 1956 | Land Tax Management | Subsections (3), (4) and (5) of section 9. |
| No 43, 1957 | Electricity Commission (Transfer of Reticulation Works). | Section 7. |
| No 21, 1958 | Local Government (Amendment) | Section 14. |
| No 5, 1960 | Meat Industry (Amendment) | Section 3. |
| No 36, 1960 | Superannuation (Amendment) | The whole. |
| No 35, 1961 | Australian Oil Refining Pty. Limited Agreement Ratification (Amendment). | The whole. |
| No 59, 1961 | Mining (Renewal of Leases) Amendment. | Section 7. |
| No 71, 1961 | Companies | The figures and symbols “£5,000” where firstly occurring in paragraph 3 of the Second Schedule. |
| No 18, 1962 | University of Sydney (J. J. W. Power Bequest). | The whole. |
| No 27, 1962 | Stamp Duties (Amendment) | Subsections (2) and (3) of section 4. |
| No 59, 1963 | (Repealed) | (Repealed) |

No 25, 1964

Railways Retirement Fund

Schedule 1.