



ANNO DECIMO QUARTO
GEORGII VI REGIS.

A.D. 1950.

No. 20 of 1950.

An Act to amend the Industrial Code, 1920-1949.

[Assented to 2nd November, 1950.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Industrial Code Amendment Act, 1950". Short titles.

(2) The Industrial Code, 1920-1949, as amended by this Act, may be cited as the "Industrial Code, 1920-1950".

(3) The Industrial Code, 1920-1949, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 5 of the principal Act is amended by striking out the definition of "metropolitan area" therein and inserting in lieu thereof the following definition :— Amendment of s. 5 of the principal Act— Interpretation.

"metropolitan area" means—

- (a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, West Torrens, Woodville ; and
- (b) the Garden Suburb ; and
- (c) that part of the district council district of Salisbury which lies to the southward of the following line :—Commencing at a point on the western

boundary of the hundred of Port Adelaide (sea coast) being the intersection with the production westerly of the southern boundary of section 327; thence easterly along said production and boundary; south-easterly along the south-western boundaries of sections 3502, 3501, and 3065; easterly along portion of the southern boundary of said section 3065, to the centre of the Little Para River; thence generally north-north-easterly and easterly along said centre of Little Para River to the north-eastern corner of East ward, district council district of Salisbury.

Amendment of
s. 140 of the
principal Act—
Interpretation.

4. Section 140 of the principal Act is amended by striking out the definition of "metropolitan area" therein and inserting in lieu thereof the following definition:—

"metropolitan area" means—

- (a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, West Torrens, Woodville; and
- (b) the Garden Suburb; and
- (c) that part of the district council district of Salisbury which lies to the southward of the following line:—Commencing at a point on the western boundary of the hundred of Port Adelaide (sea coast) being the intersection with the production westerly of the southern boundary of section 327; thence easterly along said production and boundary; south-easterly along the south-western boundaries of sections 3502, 3501, and 3065; easterly along portion of the southern boundary of said section 3065, to the centre of the Little Para River; thence generally north-north-easterly and easterly along said centre of Little Para River to the north-eastern corner of East ward, district council district of Salisbury.

Amendment of
s. 269a of the
principal Act—
Quarterly
computation of
living wage

5. Section 269a of the principal Act is amended—

- (a) by adding at the end of paragraph (b) in the definition of "the amount of the automatic increase or decrease in the Commonwealth basic wage" the

words " or if the President of the Board of Industry gives a certificate under subsection (4a) of this section, the amount of increase or decrease stated in that certificate " ;

(b) by inserting therein after subsection (4) the following subsections :—

(4a) If the Commonwealth Court of Conciliation and Arbitration declares a basic wage per week for females which will apply in Adelaide and will be generally automatically increased or decreased on index numbers in accordance with awards applying in Adelaide and made under the Commonwealth Conciliation and Arbitration Act, 1904-1949, the President of the Board of Industry shall as soon as is practicable in each quarter prepare and publish in the *Gazette* a certificate stating the amount by which the Commonwealth basic wage per week for females for Adelaide is generally automatically increased or decreased in that quarter in accordance with the said awards.

If there is no such increase or decrease the certificate shall state that fact.

(4b) If the President of the Board of Industry is of opinion that the coming into operation of a new living wage declared or about to be declared by the Governor or the Board of Industry would substantially coincide with the coming into operation of any living wage as computed under this Act in any quarter, and that in arriving at the amount of the new living wage so declared or about to be declared allowance has been made for any automatic alteration of the living wage which would normally be made in that quarter, the President may refrain from issuing any certificate under subsection (4) or subsection (4a) of this section ; and in the event of no such certificate being issued no quarterly computation of the living wage shall be made in that quarter.

(c) by adding after the word " Industry " in the second line of subsection (6) the words " or of the Governor " .

6. The following section is enacted and inserted in the principal Act after section 269a :—

Enactment of
s. 269b of the
principal Act—

Power of
Governor to
declare
living wage.

269b. (1) Subject to this section, the Governor may by proclamation declare any one or more of the following living wages :—

- (a) the living wage for adult male employees throughout the whole State ;
- (b) the living wage for adult male employees in any part or parts of the State specified in the proclamation ;
- (c) the living wage for adult female employees throughout the whole State ;
- (d) the living wage for adult female employees in any part or parts of the State specified in the proclamation.

(2) A proclamation shall not be made under subsection (1) of this section unless—

- (a) the Minister is satisfied that the proclamation is desirable in order to avoid unjustifiable differences between rates of wages fixed under Commonwealth and State laws respectively ; and
- (b) the President of the Board of Industry has recommended that the proclamation be made.

(3) When a proclamation made under subsection (1) of this section is published in the *Gazette* it shall be deemed to be and shall have the same effect in all respects as if it were a determination of a living wage by the Board of Industry published in the *Gazette* pursuant to this Act : Provided that any such proclamation may specify the day on which the living wage thereby declared shall come into force, and that living wage shall come into force accordingly.

(4) A living wage declared under this section shall subject to any increase or decrease thereof under section 269a of this Act remain in force until another living wage in lieu thereof is declared by proclamation under this section or is determined by the Board of Industry under this Part, and comes into force.

(5) Neither this section nor any proclamation in force under this section shall take away any power of the Board of Industry to declare a living wage : Provided that the

Board of Industry shall not make a determination of a living wage for any employees for whom a living wage has been declared by proclamation and is in force, until the expiration of at least six months after the day when the living wage so declared by proclamation came into force.

(6) If the Board of Industry declares a living wage for any employees while such a proclamation is in force but after the expiration of the period mentioned in subsection (5) of this section, that living wage shall notwithstanding the proclamation previously in force, but subject to any proclamation made under subsection (1) of this section after the declaration, be the living wage in relation to employees to whom it applies.

(7) Any reference in this Act to an increase or decrease in the living wage occurring by reason of a determination of the Board of Industry, shall be construed so as to include any increase or decrease occurring in the living wage as a result of a proclamation made under this section.

7. Section 279 of the principal Act is amended by striking out the definition of "metropolitan area" therein and inserting in lieu thereof the following definition:—

Amendment of
s. 279 of the
principal Act—
Interpretation.

"metropolitan area" means—

- (a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, West Torrens, Woodville; and
- (b) the Garden Suburb; and
- (c) that part of the district council district of Salisbury which lies to the southward of the following line:—Commencing at a point on the western boundary of the hundred of Port Adelaide (sea coast) being the intersection with the production westerly of the southern boundary of section 327; thence easterly along said production and boundary; south-easterly along the south-western boundaries of sections 3502, 3501, and 3065; easterly along portion of the southern boundary of said section 3065, to the centre of the Little Para River; thence

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generally north-north-easterly and easterly along said centre of Little Para River to the north-eastern corner of East ward, district council district of Salisbury.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.