



ANNO DECIMO TERTIO

## GEORGII VI REGIS.

A.D. 1949.

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### No. 65 of 1949.

An Act to amend the Industrial Code, 1920-1948.

[Assented to 8th December, 1949.]

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

Short titles.

**1.** (1) This Act may be cited as the "Industrial Code Amendment Act, 1949".

(2) The Industrial Code, 1920-1948, as amended by this Act, may be cited as the "Industrial Code, 1920-1949".

(3) The Industrial Code, 1920-1948, is hereinafter called "the principal Act".

Incorporation.

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

Amendment of  
s. 30 of  
principal Act—  
Power to  
enter and  
inspect  
premises.

**3.** (1) Subsection (1) of section 30 of the principal Act is amended by striking out in the first three lines the words "The President and, upon being authorized in writing by the President, any inspector, or any officer of the court or any other person" and inserting in their place the following words:—"The President or any officer of the Court or any person authorized by the President, or any inspector".

(2) Subsection (2) of section 30 of the principal Act is amended by inserting after the word "President" in the second line and after the word "aforesaid" in the sixth line, in each case the words "or any inspector".

4. Section 43 of the principal Act is amended—

- (a) by substituting for the words “ a living wage ” at the end of subsection (1) the words “ the living wage for the time being in force for those employees ” ;
- (b) by striking out subsection (2) thereof.

Amendment of  
s. 43 of  
principal Act—  
Consequential  
amendment.

5. (1) Section 45 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

Amendment of  
s. 45 of the  
principal Act—  
Variation of  
awards and  
orders on  
variations in  
living wage.

(1) When an increase or decrease occurs in the living wage for adult male employees (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act), and the living wage as so increased or decreased applies in the whole or a substantial part of any area in which an award or order of the court based on such living wage as last previously declared is in force, the following consequences shall ensue :—

- (a) Every weekly wages price or rate prescribed by or pursuant to that award or order for adult male employees shall be increased or decreased by the amount of the increase or decrease in the weekly living wage ; and every wages price or rate so prescribed for any other period shall be increased or decreased by an amount which bears the same proportion to the amount of the increase or decrease in the weekly living wage as the period for which such wages price or rate is prescribed bears to the normal working week in the particular industry or calling : Provided that every annual salary so prescribed shall be increased or decreased by fifty-two and one-sixth times the amount of the increase or decrease in the weekly living wage :
- (b) Every wages price or rate prescribed by or pursuant to that award or order for male apprentices, male improvers, or male juvenile workers, shall be increased or decreased as nearly as practicable by an amount bearing the same ratio to that wages price or rate as the amount of the increase or decrease in the living wage bears to the living wage prior to the increase or decrease, or by the amount by which that wages price or rate would be increased or decreased if increased or decreased in accordance with paragraph (a) of this subsection, whichever of such amounts is less :

(c) Notwithstanding any other provision of this subsection, where an annual salary if increased or decreased in accordance with a preceding paragraph of this subsection, would be an amount ending with a fraction of a shilling such salary shall be increased or decreased to that amount omitting that fraction, and where a weekly wages price or rate if so increased or decreased would be an amount other than a multiple of threepence, that wages price or rate shall be increased or decreased to the nearest multiple of three pence :

(d) That award or order shall be read and construed for all purposes as if it had been altered by the court in accordance with the preceding paragraphs of this subsection and the increased or decreased rates shall be payable as from the day when the increase or decrease comes into force until a different living wage comes into force, or until the award or order is otherwise altered or ceases to operate :

(e) The provisions of this section shall operate notwithstanding any other provision of this Act.

(2) Subsection (3) of section 45 of the principal Act is repealed.

Amendment of  
s. 46 of the  
principal Act—  
Consequential  
amendments.

6. Section 46 of the principal Act is amended—

(a) by striking out the words " When the Board of Industry by a determination increases or decreases " in the first and second lines and inserting in lieu thereof the words " When an increase or decrease occurs (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act) in " :

(b) by striking out the words " and piecework prices or rates " in the fourth line :

(c) by striking out the words " or piecework " in the fourteenth line.

Amendment of  
s. 46c of  
principal Act—  
Interpretation  
of term  
" based on ".

7. Section 46c of the principal Act is amended by adding at the end thereof the following subsection, the previous part of section 46c being read as subsection (1) thereof :—

(2) A living wage as computed by any quarterly computation under this Act shall be deemed to be current within the meaning of this section as from the first day of the second month of the quarter in which it comes into operation.

## 8. Section 169 of the principal Act is amended—

- (a) by substituting for the words “ a living wage ” at the end of subsection (1) the words “ the living wage for the time being in force for those employees ” :
- (b) by striking out subsection (2) thereof.

Amendment of  
s. 169 of  
principal Act—  
Consequential  
amendment.

## 9. (1) Section 194 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

Amendment of  
s. 194 of the  
principal Act—  
Variation of  
determinations  
in accordance  
with variations  
in living wage.

(1) When an increase or decrease occurs in the living wage for adult male employees (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act), and the living wage as so increased or decreased applies in the whole or a substantial part of any area in which a determination of an industrial board based on such living wage as last previously declared is in force the following consequences shall ensue :—

- (a) Every weekly wages price or rate prescribed by or pursuant to that determination of an industrial board for adult male employees shall be increased or decreased by the amount of the increase or decrease in the weekly living wage ; and every wages price or rate so prescribed for any other period shall be increased or decreased by an amount which bears the same proportion to the amount of the increase or decrease in the weekly living wage as the period for which such wages price or rate is prescribed bears to the normal working week in the particular industry or calling : Provided that every annual salary so prescribed shall be increased or decreased by fifty-two and one-sixth times the amount of the increase or decrease in the weekly living wage :
- (b) Every wages price or rate prescribed by or pursuant to that determination of an industrial board for male apprentices, male improvers or male juvenile workers shall be increased or decreased as nearly as practicable by an amount bearing the same ratio to that wages price or rate as the amount of the increase or decrease in the living wage bears to the living wage prior to the increase or decrease, or by the amount by which such wages price or rate

would be increased or decreased if increased or decreased in accordance with paragraph (a) of this subsection, whichever of such amounts is less :

- (c) Notwithstanding any other provision of this subsection, where an annual salary, if increased or decreased in accordance with a preceding paragraph of this subsection, would be an amount ending with a fraction of a shilling such salary shall be increased or decreased to that amount omitting that fraction, and where a weekly wages price or rate if so increased or decreased would be an amount other than a multiple of three pence, that wages price or rate shall be increased or decreased to the nearest multiple of three pence :
- (d) That determination of an industrial board shall be read and construed for all purposes as if it had been altered by the industrial board in accordance with the preceding paragraphs of this subsection and the increased or decreased rates shall be payable as from the day when the increase or decrease comes into force until a different living wage comes into force or until the determination of the industrial board is otherwise altered, or ceases to operate :
- (e) The provisions of this section shall have effect notwithstanding any other provision of this Act.

(2) Subsection (3) of section 194 of the principal Act is repealed.

Consequential  
amendment of  
s. 195 of  
principal Act.

**10.** Section 195 of the principal Act is amended—

- (a) by striking out the words “ When the Board of Industry by a determination increases or decreases ” in the first and second lines and inserting in lieu thereof the words “ When an increase or decrease occurs (whether by reason of a determination of the Board of Industry or a quarterly computation under this Act) in ” :
- (b) by striking out the words “ and piecework prices or rates ” in the fourth line :
- (c) by striking out the words “ or piecework ” in the thirteenth and fourteenth lines.

11. (1) Section 195b of the principal Act is amended by adding at the end thereof the following subsection, the previous part of section 195b being read as subsection (1) thereof:—

Amendment of s. 195b of the principal Act—  
Interpretation of term "based on".

(2) A living wage as computed by any quarterly computation under this Act shall be deemed to be current within the meaning of this section as from the first day of the second month of the quarter in which it comes into operation.

12. The following section is enacted and inserted in the principal Act after section 264 thereof:—

Enactment of s. 264a of principal Act—

264a. (1) Every living wage declared by the Board of Industry after the passing of the Industrial Code Amendment Act, 1949, shall be a weekly living wage.

Weekly living wages to be declared.

(2) For purposes of this Act, a weekly living wage of six pounds five shillings for adult male employees in the metropolitan area shall be deemed to have been declared by a determination of the Board of Industry and to be in force at the time of the passing of the Industrial Code Amendment Act, 1949.

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

Enactment of s. 269a of principal Act—

269a. (1) In this section—

Quarterly computation of living wage.

“quarter” means period of three calendar months commencing on the first day of January, the first day of April, the first day of July or the first day of October.

“the amount of the automatic increase or decrease in the Commonwealth basic wage” means—

(a) for the purpose of computing a living wage for adult male employees—the amount certified by the President of the Board of Industry pursuant to this section to be the amount by which the Commonwealth basic wage per week for males for Adelaide is generally automatically increased or decreased on index numbers in the particular quarter in accordance with awards applying in Adelaide and made under the Commonwealth Conciliation and Arbitration Act, 1904-1949 ;

(b) for the purpose of computing a living wage for adult female employees—seven-twelfths of the amount referred to in paragraph (a) of this definition.

(2) In the quarter commencing on the first day of January, nineteen hundred and fifty and in each subsequent quarter the living wages to come into operation during that quarter as hereinafter provided in this section shall be computed by increasing or decreasing the corresponding living wages for the previous quarter by the amount (if any), of the automatic increase or decrease in the Commonwealth basic wage.

For the purposes of this section only, the weekly living wage for adult male employees for the quarter ended on the thirty-first of December, nineteen hundred and forty-nine, shall be deemed to be six pound six shillings ”.

(3) A living wage, as computed under the preceding subsection, shall come into operation as regards any employees covered by awards and determinations thereby affected on and from the first day of the first pay period of those employees commencing in the second month of the quarter in which the computation is made.

(4) 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 males for Adelaide is generally automatically increased or decreased on index numbers in that quarter in accordance with awards applying in Adelaide and made under the Commonwealth Conciliation and Arbitration Act, 1904-1949. If there is no such increase or decrease the certificate shall state that fact.

(5) The provisions of this Act (other than sections 46b and 195a) as to the consequences which ensue upon an increase or decrease in a living wage shall apply when a living wage is increased or decreased by the operation of this section.

(6) This section shall not affect the power of the Board of Industry to declare any living wage at any time in accordance with the other provisions of this Part, but every living wage so declared shall be subject to quarterly adjustment (if any) under this section.

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

C. W. M. NORRIE, Governor.