

## INDUSTRIAL ARBITRATION (BASIC WAGE) AMENDMENT ACT.

Elizabeth II,  
No. 34, 1955.

### Act No. 34, 1955.

An Act to make further provisions in relation to the basis upon which wages in awards and industrial agreements are to be assessed; for this purpose to amend the Industrial Arbitration Act, 1940-1955; and for purposes connected therewith. [Assented to, 4th November, 1955.]

**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,  
citation  
and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Industrial Arbitration (Basic Wage) Amendment Act, 1955."

(2) The Industrial Arbitration Act, 1940, as amended by subsequent Acts and by this Act, may be cited as the Industrial Arbitration Acts, 1940-1955.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No. 2,  
1940.  
New Division  
2A.

**2.** The Industrial Arbitration Act, 1940-1955, is amended by inserting next after section 61H the following new Division:—

DIVISION 2A.—*Provisions applicable after the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955.*

Definitions.

61I. (1) In this Division unless the context or subject matter otherwise indicates or requires:—

"Commonwealth Statistician's Retail Price Index Numbers" means the "C" Series All Items Retail Price Index Numbers issued from time to time by the Commonwealth Statistician.

(2)

(2) Any document purporting to be a copy No. 34, 1955. of the Commonwealth Statistician's Retail Price Index Numbers and purporting either to be printed by the Government Printer or to be under the signature of the registrar or some person acting in his place or on his behalf shall, without proof of the signature or official character of the registrar or such person, be accepted by all persons and upon all occasions as a true copy of the Commonwealth Statistician's Retail Price Index Numbers unless proof is adduced that such document is not a true copy as aforesaid.

61J. (1) This section shall apply to and in Existing awards and industrial agreements. respect of all awards and industrial agreements in force at the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, and which fix rates of wages for employees by reference or in relation to the basic wage for adult males or the basic wage for adult females assessed on any index number contained in the Retail Price Index Numbers.

This section shall not apply to or in respect of any award or industrial agreement which contains a provision expressly excluding the application of section 61F of this Act.

(2) An award or industrial agreement to which this section applies shall, as from the commencement of the first pay period in the month of November, one thousand nine hundred and fifty-five, have and take effect as if—

- (a) the appropriate basic wage for adult males had, immediately before the commencement of such pay period, been adjusted to an amount determined in accordance with the provisions of subsection three of this section;
- (b) the appropriate basic wage for adult females had, immediately before the commencement of such pay period, been adjusted to an amount

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amount equivalent to seventy-five per centum (calculated to the nearest sixpence) of the amount to which the basic wage for adult males has been adjusted as referred to in paragraph (a) of this subsection.

(3) For the purposes of determining the amount to which the basic wage for adult males is to be adjusted as hereinbefore referred to the following provisions shall have effect:—

The said amount shall be assessed upon the index number contained in the Commonwealth Statistician's Retail Price Index Numbers for the September quarter one thousand nine hundred and fifty-five for the place or combination of places which is relevant or corresponds to the index number contained in the Retail Price Index Numbers for such place or combination of places upon which the basic wage for adult males contained in such award or industrial agreement has been assessed.

The said amount shall be calculated by multiplying the relevant or corresponding Commonwealth Statistician's Retail Price Index Number as aforesaid by one hundred and three and dividing the product by one thousand. The result shall be the amount expressed in shillings and any fraction less than one-half shall be disregarded and any fraction which is one-half or greater shall be regarded as a shilling.

(4) The terms of each award or industrial agreement to which this section applies, affecting rates of pay, shall be deemed to be varied to the extent necessary to give effect to the provisions of subsection two of this section as from the commencement of the first pay period in the month of November, one thousand nine hundred and fifty-five:

Provided that no rate prescribed by any such award or industrial agreement shall be reduced merely by the operation of this subsection.

(5)

(5) As soon as practicable after the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, the registrar, subject to appeal to the commission, shall vary the terms of each award to which this section applies, affecting rates of pay, to the extent necessary to give effect to the provisions of this section and may make such alterations in the form of any such award as he may think necessary or desirable to enable full effect to be given to the provisions of this section.

Upon application made as prescribed the registrar, subject to appeal to the commission, may vary the terms of any industrial agreement to which this section applies, affecting rates of pay, to the extent necessary to give effect to the provisions of this section and may make such alterations in the form of any such industrial agreement as he may think necessary or desirable to enable full effect to be given to the provisions of this section.

The registrar may refer any matter arising out of this section to the commission for direction.

(6) In this section—

“basic wage for adult males” means the basic wage for adult males in force immediately before the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, by the operation of Division 2 of this Part.

“basic wage for adult females” means the basic wage for adult females in force immediately before the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, by the operation of Division 2 of this Part.

“Retail Price Index Numbers” has the meaning ascribed thereto in Division 2 of this Part.

61k. (1) This section shall apply to and in respect of all awards and industrial agreements made after the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955.

Future  
awards  
and  
industrial  
agreements.

(2)

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(2) Subject to subsection four of this section all awards and industrial agreements to which this section applies (other than awards or industrial agreements to which subsection three of this section applies) shall in so far as they fix rates of wages by reference or in relation to—

- (a) a basic wage for adult males be made by reference or in relation to a basic wage for adult males assessed upon the index number for Sydney contained in the Commonwealth Statistician's Retail Price Index Numbers and calculated as provided in subsection five of this section; or
- (b) a basic wage for adult females be made by reference or in relation to a basic wage for adult females equivalent to seventy-five per centum (calculated to the nearest sixpence) of the basic wage for adult males assessed and calculated under and in accordance with paragraph (a) of this subsection.

(3) Subject to subsection four of this section all awards and industrial agreements to which this section applies which fix rates of wages for employees within the County of Yancowinna (whether or not for such employees exclusively) shall—

- (a) in so far as they fix rates of wages for employees within the County of Yancowinna by reference or in relation to—
  - (i) a basic wage for adult males be made by reference or in relation to a basic wage for adult males assessed on the index number for Broken Hill contained in the Commonwealth Statistician's Retail Price Index Numbers and calculated as provided in subsection five of this section; or
  - (ii) a basic wage for adult females be made by reference or in relation to a basic wage for adult females equivalent

equivalent to seventy-five per centum (calculated to the nearest sixpence) of the basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of this paragraph; and

(b) in so far as they fix rates of wages for employees not within the County of Yancowinna by reference or in relation to—

(i) a basic wage for adult males be made by reference or in relation to a basic wage for adult males assessed on the index number for Sydney contained in the Commonwealth Statistician's Retail Price Index Numbers and calculated as provided in subsection five of this section; or

(ii) a basic wage for adult females be made by reference or in relation to a basic wage for adult females equivalent to seventy-five per centum (calculated to the nearest sixpence) of the basic wage for adult males assessed and calculated under and in accordance with subparagraph (i) of this paragraph.

(4) Notwithstanding anything contained in subsection two or three of this section, the parties to any award or industrial agreement to which this section applies and which fixes rates of wages by reference or in relation to a basic wage for adult males or a basic wage for adult females, may by consent, at the time the award or industrial agreement is made or upon any application for variation of the award or industrial agreement, adopt—

(a) in the case of a basic wage for adult males, a basic wage for adult males assessed upon the index number for such place within New South Wales or such combination of places  
(of

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(of which Sydney or some other town in New South Wales is one) contained in the Commonwealth Statistician's Retail Price Index Numbers as may be specified in the award or industrial agreement and calculated as provided in subsection five of this section; or

- (b) in the case of a basic wage for adult females, a basic wage for adult females equivalent to seventy-five per centum (calculated to the nearest sixpence) of the appropriate basic wage for adult males assessed and calculated under and in accordance with paragraph (a) of this subsection.

(5) The basic wage for adult males shall, for the purposes of paragraph (a) of subsection two, subparagraph (i) of paragraph (a) of subsection three, subparagraph (i) of paragraph (b) of subsection three and paragraph (a) of subsection four of this section be calculated by multiplying the relevant index number as applicable by virtue of such provisions by one hundred and three and dividing the product by one thousand. The result shall be the basic wage for adult males expressed in shillings and any fraction less than one-half shall be disregarded and any fraction which is one-half or greater shall be regarded as a shilling.

Award  
rates.

61L. No award made or industrial agreement entered into after the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, shall be made or entered into, in the case of adult male employees, for a wage lower than such basic wage for adult males as may be applicable having regard to the industry concerned or the area for which the award is made or the industrial agreement is entered into or, in the case of adult female employees, for a wage lower than such basic wage for adult females as may be applicable having regard to the industry concerned or the area for which the award is made or the industrial agreement is entered into.

This

This section shall not apply to an award made or industrial agreement entered into for wages of apprentices or trainee apprentices. No. 34, 1955.

61m. (1) Unless some other period of adjustment is specifically provided in the award or industrial agreement concerned, the basic wage for adult males and the basic wage for adult females shall be adjusted for each quarter in accordance with the fluctuations (if any) of the index numbers shown in the Commonwealth Statistician's Retail Price Index Numbers for the then next preceding quarter and shall be calculated in like manner as provided in subsection five of section 61k of this Act. Automatic  
adjustment  
of awards  
and  
industrial  
agreements.

(2) The terms of each award made or industrial agreement entered into whether before or after the commencement of the Industrial Arbitration (Basic Wage) Amendment Act, 1955, affecting rates of pay shall be deemed so to be varied to accord with the fluctuations (if any) in the index number upon which the basic wage for adult males and the basic wage for adult females applicable to that award or industrial agreement is assessed—

- (a) in any case where a period of adjustment is specifically provided in the award or industrial agreement—as from the commencement of the first pay period in each such period of adjustment; or
- (b) in any other case—as from the commencement of the first pay period in the months of February, May, August and November in each year:

Provided that in the case of an industrial agreement where provision is made in the industrial agreement as to the manner in which effect shall be given to any such fluctuations in the index number upon which the basic wage for adult males and the basic wage for adult females is assessed, the terms of the industrial agreement affecting rates of pay shall, in lieu of the variation referred to in the preceding provisions



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provisions of this subsection, be deemed to be varied to the extent necessary to give effect to that provision.

(3) The registrar may (subject to appeal to the commission), upon application made as prescribed or of his own motion, vary the terms of any award or industrial agreement affecting rates of pay to the extent necessary to give effect to subsection two of this section.

The terms of any award affecting rates of pay may to the extent practicable be expressed by the registrar in such a form as will render unnecessary the variation of such award under this subsection consequent upon subsequent variations in the rates of pay pursuant to the operation of this section.

The registrar may refer any such application or any matter arising out of any such application or arising under this subsection to the commission for directions.

(4) This section shall not apply to or in respect of any award or industrial agreement which contains a provision expressly excluding the application of this section.

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