

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 20 October, 1955, A.M.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 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.

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:—

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

Short title,
citation
and
commence-
ment.

Industrial Arbitration (Basic Wage) Amendment.

(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.

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

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

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

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

Definitions.

15 “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.

20 (2) Any document purporting to be a copy 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.

30 61j. (1) This section shall apply to and in respect of all awards and industrial agreements in force at the commencement of the Industrial Arbitration

Existing awards and industrial agreements.

Arbitration

Industrial Arbitration (Basic Wage) Amendment.

5 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.

10 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.

15 (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—

20 (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;

25 (b) the appropriate basic wage for adult females had, immediately before the commencement of such pay period, been adjusted to an 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.

30 (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:—

35 The said amount shall be assessed upon the index number contained in the Commonwealth Statistician's Retail Price Index Numbers for

Industrial Arbitration (Basic Wage) Amendment.

5 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.

10 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
15 any fraction less than one-half shall be disregarded and any fraction which is one-half or greater shall be regarded as a shilling.

20 (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:

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

30 (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
35 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

Industrial Arbitration (Basic Wage) Amendment.

5 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.

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

(6) In this section—

15 “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.

20 “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.

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

30 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) 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—

35 (a) a basic wage for adult males be made by reference or in relation to a basic wage for

Industrial Arbitration (Basic Wage) Amendment.

5 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

10 (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.

15 (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—

20 (a) in so far as they fix rates of wages for employees within the County of Yancowinna by reference or in relation to—

25 (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

30 (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
35 adult

Industrial Arbitration (Basic Wage) Amendment.

adult males assessed and calculated under and in accordance with subparagraph (i) of this paragraph; and

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

10 (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

15 (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.

20 (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—

25 (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

Industrial Arbitration (Basic Wage) Amendment.

(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.

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

Award rates.

Industrial Arbitration (Basic Wage) Amendment.

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.

5 This section shall not apply to an award made or industrial agreement entered into for wages of apprentices or trainee apprentices.

10 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.

15 (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—

20 (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

25 (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:

30 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

Industrial Arbitration (Basic Wage) Amendment.

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

10 (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.

15 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.

20 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.

25 (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.

INDUSTRIAL ARBITRATION (BASIC WAGE) AMENDMENT BILL, 1955.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to vary as from the first pay period in November, 1955, the provisions of certain awards and industrial agreements relating to wages in such a manner as to compensate employees for the increased cost of living indicated by movements in the "C" Series All Items Retail Price Index Numbers since August, 1953, when both Commonwealth and State basic wages were frozen;
- (b) to reintroduce automatic quarterly adjustments of the basic wage to accord with changes in the cost of living as indicated in the "C" Series All Items Retail Price Index Numbers issued from time to time by the Commonwealth Statistician;
- (c) to empower the Industrial Registrar to vary awards and industrial agreements as may be necessary in consequence of the foregoing provisions.

INDUSTRIAL ARBITRATION (BASIC WAGE) AGREEMENT

FEB. 1953

RELATIONSHIP NOTES

The object of this Agreement is

- (1) to provide for the settlement of any dispute which may arise between the Employer and the Employees in connection with the Agreement;
- (2) to provide for the settlement of any dispute which may arise between the Employer and the Employees in connection with the Agreement;
- (3) to provide for the settlement of any dispute which may arise between the Employer and the Employees in connection with the Agreement;

PROOF

No. , 1955.

A BILL

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.

[Mr. LANDA;—13 October, 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:—

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

Short title,
citation
and
commence-
ment.

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(2)

Industrial Arbitration (Basic Wage) Amendment.

(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.

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

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

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

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

Definitions.

15 “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.

20 (2) Any document purporting to be a copy 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 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.

30 61J. (1) This section shall apply to and in respect of all awards and industrial agreements in force at the commencement of the Industrial Arbitration

Existing awards and industrial agreements.

Arbitration

Industrial Arbitration (Basic Wage) Amendment.

5 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.

10 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.

15 (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—

20 (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;

25 (b) the appropriate basic wage for adult females had, immediately before the commencement of such pay period, been adjusted to an 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.

30 (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:—

35 The said amount shall be assessed upon the index number contained in the Commonwealth Statistician's Retail Price Index Numbers for

Industrial Arbitration (Basic Wage) Amendment.

5 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.

10 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
15 any fraction less than one-half shall be disregarded and any fraction which is one-half or greater shall be regarded as a shilling.

20 (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:

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

30 (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
35 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

Industrial Arbitration (Basic Wage) Amendment.

5 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.

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

(6) In this section—

15 “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.

20 “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.

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

30 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) 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—

35 (a) a basic wage for adult males be made by reference or in relation to a basic wage for

Industrial Arbitration (Basic Wage) Amendment.

5 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

10 (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.

15 (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—

20 (a) in so far as they fix rates of wages for employees within the County of Yancowinna by reference or in relation to—

25 (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

30 (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
35 adult

Industrial Arbitration (Basic Wage) Amendment.

- adult males assessed and calculated under and in accordance with subparagraph (i) of this paragraph; and
- 5 (b) in so far as they fix rates of wages for employees not within the County of Yancowinna by reference or in relation to—
- 10 (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
- 15 (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.
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- 25 (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
- 30 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—
- 35 (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

Industrial Arbitration (Basic Wage) Amendment.

5 (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

10 (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.

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(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.

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30 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

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Award rates.

Industrial Arbitration (Basic Wage) Amendment.

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.

5 This section shall not apply to an award made or industrial agreement entered into for wages of apprentices or trainee apprentices.

10 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
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20 (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—

25 (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

30 (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:

35 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

Industrial Arbitration (Basic Wage) Amendment.

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

10 (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.

15 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.

20 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.

25 (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.

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

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:—

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

Short title,
citation
and
commence-
ment.

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[8d.]

(2)

Industrial Arbitration (Basic Wage) Amendment.

(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) Any document purporting to be a copy 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.

Existing
awards and
industrial
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61J. (1) This section shall apply to and in respect of all awards and industrial agreements in force at the commencement of the Industrial Arbitration

Arbitration

Act No. 34, 1955.

Industrial Arbitration (Basic Wage) Amendment.

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 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

Industrial Arbitration (Basic Wage) Amendment.

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) 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

Industrial Arbitration (Basic Wage) Amendment.

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) 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

Industrial Arbitration (Basic Wage) Amendment.

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 to seventy-five per centum (calculated to the nearest sixpence) of the basic wage for adult
adult

Industrial Arbitration (Basic Wage) Amendment.

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

Industrial Arbitration (Basic Wage) Amendment.

(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

Industrial Arbitration (Basic Wage) Amendment.

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 section shall not apply to an award made or industrial agreement entered into for wages of apprentices or trainee apprentices.

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

Industrial Arbitration (Basic Wage) Amendment.

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 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.

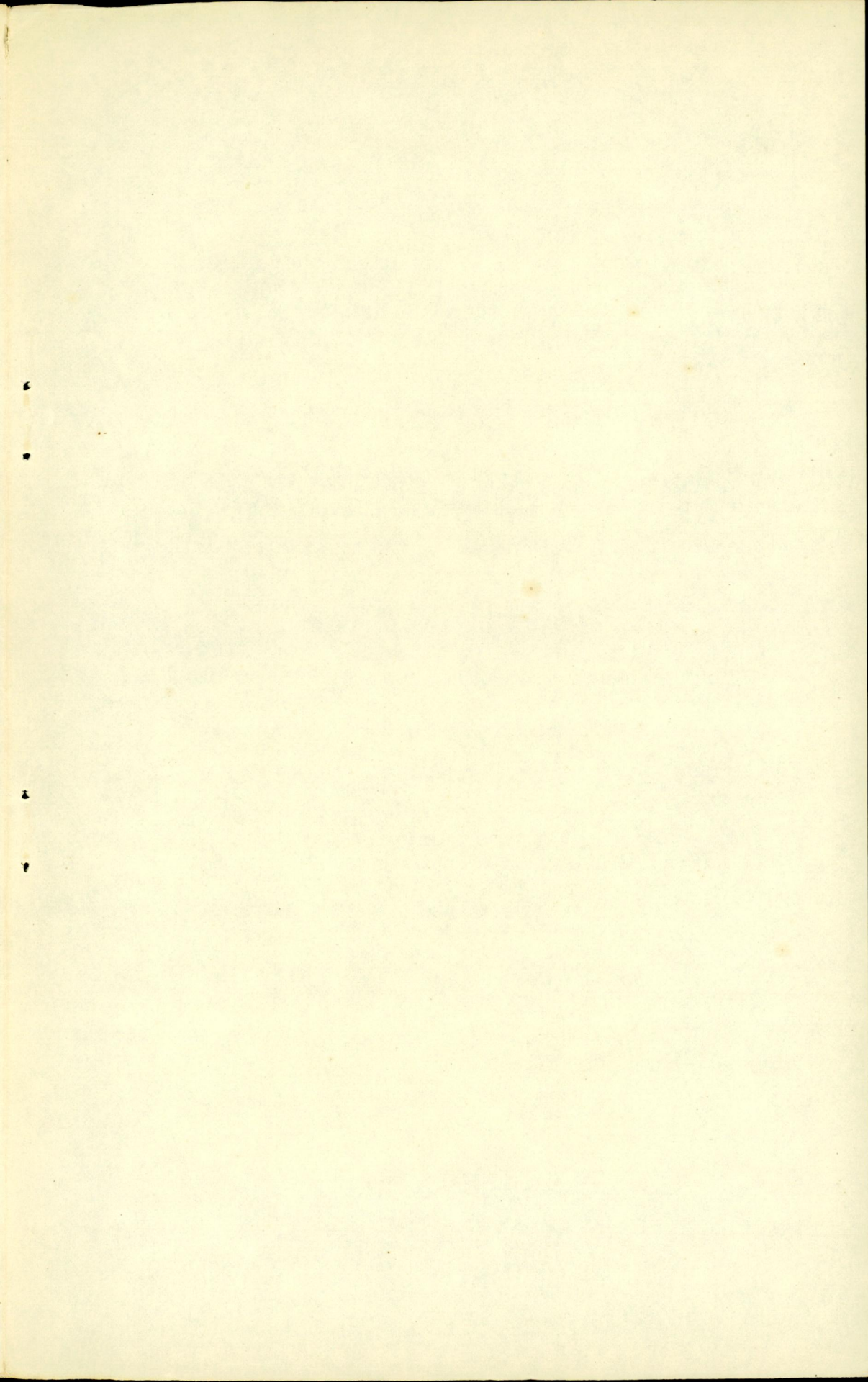
The terms of any award affecting rates of pay may to the extent practicable be expressed by the registrar in such a form as will render unnecessary the variation of such award under this subsection consequent upon subsequent variations in the rates of pay pursuant to the operation of this section.

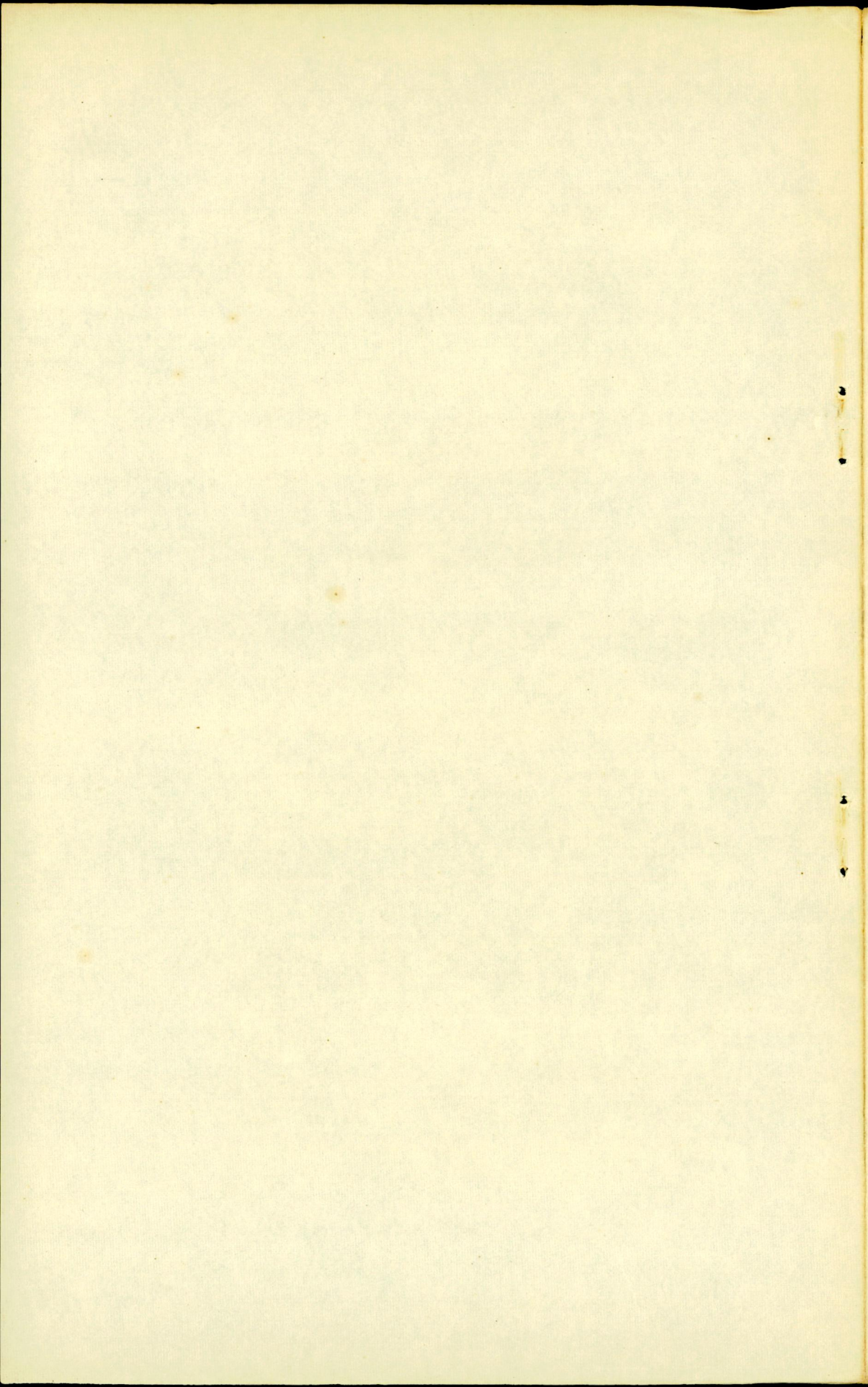
The registrar may refer any such application or any matter arising out of any such application or arising under this subsection to the commission for directions.

(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.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1955.





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 October, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

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:—

1. (1) This Act may be cited as the "Industrial Arbitration (Basic Wage) Amendment Act, 1955." Short title, citation and commencement.
- (2)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Basic Wage) Amendment.

(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) Any document purporting to be a copy 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.

Existing awards and industrial agreements.

61J. (1) This section shall apply to and in respect of all awards and industrial agreements in force at the commencement of the Industrial Arbitration

Industrial Arbitration (Basic Wage) Amendment.

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 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

Industrial Arbitration (Basic Wage) Amendment.

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) 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

Industrial Arbitration (Basic Wage) Amendment.

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) 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

Industrial Arbitration (Basic Wage) Amendment.

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 to seventy-five per centum (calculated to the nearest sixpence) of the basic wage for adult
adult

Industrial Arbitration (Basic Wage) Amendment.

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

Industrial Arbitration (Basic Wage) Amendment.

(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

Industrial Arbitration (Basic Wage) Amendment.

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 section shall not apply to an award made or industrial agreement entered into for wages of apprentices or trainee apprentices.

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

Industrial Arbitration (Basic Wage) Amendment.

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 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.

In the name and on behalf of Her Majesty I assent to this Act.

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 4th November, 1955.*