

Western Australia

Decimal Currency Act 1965

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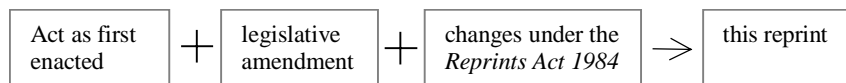
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Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.

2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

THE TEXT OF THE LEGISLATION FOLLOWS

Decimal Currency Act 1965

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Decimal Currency Act 1965

An Act to amend the law of the State in consequence of the adoption in Australia of decimal currency; and for incidental and other purposes.

1. Short title

This Act may be cited as the *Decimal Currency Act 1965*¹.

2. Commencement

- (1) The provisions of this Act, except sections 4 to 9, both inclusive, shall come into operation on the day on which this Act receives the Royal Assent¹.
- (2) Sections 4 to 9, both inclusive, of this Act shall come into operation on 14 February 1966.

3. Interpretation

In this Act unless the contrary intention appears —

“**appointed day**” means 14 February 1966;

“**Commonwealth Currency Act**” means the *Currency Act 1965* of the Commonwealth, as amended from time to time, or any Act enacted in substitution for that Act;

“**law of the State**” means —

- (a) an Act;
- (b) any regulation, rule, local law or by-law made under or having effect by virtue of an Act; and
- (c) any statutory instrument;

“new currency” means the currency of Australia provided for by the Commonwealth Currency Act;

“old currency” means the currency provided for by the *Coinage Act 1909* of the Commonwealth repealed by the Commonwealth Currency Act;

“statutory instrument” includes any proclamation, order in council, determination, award, fixation, order, or other instrument made under the authority, or having effect by virtue, of an Act or of any regulation, rule, local law or by-law made under an Act; but does not include —

- (a) a judgment or order given or made by a court, judge, magistrate or justice in any civil or criminal proceedings; or
- (b) any instrument that the Governor by Order in Council declares, either specifically or by reference to the class to which the instrument belongs, is not a statutory instrument.

[Section 3 amended by No. 14 of 1996 s. 4.]

4. Amendments to Acts specified in First Schedule

- (1) Each of the Acts specified in the First Schedule² is amended to the extent to which the Act so specified is expressed in that Schedule to be amended, and subject thereto by substituting for every reference in that Act to an amount of money in terms of the old currency the reference that in accordance with the provisions of section 5 would be read and construed as the reference to a corresponding amount of money in terms of the new currency.
- (2) An Act as and when amended pursuant to this section may be cited showing the figures representing the year of its passing followed by the passage “-1965”³.

5. References to old currency to be construed as references to new currency

- (1) Subject to section 4 and to subsections (2), (3) and (4) of this section, a reference in a law of the State to an amount of money in terms of the old currency shall, unless the context is such that it would be inappropriate or the contrary intention appears, be read and construed as a reference to a corresponding amount of money in terms of the new currency calculated on the basis of the equivalents specified in subsection (4) of section 8 of the Commonwealth Currency Act.
- (2) Where such a reference as is referred to in subsection (1) is to a percentage or other proportion expressed in terms of money, that reference however expressed shall be read and construed as a reference to an equivalent percentage or other proportion expressed in terms of money in the new currency.
- (3) A provision in any law of the State that an amount of money shall be calculated to the nearest pound, to the nearest shilling, or to the nearest penny shall be read and construed as a provision that such amount shall be calculated —
 - (a) to the nearest dollar, in the case of a reference to the nearest pound;
 - (b) to the amount of 10 cents or the nearest multiple of 10 cents, in the case of a reference to the nearest shilling; and
 - (c) to the nearest cent, in the case of a reference to the nearest penny.
- (4) For the purposes of this section a guinea is one pound one shilling in denominations of money in the old currency.
- (5) For facilitating the construction of this section —
 - (a) the equivalents that are specified in subsection (4) of section 8 of the Commonwealth Currency Act are set out in Part A of the Second Schedule to this Act;

- (b) examples of the manner of expression, where applicable, of equivalent percentages and other proportions of money in the new currency to which percentages and other proportions expressed in terms of money in the old currency are construed to refer by reason of subsection (2), are set out in Part B of the Second Schedule.

6. Completion of forms

Where a law of the State contains a form that refers to an amount of money in terms of the old currency or provides for an amount of money to be specified in that currency, a person using the form may complete it in such a manner as to set forth the equivalent of that amount in terms of the new currency.

7. References to new currency

- (1) Where in any provision of a law of the State an amount of money in terms of the old currency is expressed in tabular, columnar or other similar form under or in relation to all or any of the words, “pounds, shillings and pence” or to all or any of the symbols “£ s d”, or any word or symbols of like import, the word “dollars” or a symbol denoting that denomination of money in the new currency shall be substituted for that word or words or symbol or symbols in the appropriate position, and that provision shall, if necessary, be amended to the necessary extent accordingly.
- (2) Where after the appointed day a reference to an amount of money in terms of the new currency is expressed in figures in a law of the State, that reference shall denote the amount of money by a symbol denoting the dollar followed by such figures expressing that amount of money as are appropriate to the particular case, and any such reference may be so denoted in accordance with the recommendations as to notation in the new currency set out in the Third Schedule.

8. Construction of references to currency to be direct amendments to Acts and regulations on reprints

- (1) Where a reference in any Act or regulation to an amount of money in terms of the old currency is by force of this Act read and construed as a reference to a corresponding amount of money in terms of the new currency, that construction shall, on any reprint of that Act pursuant to the *Amendments Incorporation Act 1938*⁴, or on any reprint of the regulations containing that regulation pursuant to the *Reprinting of Regulations Act 1954*⁴, be and be deemed to be for the purposes of that reprint an amendment to that Act, or as the case may be, that regulation.
- (2) The amendments effected to any regulation as referred to in this section are not, and shall not be deemed to be, regulations to which the provisions of section 36 of the *Interpretation Act 1918*⁵ apply and are not subject to those provisions.
- (3) In this section the term “**regulation**” includes rule, local law and by-law.

[Section 8 amended by No. 14 of 1996 s. 4.]

9. Provisions of this Act not to apply in certain cases

The provisions of section 4² and 5 do not apply to any reference in a law of the State to an amount of money expressed in terms of a currency other than the currency of Australia, or in respect of any law of the State or any provision of any such law that has expired or ceased to have effect, or is spent or has become exhausted, but which law or provision has not been repealed or revoked.

10. Transactions in old currency after the appointed day

- (1) Where after the appointed day any matter or thing relating to money is by virtue of the provisions of Part V of the Commonwealth Currency Act made, executed, entered into or done according to the old currency, any amount payable under

or for the purposes of any law of the State in respect of that matter or thing shall be the amount in terms of the new currency that would be payable if the references in the old currency in that matter or thing were expressed in the new currency on the basis of the equivalents specified in subsection (4) of section 8 of the Commonwealth Currency Act.

- (2) In and for the purposes of this section, the expression “**matter or thing**” includes payment, sale, security for money, contract, agreement, deed, instrument, transaction and dealing.

11. Power to Governor to resolve doubts, etc.

- (1) The Governor may by Order in Council give such directions and take such actions, not inconsistent with this Act, as in his opinion are necessary or convenient for the administration of this Act or for carrying out its objects and purposes.
- (2) Without in any way limiting the generality of subsection (1), Orders in Council may be made for or with respect to —
- (a) resolving doubts or difficulties arising, or which in the opinion of the Governor may arise, in respect of the correspondence (calculated on the basis of the equivalents specified in subsection (4) of section 8 of the Commonwealth Currency Act) of amounts of money, or percentages or other proportions expressed in terms of money, in the old currency referred to in a law of the State to which section 5 applies, to amounts of money or percentages or other proportions expressed in terms of the new currency;
 - (b) correcting any errors or anomalies that in the opinion of the Governor have arisen in the substitution of references to amounts of money, or percentages or other proportions affecting money, in respect of the old currency to amounts of money, percentages or other proportions in respect of the new currency;

- (c) declaring that any reference to an amount of money in the old currency, including any reference to a percentage or other proportion affecting money, that has been amended or substituted pursuant to the provisions of this Act be not amended or substituted;
- (d) amending the First Schedule by adding thereto any Act or any provision of any Act requiring amendment in consequence of this Act or the adoption of the new currency and specifying particulars of the amendments to be made to the Act or provision so added.

12. Amendment of statutory instruments

- (1) Notwithstanding anything to the contrary in any Act or law the Governor, on the recommendation of the Minister administering the law of the State under which a regulation or statutory instrument has been made, may, if he considers it necessary in order to give effect to the objects of this Act, by Order in Council amend that regulation or statutory instrument —
 - (a) for the purpose of substituting a reference to an amount of money in terms of the new currency for any reference in that regulation or statutory instrument to an amount of money in terms of the old currency; and
 - (b) for any purpose ancillary to or consequent upon any such substitution,

and every such amendment shall take effect on the day specified in the Order, not being a day earlier than the appointed day, but if no such day is so specified shall take effect on the date of the publication of that Order in the *Government Gazette*, or if that date is earlier than the appointed day, then on and after the appointed day.

- (2) An Order made pursuant to this section may be made without regard to any method prescribed by law for the amendment of a regulation or statutory instrument of the kind in question or to

s. 13

the fact that any such regulation or statutory instrument may be incapable of amendment apart from this section.

- (3) An amendment made by an Order under this section shall not affect the scope or period of operation of the regulation or statutory instrument amended thereby or be the subject of any appeal or disallowance or similar procedure, but every regulation or statutory instrument so amended shall in all other respects take effect subject to the amendment from the day on which under this section it becomes effective.
- (4) In this section the term “**regulation**” includes rule, local law and by-law.

[Section 12 amended by No. 14 of 1996 s. 4.]

13. Orders in Council

- (1) Subject to section 12, an Order in Council made under this Act takes effect according to its tenor on the day specified in the Order as that on which it takes effect, but if a day is not so specified, takes effect on the day of the publication of that Order in the *Government Gazette*.
- (2) An Order in Council made under this Act may be varied or cancelled, or an error in an Order may be rectified, by the Governor by a subsequent Order in Council.

14. Construction of references to the *Currency Act 1963*, of the Commonwealth

Where in any law of the State passed or made before the appointed day there is a reference to the date of the commencement of Part II of the *Currency Act 1963* of the Commonwealth, that reference shall be read and construed as a reference to the appointed day.

[15. Omitted under the Reprints Act 1984 s. 7(4)(e).]

First Schedule

section 4(1)

<i>Title of Act</i>	<i>Provision Amended</i>	<i>Amendment</i>
<i>[Items omitted under the Reprints Act 1984 s. 7(4)(e).]</i>		

[First Schedule amended by No. 85 of 1975 s. 2; Decimal Currency Order 1991 (Gazette 13 Dec 1991 p. 6177).]

Second Schedule

Second Schedule

section 5(5)

Part A

Equivalents Specified in the Commonwealth Currency Act

One sovereign or pound	=	Two dollars.
One shilling	=	Ten cents.
One penny	=	Five-sixths of a cent.

Part B

Examples of Percentages

<i>Expressed in Old Currency</i>	<i>Equivalent expressed in New Currency</i>
Five pounds per centum	Five per centum
Five pounds seven shillings and six pence per centum	Five and three-eighths per centum
Twelve and one-half pounds per centum	Twelve and one-half per centum

Examples of Proportions

<i>Expressed in Old Currency</i>	<i>Equivalent expressed in New Currency</i>
Three-eighths of a penny in the pound	Five thirty-seconds of a cent in the dollar
One halfpenny in the pound	Five twenty-fourths of a cent in the dollar
One penny in the pound	Five-twelfths of a cent in the dollar
Two pence in the pound	Five-sixths of a cent in the dollar
Three pence in the pound	One and one-quarter cents in the dollar
Six pence in the pound	Two and one-half cents in the dollar
Eight pence in the pound	Three and one-third cents in the dollar
One shilling in the pound	Five cents in the dollar
One shilling and three pence in the pound	Six and one-quarter cents in the dollar
Two shillings in the pound	Ten cents in the dollar

Third Schedule

section 7(2)

Recommendations for Notation in Decimal Currency

Expression of Amounts in Figures

\$59 or \$59.00 where the amount consists of an exact number of dollars.

\$59.01 or \$59.09 where the amount consists of dollars plus cents in the range from 1 to 9.

\$59.10 to \$59.99 where the amount consists of dollars plus cents in the range from 10 to 99.

\$0.09 or 9 cents or 9c where the amount is less than one dollar and is cents in the range from 1 to 9.

\$0.59 or 59 cents or 59c where the amount is less than one dollar and is cents in the range from 10 to 99.

Note. — The decimal point should be followed by two figures at least, and one or more figures (as 0 in some cases) should appear between the dollar symbol and the decimal point.

Fractions of a cent

An amount involving a fraction of a cent (for example, three and a quarter cents) may be expressed as — \$0.0325 or \$0.03¼ or 3¼ cents or 3¼c.

Defined Terms

Notes

- ¹ This is a compilation of the *Decimal Currency Act 1965* and includes amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprints.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	S. 4-9: operative 14 Feb 1966 (see s. 2(2)); balance 21 Dec 1965 (see s. 2(1))
Reprint of the <i>Decimal Currency Act 1965</i> authorised 26 Mar 1973			
<i>Grain Marketing Act 1975</i> s. 2	85 of 1975	18 Nov 1975	Proc. 21 Nov 1975 (see s. 1(2) and <i>Gazette</i> 21 Nov 1975 p. 4241)
<i>Decimal Currency Order 1991</i> (see <i>Gazette</i> 13 Dec 1991 p. 6177)			13 Dec 1991
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint of the <i>Decimal Currency Act 1965</i> as at 22 Jun 2001 (includes amendments listed above)			

- ² The amendments made by s. 4 to the Acts specified in the First Schedule have had effect so the Acts and amendments have been omitted from that Schedule under the *Reprints Act 1984* s. 7(4)(e).
- ³ But see the *Interpretation Act 1984* s. 26(4) which displaces this provision.
- ⁴ Repealed by the *Reprints Act 1984*.
- ⁵ Repealed by the *Interpretation Act 1984*.