

RE-ESTABLISHMENT AND EMPLOYMENT.

No. 89 of 1952.

An Act to amend the *Re-establishment and Employment Act 1945-1951*.

[Assented to 18th November, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Re-establishment and Employment Act 1952*.

(2.) The *Re-establishment and Employment Act 1945-1951** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Re-establishment and Employment Act 1945-1952*.

Commencement.

2. This Act shall be deemed to have come into operation on the third day of September, One thousand nine hundred and fifty-two.

Provisions of
this Division
to be exclusive
of other laws,
&c.

3. Section twenty-four of the Principal Act is amended by omitting sub-section (1A.) and inserting in its stead the following sub-section :—

“(1A.) The reference in the last preceding sub-section to any law of the Commonwealth shall be deemed not to include a reference to the *Tradesmen's Rights Regulation Act 1946-1952*.”.

* Act No. 11, 1945, as amended by Acts Nos. 29 and 43, 1945 ; by the amendments having effect by virtue of section 3 of Act No. 48, 1951 ; and by Act No. 48, 1951.

4. Section thirty-two of the Principal Act is amended by adding at the end thereof the following sub-section :—

Registration of certain persons entitled to preference.

“(5.) An application under this section shall not be made after the second day of September, One thousand nine hundred and fifty-two.”.

5. Section thirty-four of the Principal Act is amended by omitting the word “seven” and inserting in its stead the word “ten”.

Operation of sections 24 to 33.

6.—(1.) Section one hundred and one A of the Principal Act is amended by omitting from sub-section (1.) the words “Three pounds fifteen shillings” (wherever occurring) and inserting in their stead the words “Five pounds five shillings”.

Rate of business re-establishment allowances.

(2.) Allowances at the rate payable under the Principal Act, as amended by this section, are payable from and including the second day of October, One thousand nine hundred and fifty-two.

7. Section one hundred and thirty-eight of the Principal Act is amended—

Extension of operation of certain provisions to members of the Forces (Korea and Malaya Operations).

(a) by inserting after paragraph (d) of sub-section (2.) the following paragraph :—

“(da) if the obligations under Division 3 of Part VI. of this Act in respect of a loan made to an eligible person under section ninety-two of this Act and a further loan (if any) made to the same person under section ninety-six A of this Act have been fully discharged, the amounts of that loan and of that further loan (if any) shall be disregarded in connexion with the making of a loan to that person as an eligible person within the meaning of that Division in its extended operation ; ” ; and

(b) by omitting from sub-section (3.) the words “Divisions 2 and 3 of this Part” and inserting in their stead the words “Division 3 of this Part”.

8. Section one hundred and thirty-nine of the Principal Act is amended—

Interpretation.

(a) by omitting from sub-section (1.) the words “For the purposes of this Part” and inserting in their stead the words “In this Part, unless the contrary intention appears” ; and

(b) by omitting from that sub-section the definition of “member of the Forces” and inserting in its stead the following definition :—

“ ‘member of the Forces’ means—

(a) a person who served on war service as a member of the Defence Force ; and

(b) a person—

(i) who served on war service as a member of the naval, military or air forces of a part of the Queen's dominions other than the Commonwealth; and

(ii) who is resident in Australia or in a Territory of the Commonwealth and satisfies a prescribed authority that he was domiciled in Australia or a Territory of the Commonwealth immediately before his appointment or enlistment;”.

Interpretation.

9. Section one hundred and forty-one of the Principal Act is amended—

(a) by omitting from the definition of “former employer” the words “volunteered for war service” and inserting in their stead the words “became a member of the Forces”; and

(b) by adding at the end thereof the following definition and sub-section:—

“‘member of the Forces’ means a person who, on or after the twenty-sixth day of June, One thousand nine hundred and fifty, enlisted in the Permanent Military Forces for a period not exceeding three years and was allotted to that portion of those Forces raised or maintained for service in Korea.

“(2.) A member of the Forces who, on the expiration of his original enlistment or subsequent re-engagement, re-engages to serve for a further period shall, if the aggregate of the period of original enlistment and the period or periods of re-engagement exceeds three years, be deemed to have enlisted for a period exceeding three years.”.

Application for reinstatement in employment.

10. Section one hundred and forty-two of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) An application under the last preceding sub-section shall not be made—

(a) earlier than fourteen days before the date of discharge of the member of the Forces; or

(b) later than—

(i) one month after the date of discharge of the member of the Forces; or

(ii) where, at the date on which the *Re-establishment and Employment Act 1952* receives the Royal Assent, the member of the Forces has been discharged—one month after that date.”.

11. Section one hundred and forty-five of the Principal Act is amended by omitting from sub-section (2.) the words "before the commencement of his period of war service" and inserting in their stead the words "before he became a member of the Forces". Reinstatement in employment.

12. Section one hundred and forty-six of the Principal Act is amended by omitting the words "to commence war service" and inserting in their stead the words "to become a member of the Forces". Rights of reinstated employees.
