

**WAR SERVICE LAND SETTLEMENT
(AMENDMENT) ACT.**

Act No. 11, 1954.

An Act to make provision for and in relation to the settlement on the land of persons who are discharged members of the Korea and Malaya Operations Forces; for this and other purposes to amend the War Service Land Settlement Act, 1941, and certain other Acts; and for purposes connected therewith.
[Assented to, 14th April, 1954.]

Elizabeth II,
No. 11, 1954.

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War Service Land Settlement (Amendment) Act.

No. 11, 1954.

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.

1. This Act may be cited as the "War Service Land Settlement (Amendment) Act, 1954."

Amendment
of Act No.
43, 1941.

New sec. 10.

2. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended by inserting at the end thereof the following new section:—

Members
and dis-
charged
members of
the Korea
and Malaya
Operations
Forces.

10. (1) Subject to this section—

- (a) the provisions of sections six, seven and nine of this Act and of the regulations made for the purposes of such provisions, relating to members of the forces shall, mutatis mutandis, apply and be deemed to have always applied to and in respect of members of the Korea and Malaya Operations Forces;
- (b) the provisions of this Act, of Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, and of Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and of the regulations made for the purposes of such provisions, relating to discharged members of the forces, shall apply, mutatis mutandis, to and in respect of discharged members of the Korea and Malaya Operations Forces.

(2) (a) For the purposes of paragraph (a) of subsection one of this section a reference in the provisions therein specified to—

- (i) "member of the forces" shall be read as a reference to "member of the Korea and Malaya Operations Forces";
 - (ii) "war service" shall be read as a reference to "war service" as defined in this section.
- (b)

(b) For the purposes of paragraph (b) of subsection one of this section—^{No. 11, 1954.}

- (i) a reference in the provisions therein specified to “discharged member of the forces” shall include “discharged member of the Korea and Malaya Operations Forces”;
- (ii) subsection three of section three of this Act shall be deemed to be amended by omitting paragraph (a) and by inserting in lieu thereof the following paragraph:—

(a) in the case of a discharged member of the Korea and Malaya Operations Forces, within three years after the date on which the applicant ceased to be engaged on war service or the date of cessation of hostilities, whichever is the later.

(3) In this section, unless the context or subject matter otherwise indicates or requires—

“Discharged member of the Korea and Malaya Operations Forces” means a person who, having been a member of the Korea and Malaya Operations Forces has had his appointment terminated or received his discharge or for any other reason has ceased to be engaged on war service—

- (a) after not less than six months’ war service; or
- (b) after less than six months’ war service and has in the opinion of the classification committee been materially prejudiced by reason of his war service;

but does not include any person the termination of whose appointment or whose discharge or whose ceasing to be engaged on war service was due to misconduct or incapacity

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incapacity resulting from his own default or any person who for a period of two years after his war service has ended (whether such war service ended before or after the commencement of the War Service Land Settlement (Amendment) Act, 1954) has continued to be a member of the Permanent Forces.

“Member of the Korea and Malaya Operations 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 was, immediately prior to his appointment or enlistment, domiciled in Australia or a Territory of the Commonwealth.

“Operational area” means an area outside Australia that is prescribed to be an operational area for the purposes of warlike operations in Korea after the twenty-sixth day of June, one thousand nine hundred and fifty, or in Malaya after the twenty-eighth day of June, one thousand nine hundred and fifty.

“Port” includes airport.

“War

“War service”, in relation to a member of the ^{No. 11, 1954.}
Korea and Malaya Operations Forces,
means his service while—

- (a) a member of, or attached to a body, contingent or detachment of the Defence Force allotted for duty in an operational area; or
- (b) allotted for duty in an operational area.

(4) For the purposes of this section the war service of a member of the Korea and Malaya Operations Forces—

(a) shall be deemed to have commenced—

- (i) if he was in Australia at the time at which he was allotted for war service—at the time of his departure from the last port of call in Australia for that service; or
- (ii) if he was outside Australia at the time at which he was allotted for war service—at the time at which he was so allotted; and

shall be deemed to have ended—

- (i) in the case of a member who has returned to Australia—at the time of his arrival at the first port of call in Australia; or
- (ii) in the case of a member who has been allotted for duty in an area outside Australia other than an operational area—at the time of his arrival in that area, or, if he was in that area at the time at which he was so allotted, at that time.

(5) The regulations may prescribe different operational areas in respect of different classes of members of the Korea and Malaya Operations Forces.

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