

WAR SERVICE LAND SETTLEMENT
(AMENDMENT) ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 65, 1969.

An Act to make provision with respect to service with the Defence Force in certain special areas being recognised as war service for certain purposes; for this purpose and for other purposes to amend the War Service Land Settlement Act, 1941; and for purposes connected therewith. [Assented to, 6th November, 1969.]

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 "War Service Land Settlement (Amendment) Act, 1969".

Short title
and com-
mencement.

(2)

War Service Land Settlement (Amendment).

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(2) 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.
43, 1941.

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

Members
and dis-
charged
members
of the
Defence
Force.

11. (1) Subject to this section—

- (a) the provisions of sections six, seven and nine of this Act and the provisions of the regulations relating to members of the forces and made for the purposes of those sections shall, mutatis mutandis, apply and be deemed to have always applied to and in respect of members of the Defence Force;
- (b) the provisions of sections 3A, eight and nine of this Act and the provisions of the regulations relating to discharged members of the forces and made for the purposes of those sections shall, mutatis mutandis, apply to and in respect of discharged members of the Defence Force.

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

- (a) “member of the forces” shall be read as a reference to “member of the Defence Force”;
- (b) “war service” shall be read as a reference to “special service” as defined in this section.

(3) For the purposes of paragraph (b) of sub-section one of this section—

- (a) a reference in the provisions therein specified to “discharged member of the forces” shall include “discharged member of the Defence Force”;

(b)

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(b) subsection three of section 3A of this Act shall ~~No. 65, 1969~~ be deemed to be amended by omitting the words "Subsections (1A), (1B) and five" and by inserting in lieu thereof the following words "Subsections (1A) and (1B)".

(4) In this section, except in so far as the context or subject matter otherwise indicates or requires—

"Discharged member of the Defence Force" means a person who, having been a member of the Defence Force, has had his appointment terminated, or received his discharge, or for any other reason has ceased to be engaged on special service—

- (a) after not less than six months special service; or
- (b) after less than six months special service and has, in the opinion of the Minister, been materially prejudiced by reason of his special service,

but does not include any person the termination of whose appointment or whose discharge or whose ceasing to be engaged on special service was due to misconduct or incapacity resulting from his own default or any person who for a period of two years after his special service has ended (whether that special service ended before or after the commencement of the War Service Land Settlement (Amendment) Act, 1969) has continued to be a member of the Permanent Forces.

"Member of the Defence Force" means a person who served on special service as a member of the Defence Force.

"Port" includes airport.

"Special area" means an area outside Australia that is prescribed as a special area for the purposes of warlike operations, or a state of disturbance, after 31st July, 1962.

"Special"

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“Special duty”, in relation to a special area, means duty relating directly to the warlike operations or state of disturbance by reason of which the area has been prescribed as a special area.

“Special service”, in relation to a person, means service of the person as a member of the naval, military or air forces of the Commonwealth during a period comprising—

(a) a period when he is outside Australia and he or his unit is allotted for special duty in a special area; and

(b) if, at the end of that period, he is outside Australia and travels to a place other than the place where he is at the end of that period, being a place to which he or his unit is allotted for duty other than special duty—the period commencing at the end of that period and ending at the time when—

- (i) he arrives at that other place;
- (ii) he commences a further period of special service; or
- (iii) he ceases to be outside Australia, whichever first occurs.

“Unit”, in relation to a person, means a body, contingent or detachment of the naval, military or air forces of the Commonwealth of which he is a member or to which he is attached.

(5) For the purposes of the definition of “Special service” in subsection four of this section—

(a) a person who travels from a place in Australia to a place outside Australia shall be deemed to have departed from Australia when he departs from the last port of call in Australia; and

(b)

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(b) a person who travels to Australia from a place **No. 65, 1969** outside Australia shall be deemed to have arrived in Australia when he arrives at the first port of call in Australia.

(6) Where a member of the naval, military or air forces who is serving on special service—

- (a) returns to Australia in accordance with the rest and recuperation arrangements of the naval, military or air forces;
- (b) returns to Australia on emergency or other leave granted on compassionate grounds;
- (c) returns to Australia on duty; or
- (d) returns to Australia for the purpose of receiving medical or surgical treatment as directed by the medical authorities of the naval, military or air forces,

so much of the period of service in Australia after his return as does not exceed fourteen days shall for the purposes of the definition of "Special service" in subsection four of this section, be deemed to be a period when the member is outside Australia.

(7) The regulations may prescribe different special areas in respect of different classes of persons.