

# RE-ESTABLISHMENT AND EMPLOYMENT.

**No. 90 of 1953.**

An Act to amend the *Re-establishment and Employment Act 1945-1952*, as amended by the *Commonwealth Bank Act 1953*.

[Assented to 12th December, 1953.]

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

1.—(1.) This Act may be cited as the *Re-establishment and Employment Act 1953*. Short title  
and citation.

(2.) The *Re-establishment and Employment Act 1945-1952*,\* as amended by the *Commonwealth Bank Act 1953*,† is in this Act referred to as the Principal Act.

(3.) The *Commonwealth Bank Act 1953* is amended by omitting from the Fifth Schedule the words—

“ <i>Re-establishment and Employ- ment Act 1945-1952</i> ”	<i>Re-establishment and Employ- ment Act 1945-1953</i> ”.
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(4.) The Principal Act, as amended by this Act, may be cited as the *Re-establishment and Employment Act 1945-1953*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement

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\* 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 ; by Act No. 48, 1951 ; and by Act No. 89, 1952.

† Act No. 12, 1953.

3. Section twenty-eight of the Principal Act is repealed and the following section inserted in its stead :—

Applications by persons considering themselves entitled to preference in employment.

“ 28.—(1.) Where a person whom an employer has refused to engage in employment considers that, having regard to the provisions of the last preceding section, the employer should have engaged him in employment, that person may apply to a prescribed authority for an order under this section.

“ (2.) On the hearing of the application, the prescribed authority shall have regard to the matters specified in sub-section (3.) or sub-section (4.) (whichever is applicable) of the last preceding section and shall make such order as he thinks just and reasonable in the circumstances.

“ (3.) The prescribed authority shall not, on the hearing of the application, make an order directing an employer to engage a person in employment in a position if the authority is satisfied that that person—

- (a) would be unable to perform the duties of the position by reason of lack of skill or a reasonable degree of efficiency ;
- (b) is physically or mentally unfit to perform the duties of the position ; or
- (c) has, since the termination of his service, been convicted of an offence of such a nature that he is unsuitable for engagement in that employment.

“ (4.) Except as provided by the next succeeding section, the decision of the prescribed authority is final and conclusive.

“ (5.) The Governor-General may arrange with the Governor in Council of a State for the performance or execution by persons who hold office as Police, Stipendiary, Resident or Special Magistrates in that State of the functions of a prescribed authority under this section.

“ (6.) Notice of an arrangement under the last preceding sub-section shall be published in the *Gazette*.

“ (7.) For the purposes of this section, a prescribed authority is—

- (a) a person who holds office as a Stipendiary, Resident or Special Magistrate in a Territory of the Commonwealth ; or
- (b) where the Governor-General has made an arrangement with the Governor in Council of a State under sub-section (5.) of this section—a person who holds an office specified in the arrangement.

“(8.) The regulations may make provision for regulating the procedure for or in relation to the making, hearing and determination of applications under this section and, in particular, for or in relation to the summoning of witnesses before, and the taking of evidence by, a prescribed authority.”.

4. Section thirty-three of the Principal Act is amended by omitting ~~Offences.~~ from sub-section (1.) the words “ of a court ”.

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