

RE-ESTABLISHMENT AND EMPLOYMENT.

No. 7 of 1958.

An Act to amend the *Re-establishment and Employment Act 1945-1956*, and for other purposes.

[Assented to 6th May, 1958.]

BE 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 1958*.

Short title
and citation

(2.) The *Re-establishment and Employment Act 1945-1956** 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 1945-1958*.

2. This Act shall come into operation on the first day of September, One thousand nine hundred and fifty-eight.

Commence-
ment.

* Act No. 11, 1945, as amended by Nos. 29 and 43, 1945; by the amendments having effect by virtue of section 3 of No. 48, 1951; by No. 48, 1951; No. 89, 1952; Nos. 12 and 90, 1953; No. 56, 1955; and No. 96, 1956.

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 Section three of the Principal Act is repealed and the following section inserted in its stead:—

Parts.

“ 3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–7A).

Part II.—Provisions Relating to Employment.

Division 1.—Reinstatement in Civil Employment (Sections 8–21A).

Division 2.—Preference in Employment (Sections 22–34).

Division 3.—Apprenticeship (Sections 35–45A).

Division 4.—Modification of Conditions of Entry to Employment (Section 46).

Division 5.—The Commonwealth Employment Service (Sections 47–49).

Part III.—Vocational Training (Sections 50–54A).

Part IV.—Disabled Persons (Sections 55–62A).

Part V.—Demobilization (Section 63).

Part VI.—Re-establishment Assistance.

Division 1.—Re-establishment Leave (Sections 64–65).

Division 2.—Re-employment Allowances (Sections 66–90).

Division 3.—Re-establishment Loans (Sections 91–99).

Division 4.—Business Re-establishment Allowances (Sections 100–102A).

Part VII.—Servicemen’s Settlement (Section 103).

Part VIII.—Housing (Section 104).

Part IX.—Legal Service Bureaux (Section 105).

Part XI.—Provisions Relating to Members of the Forces (Korea and Malaya Operations).

Division 1.—General (Sections 138–139).

Division 2.—Reinstatement in Civil Employment (Sections 140–149).

Division 3.—Rehabilitation of Disabled Persons (Sections 150–152).

Part XII.—Miscellaneous (Section 153).”

Repeal of Part X.

4. Part X. of the Principal Act is repealed.

Postponed payments under mortgages, &c.

5.—(1.) Subject to this section, where, by force of section one hundred and nine of the Principal Act, the time for payment of any money was postponed and, by reason of the postponement, the payment had not fallen due before the date of commencement of this Act, the postponement shall terminate, and the payment shall fall due, on that date.

(2.) Where, in accordance with sub-section (7.) of section one hundred and nine of the Principal Act, the times for payment of any instalments of principal or purchase money were postponed—

- (a) if one or more of those instalments had, by reason of the expiry of the relevant period or periods of postponement, become payable before the date of commencement of this Act, the times for payment of any subsequent instalments continue, by force of this Act, to be postponed as if Part X. of the Principal Act had not been repealed; or
- (b) if none of those instalments had so become payable before the date of commencement of this Act, the last preceding sub-section applies to the first of those instalments and the time for payment of each subsequent instalment is, by force of this Act, postponed so that the instalment will fall due on the date on which it would have fallen due if Part X. of the Principal Act had not been repealed and the period of postponement under that Part of the time for payment of the first of those instalments had ended on the date of commencement of this Act.

(3.) Where the time for payment of any instalments under a mortgage or agreement is postponed by this section, the provisions of Part X. of the Principal Act (other than provisions postponing the time for payment of those instalments) continue to apply in relation to that mortgage or agreement as if those provisions had not been repealed and the postponement had been effected under section one hundred and nine of the Principal Act.

6. Notwithstanding the repeal of section one hundred and twelve of the Principal Act, all proceedings which could have been continued, and all remedies which could have been pursued, by virtue of sub-section (2.) of that section if that sub-section had not been repealed may be continued or pursued, as the case may be, as if that sub-section had not been repealed.

Continuation of certain stayed proceedings.

7. Where, immediately before the date of commencement of this Act, any execution or proceeding was suspended by force of sub-section (2.) of section one hundred and seventeen of the Principal Act, the suspension shall be deemed to cease on that date.

Cessation of suspension of execution and other remedies.

8. In calculating the time fixed by any Statute of Limitations or other law in force in the Commonwealth or a part of the Commonwealth or in a Territory of the Commonwealth within which any action may be commenced or other remedy may be pursued, account shall not be taken of any period during which the time for payment of any money was postponed, or during which any proceedings, or proposed proceedings, were stayed,

Period of postponement, &c., not to be taken into account for purposes of any Statute of Limitations.

prohibited or suspended, under the *Re-establishment and Employment Act* 1945, or under that Act as amended at any time, or under any of the regulations referred to in Part X. of that Act as "the previous Regulations", or under this Act, where the postponement, stay, prohibition or suspension would have prevented, either absolutely or except with the leave of a court, the bringing or maintaining of the action or the pursuit of the remedy.

Orders of courts to cease to have effect.

9. An order of a court having effect immediately before the date of commencement of this Act, being an order made under Part X. of the Principal Act or an order referred to in sub-section (2.) of section one hundred and six of that Act, shall cease to have effect on that date, but without prejudice to the previous operation of the order.

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

10. Section one hundred and thirty-eight of the Principal Act is amended by omitting from sub-section (1.) the words "Parts VIII., IX., X. and XII. of this Act" and inserting in their stead the words "Parts VIII., IX. and XII. of this Act".
