

South Australia

## War Service (Preference in Employment) Act 1943

An Act to provide that persons who, during war, have been members of fighting forces or employed in sea-going ships, shall receive preference in employment under the Government of the State.

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**The Parliament of South Australia enacts as follows:**

#### 1—Short title

This Act may be cited as the *War Service (Preference in Employment) Act 1943*.

#### 2—Interpretation

In this Act, unless the context otherwise requires—

***appointing authority*** means the Governor, Minister, board, or person having power to make an appointment or to recommend or decide the person to be appointed to any office or employment under the Government of the State;

***Australian seaman*** means a person who during any war in which the Commonwealth is or has been engaged, was, while domiciled in a State, employed in any capacity in sea-going service on a ship, and who at the time when he claims preference under this Act is domiciled in South Australia;

***member of a fighting force*** means a person who is or has been a member of a fighting force during any war in which the Commonwealth is or has been engaged, and who at the time when he claims preference under this Act is domiciled in South Australia;

***fighting force*** means a naval, military, or air force (including any auxiliary force of women) of the Commonwealth or of the United Kingdom or of any part of His Majesty's Dominions.

### **3—Preference to members of fighting forces and seamen**

- (1) Notwithstanding any other enactment, whenever an appointment is to be made to an office or employment under the Government of the State, and a member of a fighting force or an Australian seaman as well as other persons are applicants for that office or employment, the appointing authority shall appoint a member of a fighting force or an Australian seaman to that office or employment in preference to other persons unless reasonable and substantial cause exists for not doing so.
- (2) In determining whether reasonable and substantial cause exists for not appointing a member of a fighting force or an Australian seaman, the appointing authority shall consider—
  - (a) the length, locality, and nature of the service of the member of a fighting force, or as the case may be, of the Australian seaman;
  - (b) the comparative qualifications of a member of a fighting force or of the Australian seaman and of the other applicants for the office or employment;
  - (c) any other relevant circumstances.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act

Year	No	Title	Assent	Commencement
1943	38	<i>War Service (Preference in Employment) Act 1943</i>	23.12.1943	23.12.1943