

AUSTRALIAN SOLDIERS' REPA- TRIATION.

—
No. 37 of 1917.

An Act to make provision for the Repatriation of
Australian Soldiers.

[Assented to 28th September, 1917.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

- Short title.** 1. This Act may be cited as the *Australian Soldiers' Repatriation Act 1917*.
- Commencement.** 2. This Act shall commence on a day to be fixed by Proclamation.^(a)
- Repeal.** 3. The *Australian Soldiers' Repatriation Fund Act 1916* is hereby repealed.
- Definitions.** 4.—(1.) In this Act, unless the contrary intention appears—
 “Child” means a son, daughter, step-son, step-daughter, adopted son, or adopted daughter, and includes an ex-nuptial child ;
 “State Board” means a State Repatriation Board appointed for a State ;
 “The Commission” means the Repatriation Commission ;
 “The Minister” means the Minister of State for Repatriation or the Minister for the time being administering this Act ;
 “Prescribed” means prescribed by this Act or the regulations.
- (2.) For the purposes of this Act any person who—
 (a) is or has been, during the present war, a member of the Naval or Military Forces enlisted or appointed for or employed on active service outside Australia or employed on a ship of war ; or
 (b) is or has been, during the present war, a member of the Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia ; or
 (c) is serving or has served during the present war in the Naval or Military Forces of any part of the King's Dominions, other than the Commonwealth, on proof to the satisfaction of the Commission, that he had, before his enlistment or appointment for service, resided in the Commonwealth ; or

(a) Proclaimed to commence on 8th April, 1918. See *Gazette*, 27th January, 1918, p. 559.

(d) is or has been, during the present war, a member of the Army Medical Corps Nursing Service of any part of the King's Dominions, other than the Commonwealth, on proof to the satisfaction of the Commission, that she had, before her acceptance by or appointment to that service, resided in Australia,

shall be deemed to be an Australian soldier within the meaning of this Act.

5. The Minister shall be charged with the general administration of this Act.

Minister to have general administration of Act.

6.—(1.) There shall be a Repatriation Commission to consist of seven members.

The Repatriation Commission.

(2.) The Commission shall be a body corporate, with perpetual succession and a common seal, and may hold real and personal property and may sue and be sued in its corporate name.

(3.) All Courts, judges, and persons acting judicially shall take judicial notice of the Seal of the Commission affixed to any document or notice, and shall presume that it was duly affixed.

7.—(1.) The Minister shall be one of the Commissioners, and shall, by virtue of his office, be the Chairman of the Commission.

Appointment of Commissioners.

(2.) The Governor-General shall, as soon as conveniently practicable, appoint six other persons to be Commissioners, two of whom shall be returned soldiers or sailors, and on the happening of any vacancy in the office of Commissioner the Governor-General shall appoint a person to the vacant office.

(3.) A Commissioner shall hold office during the pleasure of the Governor-General.

(4.) In the case of the illness, or absence from Australia of any Commissioner, the Governor-General may appoint a person to act during the illness or absence, and the person so acting shall have all the powers and perform all the duties of a Commissioner.

(5.) At their first meeting in each calendar year the members of the Commission may elect one of their number to be Deputy Chairman until the first meeting of the Commission in the next calendar year.

(6.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside, and if he be also absent, the Commissioners present may elect one of their number to act as Chairman of the meeting.

(7.) At any meeting of the Commission four Commissioners shall form a quorum.

8. The Commission may make recommendations to the Governor-General for regulations providing for the granting of assistance and benefits—

Powers of Commission.

- (a) to Australian soldiers upon their discharge from service ;
- (b) to the children, under the age of eighteen years, of deceased or incapacitated soldiers ; and

(c) where by reason of special circumstances the Commission considers that assistance and benefits should be granted to the widows of deceased Australian soldiers ; and may advise upon such matters as may be expedient for the purpose of giving effect to this Act.

State Board.

9.—(1.) There shall be a State Repatriation Board for each State to consist of seven members.

(2.) A State Board shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and may sue and be sued in its corporate name.

(3.) All courts, judges, and persons acting judicially shall take judicial notice of the seal of a State Board affixed to any document or notice, and shall presume that it was duly affixed.

(4.) Where the Governor-General notifies by Proclamation that for the purposes of the administration of this Act any portion of a State or Territory is attached to any adjoining State the State Board of that adjoining State shall be the State Board of the portion so attached.

Appointment of members of State Board.

10.—(1.) The Governor-General shall, as soon as conveniently practicable, appoint in each State seven persons, two of whom shall be returned soldiers or sailors, to be the members of the State Board for that State, and on the happening of any vacancy in the office of member of a State Board the Governor-General shall appoint a person to the vacant office.

(2.) The Governor-General shall appoint one of the members of a State Board to be Chairman of the State Board.

(3.) In the event of a vacancy occurring in the office of Chairman of a State Board the Governor-General may appoint a member of the State Board to the vacant office.

(4.) A member of the State Board shall hold office during the pleasure of the Governor-General.

(5.) In the case of the illness or absence from Australia of a member of a State Board the Governor-General may appoint a person to act during the illness or absence, and the person so acting shall have all the powers and perform all the duties of a member of a State Board.

(6.) At their first meeting in each calendar year the members of a State Board may elect one of their number to be Deputy Chairman until the first meeting of the State Board in the next calendar year.

(7.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside, and if he be also absent the members present may elect one of their number to act as Chairman of the meeting.

(8.) At any meeting of a State Board four members shall form a quorum.

Duties of State Board.

11. A State Board shall have and exercise such powers and functions as are prescribed.

Local Committees.

12.—(1.) The Governor-General may appoint Local Committees within a State or Territory

(2.) Subject to the regulations, a Local Committee shall have power to raise and control funds for the district for which they are appointed and to disburse those funds within that district.

(3.) A Local Committee shall have such other powers as are prescribed.

(4.) Members of a Local Committee shall hold office during the pleasure of the Governor-General.

13.—(1.) The Governor-General may, on the recommendation of the Minister, appoint such officers as he thinks necessary for the purposes of this Act. Appointment of officers.

(2.) Officers employed under this Act shall not be subject to the *Commonwealth Public Service Act* 1902–1916, but shall be engaged for such periods and shall be subject to such conditions as are prescribed.

(3.) An officer of the Commonwealth Public Service or of the Public Service of a State who becomes an officer under this Act shall retain all his existing and accruing rights.

14. An appeal shall lie to the Commission from any determination of a State Board under this Act, and the decision of the Commission shall be final. Appeal to the Commission.

15. All sums of money granted in pursuance of this Act shall be payable out of moneys from time to time appropriated by Parliament for the purpose. Moneys to be appropriated.

16. All real and personal property, securities and funds vested in the Trustees of the Australian Soldiers' Repatriation Fund are hereby vested in the Commission subject to the trusts upon which the same are held by those Trustees. Vesting of Funds of Australian Soldiers' Repatriation Fund.

17. Where prior to the passing of this Act a local fund for the repatriation of Australian soldiers has been raised in any district, the control of that fund shall, subject to the regulations, be vested in the Trustees for the time being of the fund. Funds used prior to Act.

18. The books and accounts kept—
 (a) by a Local Committee, or
 (b) in connexion with any repatriation fund raised prior to the passing of this Act,
 shall be subject to audit as prescribed. Audit of accounts of Local Committees.

19. Claims in respect of moneys advanced by the trustees of the Australian Soldiers' Repatriation Fund or by the Repatriation Commission or a State Repatriation Board or a Local Committee, shall, in the event of the bankruptcy of the person to whom the money was advanced, have, in bankruptcy, the same priority with respect to the payment of debts as if the money had been advanced by the Crown. Priority in bankruptcy of money advanced.

20. No person shall, without the consent in writing of a State Board, sell or otherwise dispose of or pledge or mortgage in any way, or deposit by way of security, or where the goods were or are advanced for a specific purpose, use for any other purpose, any goods which have been granted to him under this Act. Goods not to be sold or pledged.

Penalty : One hundred pounds.

Raising of
funds without
consent
forbidden.

21. Subject to this Act no person shall, without the approval in writing of the Commission or a State Board (proof whereof shall lie upon the person), invite subscriptions or organize any scheme for raising money for the repatriation of Australian soldiers or for any purpose connected therewith.

Penalty : One hundred pounds.

Regulations.

22. The Governor-General may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act, and in particular for providing for the granting of assistance and benefits—

- (a) to Australian soldiers upon their discharge from service;
 - (b) to the children, under the age of eighteen years, of deceased and incapacitated Australian soldiers; and
 - (c) where by reason of special circumstances the Commission considers that assistance and benefits should be granted, to the widows of deceased Australian soldiers.
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