

## AUSTRALIAN SOLDIERS' REPATRIATION.

No. 6 of 1920.

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

[Assented to 19th May, 1920.]

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

### PART I.—PRELIMINARY.

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| Short title.                       | 1. This Act may be cited as the <i>Australian Soldiers' Repatriation Act 1920</i> .   |
| Commencement.                      | 2. This Act shall commence on a day to be fixed by Proclamation.  |
| Repeal.                            | 3. The <i>Australian Soldiers' Repatriation Act 1917-1918</i> and the <i>War Pensions Act 1914-1916</i> are hereby repealed :<br>Provided that any right, privilege, obligation, or liability acquired, accrued or incurred under any Act repealed by this Act shall, subject to this Act, continue as if arising under this Act.   |
| Parts.                             | 4. This Act is divided into Parts as follows :—<br>Part I.—Preliminary.<br>Part II.—Administration.<br>Part III.—Pensions.<br>Part IV.—Assistance and Benefits.<br>Part V.—Miscellaneous.   |
| Application of Act to Territories. | 5. This Act shall apply to any Territory under the authority of the Commonwealth.   |
| Definitions.                       | 6. In this Act, unless the contrary intention appears—<br>“Board” means a Repatriation Board appointed under this Act ;<br>“Commission” means the Repatriation Commission appointed under this Act ;<br>“Commissioner” means a member of the Commission ;<br>“Minister” means the Minister of State for Repatriation or the Minister for the time being administering this Act. |

## PART II.—ADMINISTRATION.

7.—(1.) For the purposes of this Act there shall be a Commission. Repatriation Commission which shall, subject to the control of the Minister, be charged with the general administration of this Act.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued.

(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 deem that it was duly affixed.

8.—(1.) The Commission shall consist of three members who Members of Commission. shall be appointed by the Governor-General.

(2.) Any organization representing returned soldiers throughout the Commonwealth, may submit to the Minister a list containing the names of not less than three persons from which the organization recommends that a selection be made of a person to be appointed as one of the Commissioners, and the Governor-General may appoint a person selected from any list so submitted to be one of the Commissioners.

(3.) The Governor-General shall appoint one of the Commissioners to be chairman of the Commission.

(4.) In the case of the illness, or absence from Australia, or suspension of any Commissioner, or in the event of the office of a Commissioner becoming vacant, the Governor-General may appoint a person to act during the illness, absence or suspension, or until the appointment of a Commissioner, as the case may be, 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.

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

9. The members of the Commission shall receive such remuneration as the Governor-General determines. Remuneration of Commissioners.

10.—(1.) Subject to this Act, the members of the Commission first appointed under this Act shall hold office for the term of three years, and shall be eligible for re-appointment. Term of office of Commissioners.

(2.) Upon the happening of a vacancy in the office of Commissioner, the Governor-General may appoint a person to the vacant office and such person shall, subject to this Act, hold office until the expiration of the term for which his predecessor was appointed :

Provided that any appointment to fill a vacancy in the office of the Commissioner appointed in pursuance of sub-section (2.) of section eight, shall be made upon a recommendation in accordance with that sub-section.

Powers and  
duties of  
Commission.

11.—(1.) The Commission may exercise such powers, and shall perform such duties, as are conferred upon it by this Act or as are prescribed.

(2.) Before exercising any power under this Act which involves the expenditure of more than Five thousand pounds, the Commission shall submit its proposal for, and obtain, the approval of the Minister.

(3.) All real and personal property, securities and funds, and all rights of action in respect of any such property, securities and funds, vested, in pursuance of any Act repealed by this Act, in the Minister or in a State Repatriation Board, or in any person on behalf of or in trust for the Minister or any such Board, shall, upon the commencement of this Act, become vested in the Commission subject to the trusts upon which the same are held by the Minister or by that Board or person.

(4.) All the rights of State War Councils in respect of advances made by them under the *Australian Soldiers' Repatriation Fund Act 1916* shall, upon the commencement of this Act, become vested in, and exercisable by, the Commission.

Delegation by  
Commission.

12.—(1.) The Commission may, by writing under its seal with the approval of the Minister, delegate any of its powers and functions under this Act in relation to any matters or class of matters, or to any particular State or Territory, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified, or the State or Territory defined, in the instrument of delegation.

(2.) Every delegation by the Commission shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Commission.

Boards.

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

(2.) 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 Board of that adjoining State shall be the Board of the portion so attached.

Appointment  
of members of  
Board.

14.—(1.) The Governor-General shall, upon the recommendation of the Commission, as soon as conveniently practicable, appoint in each State three persons to be the members of the Board for that State.

(2.) Any organization representing returned soldiers throughout the Commonwealth, may, in respect of each State, submit to the Commission a list, containing the names of not less than three persons, from which the organization recommends that a selection be made of a person to be appointed as one of the members of the Board for the State in respect of which the list is submitted, and the Governor-General may appoint a person, selected from any list so submitted by the Commission, to be a member of that Board.

(3.) On the happening of any vacancy in the office of a member of a Board the Governor-General shall upon the recommendation of the Commission appoint a person to the vacant office and such person shall hold office until the expiration of the term for which his predecessor was appointed :

Provided that any appointment to fill a vacancy in the office of a member appointed on the recommendation specified in the last preceding sub-section, shall be made upon a similar recommendation.

(4.) The Governor-General shall appoint one of the members of a Board to be chairman of the Board.

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

(6.) A member of a Board shall, subject to this Act, hold office for a term of two years and shall be eligible for re-appointment.

(7.) In the case of the illness, absence from the State for which he is appointed, or suspension of a member of a Board, or in the event of the office of a member of a Board becoming vacant, the Governor-General may appoint a person to act during the illness, absence or suspension, or until the appointment of a member, as the case may be, and the person so acting shall have all the powers and perform all the duties of a member of a Board.

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

(9.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(10.) At any meeting of a Board two members shall form a quorum.

(11.) The members of a Board shall receive such remuneration or fees as the Governor-General determines.

**15.—(1.)** The Minister may suspend a Commissioner, or an Acting Commissioner, from office for inability, inefficiency or misbehaviour or neglect or failure to carry out any of the provisions of this Act or the regulations.

Suspension of  
Commissioner  
or Acting  
Commissioner.

(2.) The Minister shall, within seven days after the suspension, if the Parliament is then sitting, or if the Parliament is not then sitting, within seven days after the next meeting of the Parliament, cause to be laid before both Houses of the Parliament a full statement of the grounds of suspension, and if within sixty days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the Commissioner or Acting Commissioner, as the case may be, to office he shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of the Commissioner or Acting Commissioner, as the case may be, to be vacant and the office shall thereupon be and become vacant.

Suspension of  
member of a  
Board.

16.—(1.) The Commission may suspend a member or acting member of a Board from office for inability, inefficiency or misbehaviour or neglect or failure to carry out any of the provisions of this Act or the regulations.

(2.) The Commission shall, within seven days after the suspension, forward to the Minister a full statement of the grounds of suspension and the Governor-General may, on the recommendation of the Minister, order the restoration to office of the member or acting member, as the case may be, or may confirm the suspension.

Offices—how  
vacated.

17.—(1.) A Commissioner or an Acting Commissioner shall be deemed to have vacated his office if he engages, during his term of office, in any paid employment outside the duties of his office.

(2.) A Commissioner, an Acting Commissioner or a member of a Board shall be deemed to have vacated his office if—

- (a) he becomes bankrupt or insolvent, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors or makes an assignment of his salary for their benefit ; or
- (b) he is wilfully absent from duty for a period of fourteen consecutive days except on leave granted by the Governor-General (which leave the Governor-General is hereby authorized to grant), or becomes incapable of performing his duties ; or
- (c) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—
  - (i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commission ; or
  - (ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom.

(3.) If a Commissioner or an Acting Commissioner or a member of a Board becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission, or in any way participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, he shall be guilty of an indictable offence.

Penalty : Five hundred pounds, or imprisonment for three years, or both.

Uncertificated  
insolvent not to  
be Commissioner  
or member of a  
Board.

18. A person who is an uncertificated bankrupt or insolvent shall be incapable of being appointed Commissioner, Acting Commissioner or member of a Board.

Powers and  
duties of  
Boards.

19. A Board may exercise such powers and shall perform such duties as are conferred on it by this Act or as are prescribed.

20. The Commissioners and the members of the Boards shall not be subject to the *Commonwealth Public Service Act 1902-1918*, but if an officer of the Public Service of the Commonwealth is appointed Commissioner or member of a Board his service as Commissioner or member of a Board shall, for the purpose of determining his existing or accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and if an officer of the Public Service of a State is appointed Commissioner or member of a Board, his service as Commissioner or member of a Board shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

Commissioners and members of Boards not subject to *Commonwealth Public Service Act 1902-1918*.

21.—(1.) The Commission may appoint such officers as it thinks necessary for the purposes of this Act.

Appointment of officers.

(2.) In the appointment of officers in pursuance of this section the Commission shall, where the qualifications of applicants are equal, give preference to persons who have been Australian soldiers within the meaning of section forty-six of this Act.

(3.) Officers employed under this Act shall not be subject to the *Commonwealth Public Service Act 1902-1918*, but shall be engaged for such periods and shall be subject to such conditions as are prescribed.

(4.) 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.

(5.) An officer of the Commonwealth Public Service who becomes an officer under this Act shall not thereby be required to resign from the Commonwealth Public Service but may be granted leave of absence for the period of his employment under this Act, and the period of leave so granted shall, for all purposes, be included as part of the officer's period of service.

(6.) Upon the termination of the employment under this Act of any such officer, who has not been dismissed for misconduct, he shall be entitled to re-appointment to a position in the Commonwealth Public Service with such advancement in status and salary, beyond those held and received by him in that Service immediately prior to his appointment under this Act, as the Public Service Commissioner in the circumstances thinks just.

(7.) In determining the status and salary to which the officer shall be advanced, the Public Service Commissioner shall take into consideration the time (if any) which the officer served as an Australian soldier and the period of his service as an officer of the Department of Repatriation.

(8.) For the purposes of this section the service of an officer under any Act repealed by this Act shall be deemed to be service under this Act.

## PART III.—PENSIONS.

Definitions.

22. In this Part of this Act, unless the contrary intention appears—

“Child” means any dependant under the age of sixteen years, being a son, daughter, step-son, step-daughter, or adopted child of a member of the Forces;

“Dependants” means—

(a) the wife or widow of a person, or the widowed mother of an unmarried son, who is or has been a member of the Forces whose death or incapacity results from his employment in connexion with warlike operations;

(b) the children of any such person;

(c) any ex-nuptial children of that person born before the occurrence of the event resulting in his death or incapacity as aforesaid or within nine months after that event;

(d) such other members of the family of that person as were wholly or in part dependent upon his earnings at any time within twelve months prior to his enlistment or appointment;

(e) the parents of any such person who are, at any time after the occurrence of the event resulting in his death, without adequate means of support;

(f) the ex-nuptial child (wholly or in part dependent on the earnings of any such person at any time within twelve months prior to his enlistment or appointment) of a son or daughter of that person; and

(g) the parents or grandparents of any such person who is an ex-nuptial child, who were so dependent;

“Discharge” includes termination of appointment;

“Incapacity” includes incapacity of a member of the Forces arising from disease, not due to the default of the member, contracted by him while employed on active service;

“Instalment” means an instalment of a pension;

“Member of the Forces” means a person who, during the present war, was—

(a) a member of the Commonwealth Naval or Military Forces enlisted or appointed for or employed on active service outside Australia or employed on a ship of war;

(b) a member of the Army Medical Corps Nursing Service who was accepted or appointed by the Director-General of Medical Services for service outside Australia; or

(c) enlisted or appointed for service in connexion with naval or military preparations or operations;

“Member of a family” means wife, father, mother, grand-father, grandmother, step-father, step-mother, foster-mother, son, daughter, grandson, granddaughter, step-son,

step-daughter, brother, sister, half-brother, half-sister, adopted child, or mother-in-law ;

“ Other dependants ” means dependants of a member of the Forces other than his wife (or widow) and children ;

“ Parents ” includes—

(a) the mother of a member of the Forces who was born out of wedlock and brought up by her,

(b) the stepmother of a member of the Forces who was brought up by her, and

(c) the foster mother of a member of the Forces ;

“ Pension ” means a pension under this Act ;

“ The rate of pay of the member ” means the rate of pay received by the member of the Forces as a member at the time of the occurrence of the casualty or the contraction of the disease which resulted in his death or incapacity, and includes such allowances as are prescribed by the regulations under this Act.

**23. Upon the death or incapacity—**

(a) of any person, to whom paragraph (a) or (b) of the definition of “ Member of the Forces ” applies, whose death or incapacity—

Pensions upon death or incapacity.

(i) results or has resulted from any occurrence happening during the period he was a member of the Forces ;

(ii) does not arise from intentionally self-inflicted injuries ; and

(iii) does not arise from, or from any occurrence happening during the commission of, any breach of discipline by the member, and

(b) of any person to whom paragraph (c) of the definition of “ Member of the Forces ” applies, whose death or incapacity results or has resulted from his employment in connexion with naval or military preparations or operations,

the Commonwealth shall, subject to this Act, be liable to pay to the member or his dependants, or both, as the case may be, pensions in accordance with this Act :

Provided that—

(a) a claim for payment of a pension in accordance with this Act is made—

(i) in case of the death of a member of the Forces—  
by a dependant not more than six months after the date of the death of the member, except in the case of parents who though not dependent upon the earnings of the member at the time of his death are at any time without adequate means of support ; and



- (ii) in case of the incapacity of a member of the Forces—  
by the member or a dependant not more than six months after the discharge of the member ;  
except where the Commission is satisfied that failure to make the claim within the prescribed period was owing to some reason which in the opinion of the Commission is adequate, but in such cases arrears of pension shall not be granted for any period exceeding six months ;
- (b) the right of any person to payment by way of pension in accordance with this Act shall be substituted for his right to any payment in respect of incapacity or death, which, but for this Act, would have been due under the *Defence Act 1903-1918* or the *Naval Defence Act 1910-1918*, and any right of that person under either of those Acts shall be by force of this Act determined ; and
- (c) if the member or his dependants is or are entitled under any Imperial Act or State Act to receive any payment in respect of death or incapacity resulting from employment in connexion with warlike operations in which His Majesty is, or has, since the commencement of the present state of war, been engaged, the rate or amount of that payment shall be taken into account in assessing the rate of pension payable under this Act.

Special  
Magistrates.

24.—(1.) The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act.

(2.) The persons for the time being holding office as Special Magistrates under the *Invalid and Old-age Pensions Act 1908-1917* shall be deemed to have been appointed to the offices under this Act corresponding respectively to the offices held by them under that Act.

Powers of  
Commission and  
Boards.

25.—(1.) The Chairman of the Commission or of a Board may—

- (a) summon witnesses ;  
(b) take evidence on oath ; and  
(c) require the production of documents.

(2.) No person who has been summoned to appear as a witness before the Commission or a Board shall, without lawful excuse, and after tender of reasonable expenses, fail to appear in answer to the summons.

Penalty : Twenty pounds.

(3.) No person who appears before the Commission or a Board as a witness shall, without lawful excuse, refuse to be sworn, or to make an affirmation, or to produce documents, or to answer questions which he is lawfully required to answer.

Penalty : Fifty pounds.

26.—(1.) Each Board shall be charged with the duties of—

Duties of  
Boards.

- (a) determining whether the death or incapacity of a member of the Forces in fact resulted from an occurrence happening during the period he was a member of the Forces, and in the case of incapacity the nature and extent thereof ;
- (b) determining whether the death or incapacity of a person enlisted or appointed for service in connexion with naval or military preparations or operations in fact resulted from his employment in connexion with those preparations or operations ;
- (c) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent ; and
- (d) assessing the rates of pensions of members of the Forces and their dependants, and determining the dates of the commencement of such pensions.

(2.) The Commission may at any time direct that any particular case or cases of a particular class be referred to it for assessment or determination.

27. An appeal shall lie to the Commission from any assessment or determination of a Board under this Part.

Appeal to  
Commission.

28. Whenever it appears to the Commission that, under this Act, sufficient reason exists for reviewing any assessment or determination under this Part the Commission may review the assessment or determination.

Review by  
Commission.

29. Where any assessment or determination in relation to the pension payable to a member of the Forces under this Part is required to be reviewed, and the member refuses or fails to attend at the time and place fixed by the Commission or a Board for the review, or by his default renders it impossible to review the pension, the Commission may cancel the pension, and any pensions payable to the dependants of the member shall not be continued for more than twelve months from the date fixed for the review.

Failure of  
pensioner to  
attend at  
review.

30. If any pensioner is convicted of an offence and sentenced to any term of imprisonment, the Commission or a Board may suspend his pension during the term of his imprisonment or any portion thereof or forfeit any instalment thereof accruing during such term or portion :

Suspension of  
pension or  
forfeiture of  
instalment.

Provided that in the case of a pensioner with dependants upon him the amount forfeited during the term of his imprisonment may be paid to such dependants.

31.—(1.) The rates of pension payable under this Act shall be those specified in the Schedules to this Act.

Rates of  
pension.

(2.) Pensions shall be payable in fortnightly instalments which may be paid in advance.

(3.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days in a fortnight.

(4.) The amount of pension granted and payable to a member of the Forces shall not be reduced within the period of six months from the date of the commencement of the pension.

Payment of  
lump sum may  
be substituted  
in certain cases.

32. Upon the application of a member of the Forces, and where the Commission is satisfied that the rate of pension payable under this Act to the member is not more than thirty per centum of the rate which would be payable as for the total incapacity of the member, the Commission may assess the lump sum which would in its opinion be equivalent to the payment of a pension under this Act, and in that case the liability to payment of the lump sum so assessed shall with the consent of the member be substituted for the liability to payment of a pension under this Act.

Pensions  
payable for  
limited period  
in certain cases.

33.—(1.) A pension payable to any dependant who at the date of the granting of the pension is under sixteen years of age shall cease upon the pensioner attaining that age, or after the expiration of two years from the date of the commencement of the pension, whichever occurs later.

(2.) Except in the case of a child, or of the wife, widow, father, mother, stepmother, fostermother, grandfather, or grandmother of a member of the Forces, or of the mother of a member of the Forces who was born out of wedlock, no pension shall be payable for a period exceeding two years to any dependant who, in the opinion of the Commission or a Board, as the case may be, is able to earn a livelihood.

(3.) A pension which has been discontinued in pursuance of the last preceding sub-section shall not, after such discontinuance, be renewed.

(4.) A child to whom a pension has been granted, who upon the termination of the pension is, in the opinion of the Commission, unable to earn a livelihood, may then be granted a pension at such rate as may be assessed by the Commission, but not exceeding the rate specified in column two of the First Schedule opposite the rate of pay of the member :

Provided that an application for the pension shall be made to the Commission or a Board within six months of the termination of the child's pension.

Pensions  
to female  
dependants to  
cease upon  
marriage or  
re-marriage.

34. A pension payable under this Act to any female dependant of a member of the Forces shall not be continued for a period of more than two years after her marriage or re-marriage, and the female dependant shall not be eligible for any pension by virtue of such marriage or re-marriage during the continuance of the first-mentioned pension.

35. In the case of the widowed mother of two or more members of the Forces who died from, or from the results of, occurrences happening during the period they were members of the Forces, the maximum amount of pension which may be granted to the widowed mother, in respect of the death of those members of the Forces, shall not, unless the widowed mother was dependent upon them, exceed the rate specified in column two of the First Schedule opposite the rate of pay of any one of those members.

Maximum pension payable to widowed mother.

36. In the case of any person who, at the time of the occurrence of the event resulting in the death or incapacity of a member of the Forces, was recognised as the wife of that member though not legally married to him, if the Commission is satisfied that that person was wholly or partly dependent upon the earnings of the member, a pension at a rate not exceeding the rate of pension which may be allowed to the wife or widow of any such member of the Forces may be allowed to that person.

Pension to *de facto* wife of member.

37. A Board may reject a claim for a pension by a dependant of a member of the Forces, or may terminate any pension granted to such a dependant, if the Board is satisfied that the grant or continuance of the pension is undesirable.

Board may terminate pensions of dependants.

38. In the case of any person who was the wife of a member of the Forces but who has been divorced, and who, at the time of the occurrence of the event resulting in the death or incapacity of the member, was dependent upon alimony payable by the member, a pension equal to the amount of a widow's pension or to the amount of alimony, whichever is the less, may, upon the discontinuance of the payment of alimony, be allowed to that person.

Pension to divorcee of member.

39. The dependants of a person who has been a member of the Forces and who dies, after the date of his discharge, from causes other than the result of an occurrence happening during the period he was a member of the Forces, shall subject to this Act be entitled to continue to receive any pension payable to them prior to the death of the member.

Death of a member after discharge.

40. Notwithstanding anything in this Act, a pension shall not be payable in respect of the death of a person who was a member of the Forces and who dies after the expiration of seven years from the date of his discharge, except to the widow and children of that person and unless the person died from the results of an occurrence happening during the period he was a member of the Forces, and was at the time of his death in receipt of a pension.

Member dying after seven years after discharge.

41. The children of a deceased member of the Forces who are in receipt of a pension by reason of the death of that member shall not, upon becoming the step-children of a person who is or was a member of the Forces, be entitled to a further pension by reason of the death or incapacity of that person.

Children not entitled to double pensions.

Pensions payable from moneys appropriated.

42. Pensions granted pursuant to this Act shall be payable out of moneys from time to time appropriated by Parliament for the purpose.

Pension absolutely inalienable.

43. Subject to this Act, a pension shall be absolutely inalienable whether by way or in consequence of sale, assignment, charge, execution, insolvency, or otherwise howsoever.

Offences.

44. Any person who—

- (a) obtains any pension or instalment which is not payable ;
- (b) obtains payment of any pension or instalment by means of any false or misleading statement ; or
- (c) makes or presents to the Minister or to any officer doing duty in relation to this Act or the regulations, any statement or document which is false in any particular.

shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for one year.

Extension of Act to British reservists.

45. The provisions of this Part shall extend to—

- (a) any soldier of the Imperial Reserve Forces called up for active service during the present war ; and
- (b) any person who 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 active service outside that Dominion,

on proof to the satisfaction of the Commission that he was, immediately before being called up or before his enlistment, as the case may be, domiciled in the Commonwealth.

Provided that a pension shall not be payable under this section to any person who is not *bonâ fide* resident in Australia.

#### PART IV.—ASSISTANCE AND BENEFITS.

Definitions.

46.—(1.) In Parts IV. and V. of 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 ;

(2.) For the purposes of Parts IV. and V. 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 active service outside that Dominion, on proof to the satisfaction of the Commission that he had, before his enlistment or appointment for service, resided in the Commonwealth ; or
- (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 those Parts.

47. The Commission may make recommendations to the Governor-General for regulations providing for the granting of assistance and benefits, not being payments or allowances in the nature of, or supplementary to, pensions as provided for in Part III. of this Act—

Commission may make recommendations as to regulations.

- (a) to Australian soldiers upon their discharge from service ;
- (b) to the children of deceased or incapacitated Australian soldiers while those children—
  - (i) are, by reason of physical or mental disability, incapable of contributing to their own support, or
  - (ii) are under the age of eighteen years ;
- (c) in the form of free passages from abroad to Australia, to the wives and children of Australian soldiers—
  - (i) who have been declared by the competent Naval or Military Medical Board at the head-quarters abroad of the Australian Naval or Military Forces to be medically unfit for service, and who have been returned, or whom it is proposed to return, to Australia, or
  - (ii) who, at the termination of the war, are awaiting return to Australia ; and
- (d) where by reason of special circumstances the Commission considers that assistance and benefits should be granted, to—
  - (i) the children of Australian soldiers still on active service who have become motherless or are neglected,
  - (ii) the widows of deceased Australian soldiers,
  - (iii) the mothers or stepmothers of deceased or incapacitated Australian soldiers—
    - (a) who are either widowed, divorced or deserted, or
    - (b) whose husbands are so incapacitated as to be unable to contribute materially to their support,

- (iv) the incapacitated fathers of deceased or incapacitated Australian soldiers who were, prior to the enlistment of those soldiers, dependent upon them,
- (v) the mothers (being either widowed, divorced, deserted or unmarried) of Australian soldiers who were born out of wedlock, and
- (vi) any person who was, prior to the death of an Australian soldier, recognised as his wife although not legally married to him ;

and may advise upon such matters as may be expedient for the purpose of giving effect to this Act.

Establishment  
of industries.

48.—(1.) The Commission shall, subject to the approval of the Minister, have power to assist Australian soldiers by way of loan, to an extent not exceeding one pound for each pound contributed by them in Treasury Bonds issued under section thirteen of the *War Gratuity Act 1920*, or in cash, for the purpose of establishing co-operative businesses.

(2.) The amount of any loan granted in pursuance of this section shall not exceed One hundred and fifty pounds for each original shareholder engaged in the business in respect of which the loan is granted, and shall bear interest at such rate as the Commission determines.

(3.) The aggregate amount of loans granted in pursuance of this section shall not exceed Five hundred thousand pounds.

(4.) An Australian soldier who has a share or interest in a business in respect of which a loan has been granted in pursuance of this section shall not transfer his share or interest—

- (a) unless the transferee is an Australian soldier approved by the Commission, or
- (b) where the transferee is not an Australian soldier, unless, in the opinion of the Commission, there are special circumstances which render the transfer desirable.

(5.) No person shall, without the consent of the Commission, enter into a mortgage, or give any lien, over the property of a business in respect of which a loan has been granted in pursuance of this section, and any mortgage or lien entered into or given in contravention of this sub-section shall be void and of no effect.

(6.) The Commission, or any person thereto authorized by the Commission, shall at all times have access to, and may inspect, the books and premises of any business in respect of which a loan has been granted in pursuance of this section and if, upon such inspection, the Commission considers that the business is being conducted in such a manner—

- (a) as to depreciate the security of the Commission for the moneys lent by it; or
- (b) as to prejudice the interests of the shareholders of the business,

the Commission may require such alteration in the control or conduct of the business as it thinks desirable.

(7.) Notwithstanding anything in this section a loan shall not be granted for the establishment of a co-operative business—

- (a) unless application for the loan is received by the Commission within twelve months after the commencement of this Act or the discharge of the applicants from the Forces, whichever last happens;
- (b) unless the applicants satisfy the Commission that they are qualified to carry on that business;
- (c) unless the agreement, deed or articles of association entered into by the applicants is approved by the Commission; and
- (d) if, in the opinion of the Commission, the applicants have been reasonably and satisfactorily assisted to re-establish themselves in civil life.

(8.) For the purposes of this section "co-operative business" means a business which, subject to the rights of the Commission in respect of any loans granted for establishing the business, is owned by persons engaged therein.

(9.) The regulations may prescribe the conditions upon which loans may be granted in pursuance of this section and the conditions upon which such loans shall be repayable.

49.—(1.) The Commission may appoint Local Committees within a State or Territory.

Local  
Committees.

(2.) The persons to be appointed as members of a Local Committee shall be selected in the prescribed manner.

(3.) 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 for the granting of assistance and benefits to any of the classes of persons specified in paragraphs (a), (b), (c), and (d) of section forty-seven of this Act or to any relative or person not specified in paragraphs (b), (c), or (d) of that section who was dependent upon any deceased or discharged Australian soldier prior to his enlistment or for any other purpose prescribed by the regulations.

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

(5.) The Commission shall appoint, for each Local Committee an executive consisting of seven members of the Committee.

(6.) Five members of the executive of each Local Committee shall be nominated by the Committee, and two members shall be selected by the Commission.

(7.) Members of a Local Committee and of the executive of a Local Committee shall hold office during the pleasure of the Commission.



(8.) Any Local Committee appointed under the *Australian Soldiers' Repatriation Act 1917-1918* and the executive of any such Local Committee shall continue as if appointed under this Act.

(9.) The executive of a Local Committee shall have and may exercise—

- (a) such of the powers of the Committee as are prescribed, and
- (b) such other powers as are prescribed :

Provided that, in the exercise of any powers conferred in pursuance of paragraph (b) of this sub-section, the executive shall be responsible only to the Commission.

Arrangements  
with States for  
employment of  
State officers.

50.—(1.) The Governor-General may arrange with the Governor in Council of any State for the performance by an officer of the Public Service of the State for the Government of the Commonwealth of any work or services required to be performed under this Act.

(2.) In any such case the Governor-General may by agreement with the Governor in Council of the State or otherwise make arrangements for determining—

- (a) the rate of payment to be made by the Government of the Commonwealth for the services to be performed or the work done by the officer ; and
- (b) any matters which may require to be adjusted with regard to the performance of the work or services by the officer.

Appeal to the  
Commission.

51. An appeal shall lie to the Commission from any determination of a Board under this Part, and the decision of the Commission shall be final.

Moneys to be  
appropriated.

52. All sums of money granted in pursuance of this Act, other than moneys raised under section forty-nine or contributed under section fifty-three, shall be payable out of moneys from time to time appropriated by Parliament for the purpose.

Contributions  
for purposes  
of Act.

53.—(1.) Contributions of money or in kind may be made to the Commission for any of the purposes specified in section forty-seven of this Act.

(2.) Such contributions shall be dealt with as prescribed :

Provided that where the contributor desires that the contribution shall be used for a particular purpose the contribution shall, if the Commission thinks fit, be so used.

Audit of  
accounts of  
Local  
Committees.

54. 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.

55. Claims in respect of moneys advanced by the Trustees of the Australian Soldiers' Repatriation Fund or by the Minister, the Commission, a Board or a Local Committee shall have 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.

56. No person to whom a gift or loan of money or goods has been made or granted under this Act for any purpose shall without first obtaining the consent of a Board—

Improper use of  
gifts or loans.

- (a) use the money or goods for any other purpose, or
- (b) sell or otherwise dispose of, or in any way pledge, mortgage or deposit, by way of security, any goods so granted or any goods purchased with any money so given or lent.

Penalty : One hundred pounds.

#### PART V.—MISCELLANEOUS.

57. The Governor-General may enter into arrangements with the Government of any other part of the King's Dominions whereby—

Arrangements  
with  
Governments  
of other  
Dominions.

- (a) the same assistance and benefits (not being pensions) may be granted in the Commonwealth to members of the Naval or Military Forces of that part of the King's Dominions who have been employed on active service during the present war, as are granted in that part of the King's Dominions to members of the Naval or Military Forces of the Commonwealth who have been employed on such service, or
- (b) the Commission may act as the agent of the Government of that part of the King's Dominions in the granting, to the members of the Naval or Military Forces of that part of the King's Dominions, of assistance, benefits and pensions.

58. The Commission shall furnish to the Minister annually, for presentation to the Parliament, a report of the administration and operation of this Act.

Report.

59. 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.

60. 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 prescribing penalties not exceeding Twenty-five pounds or imprisonment for three months for breaches of the regulations, for providing the form

Regulations.

and effect of securities given for advances made under this Act and for providing for the granting of assistance and benefits—

- (a) to Australian soldiers upon their discharge from service ;
- (b) to the children of deceased or incapacitated Australian soldiers while those children—
  - (i) are, by reason of physical or mental disability, incapable of contributing to their own support, or
  - (ii) are under the age of eighteen years ;
- (c) in the form of free passages from abroad to Australia, to the wives and children of Australian soldiers—
  - (i) who have been declared by the competent Naval or Military Medical Board at the head-quarters abroad of the Australian Naval or Military Forces to be medically unfit for service, and who have been returned, or whom it is proposed to return, to Australia, or
  - (ii) who, at the termination of the war, are awaiting return to Australia ; and
- (d) where by reason of special circumstances the Commission considers that assistance and benefits should be granted to—
  - (i) the children of Australian soldiers still on active service who have become motherless or are neglected,
  - (ii) the widows of deceased Australian soldiers,
  - (iii) the mothers or step-mothers of deceased or incapacitated Australian soldiers—
    - (a) who are either widowed, divorced or deserted, or
    - (b) whose husbands are so incapacitated as to be unable to contribute materially to their support,
  - (iv) the incapacitated fathers of deceased or incapacitated Australian soldiers who were, prior to the enlistment of those soldiers, dependent upon them,
  - (v) the mothers (being either widowed, divorced, deserted or unmarried) of Australian soldiers who were born out of wedlock, and
  - (vi) any person who was, prior to the death of an Australian soldier, recognised as his wife although not legally married to him.

## THE SCHEDULES.

## THE FIRST SCHEDULE.

## GENERAL PENSIONS RATES.

Scale of Pensions payable subject to the provisions of the Third Schedule to Widow or Widowed Mother on Death of a Member of the Forces, or to a Member, or to the Wife of a Member, upon his total incapacity.

COLUMN 1. Rate of Pay of the Member per Day.	COLUMN 2. Pension Payable to Widowed Mother on Death of Member.	COLUMN 3. Pension Payable to Widow on Death of Member.	COLUMN 4. Pension Payable to Member upon Total Incapacity.	COLUMN 5. Pension Payable to the Wife of a Member who is Totally Incapacitated.
s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
6 0 and under	2 0 0 per fortnight	2 7 0 per fortnight	4 4 0 per fortnight	1 16 0 per fortnight
7 0	2 3 0	2 7 0	4 4 0	1 16 0
9 0	2 9 0	2 9 0	4 4 0	1 16 0
10 0	2 12 3	2 12 3	4 4 0	1 16 0
10 6	2 13 9	2 13 9	4 4 0	1 16 0
11 6	2 16 0	2 16 0	4 4 0	1 16 0
12 0	2 17 3	2 17 3	4 4 0	1 16 0
13 0	2 19 6	2 19 6	4 4 0	1 16 0
17 6	3 10 0	3 10 0	4 4 0	2 0 0
22 6	3 17 6	3 17 6	4 5 0	2 2 6
30 0	4 9 0	4 9 0	4 15 0	2 7 6
37 6	5 0 9	5 0 9	5 5 0	2 12 6
45 0	5 12 3	5 12 3	5 15 0	2 17 6
50 0	6 0 0	6 0 0	6 0 0	3 0 0

In cases of—

- (a) Widows with dependent children, and
- (b) Widows without children whose circumstances are such as in the opinion of the Commission justify an increase of the rates specified in this Schedule—

whose rate of pension, as specified in column three of this Schedule, is less than £4 4s. per fortnight, the Commission may, for such period as it thinks fit, increase the rate of pension to an amount not exceeding £4 4s. per fortnight.

Where the rate of pay of a member of the Forces exceeds a rate shown in column one of this Schedule, and is less than the next higher rate in that column, the rates of pensions payable for the purposes of columns two and three shall be computed by adding to the rate of pension shown in those columns opposite to the next lower rate of pay the sum which bears to the difference between that rate of pension and the next higher rate of pension shown in those columns the proportion which the difference between the rate of pay received by the member and the next lower rate of pay shown in column one bears to the difference between the next lower and the next higher rates of pay in that column.

## THE SECOND SCHEDULE.

## RATE FOR SPECIAL PENSIONS—£8 PER FORTNIGHT.

The Special Rate of Pension may be granted to members of the Forces who have been blinded as the result of War Service, and to members who are totally and permanently incapacitated, (i.e. incapacitated for life to such an extent as to be precluded from earning other than a negligible percentage of a living wage).

The Commission may grant a pension not exceeding the Special Rate of Pension to any member of the Forces who is suffering from tuberculosis and who has been for at least six months an inmate of an establishment for persons so suffering and has been discharged from that establishment: Provided that this paragraph shall not authorize the grant of a pension to such member of the Forces unless upon his discharge from the establishment the medical officer in charge of that establishment has certified that such discharge is not a menace to public health.

The Special Rate of Pension shall not be payable to any pensioners who are maintained in an establishment at the public expense.

In the case of a member who has been granted the Special Rate of Pension, the wife of such member shall not be entitled to receive a pension exceeding the rate specified in column five of the First Schedule opposite the rate of pay of the member.

## THE THIRD SCHEDULE.

Class of Person Eligible for Pension.	Rate of Pension Payable.
<i>(a) In Case of Death of Member of the Forces.</i>	
Widow .. ..	The rate specified in column three and in the footnote of the First Schedule.
Widowed mother of an unmarried member	The rate specified in column two of the First Schedule provided she became a widow either prior to, or within three years after, the death of the son.
Widowed or unmarried member who was born out of wedlock and who was brought up by her	The rate specified in column two of the First Schedule provided that, in the case of a widow, she became a widow either prior to, or within three years after, the death of the member.
First child .. ..	£1 per fortnight.
Second child .. ..	15s. per fortnight.
Other children .. ..	10s. per fortnight each.
Except that in the case of a child both of whose parents are dead	{ Up to ten years of age, 20s. per fortnight. Up to fourteen years of age, 25s. per fortnight. Up to sixteen years of age, 30s. per fortnight.
Other dependants ..	Such rates as are assessed by the Commission or a Board, as the case may be, but not exceeding in the aggregate the rate specified in column two of the First Schedule opposite to the rate of pay of the member plus Two pounds per fortnight: Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the First Schedule opposite to the rate of pay of the member.
<i>(b) In the case of Total Incapacity of a Member of the Forces.</i>	
A member, General Rates	The rate specified in column four of the First Schedule.
A member, Special Rates	The rate specified in the Second Schedule in special cases as specified.
The wife of a member ..	The rate specified in column five of the First Schedule.
The children of a member	The same rates as are provided in the case of the death of a member of the Forces
Other dependants ..	Such rates as are assessed by the Commission or a Board as the case may be, but not exceeding in the aggregate the rate specified in column two of the First Schedule opposite to the rate of pay of the member plus Two pounds per fortnight: Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the First Schedule opposite to the rate of pay of the member.
<i>(c) In cases of Specific or Partial Incapacity of Members of the Forces.</i>	
	In accordance with the Fourth Schedule for cases therein specified, and in other cases at such less rates than those referred to in paragraph (b) above, as are assessed by the Commission or a Board, as the case may be, having regard to the nature and probable duration of the incapacity.

## THE FOURTH SCHEDULE.

Any member of the Forces who is incapacitated by reason of a disability specified in the first column of this Schedule shall receive the rate of pension shown in the second column of this Schedule opposite the description of the disability.

Description of Disability.	Rate of Permanent Pension payable. Percentage of rate in column 4 in First Schedule opposite Member's Rate of Pay.
	Per centum
Loss of two or more limbs .. .. .	100
Loss of both eyes .. .. .	100
Loss of one eye, together with loss of leg, foot, hand or arm	100
Loss of both arms .. .. .	100
Loss of both legs .. .. .	100
Loss of both feet .. .. .	100
Loss of both hands .. .. .	100
Loss of hand and foot .. .. .	100
Loss of all fingers and thumbs .. .. .	100
Lunacy .. .. .	100
Wounds, injuries, or disease, involving total permanent disabling effects .. .. .	100
Very severe facial disfigurement .. .. .	100
Amputation of leg at hip, or of right arm at shoulder joint (if right handed), or of left arm at shoulder joint (if left handed) .. .. .	100 for first six months 80 thereafter
Severe facial disfigurement .. .. .	80
Total loss of speech .. .. .	80
Loss of leg or foot .. .. .	100 for first 6 months 75 thereafter
Loss of arm or hand .. .. .	100 for first six months 75 thereafter
Total deafness .. .. .	70
Loss of vision in one eye .. .. .	50

For the purposes of this Schedule a leg, foot, hand, arm or eye is deemed to be lost if it is rendered permanently and wholly useless.