

AUSTRALIAN SOLDIERS' REPATRIATION.

No. 49 of 1946.

An Act to amend sections eighty-nine and ninety of the *Australian Soldiers' Repatriation Act 1920-1945*.

[Assented to 15th August, 1946.]

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 and citation.

1.—(1.) This Act may be cited as the *Australian Soldiers' Repatriation Act 1946*.

(2.) The *Australian Soldiers' Repatriation Act 1920-1945** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian Soldiers' Repatriation Act 1920-1946*.

Commencement.

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

Reduction of service pensions where pensioner has accumulated property.

3. Section eighty-nine of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) Where a service pensioner or an applicant for a service pension has accumulated property, the amount of the service pension which would, but for this sub-section, be payable to that person shall be reduced—

(a) if the net capital value of the accumulated property of the pensioner or the applicant exceeds Fifty pounds but does not exceed Four hundred pounds—by Nine pence per fortnight for every complete Ten pounds by which the net capital value of that property exceeds Fifty pounds; or

(b) if the net capital value of the accumulated property of the pensioner or the applicant exceeds Four hundred pounds—by the sum of One pound six shillings and three pence per fortnight together with One shilling and six pence per fortnight for every complete Ten pounds by which the net capital value of that property exceeds Four hundred pounds.”; and

* Act No. 6, 1920, as amended by No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; Nos. 10 and 47, 1931; No. 17, 1933; Nos. 16 and 32, 1934; No. 58, 1935; Nos. 29 and 67, 1936; Nos. 12, 24 and 42, 1937; No. 55, 1938; Nos. 37 and 96, 1940; No. 49, 1941; No. 22, 1943; and No. 11, 1945.

- (b) by omitting from sub-section (3.) the words " Four hundred " and inserting in their stead the words " Six hundred and fifty ".

4. Section ninety of the Principal Act is amended—

- (a) by omitting from paragraph (a) the word " All " and inserting in its stead the words " Subject to this section, all " ; and
- (b) by omitting paragraph (b) and inserting in its stead the following paragraphs :—

Net capital
value of
accumulated
property.

" (b) There shall be disregarded—

- (i) the value of any property which is owned by the pensioner or applicant or by his spouse and is the permanent home of the pensioner or applicant ;
- (ii) the value of any furniture or personal effects ;
- (iii) the surrender value of any life insurance policy or policies, but the total amount disregarded under this sub-paragraph shall not exceed Two hundred pounds ;
- (iv) the capital value of any life interest or annuity ;
- (v) the value of any contingent interest ;
- (vi) the present value of any reversionary interest or interests, but the total amount disregarded under this sub-paragraph shall not exceed Five hundred pounds ;
- (vii) the value of any property (not being a contingent or reversionary interest) to which the pensioner or applicant or his spouse is entitled from the estate of a deceased person but which has not been received by the pensioner or applicant or by his spouse.

" (ba) There shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph.

" (bb) There shall be deducted the amount of any war gratuity granted under the *War Gratuity Acts 1920.*"