

THE SCHEDULE—*continued*.
IMPORT DUTIES—*continued*.

Tariff Item.	Tariff on goods the produce or manufacture of Canada.
Division X.—Wood, Wicker, and Cane—<i>continued</i>.	
Ex. 291.— <i>continued</i> .	
By omitting:—	
“ (L) Timber, dressed or moulded, n.e.i.; timber tongued or grooved or tongued and grooved; weatherboards - per 100 super. feet	22s.”
and inserting in its stead the following:—	
“ (L) Timber, dressed or moulded, n.e.i.; timber tongued or grooved or tongued and grooved; weatherboards—	
(1) As prescribed by Departmental By-laws - - - - -	Free
(2) Other - - - - - per 100 super. feet	22s.”
Ex. 293. By omitting:—	
“ (A) Timber, undressed, in sizes less than 7 feet 6 inches x 10½ inches x 2½ inches for use in the manufacture of doors, as prescribed by Departmental By-laws - - - - - per 100 super. feet	4s.”
and inserting in its stead the following:—	
“ (A) Timber, undressed, in sizes less than 7 feet 6 inches x 10½ inches x 2½ inches for use in the manufacture of doors—	
(1) As prescribed by Departmental By-laws for the purposes of this paragraph - - - - -	Free
(2) As prescribed by Departmental By-laws for the purposes of this paragraph - - - - - per 100 super. feet	4s.”

AUSTRALIAN SOLDIERS' REPATRIATION.

No. 34 of 1950.

An Act to amend the *Australian Soldiers' Repatriation Act 1920-1949*, and for other purposes.

[Assented to 12th December, 1950.]

BE it enacted by the King'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 *Australian Soldiers' Repatriation Act 1950*.

Short title
and citation.

(2.) The *Australian Soldiers' Repatriation Act 1920-1949** 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 1920-1950*.

2.—(1.) Sections six, eight, nine, ten and eleven of this Act shall come into operation on a date to be fixed by Proclamation.

Commencement.

(2.) The amendments of the Principal Act effected by paragraphs (a) and (f) of section twelve and by paragraphs (a) and (c) of section thirty-three, and sections twenty, twenty-one, twenty-two,

* 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; No. 11, 1945; No. 49, 1946; Nos. 1 and 29, 1947; No. 39, 1948; and No. 38, 1949.

twenty three, thirty-six, thirty-seven and fifty-five to sixty-one (inclusive) of this Act shall be deemed to have come into operation on the second day of November, One thousand nine hundred and fifty.

(3.) Sub-section (2.) of section forty-five, inserted in the Principal Act by section twenty-five of this Act, shall be deemed to have come into operation on the second day of November, One thousand nine hundred and fifty.

(4.) The amendment of the Principal Act effected by paragraph (b) of section thirty-three of this Act shall be deemed to have come into operation on the thirteenth day of July, One thousand nine hundred and fifty.

(5.) Sections three and forty-eight of this Act shall be deemed to have come into operation on the twenty-seventh day of June, One thousand nine hundred and fifty.

(6.) Sections forty-two, forty-four and fifty, inserted in the Principal Act by sections twenty-four, twenty-five and twenty-eight, respectively, of this Act, shall be deemed to have come into operation on the twenty-seventh day of June, One thousand nine hundred and fifty.

(7.) The remaining provisions of this Act shall come into operation on the day on which this Act receives the Royal Assent.

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

Parts.

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

Part I.—Preliminary (Sections 1-6).

Part II.—Administration (Sections 7-21).

Part III.—Pensions.

Division 1.—Grant of Pensions (Sections 23-54).

Division 2.—War Pensions Entitlement Appeals (Sections 55-64).

Division 3.—War Pension Assessment Appeals (Sections 65-71).

Division 4.—General Provisions relating to Appeals (Sections 72-82).

Division 5.—Service Pensions (Sections 83-98).

Division 6.—Extension of Application of Provisions of Divisions 1 to 5 to certain Male Members of the Forces (1939-1945 War) (Sections 99-103).

Division 7.—Extension of Application of Provisions of Divisions 1 to 5 to Members of the Women's Services (1939-1945 War) (Sections 104-107).

Division 8.—Extension of Application of Provisions of Divisions 1 to 5 to certain Male Members of the Forces (Korea and Malaya Operations) (Sections 107A-107D).

Division 9.—Extension of Application of Provisions of Divisions 1 to 5 to certain Female Members of the Forces (Korea and Malaya Operations) (Sections 107E-107G).

Part IV.—Assistance and Benefits (Sections 108–118A).

Part V.—Miscellaneous (Sections 119–124)."

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

" 5. This Act extends to the Territories of the Commonwealth."

Extension of
Act to
Territories.

5. Section eleven of the Principal Act is amended by omitting from sub-section (2.) the word " Five " and inserting in its stead the word " Ten ".

Powers and
duties of
Commissioner.

6. Section thirteen of the Principal Act is repealed.

Assistant
Commissioners.

7. Section fifteen of the Principal Act is amended by omitting from sub-section (2.) the words ", selected from any list so submitted by the Commission " and inserting in their stead the words " selected from any list so submitted, recommended by the Commission ".

Appointment of
members of
Board.

8. Section sixteen of the Principal Act is amended—

Suspension of
Commissioner or
Acting
Commissioner.

(a) by omitting from sub-section (1.) the words ", an Acting Commissioner or an Assistant Commissioner," and inserting in their stead the words " or an Acting Commissioner " ; and

(b) by omitting from sub-section (2.) the words ", Acting Commissioner or Assistant Commissioner " (wherever occurring) and inserting in their stead the words " or the Acting Commissioner ".

9. Section eighteen of the Principal Act is amended—

Offices—how
vacated.

(a) by omitting from sub-section (1.) the words ", an Acting Commissioner or an Assistant Commissioner " and inserting in their stead the words " or an Acting Commissioner " ;

(b) by omitting from sub-section (1A.) the words ", an Acting Commissioner or an Assistant Commissioner " and inserting in their stead the words " or an Acting Commissioner " ;

(c) by omitting from that sub-section the words ", Acting Commissioners or Assistant Commissioners " and inserting in their stead the words " or Acting Commissioners " ; and

(d) by omitting from sub-sections (2.) and (3.) the words ", an Assistant Commissioner ".

10. Section nineteen of the Principal Act is amended by omitting the words " , Assistant Commissioner ".

Uncertificated
insolvent
not to be
Commissioner,
Acting
Commissioner
or Member of a
Board.

11. Section twenty-one of the Principal Act is amended—

(a) by omitting the words " , Assistant Commissioners " ; and

(b) by omitting the words " , Assistant Commissioner " (wherever occurring).

Commissioners
and Members of
Boards not
subject to
Commonwealth
Public Service
Act.

Definitions.**12.** Section twenty-three of the Principal Act is amended—

(a) by omitting the definition of "Dependants" and inserting in its stead the following definition:—

" 'Dependant' means, in relation to a member of the Forces whose death or incapacity has resulted from any occurrence that happened during his war service—

- (a) the wife or widow of the member ;
- (b) his widowed mother, if he is her unmarried son ;
- (c) a child of the member ;
- (d) any ex-nuptial child of the member who was born before, or within nine months after, that occurrence ;
- (e) any other member of his family who was wholly or partly dependent upon his earnings at any time within the period of twelve months immediately preceding his enlistment or appointment ;
- (f) any parent of the member who is, at any time after such an occurrence that resulted in the member's death, without adequate means of support ;
- (g) any ex-nuptial child (wholly or partly dependent upon the earnings of the member at any time within the period of twelve months immediately preceding his enlistment or appointment) of a son or daughter of the member ; and
- (h) the parent or grandparent of the member (wholly or partly dependent upon the earnings of the member at any time within the period of twelve months immediately preceding his enlistment or appointment) if the member is an ex-nuptial child ; "

(b) by omitting the definition of "Incapacity" and inserting in its stead the following definition:—

" 'Incapacity' includes incapacity of a member of the Forces that arose from disease, not due to the serious default of the member, contracted by him while employed on war service ; "

(c) by inserting in the definition of "Member of a family", after the word "mother," the words "adoptive father, adoptive mother," ;

- (d) by inserting in that definition, after the word "half-sister," the words "step-brother, step-sister, adoptive brother, adoptive sister,";
- (e) by inserting in paragraph (b) of the definition of "Parents", after the word "stepmother", the words "or adoptive mother";
- (f) by omitting the definition of "The rate of pay of the member"; and
- (g) by adding at the end thereof the following definitions :—
 - " 'The present war ' means the war which commenced on the fourth day of August, One thousand nine hundred and fourteen ;
 - " 'War service ' means the service, during the present war, of a member of the Forces."

13. Section twenty-four of the Principal Act is amended—

- (a) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (1.) the words "happening during the period he was a member of the Forces" and inserting in their stead the words "that happened during his war service";
- (b) by omitting from sub-paragraph (iii) of that paragraph the words "happening during the commission of, any breach of discipline by the member" and inserting in their stead the words "that happened during the commission of, any serious breach of discipline by that person"; and
- (c) by inserting in paragraph (b) of sub-section (2.), before the word "default", the word "serious".

Pensions upon death or incapacity.

14. Section twenty-five of the Principal Act is amended—

- (a) by omitting from sub-section (2.) the words "*Invalid and Old-age Pensions Act 1908-1917*" and inserting in their stead the words "*Social Services Consolidation Act 1947-1950*"; and
- (b) by adding at the end thereof the following sub-section :—
 - "(3.) A Special Magistrate appointed or deemed to have been appointed under this section shall have such powers, duties and functions as are conferred or imposed upon him by the regulations."

Special Magistrates.

15. Section twenty-six of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections :—

"(2.) A person who has been summoned to appear as a witness before the Commission or a Board shall not, without reasonable excuse, and after tender of reasonable expenses, fail to appear in answer to the summons.

Powers of Commission and Boards.

Penalty : Twenty pounds.

“(3.) A person who appears before the Commission or a Board as a witness in answer to a summons shall not, without reasonable excuse, refuse to be sworn.

Penalty : Fifty pounds.

“(4.) A person who appears before the Commission or a Board as a witness otherwise than in answer to a summons may be requested by the Commission or the Board to give evidence on oath, and, if he declines to be sworn, his evidence shall not be received.

“(5.) A person who has been sworn as a witness before the Commission or a Board shall not, without reasonable excuse, refuse to produce documents or to answer truthfully questions which he is required to answer.

Penalty : Fifty pounds.

“(6.) Whenever a witness to be examined before the Commission or a Board conscientiously objects to take an oath, he may, instead of taking the oath, make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth, to all questions asked him, and an affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

“(7.) In this section, ‘reasonable excuse’ means, in relation to an act or omission, an excuse that would excuse an act or omission of a similar nature by a witness or a person summoned as a witness before a court of law.”

Duties of
Boards.

16. Section twenty-seven of the Principal Act is amended—

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

“(i) in fact resulted from an occurrence that happened during his war service ;” ; and

(b) by omitting from sub-paragraph (iii) of that paragraph the words “service as a member” and inserting in their stead the words “war service”.

Review by
Commission.

17. Section thirty-one of the Principal Act is amended—

(a) by inserting, after the word “assessment” (wherever occurring), the word “, decision” ; and

(b) by adding at the end thereof the following sub-section :—

“(2.) Whenever, in pursuance of the last preceding sub-section, the Commission reviews an assessment, decision or determination, and varies or revokes the assessment, decision or determination, as the case may be, the Commission shall specify the date from which the variation or revocation shall operate and it shall operate accordingly.”

18. Section thirty-two of the Principal Act is amended—

- (a) by inserting after the word "assessment" the word
"decision";
- (b) by omitting the word "required"; and
- (c) by omitting the words "to review the pension" and inserting
in their stead the words "to review the assessment, decision
or determination".

Failure of
pensioner to
attend at
review.

19. Section thirty-three of the Principal Act is repealed.

20. Section thirty-five of the Principal Act is amended by omitting
sub-section (1.) and inserting in its stead the following sub-sections:—

Cancellation
of pension by
Board.
Rates of
pension.

"(1.) The rates of pension payable under this Division and
Divisions 6 to 9 (inclusive) of this Part are those specified in the
Schedules to this Act; the rates payable under the First Schedule
to this Act are, subject to this section, the rates specified in Table A
of that Schedule in relation to the rate of pay, or in Table B of that
Schedule in relation to the rank, of the member of the Forces
concerned.

"(1A.) Subject to sub-sections (1c.) and (1D.) of this section, the
rate of pension payable to, or in respect of, a member of the Forces
under the First Schedule to this Act shall, where the occurrence of the
event that resulted in the death or incapacity of the member happened
before the first day of July, One thousand nine hundred and forty-
seven, be assessed in accordance with Table A of that Schedule.

"(1B.) The rate of pension payable to, or in respect of, a member
of the Forces under the First Schedule to this Act shall, where the
occurrence of the event that resulted in the death or incapacity of the
member happened on or after the first day of July, One thousand
nine hundred and forty-seven, be assessed in accordance with Table B
of that Schedule.

"(1c.) When a pension is granted or re-granted after the date
upon which the *Australian Soldiers' Repatriation Act* 1950 received
the Royal Assent, the rate of pension shall be assessed in accordance
with Table B of the First Schedule to this Act.

"(1D.) Notwithstanding that a pension has been assessed in
accordance with Table A of the First Schedule to this Act, the
Commission or a Board may assess the pension in accordance with
Table B of that Schedule in any case where the rate of pension payable
under Table B would not be less than that payable under Table A,
and, thereafter, that pension shall be assessed in accordance with
Table B.

"(1E.) For the purposes of the preceding provisions of this section—

'rank' means, in relation to a member of the Forces, the rank
for which he was paid at the time of the occurrence of the
event that resulted in his death or incapacity;

'rate of pay' means, in relation to a member of the Forces,
the rate of pay received by the member as a member at the
time of the occurrence of the event that resulted in his death
or incapacity, and includes such allowances as are prescribed."

Pension for
pulmonary
tuberculosis.

21. Section thirty-seven of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “ of the First Schedule opposite to the rate of pay of the member ” and inserting in their stead the words “ of Table A or Table B of the First Schedule to this Act ” ; and
- (b) by omitting from sub-section (3.) the words “ an occurrence happening during the period he was a member of the Forces ” and inserting in their stead the words “ an occurrence that happened during his war service ”.

Pensions
payable for
limited periods
in certain cases.

22. Section thirty-nine of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the word “ dependant ”, the words “ (other than the wife or widow of a member of the Forces) ” ; and
- (b) by omitting sub-section (4.) and inserting in its stead the following sub-sections :—

“ (4.) Subject to the next succeeding sub-section, where a person was, being a child, granted a pension under this Division and is, in the opinion of the Commission, unable to earn a livelihood at the time at which the pension is terminated, that person may be granted a pension at such rate as is assessed by the Commission, but not exceeding the rate specified in Column 2 of Table A or Table B of the First Schedule to this Act.

“ (5.) A pension shall not be payable under the last preceding sub-section unless application therefor is made within twelve months after the termination of the pension first granted.”.

23. After section forty of the Principal Act the following section is inserted :—

“ 40A. Where a person who—

- (a) is in receipt of a pension as the widow of a member of the Forces ;
- (b) being the widow of a member of the Forces, is in receipt of a pension under section forty-five of this Act ; or
- (c) is in receipt of a pension under section forty-two of this Act in respect of a member of the Forces who has died or dies, re-marries or marries, that person may be paid a gratuity equal to twenty-six instalments of pension at the rate payable to her in respect of that member immediately prior to her re-marriage or marriage, as the case may be.”.

Gratuity to
certain persons
on re-marriage
or marriage.

24. Sections forty-one and forty-two of the Principal Act are repealed and the following sections are inserted in their stead :—

“ 41.—(1.) In the case of a widowed mother of two or more members of the Forces whose deaths result or have resulted from occurrences that happened during their respective periods of war service, the rate

Maximum
pension payable
to widowed
mother.

of pension payable to the widowed mother in respect of their deaths shall, except as provided in the next succeeding sub-section, be the highest rate of pension payable under this Division in respect of the death of any one of those members.

“(2.) If the widowed mother was dependent upon one or more of the members, she may be granted further pension, but the maximum rate of pension payable to her shall not exceed the total rate of the pensions payable under this Division in respect of the deaths of one member and the other members upon whom she was dependent.

“42.—(1.) Where, at the time of the occurrence during his war service of an event that resulted in the incapacity or death of a member of the Forces (including a member of the Forces within the meaning of section one hundred or section one hundred and seven B of this Act), a person was recognized as the wife of the member, though not legally married to him, and the Commission is satisfied that that person was wholly or partly dependent upon the earnings of the member, a pension under this Division may be paid to that person at a rate not exceeding the rate of pension which would have been payable to her under this Division if she had been legally married to the member.

Pensions to certain dependent females.

“(2.) A pension may be paid under this section in addition to any pension payable to the wife or the widow, as the case may be, of the member of the Forces.”

25. Sections forty-four, forty-five and forty-six of the Principal Act are repealed and the following sections inserted in their stead:—

“44. Where a person was the wife of a member of the Forces (including a member of the Forces within the meaning of section one hundred or section one hundred and seven B of this Act), has been divorced and, at the time of the occurrence during the member's war service of an event that resulted in his incapacity or death, was dependent upon alimony payable by the member, a pension may, on discontinuance of the payment of the alimony, be paid to that person at a rate equal to—

Pension to divorcee of member.

- (a) the amount of the alimony ; or
- (b) the rate of pension which would have been payable to her if she had not been divorced,

whichever is the less.

“45.—(1.) The dependants of a member of the Forces who has died or dies, after the date of his discharge, from causes other than the result of an occurrence that happened during his war service shall, subject to this Act, be entitled to receive such pension (if any) as—

Pension payable to dependants on death of a member after discharge.

- (a) was being paid ;
- (b) was payable ;
- (c) would, but for the fact that a claim, although lodged, had not been determined, have been payable ; or
- (d) would, if a claim for a pension had been lodged prior to the death of the member, have been payable,

to them under this Division, immediately prior to the death of the member.

“(2.) Where a member of the Forces has died or dies from causes other than the result of an occurrence that happened during his war service and has left or leaves a widow who married him at any time on or after the second day of October, One thousand nine hundred and thirty-one and before the date of the commencement of this sub-section or a child born to him during that period, the widow and any such child shall, subject to this Act, be entitled to receive such pension (if any) as could have been granted to them under this Division if, prior to the death of the member, they had been dependants and had applied for the pension.

Pensions to dependants of certain deceased members.

“46. Where a member of the Forces has died or dies, after the date of his discharge, from causes other than the result of an occurrence that happened during his war service and the member, immediately prior to his death, was in receipt of—

- (a) a pension under the Second Schedule to this Act ; or
- (b) an amount in respect of a disability described in any of the first eight items in Column 1 of the table in paragraph one of the Fifth Schedule to this Act,

the dependants of that member shall, subject to this Act, be entitled to receive, as from the death of the member, such pensions as would have been payable to them if the member's death had resulted from an occurrence that happened during his war service.”.

Medical reports.

26. Section forty-eight of the Principal Act is amended—

- (a) by omitting from paragraph (i) of sub-section (1.) the words “happening during the period he was a member” and inserting in their stead the words “that happened during his war service” ;
- (b) by omitting paragraph (iii) of that sub-section ;
- (c) by omitting from paragraph (iv) of that sub-section the words “service as a member” and inserting in their stead the words “war service” ; and
- (d) by omitting from sub-section (3.) the words “a member of the Forces” and inserting in their stead the words “a person on war service”.

Pension of member afflicted with lunacy.

27.—(1.) Section forty-nine of the Principal Act is amended—

- (a) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph :—
 - “(b) the payment of such allowances (if any) as the Commission thinks fit to any person, being a member of the family of the member or being or having been, in the opinion of the Commission, dependent on the member, who is in necessitous circumstances ; and” ;

- (b) by omitting from sub-section (5.) the words "On the recovery" and inserting in their stead the words "On proof to the Commission of the recovery";
- (c) by inserting in sub-section (6.), after the word "member", the words ", whilst afflicted with lunacy,";
- (d) by omitting from that sub-section the words "such members of his family" and inserting in their stead the words "such persons referred to in the last-mentioned paragraph"; and
- (e) by adding at the end thereof the following sub-section:—

“(7.) For the purposes of this section, ‘unmarried member of the Forces’ means a member of the Forces who has never been married and includes a member who has been married but no longer has a spouse.”.

(2.) Any reference to an unmarried member of the Forces in the Fourth Schedule to the *Australian Soldiers' Repatriation Act 1920-1937* or in section forty-nine of the Principal Act is, and shall be deemed always to have been, a reference to an unmarried member of the Forces within the meaning of section forty-nine of the Principal Act as amended by the last preceding sub-section.

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

“50.—(1.) 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 a member of the Forces, be entitled to a further pension by reason of the death or incapacity of that person. Double pensions.

“(2.) In this section ‘member of the Forces’ means a member of the Forces within the meaning of Division 1, Division 6, Division 7, Division 8 or Division 9 of this Part.”.

29. Section sixty-four of the Principal Act is amended— Appeals.

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

“(a) that the incapacity or death of the member has not resulted from any occurrence that happened during the period of his war service, or from his employment in connexion with naval or military preparations or operations, or did not arise out of or is not attributable to his war service, as the case may be; or”;

- (b) by omitting from sub-section (4.) the words “shall refer the case back to the Commission for review” and inserting in their stead the words “shall again refer the claim to the Commission for reconsideration”; and

(c) by omitting sub-sections (5.) and (6.) and inserting in their stead the following sub-sections :—

“(5.) The Commission shall thereupon reconsider the case and notify the Appeal Tribunal of its determination.

“(6.) If the determination of the Commission in pursuance of the last preceding sub-section is adverse to the appellant, the Appeal Tribunal shall consider and decide the appeal upon the records and evidence upon which the determination appealed against and the determination upon the reconsideration were made by the Commission.”

Appeals to
Assessment
Appeal
Tribunals.

30. Section sixty-seven of the Principal Act is amended by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph :—

“(b) who is not in receipt of such a pension but as to whom the Commission, a Board or an Appeal Tribunal has determined that he has an incapacity that—

- (i) is the result of any occurrence that happened during his war service ;
- (ii) is the result of his employment in connexion with naval or military preparations or operations ;
- (iii) is directly attributable to his war service ;
- (iv) arose out of or is attributable to his war service ; or
- (v) has been contributed to in any material degree, or has been aggravated, by the conditions of his war service,

and the Commission or a Board has decided that the incapacity is so slight that it does not warrant a pension assessment.”

Effect of
decision of
Assessment
Appeal
Tribunals.

31. Section sixty-nine of the Principal Act is amended by omitting from sub-section (1.) the words “and upon the Commission” and inserting in their stead the words “, the Commission and a Board”.

32. Section seventy-nine of the Principal Act is repealed and the following section inserted in its stead :—

Conduct of
appeal by
representative
of deceased or
mentally
afflicted
member.

“79.—(1.) If an appellant dies after the lodgment of his appeal, the appeal may be continued by a person approved by an Appeal Tribunal or an Assessment Appeal Tribunal, as the case may be, as a proper representative of the appellant, and the approved person shall, for the purpose of the conduct of the appeal, have all the rights of the appellant.

“(2.) In the case of a mentally afflicted member of the Forces, a person approved by an Appeal Tribunal or an Assessment Appeal Tribunal as a proper representative of the member may lodge an appeal on his behalf, and shall, for the purpose of the conduct of the appeal, have all the rights of the member.”

Definitions.

33. Section eighty-three of the Principal Act is amended—

- (a) by omitting the definition of “Child” ;

(b) by omitting paragraph (g) of the definition of "Income" and inserting in its stead the following paragraph:—

"(g) a payment under section nine of the *Tuberculosis Act 1948* ;"; and

(c) by omitting the definition of "Wife".

34. Section eighty-five of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words ", irrespective of the age of that person," ;

(b) by inserting in that sub-section, after the words "Members of the Forces", the words ", irrespective of their age"; and

(c) by omitting from sub-section (3.) the word "Division" (wherever occurring) and inserting in its stead the word "section".

Service pension in respect of a member permanently unemployable or suffering from pulmonary tuberculosis.

35. Section eighty-seven of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words "(including a wife married after the first day of October, One thousand nine hundred and thirty-one)"; and

(b) by omitting from sub-section (3.) the words "(whenever such wife was married to him)".

Limit of service pension and income.

36. Section ninety of the Principal Act is amended—

(a) by omitting the words "(whenever married to him)" (wherever occurring); and

(b) by omitting from sub-paragraph (iii) of paragraph (b) of sub-section (1.) the words "Two hundred pounds" and inserting in their stead the words "Five hundred pounds".

Net capital value of accumulated property.

37. Section ninety-one A of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1.) the words "Six pounds five shillings" and inserting in their stead the words "Seven pounds";

(b) by omitting from paragraph (b) of that sub-section the words "Twelve pounds four shillings" and inserting in their stead the words "Thirteen pounds"; and

(c) by omitting from paragraph (c) of that sub-section the words "Ten pounds" and inserting in their stead the words "Ten pounds fifteen shillings".

Maximum amount of service pension and war pension.

38. Section ninety-five of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words "or an institution which is a benevolent asylum as defined by section eighteen of the *Social Services Consolidation Act 1947* ";

Service pensioner in a public institution.

(b) by inserting, after sub-section (1.), the following sub-section :—

“(1A.) If an applicant for service pension is, or a service pensioner becomes, an inmate of an institution that is a benevolent asylum as defined by section eighteen of the *Social Services Consolidation Act 1947-1950*, and is maintained therein at the public expense, he shall, subject to this section, be paid, for so long as he remains an inmate, so much of his pension as does not exceed an amount equal to the amount payable under section fifty of the *Social Services Consolidation Act 1947-1950* to an age or invalid pensioner who is an inmate of a benevolent asylum, and the balance (if any) of his pension shall be paid to the person controlling the benevolent asylum in respect of the maintenance of the pensioner in the benevolent asylum.”;

(c) by omitting from sub-section (2.) the words “in this section” (first occurring) and inserting in their stead the words “in sub-section (1.) of this section or a payment specified in sub-section (1A.) of this section”; and

(d) by omitting from sub-section (3.) the words “sub-section (1.)” and inserting in their stead the words “sub-section (1A.)”.

Division 6.

39. The heading to Division 6 of Part III. of the Principal Act is amended by adding at the end thereof the words “(1939-1945 War)”.

Extension of application of Act to certain male members of the Forces.

40. Section ninety-nine of the Principal Act is amended—

(a) by omitting sub-paragraph (i) of paragraph (b) of sub-section (2.) and inserting in its stead the following sub-paragraph:—

“(i) the wife or widow of a member of the Forces;”;

(b) by omitting sub-paragraph (iii) of that paragraph and inserting in its stead the following sub-paragraph :—

“(iii) the child, under the age of sixteen years, of a member, being his son, daughter, step-son, step-daughter, adopted child or ex-nuptial child, but not including any step-son, step-daughter or adopted child who became dependent on the member more than seven years after the termination of his war service or any ex-nuptial child who was born more than nine months after the termination of his war service;” ; and

(c) by omitting sub-paragraphs (v) and (vi) of that paragraph and inserting in their stead the following paragraphs :—

“(v) any other members of the family of a member who were wholly or partly dependent upon his earnings at the time of his enlistment or at any time during his war service ;

“(vi) any ex-nuptial child (wholly or partly dependent upon the earnings of a member at the time of his enlistment or at any time during his war service) of a son or daughter of the member ; and ”.

41. Section one hundred of the Principal Act is amended by omitting the definitions of “ Member of the Forces ” and “ the war ” and inserting in their stead the following definitions :— Interpretation

“ ‘ member of the Forces ’ means a male person who, during the war, was—

- (a) a member of the Permanent Naval Forces, the Permanent Military Forces or the Permanent Air Force of the Commonwealth ; or
- (b) a member of the Citizen Forces enlisted for the duration of, and directly in connexion with, the war,

and whose war service commenced prior to the first day of July, One thousand nine hundred and forty-seven ;

“ ‘ the war ’ means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the third day of September, One thousand nine hundred and forty-five ;

“ ‘ war service ’ means the service, during the war, of a member of the Forces.”.

42. Section one hundred and one of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the word “ happening ” and inserting in its stead the words “ that happened ” ;
- (b) by omitting from paragraph (b) of that sub-section the words “ service as a member ” and inserting in their stead the words “ war service ” ;
- (c) by omitting from sub-paragraph (iii) of paragraph (a) of the proviso to that sub-section the word “ happening ” and inserting in its stead the words “ that happened ” ;
- (d) by omitting from paragraph (d) of that proviso the words “ the service of the member ” and inserting in their stead the words “ his war service or the first day of July, One thousand nine hundred and fifty-one, whichever first happens ” ;
- (e) by omitting paragraph (e) of that proviso and inserting in its stead the following paragraph :—

“ (e) in the case of any other member who was serving on the third day of January, One thousand nine hundred and forty-nine, the liability of the

Liability of Commonwealth to pay pensions to certain male members of the Forces.

Commonwealth to pay pension to or in relation to the member shall be deemed to have arisen on that date.”;

(f) by inserting after sub-section (1.) the following sub-section :—

“(1AA.) For the purposes of this section—

(a) where any member to whom paragraph (d) of the proviso to the last preceding sub-section applies is still serving on the first day of July, One thousand nine hundred and fifty-one, the day immediately preceding that date shall be deemed to be the date of the termination of his war service ; and

(b) the day immediately preceding the date specified in paragraph (e) of that proviso shall be deemed to be the date of the termination of the war service of a member to whom that paragraph applies.”;

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

“(1A.) For the purposes of paragraph (b) of sub-section (1.) of this section but without affecting the generality thereof, the incapacity or death of a member shall be deemed to have arisen out of his war service if it was the result of an accident that happened to him while travelling directly to or from his place of employment on war service or was, in the opinion of the Commission, due to an accident that occurred or to a disease or an infection that was contracted, and that would not have occurred or been contracted but for his being on war service or but for changes in his environment consequent upon his being on war service.”; and

(h) by inserting in paragraph (b) of sub-section (2.), before the word “default”, the word “serious”.

43. Section one hundred and two of the Principal Act is repealed and the following section inserted in its stead :—

“102. The provisions specified in sub-section (1.) of section ninety-nine of this Act extend, in like manner as they extend to a member of the Forces, to, and in relation to, a person who—

(a) having been appointed or enlisted before the first day of July, One thousand nine hundred and forty-seven, served before the first day of July, One thousand nine hundred and fifty-one, in the naval, military or air forces of a part of the King's dominions other than the Commonwealth on active service outside that part of the King's dominions or in a theatre of war ; and

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King's
dominions.

(b) is *bona fide* resident in Australia or a Territory of the Commonwealth and satisfies the Commission that he was so resident within the period of twelve months immediately preceding his appointment or enlistment.”.

44. The heading to Division 7 of Part III. of the Principal Act is amended by adding at the end thereof the words “ (1939–1945 War) ”. Division 7.

45. Section one hundred and four of the Principal Act is amended by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph :— Extension of application of Act to members of Women's Services.

“(b) any reference in those Divisions, sections or Schedules, or in any Act affecting those Divisions, sections or Schedules, to dependants shall, except where otherwise expressly provided, be read as a reference to—

(i) the husband or widower of a member of the Forces who was married to the member before or during her war service ;

(ii) the child of a member who is under the age of sixteen years and is—

(1) a son or daughter born of a marriage that took place before or during her war service ;

(2) a step-son, step-daughter or adopted child of the member who became dependent upon the member or her husband prior to the termination of her war service ;
or

(3) an ex-nuptial child of the member who was born before, or within nine months after, the termination of her war service ; and

(iii) such other members of the family of a member, or, in the case of a member who is an ex-nuptial child, such of the parents or grandparents of the member, as were wholly or partly dependent upon her earnings at the time of her enlistment, or at any time during her war service.”.

46. Section one hundred and five of the Principal Act is amended by omitting from the definition of “ member of the Forces ” the words “ during the war ” and inserting in their stead the words “ on or after the third day of September, One thousand nine hundred and thirty-nine and before the first day of July, One thousand nine hundred and forty-seven ”. Interpretation.

47. Section one hundred and seven of the Principal Act is repealed and the following section inserted in its stead :—

Extension of Division in respect of other parts of the King's dominions.

" 107. The provisions specified in sub-section (1.) of section one hundred and four of this Act extend, in like manner as they extend to a member of the Forces, to, and in relation to, a person who—

- (a) having been appointed, enlisted or enrolled before the first day of July, One thousand nine hundred and forty-seven, served before the first day of July, One thousand nine hundred and fifty-one, in a nursing service of, or other women's service auxiliary to, the naval, military or air forces of any part of the King's dominions, other than the Commonwealth, on active service outside that part of the King's dominions or in a theatre of war ; and
- (b) is *bona fide* resident in Australia or a Territory of the Commonwealth and satisfies the Commission that she was so resident within the period of twelve months immediately preceding her appointment or enlistment."

48. Part III. of the Principal Act is amended by adding at the end thereof the following Divisions :—

" *Division 8.—Extension of Application of Provisions of Divisions 1 to 5 to certain Male Members of the Forces (Korea and Malaya Operations).*

Extension of application of Act to certain male members of the Forces.

" 107A.—(1.) Subject to the provisions of this Division, the provisions of Divisions 1 to 5 (inclusive) of this Part (other than section twenty-four), of section one hundred and three of, and of the Schedules to, this Act extend to, and in relation to—

- (a) members of the Forces within the meaning of this Division who are males ; and
- (b) the dependants of such members.

" (2.) For the purposes of the provisions of Divisions 1 to 5 (inclusive) of this Part and of the Schedules to this Act as extended by the last preceding sub-section—

- (a) any reference in those Divisions or Schedules to a member of the Forces or to a member or to a returned soldier shall, except where otherwise expressly provided, be read as a reference to a member of the Forces within the meaning of section one hundred and seven B of this Act who is a male ;
- (b) any reference in those Divisions or Schedules to dependants shall, except where otherwise expressly provided, be read as a reference to—
 - (i) the wife or widow of a member of the Forces ;
 - (ii) the widowed mother of an unmarried member ;
 - (iii) the child, under the age of sixteen years, of a member, being his son, daughter, step-son, step-daughter, adopted child or ex-nuptial child,

but not including any step-son, step-daughter or adopted child who became dependent on the member more than seven years after the termination of his war service or any ex-nuptial child who was born more than nine months after the termination of his war service ;

- (iv) the parent of a deceased member who is at any time without adequate means of support ;
 - (v) any other member of the family of a member who was wholly or partly dependent upon his earnings at the time of his enlistment or at any time during his war service ;
 - (vi) any ex-nuptial child (wholly or partly dependent upon the earnings of a member at the time of his enlistment or at any time during his war service) of a son or daughter of the member ; and
 - (vii) a parent or grandparent who was so dependent on a member who is an ex-nuptial child ; and
- (c) any reference in those Divisions to service in a theatre of war shall be read as a reference to service in an operational area.

“ 107B.—(1.) For the purposes of this Division—

Interpretation.

‘ commencement ’ means, in relation to the war service of a member of the Forces—

- (a) where he was in Australia at the time at which he was allotted for war service—the time of his departure from the last port of call in Australia for that service ; or
- (b) where he was outside Australia at the time at which he was allotted for war service—the time at which he was so allotted ;

‘ conclusion ’ means, in relation to the war service of a member of the Forces, the time at which he—

- (a) on returning from war service—arrived at the first port of call in Australia ; or
- (b) having been allotted from war service to an area outside Australia other than an operational area—
 - (i) arrived in that area ; or
 - (ii) was allotted to that area at a time when he was in that area ;

‘ dependant ’ means a dependant specified in paragraph (b) of sub-section (2.) of section one hundred and seven A of this Act ;

‘ enemy ’ means forces against which the forces of the Commonwealth are engaged in an operational area ;

' member of the Forces ' means a member of the Naval, Military or Air Forces of the Commonwealth who served on war service ;

' operational area ' means an area outside Australia that is prescribed to be an operational area for the purposes of warlike operations in Korea after the twenty-sixth day of June, One thousand nine hundred and fifty, or in Malaya after the twenty-eighth day of June, One thousand nine hundred and fifty ;

' port ' includes airport ;

' war service ' means, in relation to a member of the Forces, his service while—

(a) a member of, or attached to, a body, contingent or detachment of the Naval, Military or Air Forces of the Commonwealth that was allotted for duty in an operational area ; or

(b) allotted for duty in an operational area, from the time of its commencement to the time of its conclusion.

" (2.) For the purposes of this Division, a person specified in paragraph (b) of sub-section (1.) of section one hundred and seven c shall be deemed to be a member of the Forces who was incapacitated or killed on war service.

Liability of Commonwealth to pay pensions to certain male members of the Forces.

" 107c.—(1.) Upon the incapacity or death—

(a) of a member of the Forces whose incapacity or death has resulted from any occurrence that happened during his war service ; or

(b) of a member of the Naval, Military or Air Forces of the Commonwealth who is incapacitated or killed in any area outside Australia as the result of action by an enemy or in combating an enemy,

the Commonwealth is, subject to this Act, liable to pay to the member, or his dependants, or both, as the case may be, pensions in accordance with Division 1 of this Part.

" (2.) The Commonwealth is not liable under the last preceding sub-section if the incapacity or death of a member—

(a) was due to his serious default or wilful act ;

(b) arose from intentionally self-inflicted injuries ; or

(c) arose from, or from an occurrence that happened during the commission of, a serious breach of discipline by the member,

but, if the death of a member is, in the opinion of the Commission, due to venereal disease contracted during his war service, the Commonwealth shall, subject to this Act, be liable to pay pensions to his widow and children.

“(3.) Notwithstanding that the origin or cause of the incapacity or death of a member of the Forces existed prior to his enlistment, if, in the opinion of the Commission or a Board—

- (a) that incapacity was contributed to in any material degree, or has been aggravated, by the conditions of his war service ; and
- (b) neither the incapacity or death, nor the origin of the cause of the incapacity or death, was due to the serious default or wilful act of the member,

the Commonwealth is, subject to this Act, liable to pay to the member or his dependants, or both, as the case may be, pensions in accordance with Division I of this Part.

“(4.) A pension is not payable to or in relation to a member for any period prior to the termination of the service in respect of which the liability of the Commonwealth to pay pension arises.

“(5.) Where a pension is granted, the Commission or a Board may, subject to this Act, approve of the payment of the pension as from a date not more than three months before the date of lodgment of the claim for pension.

“(6.) If the member or any of his dependants is entitled under—

- (a) the law of a part of the King's dominions other than the Commonwealth ; or
- (b) the law of a State,

to receive any payment in respect of incapacity or death resulting from employment in connexion with warlike operations in which His Majesty is or has been engaged, the rate or the amount of that payment shall be taken into account in assessing the rate of pension payable under this Act, so that the total payments to the member, or his dependants, or both, as the case may be, shall not exceed the total payments to which they respectively or collectively would be entitled if eligible solely under this Act.

“107D. The provisions specified in sub-section (1.) of section one hundred and seven A of this Act extend, in like manner as they extend to a member of the Forces, to, and in relation to, any member of the naval, military or air forces of a part of the King's dominions other than the Commonwealth who—

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dominions.**

- (a) served in an operational area ; and
- (b) is *bona fide* resident in Australia or a Territory of the Commonwealth and satisfies the Commission that he was so resident within the period of twelve months immediately preceding his appointment or enlistment.

“ *Division 9.—Extension of Application of Provisions of Divisions 1 to 5 to certain Female Members of the Forces (Korea and Malaya Operations).*”

Extension of application of Act to members of Women's Services.

“ 107E.—(1.) Subject to the provisions of this Division, the provisions of Divisions 1 to 5 (inclusive) of this Part (other than section twenty-four), of sections one hundred and three, one hundred and six, one hundred and seven B (other than the definition of ‘ dependant ’) and one hundred and seven C of, and of the Schedules to, this Act extend to, and in relation to—

- (a) members of the Forces within the meaning of Division 8 of this Part who are females; and
- (b) the dependants of such members.

“ (2.) For the purposes of the provisions of Divisions 1 to 5 (inclusive) of this Part, of sections one hundred and six, one hundred and seven B and one hundred and seven C of, and of the Schedules to, this Act as extended by the last preceding sub-section—

- (a) any reference in those Divisions, sections or Schedules, to a member of the Forces or to a member shall, except where otherwise expressly provided, be read as a reference to a member of the Forces within the meaning of Division 8 of this Part who is a female;

- (b) any reference in those Divisions, sections or Schedules, to dependants shall, except where otherwise expressly provided, be read as a reference to—

- (i) the husband or widower of a member of the Forces who was married to the member before or during her war service;

- (ii) the child of a member who is under the age of sixteen years and is—

- (1) a son or daughter born of a marriage that took place before or during her war service;

- (2) a step-son, step-daughter or adopted child of the member who became dependent upon the member or her husband prior to the termination of her war service; or

- (3) an ex-nuptial child of the member who was born before or within nine months after the termination of her war service; and

- (iii) such other members of the family of a member, or, in the case of a member who is an ex-nuptial child, such of the parents or grandparents of the member, as were wholly or partly dependent upon her earnings at the time of the commencement of, or at any time during, her war service; and

(c) any reference in those Divisions to service in a theatre of war shall be read as a reference to service in an operational area.

“ 107F. For the purposes of this Division, ‘ dependant ’ means a dependant specified in paragraph (b) of sub-section (2.) of section one hundred and seven E of this Act. Interpretation.

“ 107G. The provisions specified in sub-section (1.) of section one hundred and seven E of this Act extend, in like manner as they extend to a member of the Forces, to, and in relation to, any member of a nursing service of, or other women’s service auxiliary to, the naval, military or air forces of a part of the King’s dominions other than the Commonwealth who— Extension of Division in respect of other parts of King’s dominions.

(a) served in an operational area ; and

(b) is *bona fide* resident in Australia or a Territory of the Commonwealth and satisfies the Commission that she was so resident within the period of twelve months immediately preceding her appointment or enlistment.”.

49. Section one hundred and eight of the Principal Act is amended— Interpretation.

(a) by adding at the end of sub-section (1.) the following definitions :—

“ ‘ the present war ’ has the same meaning as in Division I of Part III. of this Act ;

“ ‘ the war ’ has the same meaning as in Division 6 of Part III. of this Act.” ;

(b) by omitting from sub-section (2.) the words “ is or has been ” (wherever occurring) and inserting in their stead the word “ was ” ;

(c) by omitting from paragraph (c) of that sub-section the words “ is serving or has served ” and inserting in their stead the word “ served ” ;

(d) by omitting sub-section (3.) and inserting in its stead the following sub-sections :—

“ (3.) For the purposes of Parts IV. and V. of this Act, a person who—

(a) was, during the war, a member of the Forces within the meaning of section one hundred of this Act ;

(b) was, during the war, a member of the Forces within the meaning of section one hundred and five of this Act ;

(c) was, during the war, a person to whom section one hundred and two of this Act applies ; or

(d) was, during the war, a member of a nursing service of, or other women’s service auxiliary to, the naval, military or air forces of a part

of the King's dominions other than the Commonwealth who was appointed, enlisted or enrolled before the first day of July, One thousand nine hundred and forty-seven, and served before the thirtieth day of June, One thousand nine hundred and fifty-one, and satisfies the Commission that she was resident in Australia or a Territory of the Commonwealth within the period of twelve months immediately preceding her appointment, enlistment or enrolment,

shall be deemed to be a member of the Forces.

“(3A.) For the purposes of Parts IV. and V. of this Act, any person who was—

- (a) a member of the Forces within the meaning of Division 8 of Part III. of this Act ;
- (b) a member of the Forces within the meaning of Division 9 of that Part ;
- (c) a person to whom section one hundred and seven D of this Act applies ; or
- (d) a person to whom section one hundred and seven G of this Act applies,

shall be deemed to be a member of the Forces.”; and

(e) by adding at the end thereof the following sub-sections :—

“(5.) Where, by force of sub-section (1AA.) of section one hundred and one of this Act, the war service of a member of the Forces is deemed, for the purposes of that section, to have terminated on a date specified in that sub-section, his war service shall be deemed to have terminated on the same date for the purposes of Parts IV. and V. of this Act.

“(6.) In sections one hundred and fourteen and one hundred and fourteen A of this Act any reference to a member of the Forces includes a reference to a deceased member of the Forces and any reference to persons who are dependent on a member of the Forces includes a reference to a person who, but for the death of a member, would have been dependent on the member.”.

50. Section one hundred and fourteen of the Principal Act is repealed and the following sections are inserted in its stead :—

Contributions.

“114.—(1.) The Commission may receive contributions in money or in kind for the purposes of providing for the granting of assistance and benefits to, or the care or welfare of, members of the Forces or persons who are or were, in the opinion of the Commission, dependent on any of those members.

“(2.) Contributions received by the Commission in pursuance of the last preceding sub-section may be applied for any of the purposes specified in that sub-section, but, where a contributor desires that a

contribution be applied for a particular purpose, for the benefit of a particular class of persons or for a particular institution maintained by the Commission, the Commission shall, if it accepts the contribution, apply the contribution for the purpose desired by the contributor.

“(3.) Subject to this section, contributions received by the Commission shall be dealt with as prescribed or as the Commission determines.

“114A.—(1.) The Commission may, by name or any other sufficient description, be appointed to be trustee— Acceptance of trusts.

(a) by appointment by or under an Act or by a prescribed authority in the exercise of a power conferred by or under an Act; or

(b) under a will, settlement or other instrument creating a trust, for the purpose of administering a trust for the benefit of members of the Forces, their dependants, their beneficiaries under a will or intestacy, or persons who are or were dependent upon a member of the Forces.

“(2.) For the purpose specified in the last preceding sub-section, the Commission is, and shall be deemed always to have been, capable of accepting any such trust and acting as a trustee and, subject to the regulations—

(a) has the same powers, duties and liabilities;

(b) is entitled to the same rights and immunities; and

(c) is subject to the control and orders of a court,

as a natural person acting in the like capacity.

“(3.) The Commission may, at its discretion, decline to accept a trust or accept a trust subject to conditions.”

51. Section one hundred and eighteen of the Principal Act is amended by omitting the words “a Board” and inserting in their stead the words “the Commission”. Improper use of gifts or loans.

52. Section one hundred and eighteen A of the Principal Act is amended by omitting from sub-section (2.) the definition of “the war”. Regulation.

53. Section one hundred and nineteen of the Principal Act is amended— Arrangements with Governments of other Dominions.

(a) by omitting from paragraph (a) the words “during the present war or the war which commenced on the third day of September, One thousand nine hundred and thirty-nine,” and inserting in their stead the words “during any war referred to in this Act”; and

(b) by adding at the end thereof the following sub-section:—

“(2.) Where an arrangement has been entered into in pursuance of the last preceding sub-section and the country with the Government of which the arrangement has been made ceases or has ceased to be a part of the King's Dominions, the Governor-General may agree with that Government to continue the arrangement.”

Regulations.

54. Section one hundred and twenty-four of the Principal Act is amended—

- (a) by inserting, after the word “ regulations,” (second occurring), the words “ for providing for the establishment, control and administration of hospitals and other institutions for the care and welfare of members of the Forces and dependants of members,” ;
- (b) by omitting sub-paragraph (i) of paragraph (e) and inserting in its stead the following paragraph :—
 “ (i) the wives of members of the Forces or the widows of deceased members of the Forces ; ” ;
- (c) by omitting from sub-paragraph (iv) of that paragraph the word “ and ” ;
- (d) by adding at the end of sub-paragraph (v) of that paragraph the word “ and ” ; and
- (e) by adding at the end of that paragraph the following sub-paragraph :—
 “ (vi) persons in necessitous circumstances who are or were dependent on members of the Forces ; ” .

First Schedule.

55. The First Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

“ THE FIRST SCHEDULE.
 GENERAL PENSIONS RATES.

TABLE A.

SCALE OF PENSIONS PAYABLE SUBJECT TO THE PROVISIONS OF THE THIRD SCHEDULE TO A WIDOWED MOTHER OR A WIDOW ON DEATH OF A MEMBER OF THE FORCES, OR TO A MEMBER UPON HIS TOTAL INCAPACITY, IN ANY CASE WHERE THE MEMBER'S DEATH OR INCAPACITY RESULTED FROM AN OCCURRENCE THAT HAPPENED DURING HIS WAR SERVICE BEFORE THE FIRST DAY OF JULY, ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN.

COLUMN 1.		COLUMN 2.	COLUMN 3.	COLUMN 4.
Rate of Pay of the Member per Day.		Pension Payable to Widowed Mother on Death of Member.	Pension Payable to Widow on Death of Member.	Pension Payable to Member upon Total Incapacity.
<i>s. d.</i>	<i>s. d.</i>	£ <i>s. d.</i> Per fortnight.	£ <i>s. d.</i> Per fortnight.	£ <i>s. d.</i> Per fortnight.
7 0 and under	} 4 10 0	} 7 0 0	} 7 0 0
Exceeding 7 0 but not exceeding 8 0	8 0			
Exceeding 8 0 but not exceeding 9 0	9 0	} 4 14 0	} 7 0 0	} 7 0 0
Exceeding 9 0 but not exceeding 10 0	10 0			
Exceeding 10 0 but not exceeding 11 0	11 0	} 4 17 0	} 7 0 0	} 7 0 0
Exceeding 11 0 but not exceeding 12 0	12 0			
Exceeding 12 0 but not exceeding 13 0	13 0	} 5 0 0	} 7 0 0	} 7 0 0
Exceeding 13 0 but not exceeding 14 0	14 0			
		} 5 3 0		

TABLE A—continued.
SCALE OF PENSIONS, ETC.—continued.

COLUMN 1.		COLUMN 2.	COLUMN 3.	COLUMN 4.		
Rate of Pay of the Member per Day.		Pension Payable to Widowed Mother on Death of Member.	Pension Payable to Widow on Death of Member.	Pension Payable to Member upon Total Incapacity.		
<i>s.</i>	<i>d.</i>	£ <i>s.</i> <i>d.</i> Per fortnight.	£ <i>s.</i> <i>d.</i> Per fortnight.	£ <i>s.</i> <i>d.</i> Per fortnight.		
Exceeding 14	0 but not exceeding 15	5 5 6	} 7 0 0	} 7 0 0		
Exceeding 15	0 but not exceeding 16	5 8 0				
Exceeding 16	0 but not exceeding 17	5 11 0				
Exceeding 17	0 but not exceeding 18	5 13 6				
Exceeding 18	0 but not exceeding 19	5 16 0				
Exceeding 19	0 but not exceeding 20	5 18 0				
Exceeding 20	0 but not exceeding 22	6 2 0				
Exceeding 22	6 but not exceeding 27	6 8 0				
Exceeding 27	6 but not exceeding 35	6 19 0			7 9 0	7 14 6
Exceeding 35	0 but not exceeding 42	7 11 0			8 1 0	8 4 6
Exceeding 42	6 but not exceeding 50	8 3 0	8 13 0	8 13 6		
Exceeding 50	0	8 6 0	8 16 0	8 16 0		

TABLE B.

SCALE OF PENSIONS PAYABLE SUBJECT TO THE PROVISIONS OF THE THIRD SCHEDULE TO A WIDOWED MOTHER OR A WIDOW ON DEATH OF A MEMBER OF THE FORCES, OR TO A MEMBER UPON HIS TOTAL INCAPACITY IN ANY CASE WHERE THE MEMBER'S DEATH OR INCAPACITY RESULTED FROM AN OCCURRENCE THAT HAPPENED DURING HIS WAR SERVICE ON OR AFTER THE FIRST DAY OF JULY, ONE THOUSAND NINE HUNDRED AND FORTY-SEVEN.

COLUMN 1.	COLUMN 2.	COLUMN 3.	COLUMN 4.		
Rank of the Member.	Pension Payable to Widowed Mother on Death of Member.	Pension Payable to Widow on Death of Member.	Pension Payable to Member upon Total Incapacity.		
	£ <i>s.</i> <i>d.</i> Per fortnight.	£ <i>s.</i> <i>d.</i> Per fortnight.	£ <i>s.</i> <i>d.</i> Per fortnight.		
All ranks and ratings below Leading Seaman, Corporal and relative ranks and ratings ..	4 10 0	} 7 0 0	} 7 0 0		
Leading Seaman, Corporal and relative ranks and ratings ..	5 0 0				
Petty Officer, Sergeant and relative ranks and ratings ..	5 3 0				
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings ..	5 5 6				
Warrant Officer and relative ranks ..	5 13 6				
All commissioned ranks below Lieutenant (Navy), Captain (Army) and Flight Lieutenant (Air Force) and relative ranks ..	5 18 0			7 0 6	
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	6 8 0			7 4 6	
Lieutenant-Commander, Major, Squadron Leader and relative ranks ..	6 19 0			7 9 0	7 14 6
Commander, Lieutenant-Colonel, Wing Commander and relative ranks ..	7 11 0			8 1 0	8 4 6
Captain (Navy), Colonel, Group Captain and relative ranks ..	8 3 0			8 13 0	8 13 6
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks ..	8 6 0	8 16 0	8 16 0		

1. Where any rank or rating is not specified in Table B of this Schedule, any question as to the rank or rating specified in the Table to which the first-mentioned rank is relative shall be determined by the Commission.

2. Where a member of the Forces is temporarily totally incapacitated to such an extent as to be precluded from earning other than a negligible percentage of a living wage while he is so incapacitated, and where the aggregate of the rate of pension payable to that member under column 4 of the scale in Table A or Table B of this Schedule and the amount (if any) payable to him under the Fifth Schedule to this Act is less than the Special Rate of Pension specified in the Second Schedule to this Act, the Commission may grant an additional pension to the member at a rate not exceeding the amount of the difference between that aggregate sum and that Special Rate of Pension for such period, whether in excess of six months or not, as the Commission determines.

3. Where the rate of pension which would, apart from this provision, be payable under this Schedule to a widow of a member of the Forces who dies while on war service, or to such a widow and her children, is less than the rate of standard allotment which would have been paid to her if the member had not died, a rate of pension equal to the standard allotment may be paid to the widow, or widow and children, for the first six months after the date of commencement of pension.

4. For the purposes of the last preceding paragraph, 'standard allotment' means the total of—

- (i) the minimum amount that a member of the Defence Force is required to allot to qualify for marriage allowance; and
- (ii) the amount of marriage allowance and separation allowance or provision allowance payable to the member."

Second
Schedule.

56. The Second Schedule to the Principal Act is amended—

- (a) by omitting the words "£10 12s. PER FORTNIGHT" and inserting in their stead the words "FOURTEEN POUNDS PER FORTNIGHT"; and
- (b) by omitting the fourth paragraph and inserting in its stead the following paragraphs:—

"In the case of a member of the Forces who, as the result of war service—

- (a) has been blinded; or
- (b) in consequence of an injury or disease affecting the cerebro-spinal system, or of an injury or disease causing incapacity similiar in effect or in severity to the incapacity resulting from an injury or disease affecting the cerebro-spinal system, is deemed by the Commission to be in need of an attendant,

an allowance at the rate of Three pounds per fortnight may be granted for an attendant.

"In the case of a member of the Forces who, as the result of war service, has been blinded and also afflicted with total loss of speech or total deafness, an allowance at the rate of Six pounds per fortnight may be granted for an attendant.

"Where a member of the Forces referred to in the fourth or the fifth paragraph of this Schedule is maintained in an establishment at the public expense the allowance for an attendant shall cease to be payable as from the first day upon which a periodical payment of pension is made after the date of his admission to the establishment and, thereafter, shall not be payable while he remains in the establishment."

Third
Schedule.

57. The Third Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:—

"THE THIRD SCHEDULE.

TABLE A.

PENSIONS PAYABLE IN THE CASE OF DEATH OF A MEMBER OF THE FORCES.

Class of Person Eligible for Pension.	Rate of Pension Payable.
Widow of the member	The rate specified in Column 3 of Table A or Table B or in paragraph 3 of the First Schedule, whichever is applicable

TABLE A—continued.

PENSIONS PAYABLE IN THE CASE OF DEATH OF A MEMBER OF THE FORCES—continued.

Class of Person Eligible for Pension.	Rate of Pension Payable.
Widowed mother of— (a) unmarried member, or (b) unmarried member who was born out of wedlock and who was brought up by her, who became a widow either prior to, or within three years after, the death of the member Unmarried mother of an unmarried member who was brought up by her	The rate specified in Column 2 of Table A or Table B of the First Schedule, whichever is applicable, but, if that rate is less than the sum specified in paragraph (a) of sub-section (1.) of section ninety-one A of this Act, a rate not exceeding that sum but not less than the first-mentioned rate may be assessed in such cases as are prescribed
Child of the member— (a) where both the member and the wife or husband of the member are dead .. (b) in any other case— First child Second and each subsequent child	£4 per fortnight £2 4s. per fortnight } and, in addition, such amount, not exceeding 12s. per fortnight, as is assessed in such cases as are prescribed £1 11s. per fortnight
Husband or any other dependant of the member	(a) Subject to the succeeding paragraphs of this item, such rate, not exceeding the rate specified in Column 2 of Table A or Table B of the First Schedule, whichever is applicable, as is assessed (b) Where a dependant is a parent of the member and the last-mentioned rate is less than the sum specified in paragraph (a) of sub-section (1.) of section ninety-one A of this Act, a rate per fortnight not exceeding that sum may be assessed in such cases as are prescribed (c) Where there is more than one dependant, none being a parent of a prescribed class, the aggregate amount payable in respect of those dependants shall not exceed the rate specified in Column 2 of Table A or Table B of the First Schedule, whichever is applicable, plus £2 per fortnight (d) Where there is more than one dependant, including a parent of a prescribed class, the aggregate amount payable in respect of those dependants shall not exceed the rate payable to that parent under paragraph (b) of this item plus— (i) where another parent of a prescribed class is included—the difference between that rate and the sum specified in paragraph (b) of sub-section (1.) of section ninety-one A of this Act; or (ii) in any other case—£2 per fortnight

TABLE B.
PENSIONS PAYABLE IN THE CASE OF TOTAL INCAPACITY OF A MEMBER OF THE FORCES.

Class of Person Eligible for Pension.	Rate of Pension Payable.
Member of the Forces— General Rate	The rate specified in Column 4 of Table A or Table B of the First Schedule, whichever is applicable
Special Rate	The rate specified in, or assessed in accordance with, the Second Schedule in the cases to which the provisions of that Schedule are applicable
Wife or husband of the member ..	£3 ls. per fortnight
Child of the member	£1 3s. per fortnight
Any other dependant of the member	(a) Subject to the next succeeding paragraph, such rate, not exceeding the rate specified in Column 2 of Table A or Table B of the First Schedule, whichever is applicable, as is assessed (b) The aggregate amount payable in respect of dependants of this class shall not exceed the rate so specified plus £2 per fortnight

TABLE C.
PENSIONS PAYABLE IN CASES OF PARTIAL OR SPECIFIC INCAPACITY OF MEMBERS OF THE FORCES.

Class of Person Eligible for Pension.	Rate of Pension Payable.
Member or dependant	Such rate, being less than the rate or the maximum rate, as the case may be, prescribed by Table B of this Schedule, as is assessed, having regard to the nature and probable duration of the incapacity, or in accordance with the Fourth and Fifth Schedules in the cases to which those Schedules apply

Fourth
Schedule.

58. The Fourth Schedule to the Principal Act is amended by omitting the words—

“ Total loss of speech | 80 ”

and the words—

“ Total deafness | 70 ”

and inserting in their stead the words—

“ Total loss of speech | 100 ”

and the words—

“ Total deafness | 100 ”,

respectively.

59. The Fifth Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

“ THE FIFTH SCHEDULE.

1. Where a member of the Forces is suffering from a disability described in Column 1 of the following table, the amount and the rate of allowance (if any) specified, in relation to that disability, in Columns 2 and 3, respectively, of the table shall, subject to this Act, be payable in addition to the pension payable under the Fourth Schedule.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Disability.	Amount.	Allowance.
	£ s. d. Per fortnight.	£ s. d. Per fortnight.
Two arms amputated	7 0 0	6 0 0
Two legs and one arm amputated	7 0 0	3 0 0
Two legs amputated above the knee	7 0 0	3 0 0
Two legs amputated and loss of eye	7 0 0	..
One leg and one arm amputated and one eye destroyed	7 0 0	..
One leg and one arm amputated	7 0 0	..
One leg amputated above and one leg amputated below the knee	5 5 0	..
Two legs amputated below the knee	3 10 0	..
One arm amputated and one eye destroyed	3 0 0	..
One leg amputated and one eye destroyed	3 0 0	..
One leg amputated above the knee	1 10 0	..
One leg amputated below the knee	0 15 0	..
One arm amputated above the elbow	1 10 0	..
One arm amputated below the elbow	0 15 0	..
Loss of vision in one eye	1 4 0	..

2. For the purposes of this Schedule—

- (i) amputation below the knee or below the elbow shall, where the knee or elbow action is lost, be deemed to be amputation above the knee or above the elbow, as the case may be;
- (ii) amputation of a foot shall be deemed to be amputation of a leg below the knee;
- (iii) amputation of a hand shall be deemed to be amputation of an arm below the elbow; and
- (iv) a leg, foot, hand or arm shall be deemed to have been amputated, and an eye shall be deemed to have been lost or destroyed, if it has been rendered permanently and wholly useless.

3. The allowance specified in Column 3 of the table in paragraph 1. of this Schedule in relation to the first two disabilities described in Column 1 of that table shall be payable for an attendant and the allowance specified in Column 3 of that table in relation to the third disability described in Column 1 of that table shall be payable for an attendant in those cases only where two legs have been amputated either at the hip or one at the hip and the other in the upper third.

4. Where a member of the Forces is maintained in an establishment at the public expense, an allowance for an attendant shall cease to be payable as from the first day upon which a periodical payment of pension is made after the date of his admission to the establishment and, thereafter, shall not be payable while he remains in the establishment.

5. A person shall not be entitled to receive a benefit under both the Second Schedule and this Schedule at one and the same time.”

60. A pension the right to which arises from the amendment of the Principal Act effected by paragraph (a) of section twelve of this Act, or from sub-section (2.) of section forty-five inserted in the

Date of commencement of certain pensions.

Principal Act by section twenty-five of this Act, shall not be payable in respect of any period prior to the date of receipt by the Repatriation Commission of the application for the pension, but, where the application is lodged on or before the second day of February, One thousand nine hundred and fifty-one, and the marriage or birth on which the claim for pension is based took place before the second day of November, One thousand nine hundred and fifty, the pension may be granted as from the last-mentioned date.

Allowances to certain persons.

61. If the rate of pension payable to a person under sub-section (1B.) of section thirty-five of the *Australian Soldiers' Repatriation Act 1920-1950* is less than the rate of pension payable under the *Australian Soldiers' Repatriation Act 1920-1949* immediately prior to the commencement of that sub-section, an allowance equal to the amount of the difference shall be payable to that person.

Adjustment of certain payments to wives of certain members of the Forces.

62. Where, after the second day of November, One thousand nine hundred and fifty, an allowance has been paid under regulation one hundred and ninety-five of the *Australian Soldiers' Repatriation Regulations* in respect of the wife of—

(a) a totally and permanently incapacitated member of the Forces ;

(b) a blinded member of the Forces ; or

(c) a member of the Forces in receipt of an amount in respect of a disability described in any of the first eight items in the first column of the Fifth Schedule to the Principal Act,

the rate of pension payable to that wife under the Principal Act, as amended by this Act, in respect of any period during which that allowance is, or has been, paid after that date shall not exceed the difference between the rate of the allowance and the rate of the pension prescribed by the Principal Act, as so amended.

APPROPRIATION 1950-51.

No. 35 of 1950.

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one, and to appropriate the Supplies granted by the Parliament for that year.

[Assented to 13th December, 1950.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title.

1. This Act may be cited as the *Appropriation Act 1950-51*.