

## AUSTRALIAN SOLDIERS' REPATRIATION.

### No. 15 of 1918.

An Act to amend the *Australian Soldiers' Repatriation Act 1917.*

[ Assented to 19th June, 1918.]

**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:—

Short title and citation.

1.—(1.) This Act may be cited as the *Australian Soldiers' Repatriation Act 1918.*

(2.) *The Australian Soldiers' Repatriation Act 1917* 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 1917-1918.*

Commencement.

2. This Act shall be deemed to have commenced on the day on which the Principal Act is proclaimed to commence.

Amendment of s. 5.

3. Section five of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(2.) The Minister shall be a corporation sole by the name of the Minister of State for Repatriation, with perpetual succession and a common seal, and may hold real and personal property and may sue and be sued in his corporate name.

“(3.) All Courts, Judges, and persons acting judicially shall take judicial notice of the seal of the Minister affixed to any document or notice, and shall presume that it was duly affixed.”

Delegation by Minister.

4. After section five of the Principal Act the following section is inserted:—

“5A. — (1.) The Minister may, by writing under his hand and seal, delegate any of his powers under this Act (except this power of delegation) in relation to any matters or class of matters or to any particular State or Territory, so that the delegated powers 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 Minister shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Minister.”

5. Section six of the Principal Act is amended by omitting therefrom sub-sections (2.) and (3.).

6. Section eight of the Principal Act is amended by omitting paragraphs (b) and (c) thereof and inserting in their stead the following paragraphs :— Amendment of s. 6.

“(b) to the children of deceased or incapacitated Australian soldiers while those children— Amendment of s. 8

- (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 of deceased or incapacitated Australian soldiers—
  - (a) who are widows and were, prior to the enlistment of those soldiers, dependent upon them, or
  - (b) whose husbands are so incapacitated as to be unable to contribute materially to their support, and
- (iv) the incapacitated fathers of deceased or incapacitated Australian soldiers who were, prior to the enlistment of those soldiers, dependent upon them.”

7. Section nine of the Principal Act is amended by omitting from sub-section (2.) thereof the words “and may sue and be sued in its corporate name”. Amendment of s. 9.

8. Section ten of the Principal Act is amended by omitting from sub-section (8.) thereof the word “four” and inserting in its stead the word “three”. Amendment of s. 10.

Amendment of  
s. 12.

9. Section twelve of the Principal Act is amended—

- (a) by omitting the words "Governor-General" (wherever occurring) and inserting in their stead the word "Minister"; and
- (b) by adding at the end of sub-section (2.) the words "for the granting of assistance and benefits to any of the classes of persons specified in paragraphs (a), (b), (c), and (d) of section twenty-two of this Act or to any relative or person not specified in paragraphs (b), (c), or (d) of section twenty-two of this Act who was dependent upon any deceased or discharged Australian soldier prior to his enlistment or for any other purpose prescribed by the Regulations".

Amendment of  
s. 13.

10. Section thirteen of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words "The Governor-General may, on the recommendation of the Minister" and inserting in their stead the words "The Minister may"; and
- (b) by adding at the end thereof the following sub-sections:—

"(4.) 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.

"(5.) 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.

"(6.) 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."

11. After section thirteen of the Principal Act the following section is inserted:—

"13A.—(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.

Arrangements  
with States for  
employment of  
State officers.

"(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."

12. Section fifteen of the Principal Act is amended by inserting after the words "this Act" the words "other than moneys raised under section twelve". Amendment of s. 15.

13. Section sixteen of the Principal Act is amended— Amendment of s. 16.

- (a) by inserting after the words "Repatriation Fund" the words "or in any person on behalf of or in trust for the Trustees";
- (b) by omitting the word "Commission" and inserting in its stead the word "Minister"; and
- (c) by adding at the end thereof the words "or that person".

14. Section nineteen of the Principal Act is amended— Amendment of s. 19.

- (a) by omitting the words "or by the Repatriation Commission" and inserting in their stead the words "or by the Minister";
- (b) by omitting the words "in the event of the bankruptcy of the person to whom the money was advanced"; and
- (c) by omitting the words "in bankruptcy".

15. Section twenty of the Principal Act is omitted and the following section inserted in its stead :—

"20. 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 State 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."

16. Section twenty-one of the Principal Act is amended by omitting the words "invite subscriptions or organize any scheme for raising money for the repatriation of Australian soldiers or for any purpose connected therewith" and inserting in their stead the words "invite subscriptions or raise money by any means whatsoever for any patriotic fund or any fund in relation to the war". Amendment of s. 21.

Amendment of  
s. 22.

17. Section twenty-two of the Principal Act is amended—

(a) by inserting after the words "in particular" the words "for prescribing penalties not exceeding Fifty pounds or imprisonment for three months for breaches of the Regulations, for providing the form and effect of securities given for advances made under this Act and"; and

(b) by omitting paragraphs (b) and (c) thereof and inserting in their stead the following paragraphs :—

"(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 of deceased or incapacitated Australian soldiers—

(a) who are widows and were, prior to the enlistment of those soldiers, dependent upon them, or

(b) whose husbands are so incapacitated as to be unable to contribute materially to their support, and

(iv) the incapacitated fathers of deceased or incapacitated Australian soldiers who were, prior to the enlistment of those soldiers, dependent upon them."

Annual report.

18. A report of the operations under the Australian Soldiers' Repatriation Act shall be furnished annually.