

AUSTRALIAN SOLDIERS' REPATRIATION.

No. 55 of 1938

An Act to amend the *Australian Soldiers' Repatriation Act 1920-1937.*

[Assented to 10th December, 1938.]

[Date of commencement, 7th January, 1939.]

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 1938.*

(2.) The *Australian Soldiers' Repatriation Act 1920-1937** 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 1920-1938.*

2. After section thirty-nine B of the Principal Act the following section is inserted:—

“ 40.—(1.) The war pension payable to an unmarried member of the Forces who is afflicted with lunacy, or to a married member so afflicted the pension of whose wife has been terminated in pursuance of section thirty-seven of this Act, may be retained by the Commission and expended or invested in accordance with this section.

(2.) The moneys retained by the Commission in accordance with this section, and the interest on any moneys invested by the Commission, may be applied towards—

- (a) the provision of clothing or comforts for the member, or such other form of assistance to him as the Commission determines;
- (b) the payment of such allowances (if any) as the Commission thinks fit to any members of the family of the member who are in necessitous circumstances; and
- (c) the cost of maintenance of the member while he is an inmate of an institution:

Provided that the amount applied for the purpose specified in paragraph (c) of this sub-section shall not exceed one-half of the amount of the pension retained.

(3.) Any amounts not expended by the Commission for the purposes specified in the last preceding sub-section may be invested on behalf of the member in any of the investments authorized by the law of the Commonwealth or a State for the investment of trust funds.

(4.) The Commission may from time to time vary or realize any investment made in pursuance of sub-section (3.) of this section.

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; and Nos. 12, 24 and 42, 1937.

Short title
and citation

Pension of
member
afflicted with
lunacy.

(5.) On the recovery of the member from his affliction, the Commission shall render to him an account relating to the moneys retained, invested and expended in pursuance of this section, and shall pay to him any balance held by the Commission on his behalf and an amount equal to that applied for the purpose specified in paragraph (c) of sub-section (2.) of this section, and shall transfer to him any investments held on his behalf or realize those investments and pay him the proceeds thereof.

(6.) On the death of the member the moneys held and investments made on his behalf by the Commission shall not form part of his estate, but the whole or part of such moneys and investments or the proceeds thereof, and the whole or part of an amount equal to that applied for the purpose specified in paragraph (c) of sub-section (2.) of this section, may be applied by the Commission towards the payments of allowances of the kind specified in paragraph (b) of sub-section (2.) of this section, whether granted by the Commission before or after his death, or may be distributed among such members of his family, and in such proportions, as the Commission determines."

3. The Fourth Schedule to the Principal Act is amended by omitting the words "The pension payable to an unmarried member of the Forces afflicted with lunacy shall be held by the Commission and administered by it on behalf of the member in such manner as it thinks fit."

Amendment of
Fourth
Schedule.

4. The application of the amendments effected by this Act shall extend, and shall be deemed to have extended, to any pension payable to an unmarried member of the Forces afflicted with lunacy, or to a married member so afflicted the pension of whose wife has been terminated in pursuance of section thirty-seven of the Principal Act, which, on or before the commencement of this Act, is or has been held by the Commission and administered by it on behalf of the member in pursuance of the Fourth Schedule to the Principal Act.

Application
of Act.

SEAMEN'S COMPENSATION.

No. 56 of 1938.

An Act to amend the *Seamen's Compensation Act 1911.*

[Assented to 10th December, 1938.]

[Date of commencement, 7th January, 1939.]

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 *Seamen's Compensation Act 1938.*

Short title
and citation.