

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

**Appropriation of £25,000,000 as grant to United Kingdom.**

3. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purpose of a grant to His Majesty's Government in the United Kingdom, the sum of Twenty-five million pounds as a contribution towards war expenditure of that Government incurred by it in respect of operations in and around the Pacific.

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## AUSTRALIAN SOLDIERS' REPATRIATION.

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**No. 29 of 1947.**

An Act to amend the *Australian Soldiers' Repatriation Act 1920-1946*, as amended by the *Commonwealth Public Service Act 1947*, and for other purposes.

[Assented to 11th June, 1947.]

**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 1947*.

(2.) The *Australian Soldiers' Repatriation Act 1920-1946\**, as amended by the *Commonwealth Public Service Act 1947*†, is in this Act referred to as the Principal Act.

(3.) Section four of the *Commonwealth Public Service Act 1947* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Australian Soldiers' Repatriation Act 1920-1947*.

**Commencement.** 2. This Act shall come into operation on the tenth day of July, One thousand nine hundred and forty-seven.

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\*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; and No. 49, 1946.

† Act No. 1, 1947.

3. Section six of the Principal Act is amended by adding at the end thereof the following definition :— Definitions.

“organization representing returned soldiers’ means an organization representing persons who are ‘Members of the Forces’ as defined by section twenty-three or section one hundred of this Act.”.

4.—(1.) Section eighty-three of the Principal Act is amended by omitting the definition of “income” and inserting in its stead the following definition :— Definitions.

“‘Income’, in relation to any person, means any personal earnings, moneys, valuable consideration or profits earned, derived or received by that person for his own use or benefit by any means from any source whatsoever, within or outside Australia, and includes any periodical payment or benefit by way of gift or allowance from any person other than the father, mother, son or daughter of the first-mentioned person, but does not include—

- (a) a payment by way of benefit from any friendly society ;
- (b) a payment in respect of illness, infirmity or old-age from any trade union ;
- (c) the value of food relief or like assistance granted under any law of a State or Territory ;
- (d) a payment under Part V. or VI. of the *Social Services Consolidation Act 1947* ;
- (e) a benefit under the *Hospital Benefits Act 1945–1947* or under the regulations made under that Act ;
- (f) a benefit under the *Pharmaceutical Benefits Act 1947* ;
- (g) a payment out of moneys—
  - (i) paid under section six of the *Tuberculosis Act 1945–1946* ; or
  - (ii) provided by a State for the objects for which payments may be made by a State under that section ;
- (h) the value of board and lodging received by a member of the Forces who is suffering from pulmonary tuberculosis and who receives that board and lodging while undergoing treatment for that disease as an inmate of a hospital, sanatorium or similar institution ; or
- (i) an amount of interest credited or paid in pursuance of the *War Gratuity Acts 1920* or the *War Gratuity Act 1945* ;”.

(2.) Notwithstanding anything contained in the definition of “income” in section eighty-three of the Principal Act, as amended by sub-section (1.) of this section, a service pension payable immediately

prior to the commencement of this Act shall not be reduced or cancelled by reason only of the receipt, during illness, infirmity or old-age, of a payment from a Provident Society or other Society or Association.

Grant of service pensions.

5. Section eighty-four of the Principal Act is amended by omitting the words "in pursuance of section twenty-four of the *Invalid and Old-age Pensions Act 1908-1942*" and inserting in their stead the words "to an age pensioner in pursuance of the *Social Services Consolidation Act 1947*".

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

6. Section eighty-five of the Principal Act is amended by omitting from sub-section (3A.) the words "a pension under the law of the Commonwealth relating to invalid and old-age pensions" and inserting in their stead the words "an age or invalid pension under the *Social Services Consolidation Act 1947*".

Restriction as to dual pensions.

7. Section eighty-six of the Principal Act is amended by omitting the words "a pension under the law of the Commonwealth relating to invalid and old-age pensions" (wherever occurring) and inserting in their stead the words "an age or invalid pension under the *Social Services Consolidation Act 1947*".

Limit of service pension and income.

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

- (a) by omitting from sub-section (1.) the words "the *Invalid and Old-age Pensions Act 1908-1940*" and inserting in their stead the words "Part III. of the *Social Services Consolidation Act 1947*"; and
- (b) by omitting from sub-section (3.) the words "an invalid pension or an old-age pension under the law of the Commonwealth relating to invalid and old-age pensions" and inserting in their stead the words "an age or invalid pension under the *Social Services Consolidation Act 1947*".

Income of member and wife for the purposes of the law relating to invalid and old-age pensions.  
Net capital value of accumulated property.

9. Section eighty-eight of the Principal Act is repealed.

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

"90.—(1.) In the computation of the net capital value of accumulated property for the purposes of this Division—

- (a) all real and personal property shall, subject to this section, be deemed to be accumulated property;
- (b) there shall be disregarded—
  - (i) the value of any property which is owned by the pensioner or applicant or by his wife (whenever married to him) and is the permanent home of the pensioner or applicant;
  - (ii) the value of any furniture and personal effects;
  - (iii) the surrender value (not exceeding Two hundred pounds in the aggregate) of any life insurance policy or policies;

- (iv) the capital value of any life interest or annuity ;
  - (v) the value of any contingent interest ;
  - (vi) the present value (not exceeding Five hundred pounds in the aggregate) of any reversionary interest or interests ;
  - (vii) the value of any property (not being a contingent or reversionary interest) to which a person is entitled from the estate of a deceased person, but which has not been received by that person ; and
  - (viii) the amount of any war gratuity under the *War Gratuity Acts 1920* or the *War Gratuity Act 1945* ;
- (c) there shall be deducted the amount of any charge or encumbrance lawfully existing on the property, other than property the value of which is disregarded under the last preceding paragraph ;
- (d) the Commission may disregard the value of an interest in property, other than property the value of which is disregarded under paragraph (b) of this sub-section, where—
- (i) a charge or encumbrance is lawfully existing on the property ; and
  - (ii) in the opinion of the Commission, the property cannot be realized except at a considerable loss ; and
- (e) where a person has sold his home on terms and purchased another home, also on terms, there shall be set off against the amount of the balance due to him from time to time in respect of the sale of the former home the amount of the balance due by him from time to time in respect of the purchase of the latter home.

“(2.) For the purposes of this Division, the value of the property of a husband or wife (whenever married to him) shall—

- (a) except where they are living apart in pursuance of a separation agreement in writing or of a decree, judgment or order of a court ; or
- (b) unless, for any special reason, in any particular case, the Commission otherwise determines,

be deemed to be half the sum of the value of the property of the husband and the value of the property of the wife, as computed, in any case in which the last preceding sub-section is applicable, in accordance with that sub-section.”.

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

“(1.) If an applicant for service pension is, or a service pensioner becomes, an inmate of a hospital for the insane or an institution which is a benevolent asylum as defined by section eighteen of the *Social Services Consolidation Act 1947*, and is maintained therein at the public expense, the rate of service pension payable to the applicant

Service  
pensioner in  
a public  
institution.

or pensioner so long as he remains an inmate shall not, subject to this section, in any case exceed an amount equal to the amount payable under section fifty of the *Social Services Consolidation Act 1947* to an age or invalid pensioner who is an inmate of a benevolent asylum."

**Interpretation.**

**12.** Section one hundred and five of the Principal Act is amended by inserting in the definition of "member of the Forces", after the word "or" (last occurring), the words "any woman who, during the war, was an officer of the Australian Army Medical Corps or".

**Regulations.**

**13.** Section one hundred and twenty-four of the Principal Act is amended by inserting after the words "in particular," the words "for prescribing a penalty of a fine not exceeding Twenty-five pounds or of imprisonment for a period not exceeding three months for any offence against the regulations,".

**The First Schedule.**

**14.** The First Schedule to the Principal Act is amended by omitting from Column 3 of the scale therein the figures "5 0 0", "5 9 0", "6 1 0", "6 13 0" and "6 16 0" and inserting in their stead the figures "5 10 0", "5 19 0", "6 11 0", "7 3 0" and "7 6 0", respectively.

**The Second Schedule.**

**15.** The Second Schedule to the Principal Act is amended by omitting the figures "£9 12s." and inserting in their stead the figures "£10 2s.".

**The Third Schedule.**

**16.** The Third Schedule to the Principal Act is amended by omitting from paragraph (a) the words "*Invalid and Old-age Pensions Act 1908-1942*" and inserting in their stead the words "*Social Services Consolidation Act 1947*".

**The Fifth Schedule.**

**17.** The Fifth Schedule to the Principal Act is amended by omitting the figures "92" (wherever occurring), "70" and "45" (first occurring) and inserting in their stead the figures "102", "80" and "55", respectively.

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## WAR PENSIONS APPROPRIATION.

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**No. 30 of 1947.**

**An Act to grant and apply out of the Consolidated Revenue Fund a sum for War Pensions.**

[Assented to 11th June, 1947.]

**Preamble.**

**B**E 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 *War Pensions Appropriation Act 1947*.