

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in sub-section (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

Meaning of
"Colony" in
future Acts.
52 & 53
Vict. c. 63.
Short title.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

12. This Act may be cited as the Statute of Westminster, 1931.

WAR SERVICE ESTATES.

No. 57 of 1942.

An Act relating to the Estates of Deceased Members of the Naval, Military and Air Forces of the Commonwealth, and for other purposes.

[Assented to 13th October, 1942.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and
incorporation.

1.—(1.) This Act may be cited as the *War Service Estates Act 1942*.

(2.) This Act shall be incorporated and read as one with the *Defence Act 1903-1941*.

Commencement.

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

Repeal

3. The *Deceased Soldiers' Estates Act 1918* and the *Deceased Soldiers' Estates Act 1919* are repealed.

Definitions.

4.—(1.) In this Act, unless the contrary intention appears—

"authorized person" means a person appointed by the Minister to be an authorized person for the purposes of this Act;

"deceased member" means a deceased person in respect of whose war service estate this Act applies;

"member" means a person who is or has been a member of the naval, military or air forces of the Commonwealth, and includes a person who is or has been a member of a nursing service or women's auxiliary or other service established in connexion with any of those forces, and any person who accompanies or has accompanied any part of those forces on active service and is or was, while so accompanying that part, in the pay of the Commonwealth and subject to naval, military or air force law;

“Public Trustee” means the Public Trustee or Curator of Intestate Estates or other proper officer of a State or Territory of the Commonwealth having the custody or administration of intestate estates under the law of the State or Territory ;

“the Minister” means the Minister of State for Defence, and includes—

- (a) in relation to estates of deceased members who were members of the naval forces or of a service established in connexion with those forces or persons who accompanied any part of those forces—the Minister of State for the Navy ;
- (b) in relation to estates of deceased members who were members of the military forces or of a service established in connexion with those forces or persons who accompanied any part of those forces—the Minister of State for the Army ; and
- (c) in relation to estates of deceased members who were members of the air forces or of a service established in connexion with those forces or persons who accompanied any part of those forces—the Minister of State for Air ;

“war service”, in relation to any member not being a member of the naval, military or air forces of the Commonwealth, means any service as a member in time of war ; and

“war service estate” means—

- (a) the net amount of pay (including deferred pay), allowances or other money due to a member by the Commonwealth after the deduction of any amounts owing to the Commonwealth and such mess debts or other debts due to naval, military or air force institutions, as the Minister, in writing, directs ; and
- (b) personal property or effects of a member in the care, control or custody of the naval, military or air force authorities at the time of the death of the member, or which came into that care, control or custody after the death of the member.

(2.) Except as provided in this section words used in this Act shall have the same meanings as in the *Defence Act* 1903–1941.

5. This Act shall apply in respect of the war service estate of any person dying or killed (whether before or after the commencement of this Act) while a member on war service, or within three months after he ceased to be on war service :

Application of Act.

Provided that war service estates to which the *Deceased Soldiers' Estates Act* 1918–1919 applied shall be dealt with in accordance with the provisions of that Act.

6. The Minister may, by instrument in writing, appoint any person to be an authorized person for the purposes of this Act.

Authorized person.

War service estates—how dealt with.

7.—(1.) An authorized person may pay or deliver the war service estate of a deceased member—

- (a) to the personal representative of the deceased member ;
- (b) to any person who, in the opinion of the authorized person, is beneficially entitled thereto ;
- (c) to a Public Trustee, in accordance with section ten of this Act ; or
- (d) to such persons or classes of persons as are prescribed or as the Minister specifies.

(2.) Any portion of the war service estate of a deceased member which consists of personal property or effects may be sold, as prescribed, and the net proceeds of the sale shall be deemed to be part of the war service estate of the member.

(3.) Any personal property or effects of a deceased member which, in the opinion of an authorized person, has no market value may be disposed of in such manner as the authorized person directs.

Disposition of property to operate as discharge.

8. The payment or delivery of any money or other property in pursuance of this Act shall operate as a discharge of the Commonwealth, and of every person making or authorizing the payment or delivery on behalf of the Commonwealth, from any liability in respect of the money or other property.

Exemption of Commonwealth from liability.

9. Notwithstanding anything contained in the law of the Commonwealth or of any State or Territory of the Commonwealth, the Commonwealth, and any officer or other person acting for or on behalf of the Commonwealth, shall not be liable to any action, claim or demand in respect of anything done in connexion with—

- (a) the disposition of any war service estate in pursuance of this Act ; or
- (b) the disposition prior to the commencement of this Act of any property of a deceased member which, if this Act had been in force at the time when the thing was done, would have been in accordance with the provisions of this Act.

Payments to Public Trustee or Curator of Intestate Estates.

10.—(1.) Money or other property belonging to the war service estate of a deceased member may be paid or delivered to a Public Trustee, and the receipt of the Public Trustee shall be a sufficient discharge to the Commonwealth, and to every person making or authorizing the payment or delivery on behalf of the Commonwealth, from all liability in respect of the money or property, as the case may be.

(2.) Where money or property has been paid or delivered to a Public Trustee in pursuance of this section, he shall, upon receipt of a request in writing from an authorized person, repay or re-deliver to that person the money or property, or such part thereof as remains unadministered, and the receipt of the authorized person shall discharge the Public Trustee from all liability in respect of the money repaid or property re-delivered, as the case may be.

(3.) Upon the repayment of money or the re-delivery of property to an authorized person in pursuance of this section, the money or property shall be dealt with as provided in this Act.

11. Where it appears that there is no person to whom the war service estate of a deceased member may be paid or delivered under section seven of this Act, the proceeds of the estate shall be applied, as prescribed, to the creation or maintenance of any prescribed fund for the benefit of persons who are or have been members or dependants of members :

Application of estate where no person beneficially entitled thereto.

Provided that the application of the proceeds of a war service estate in pursuance of this section shall not bar the claim of any person who subsequently satisfies an authorized person that he is a person to whom the estate or a part thereof may be paid or delivered under section seven of this Act.

12. No person shall, by judgment or otherwise, be entitled to attach the war service estate of a deceased member or any proceeds of the estate in the hands of the Commonwealth.

Attachment of war service estates.

13. The medals of a deceased member which are not bequeathed to some specified person by will shall be delivered to such person or institution as the Minister, or an authorized person, approves.

Medals.

14. Subject to any specific direction contained in any law or rules governing the Order to which any decoration relates, the decorations of a deceased member shall be disposed of in like manner as if they were medals.

Decorations.

15.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

Regulations.

(2.) The regulations made in pursuance of this section shall, if the regulations so provide, have effect as from the commencement of this Act or such later date as is specified in the regulations.

DAIRYING INDUSTRY ASSISTANCE.

No. 58 of 1942.

An Act to provide for the granting of Assistance to the Dairying Industry with the object of aiding the Prosecution of the War, and for other purposes.

[Assented to 13th October, 1942.]

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 :—

Preamble.

1. This Act may be cited as the *Dairying Industry Assistance Act 1942*.

Short title.