

DECEASED SOLDIERS' ESTATES.

No. 44 of 1918.

An Act relating to the Estates of Deceased Soldiers.

[Assented to 25th December, 1918.]

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 *Deceased Soldiers' Estates Act* 1918.

(2.) This Act shall be incorporated and read as one with the *Defence Act* 1903-1918.

Definitions.

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

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

“Member” means a member of the Commonwealth Military Forces enlisted or appointed for or employed on active service outside Australia or enlisted or appointed for service in connexion with military preparations or operations, and includes a member of the Army Medical Corps Nursing Service who is accepted or appointed by the Director-General of Medical Services for service outside Australia;

“Military estate” means—

(i) pay, allowances, or other money due to a member by the Commonwealth; and

(ii) personal property or effects in the care, control or custody of the military authorities at the time of the death of the member or which come into such care, control or custody after the death of the member;

“Regimental Debts Act” means the Imperial Act called the Regimental Debts Act and any Acts amending or in substitution for that Act.

(2.) Except as provided in this section words used in this Act shall have the same meaning as words used in the *Defence Act* 1903-1918.

Application
of Act.

3. This Act shall apply in respect of the military estate of any member dying or killed while on war service, or within three months from the date of his discharge, and irrespective of the place where the death occurs.

4.—(1.) In the event of the death of a member while on war service the military estate of the member may be paid or delivered— Milit
—how dealt
with.

- (a) to the personal representative of the member ;
- (b) to any person who, in the opinion of the prescribed authority, is beneficially entitled thereto ; or
- (c) to such persons or classes of persons as are prescribed.

(2.) In this section “prescribed authority” means the Minister or any of the following officers of the Department of Defence, namely, the Secretary, the Finance Secretary, the Assistant Finance Secretary, District Paymasters or the Chief Paymaster of the Australian Imperial Force abroad.

5. The payment or delivery of any money or other property in pursuance of this Act shall operate as a discharge of the Commonwealth from any liability in respect of the money or property. Disposition of
property to
operate as
discharge.

6. Notwithstanding anything contained in any Act or State Act the Commonwealth shall not be liable to any action claim or demand in respect of anything done in connexion with— Exemption of
Commonwealth
from liability.

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

7.—(1.) Money or other property belonging to the military estate of a deceased soldier may be paid or delivered to the Curator, and the receipt of the Curator shall be a sufficient discharge to the Commonwealth from all liability in respect of the money or property, as the case may be. Payments to
Curator of
Intestate
Estates or
Public Trustee.

(2.) Where money or property has been paid or delivered to the Curator in pursuance of this section, he shall, upon receipt of a request in writing from the prescribed officer of the Commonwealth, repay or re-deliver to the prescribed officer the money or property, or such part thereof as remains unadministered, and the receipt of the prescribed officer shall discharge the Curator 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 the prescribed officer in pursuance of this section the money or property shall be dealt with as provided in this Act.

8. Any portion of the military estate of a deceased member which consists of personal property or effects may be sold as prescribed, and the proceeds of the sale shall be deemed to be part of the military estate of the member. Sale of
property.

Application of
estate where
no person
beneficially
entitled thereto.

9. Where it appears that there is no person to whom the military estate of a deceased member may be paid or delivered under section four 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 :

Provided that the application of the proceeds of a military estate in pursuance of this section shall not bar the claim of any person who subsequently satisfies the prescribed officer that he is a person to whom the estate or a part thereof may be paid or delivered under section four of this Act.

Attachment
of military
estates.

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

Medals.

11. 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 a person thereto authorized in writing by the Minister, approves.

Decorations.

12. Subject to any specific directions 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 accordance with the provision of the last preceding section.

Regulations.

13. 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.
