

STATUTORY RULES.

1945. No. 29.

REGULATIONS UNDER THE DEFENCE ACT 1903-1941.*

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Defence Act 1903-1941*.

Dated this twenty-eighth day of February, 1945.

HENRY

Governor-General.

By His Royal Highness's Command,

F. M. FORDE

Minister of State for the Army.

AMENDMENTS OF THE WAR FINANCIAL (MILITARY FORCES) REGULATIONS.†

1. Regulation 24 of the War Financial (Military Forces) Regulations is repealed and the following regulations inserted in its stead:—

“23A. Subject to such conditions as are approved by the Military Board, there may be deducted from the pay due to a member who previously served for any period subsequent to the sixth day of October, 1939—

Recovery of overpayments in respect of previous service.

(a) in the Australian Military Forces under a previous appointment or enlistment; or

(b) in any other part of the Defence Force,

such sum or sums as could legally have been deducted from his pay if he had continued to serve in that part of the Defence Force in which he previously served.

“24.—(1.) In the event of the death of a member on or after the first day of December, 1944, any monetary penalty which has been imposed upon or incurred by him shall, if any of the persons for whose benefit his war service estate will be paid or delivered—

Remission of forfeiture in event of death.

(a) was the wife, child, parent, step-parent or foster-parent of the member; or

(b) was actually dependent on the member at the time of his death,

* Notified in the *Commonwealth Gazette* on 8th March, 1945.

† Statutory Rules 1941, No. 218, as amended by Statutory Rules 1942, Nos. 136 and 347; 1943, No. 287; and 1944, Nos. 65, 82, 111 and 123.

be remitted, unless the Minister, having regard to the special circumstances of any particular case, otherwise directs:

Provided that no remission shall be made of any forfeiture of pay incurred in respect of any period during which the member was absent without leave.

(2.) For the purposes of this regulation—

‘child’ means any person who is a legitimate or illegitimate son, daughter, stepson or stepdaughter or a legally adopted son or daughter of a member;

‘war service estate’ means war service estate as defined in section 4 of the *War Services Estates Act 1942*;

‘monetary penalty’ means any forfeiture of pay awarded against or any fine inflicted upon, a member, but shall not include—

(a) any debit to the member’s account pursuant to paragraph (ii) of the proviso to paragraph (b) of sub-regulation (1.) of regulation 54 of these Regulations; or

(b) any amount stopped or deducted from the member’s pay as compensation for barrack damage or to make good any loss or damage occasioned or any regimental debt incurred by the member.”.

Allowance conditional upon allotment.

2. Regulation 35 of the War Financial (Military Forces) Regulations is amended—

(a) by omitting from the proviso to sub-regulation (3.) the words “twenty-eight days” and inserting in their stead the words “three months”; and

(b) by adding at the end thereof the following sub-regulation:—

“(4.) For the purposes of sub-regulation (2.) of this regulation—

(a) an allotment at a rate authorized under sub-regulation (11.) of regulation 36 of these Regulations; or

(b) allotments of the appropriate proportion of the standard rate totalling not less than the standard rate, authorized under regulation 40 of these Regulations,

shall be deemed to be an allotment at not less than the standard rate.”.

Payment on account of allotment during forfeiture of pay.

3. Regulation 47 of the War Financial (Military Forces) Regulations is amended by omitting the word and figures “regulation 54” and inserting in their stead the word and figures “regulations 50 and 54”.

Leave without pay.

4. Regulation 50 of the War Financial (Military Forces) Regulations is amended by adding at the end thereof the following sub-regulations:—

“(2.) Where a prescribed authority is satisfied that a member who has been granted leave without pay has failed to return to duty on or before the expiration of that leave, no payment in pursuance of

regulation 47 of these Regulations shall be made until the member returns to duty or is taken into military custody, unless a prescribed authority directs.

“(3.) Unless in the exercise of his powers under sub-regulation (2.) of this regulation a prescribed authority has directed that a payment shall be made in pursuance of regulation 47 of these Regulations, dependants allowance shall not be paid in respect of the member until he has returned to duty or is taken into military custody.”.

5. Regulation 54 of the War Financial (Military Forces) Regulations is amended by omitting the word “apprehended”, wherever occurring, and inserting in its stead the words “taken into military custody”.

Absent without
leave.