

1914-15.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 23th July, 1915.

*(Brought in by the Minister for the Navy, the Honorable  
J. A. Jensen.)*

## A BILL

FOR

## AN ACT

To amend the *War Pensions Act 1914*.

**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 :—

- 1.—(1.) This Act may be cited as the *War Pensions Act 1915*. Short title  
and citation.
- 5 (2.) The *War Pensions Act 1914* is in this Act referred to as the  
Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as  
the *War Pensions Act 1914-1915*.
2. This Act shall be deemed to have commenced on the same day Commencement.  
10 as the Principal Act.
3. Section two of the Principal Act is amended— Amendment  
of s. 2.
- (a) by inserting after the definition of "Dependants" the  
words "'Deputy Commissioner' means a Deputy  
Commissioner of Pensions under this Act ;"

(b) by

[ C.64 ]—855/28.7.1915.—F.5678.

- (b) by adding at the end of the definition of "Member of the Forces" the words ", 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 ;" ; and
- (c) by omitting the definition of "The Pensions Board" and inserting in its stead the following definitions:—
- " 'Registrar' means a Registrar of Pensions under this Act ;
- 'The Commissioner' means the Commissioner of Pensions under this Act ;".

Amendment  
of s. 3.

4. Paragraph (b) of the proviso to section three of the Principal Act is amended—

- (a) by omitting the words "under any other Act", and inserting in their stead the words "under any Act (other than the *Invalid and Old-age Pensions Act* 1908–1912, or any Act amending or substituted for that Act,)." ;
- (b) by inserting after the word "gratuity" the words "(but not including any payment in lieu of furlough under the *Commonwealth Public Service Act* 1902–1913 or the *Defence Act* 1903–1915)." ;
- (c) by omitting the words "such other" and inserting in their stead the word "that" ; and
- (d) by omitting the word "other" (last occurring).

5. Section four of the Principal Act is repealed and the following sections inserted in its stead:—

Commissioner.

" 4. There shall be a Commissioner of Pensions, who shall, subject to the control of the Minister, have the general administration of this Act. 30

Assistant  
Commissioner.

" 4A.—(1.) There may be an Assistant Commissioner of Pensions, who shall have such powers as are delegated by the Commissioner or as are prescribed.

" (2.) The Commissioner may, by writing under his hand, delegate to the Assistant Commissioner all or any of his powers under this Act. 35

" (3.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.

Deputy  
Commissioners.

" 4B. There shall be a Deputy Commissioner for each State, who shall, subject to the control of the Commissioner, have the powers conferred on him by this Act. 40

Deputy  
Commissioners  
outside  
Commonwealth;

" 4C. The Governor-General may appoint a Deputy Commissioner at any place outside the limits of the Commonwealth and any Deputy Commissioner so appointed shall for the purposes of this Act have, in addition to the powers conferred on him by this Act, the powers and functions of a Registrar or a Special Magistrate. 45

Registrars.

" 4D. The Governor-General may appoint such Registrars of Pensions as he thinks necessary for the purposes of this Act.

" 4E.—The

“ 4E. The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act. Special Magistrates.

5 “ 4F. The persons for the time being holding the offices of Commissioner of Pensions, Assistant Commissioner of Pensions, Deputy Commissioner of Pensions, Registrar of Pensions, or Special Magistrate, under the *Invalid and Old-age Pensions Act* 1908–1912 shall be deemed to have been appointed to the offices under this Act corresponding respectively to the offices held by them under that Act. Officers under Invalid and Old-age Pensions Act to be officers under this Act

10 “ 4G.—(1.) Each Registrar shall have power to administer oaths and shall have such other powers and such duties and functions as are conferred or imposed upon him by this Act. Powers and duties of Registrars.

“ (2.) In particular, it shall be the duty of each Registrar—

- 15 (a) to receive pension claims ;  
 (b) to investigate pension claims as prescribed ; and  
 (c) generally, to keep such books and registers, and do all such things, as are prescribed or as the Commissioner or the Deputy Commissioner directs.”

20 6. Section five of the Principal Act is amended by omitting the words “ the Pensions Board or any member thereof ” (wherever occurring) and inserting in their stead the words “ the Commissioner or a Deputy Commissioner ”. Powers of Commissioner and Deputy Commissioners.

7. After section five of the Principal Act the following section is inserted :—

- 25 “ 5A.—(1.) Each Deputy Commissioner shall be charged with the duties of— Duties of Deputy Commissioners.
- 30 (a) determining whether the death or incapacity of a member of the Forces in fact resulted from his employment in connexion with warlike operations, and in the case of incapacity the nature and extent thereof ;
- (b) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent ;
- 35 (c) assessing the rates of pensions of members of the Forces and their dependants, and determining the dates of the commencement of such pensions ; and
- (d) such other duties as are prescribed.

40 “ (2.) The Commissioner may at any time direct that any particular case or cases of a particular class be referred to him for assessment or determination.”

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

“ 6. An appeal shall lie to the Commissioner from any assessment or determination of a Deputy Commissioner under this Act.” Appeal to Commissioner.

9. Section

Review by  
Commissioner.

9. Section seven of the Principal Act is amended by omitting the words "the Pensions Board" (wherever occurring) and inserting in their stead the words "the Commissioner".

Suspension  
of pension or  
forfeiture of  
instalment.

10. After section seven of the Principal Act the following section is inserted :—

"7A. If any pensioner is convicted of an offence and sentenced to any term of imprisonment, the Commissioner or a Deputy Commissioner may suspend his pension during the term of his imprisonment or any portion thereof or forfeit any instalment thereof accruing during such term or portion."

Amendment  
of s. 8.

11. Section eight of the Principal Act is amended—

(a) by omitting the words "shall not exceed the following", and inserting in their stead the words "shall be as follows";

(b) by omitting the words "the Pensions Board" (wherever occurring) and inserting in their stead the words "the Commissioner or the Deputy Commissioner, as the case may be,";

(c) by adding at the end of sub-paragraph (iii) of paragraph (B) the words "and

(iv.) to the other dependants such rates as are assessed by the Commissioner or the Deputy Commissioner, as the case may be, but not exceeding in the aggregate the rate specified in column two of the Schedule opposite to the rate of pay of the member plus Fifty-two pounds per annum :

Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the Schedule opposite to the rate of pay of the member.";

(d) by adding at the end thereof the following sub-section :—

"(2.) Notwithstanding anything contained in this section, the maximum rate of pension payable to a child both of whose parents are dead, or whose mother is dead and whose father is totally or partially incapacitated, shall be Nineteen pounds ten shillings per annum."

12. After section eight of the Principal Act the following section is inserted :—

Payment of  
pension  
instalments.

"8A.—(1.) Pensions shall be paid in fortnightly instalments.

"(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

"(3.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days of a fortnight."

13. Section

13. Section nine of the Principal Act is amended—

- (a) by omitting the words “the Pensions Board” (wherever occurring), and inserting in their stead the words “the Commissioner”;
- 5 (b) by omitting the words “with the sanction of the Minister”; and
- (c) by omitting the word “its” and inserting in its stead the word “his”.

Amendment  
of s. 9.

14. After section nine of the Principal Act the following section  
10 is inserted:—

“9A.—(1.) A pension payable to any dependant who at the date of the granting of the pension is under sixteen years of age shall cease upon the pensioner attaining that age, or after the expiration of two years from the date of the commencement of the pension,  
15 whichever occurs later.

Pensions  
payable for  
limited period  
in certain cases.

“ (2.) Except in the case of a child, or of the wife, widow, father, mother, grandfather or grandmother of a member of the Forces, no pension shall be payable for a period exceeding two years to any dependant who in the opinion of the Commissioner or the Deputy  
20 Commissioner, as the case may be, is able to earn a livelihood.”

15. Section ten of the Principal Act is amended—

- (a) by omitting the words “the widow”, and inserting in their stead the words “any female dependant”; and
- 25 (b) by inserting after the word “her” the words “marriage or”.

Pensions to  
female  
dependants to  
cease upon  
marriage or  
re-marriage

16. Section eleven of the Principal Act is repealed.

Repeal  
of s. 11.

17. Section fourteen of the Principal Act is amended by omitting from paragraph (c) thereof the words “or to the Pensions Board”.

Amendment  
of s. 14.

18. Section sixteen of the Principal Act is amended by omitting  
30 the word “in” first occurring).

Amendment of  
s. 16.

19. The Schedule to the Principal Act is amended by inserting in column one thereof, after the figures “6. 0.”, the words “and under”.

Amendment  
of the Schedule.



1914-15.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

WAR PENSIONS BILL 1915.

COPY OF THE WAR PENSIONS ACT 1914 AS  
PROPOSED TO BE AMENDED BY THE  
WAR PENSIONS BILL 1915.*(Circulated by the Minister for the Navy, Mr. Jensen.)*

The words printed in erased type are words proposed to be omitted from the Principal Act.

The words printed in black type are words proposed to be inserted in the Principal Act.

The numbers refer to the numbers of the sections of the Principal Act.

**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. This Act may be cited as the *War Pensions Act* 1914.

Short title.

2. In this Act, unless the contrary intention appears :—

Definitions.

“Child” means any dependant under the age of sixteen years, being a son, daughter, step-son, step-daughter, or adopted child of a member of the Forces ;

“Dependants” means such of the members of the family of a member of the Forces, whose death or incapacity results from his employment in connexion with warlike operations, as were wholly or in part dependent upon his earnings at the time of his death, or who would, but for such incapacity, have been so dependent, and includes parents who though not dependent upon the

earnings of the member at the time of his death are, at any time within five years after such death, without adequate means of support; and where the member—

(a) being the parent or grandparent of an ex-nuptial child, leaves the child so dependent upon his earnings, or

(b) being an ex-nuptial child, leaves a parent or grandparent so dependent upon his earnings,

includes such an ex-nuptial child and parent or grandparent respectively;

“Deputy Commissioner” means a Deputy Commissioner of Pensions under this Act;

“Incapacity” includes incapacity of a member of the Forces arising from disease, not due to the default of the member, contracted by him while employed on active service;

“Instalment” means an instalment of a pension;

“Member of the Forces” means a member of the Commonwealth Naval or Military Forces enlisted or appointed for or employed on active service outside Australia or employed on a ship of war; 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;

“Member of a family” means, wife, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, adopted child, or mother-in-law;

“Minister” means the Treasurer of the Commonwealth;

“Other dependants” means dependants of a member of the Forces other than his wife (or widow) and children;

“Pension” means a pension under this Act;

“The Pension Board” means the Pensions Board appointed in pursuance of this Act;

“Registrar” means a Registrar of Pensions under this Act;

“The Commissioner” means the Commissioner of Pensions under this Act;

“The rate of pay of the member” means the rate of pay received by the member of the Forces as a member at the time of the occurrence of the casualty or the contraction of the disease which resulted in his death or incapacity, and includes such allowances as are prescribed by the regulations under this Act;

“This Act” includes all regulations made thereunder.

Pensions upon death or incapacity in consequence of warlike operations.

3. Upon the death or incapacity of any member of the Forces whose death or incapacity results or has resulted from his employment in connexion with warlike operations in which His Majesty is, or has since the commencement of the present state of war been, engaged, the Commonwealth shall subject to this Act be liable to pay to the member or his dependants, or both, as the case may be pensions in accordance with this Act.



Provided that—

(a) a claim for payment of a pension in accordance with this Act is made—

(i) in case of the death of a member of the Forces—  
by a dependant not more than six months after the date of the public notification by the Minister in the *Gazette* of the death of the member, or, by parents who though not dependent upon the earnings of the member at the time of his death are at any time within five years after such death, without adequate means of support, within five years after such death; and

(ii) in case of the incapacity of a member of the Forces—by the member or a dependant not more than six months after the termination of the appointment or discharge of the member; and

(b) if the member or his dependants is or are entitled under any other Act under any Act (other than the Invalid and Old-age Pensions Act 1908-1912, or any Act amending or substituted for that Act) to receive any payment by way of compensation, pension, retiring allowance, superannuation or gratuity (but not including any payment in lieu of furlough under the Commonwealth Public Service Act 1902-1913 or the Defence Act 1903-1915), the right to payment by way of pension in accordance with this Act shall be taken to be substituted for the right of the member or his dependants to any payment by the Commonwealth under such other that Act and the right of the member or his dependants under that other Act shall be by force of this Act determined; and

(c) if the member or his dependants is or are entitled under any Imperial Act or State Act to receive any payment by way of compensation, pension, retiring allowance, superannuation, or gratuity, the rate or amount of that payment shall be taken into account in assessing the rate of pension payable under this Act.

4.—(1.) There shall be a Pensions Board of three persons constituted in the prescribed manner.

Appointment  
and constitution  
of board.

(2.) The members of the Pensions Board shall be appointed by the Minister, and shall hold office as prescribed.

(3.) One of the members of the Pensions Board shall be a qualified medical practitioner.

(4.) The Pensions Board shall be charged with the duties of—

(a) determining whether the death or incapacity of a member of the Forces in fact resulted from his

employment in connexion with warlike operations, and in the case of incapacity, the nature and extent thereof;

- (b) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent;
- (c) assessing the rates of pension of members of the Forces and their dependants; and
- (d) such other duties as are prescribed.

**Commissioner.** 4. There shall be a Commissioner of Pensions, who shall, subject to the control of the Minister, have the general administration of this Act.

**Assistant Commissioner.** 4A.—(1.) There may be an Assistant Commissioner of Pensions, who shall have such powers as are delegated by the Commissioner or as are prescribed.

(2.) The Commissioner may, by writing under his hand, delegate to the Assistant Commissioner all or any of his powers under this Act.

(3.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.

**Deputy Commissioners.** 4B. There shall be a Deputy Commissioner for each State, who shall, subject to the control of the Commissioner, have the powers conferred on him by this Act.

**Deputy Commissioners outside Commonwealth.** 4C. The Governor-General may appoint a Deputy Commissioner at any place outside the limits of the Commonwealth and any Deputy Commissioner so appointed shall for the purposes of this Act have, in addition to the powers conferred on him by this Act, the powers and functions of a Registrar or a Special Magistrate.

**Registrars.** 4D.—The Governor-General may appoint such Registrars of Pensions as he thinks necessary for the purposes of this Act.

**Special Magistrates.** 4E. The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act.

**Officers under Invalid and Old-age Pensions Act to be officers under this Act.** 4F. The persons for the time being holding the offices of Commissioner of Pensions, Assistant Commissioner of Pensions, Deputy Commissioner of Pensions, Registrar of Pensions, or Special Magistrate under the Invalid and Old-age Pensions Act 1908-1912 shall be deemed to have been appointed to the offices under this Act corresponding respectively to the offices held by them under that Act.

**Powers and Duties of Registrars.** 4G.—(1.) Each Registrar shall have power to administer oaths, and shall have such other powers and such duties and functions as are conferred or imposed upon him by this Act.

- (2.) In particular, it shall be the duty of each Registrar—
- (a) to receive pension claims ;
  - (b) to investigate pension claims as prescribed ; and
  - (c) generally, to keep such books and registers, and do all such things, as are prescribed or as the Commissioner or the Deputy Commissioner directs.

5.—(1.) The Pensions Board or any member thereof The Commissioner or a Deputy Commissioner may—

Powers of  
Commissioner  
and Deputy  
Commissioners.

- (a) summon witnesses ;
- (b) take evidence on oath ; and
- (c) require the production of documents.

(2.) No person who has been summoned to appear as a witness before the Pensions Board or any member thereof the Commissioner or a Deputy Commissioner shall, without lawful excuse, and after tender of reasonable expenses, fail to appear in answer to the summons.

Penalty : Twenty pounds.

(3.) No person who appears before the Pensions Board or any member thereof the Commissioner or a Deputy Commissioner as a witness shall, without lawful excuse, refuse to be sworn, or to make an affirmation, or to produce documents, or to answer questions which he is lawfully required to answer.

Penalty : Fifty pounds.

5A.—(1.) Each Deputy Commissioner shall be charged with the duties of—

Duties of  
Deputy  
Commissioners.

- (a) determining whether the death or incapacity of a member of the Forces in fact resulted from his employment in connexion with warlike operations, and in the case of incapacity the nature and extent thereof ;
- (b) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent ;
- (c) assessing the rates of pensions of members of the Forces and their dependants, and determining the dates of the commencement of such pensions ; and
- (d) such other duties as are prescribed.

(2.) The Commissioner may at any time direct that any particular case or cases of a particular class be referred to him for assessment or determination.

6. Any assessment or determination of the Pensions Board under this Act shall be subject to the approval of the Minister.

Assessment or  
determination  
subject to  
Minister's  
approval.

6. An appeal shall lie to the Commissioner from any assessment or determination of a Deputy Commissioner under this Act.

Appeal to  
Commissioner.

7. Whenever it appears to the Pensions Board the Commissioner that under this Act sufficient reason exists for reviewing any assessment or determination under this Act the Pensions Board the Commissioner may review the assessment or determination.

Review by  
Commissioner

**Suspension of  
pension or  
forfeiture of  
instalment.**

7A. If any pensioner is convicted of an offence and sentenced to any term of imprisonment, the Commissioner or a Deputy Commissioner may suspend his pension during the term of his imprisonment or any portion thereof or forfeit any instalment thereof accruing during such term or portion.

**Rates of  
pensions.**

8.—(1.) The rates of pensions payable under this Act shall not exceed the following, shall be as follows :—

(A) In case of the death of a member of the Forces—

- (i) to the widow, the rate specified in column two of the Schedule opposite to the rate of pay of the member, and
- (ii) to each child, the rate of Thirteen pounds per annum, and
- (iii) to the other dependants such rates as are assessed by the Pensions Board the Commissioner or the Deputy Commissioner, as the case may be, but not exceeding in the aggregate the rate specified in column two of the Schedule opposite to the rate of pay of the member plus Fifty-two pounds per annum :

Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the Schedule opposite to the rate of pay of the member.

(B) In case of the total incapacity of a member of the Forces—

- (i) to the member, the rate specified in column three of the Schedule opposite to the rate of pay of the member, and
- (ii) to the wife of the member, fifty per centum of that rate, and
- (iii) to each child of the member, the rate of Thirteen pounds per annum, and
- (iv) to the other dependants such rates as are assessed by the Commissioner or the Deputy Commissioner, as the case may be, but not exceeding in the aggregate the rate specified in column two of the Schedule opposite to the rate of pay of the member plus Fifty-two pounds per annum :

Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the Schedule opposite to the rate of pay of the member.

(C) In case of the partial incapacity of a member of the Forces, such less rates than those referred to in paragraph (B) as are assessed by the Pensions Board the Commissioner or the Deputy Commissioner, as the case may be, having regard to the nature and probable duration of the incapacity.

(2.) Notwithstanding anything contained in this section, the maximum rate of pension payable to a child both of whose parents are dead, or whose mother is dead and whose father is totally or partially incapacitated shall be Nineteen pounds ten shillings per annum.

8A.—(1.) Pensions shall be paid in fortnightly instalments.

(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

Payment of  
pension  
instalments.

(3.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days of a fortnight.

9. Where the Pensions Board the Commissioner is satisfied that in the case of any member of the Forces the rate of pension payable under this Act is not more than thirty per centum of the rate which would be payable as for the total incapacity of the member, the Pensions Board the Commissioner may, with the sanction of the Minister assess the lump sum which would in his opinion be equivalent to the payment of a pension under this Act, and in that case the liability to payment of the lump sum so assessed shall be substituted for the liability to payment of a pension under this Act.

Payment of  
lump sum may  
be substituted  
in certain cases.

9A.—(1.) A pension payable to any dependant who at the date of the granting of the pension is under sixteen years of age shall cease upon the pensioner attaining that age, or after the expiration of two years from the date of the commencement of the pension, whichever occurs later.

Pensions  
payable for  
limited period  
in certain cases.

(2.) Except in the case of a child, or of the wife, widow, father, mother, grandfather or grandmother of a member of the Forces, no pension shall be payable for a period exceeding two years to any dependant who in the opinion of the Commissioner or the Deputy Commissioner, as the case may be, is able to earn a livelihood.

10. A pension payable under this Act to the widow any female dependant of a member of the Forces shall cease upon her marriage or re-marriage.

Pensions  
payable to  
widows only  
during  
widowhood.

11. A pension under this Act shall not be payable until approved by the Governor-General.

Pensions to be  
approved by  
Governor-  
General.

12. Pensions granted pursuant to this Act shall be payable out of moneys from time to time appropriated by Parliament for the purpose.

Pensions  
payable from  
moneys  
appropriated.

13. Subject to this Act, a pension shall be absolutely inalienable whether by way or in consequence of sale, assignment, charge, execution, insolvency, or otherwise howsoever.

Pension  
absolutely  
inalienable.  
No. 17, 1908,  
s. 41.

## 14. Any person who—

- (a) obtains any pension or instalment which is not payable ;
- (b) obtains payment of any pension or instalment by means of any false or misleading statement ; or
- (c) makes or presents to the Minister or to the Pensions Board or to any officer doing duty in relation to this Act or the regulations, any statement or document which is false in any particular,

shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for one year.

Extension of  
Act to British  
Reservists.

15. The provisions of this Act shall extend to the case of any soldier of the Imperial Reserve Forces called up for active service who at the commencement of the present state of war was *bonâ fide* resident in Australia, as if that soldier were a member of the Forces as defined in this Act :

Provided that where the soldier or his dependants is or are entitled to any pension or compensation under any Imperial Act the rate or amount of that pension or compensation shall be taken into account in assessing the rate of pension payable under this Act :

Provided further that a pension shall not be payable under this section to any person who is not *bonâ fide* resident in Australia.

Regulations.

16. 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 giving effect to this Act, and in particular for prescribing the manner in which the pensions or instalments due to persons who are under any incapacity or disability may be dealt with.

---

## THE SCHEDULE.

SCALE OF PENSIONS PAYABLE TO WIDOW ON DEATH OF A MEMBER OF THE FORCES OR TO A MEMBER UPON TOTAL INCAPACITY.

COLUMN ONE. Rate of pay of the member per day.	COLUMN TWO. Pension payable to widow on death of member.	COLUMN THREE. Pension payable to member upon total incapacity.
<i>s. d.</i> 6 0 and under	£ <i>s. d.</i> 52 0 0 per annum	£ <i>s. d.</i> 52 0 0 per annum
7 0	56 0 0 "	56 0 0 "
9 0	64 0 0 "	64 0 0 "
10 0	68 0 0 "	68 0 0 "
10 6	70 0 0 "	70 0 0 "
11 6	73 0 0 "	73 0 0 "
12 0	74 10 0 "	74 10 0 "
13 0	77 10 0 "	77 10 0 "
17 6	91 0 0 "	91 0 0 "
22 6	101 0 0 "	101 0 0 "
30 0	116 0 0 "	116 0 0 "
37 6	131 0 0 "	131 0 0 "
45 0	146 0 0 "	146 0 0 "
50 0 and upwards.	156 0 0 "	156 0 0 "

Where the rate of pay of a member of the Forces exceeds a rate shown in column one of this Schedule and is less than the next higher rate in that column, the rates of pensions payable for the purposes of columns two and three shall be computed by adding to the rate of pension shown in those columns opposite to the next lower rate of pay the sum which bears to the difference between that rate of pension and the next higher rate of pension shown in those columns the proportion which the difference between the rate of pay received by the member and the next lower rate of pay shown in column one bears to the difference between the next lower and the next higher rates of pay in that column.





1914-15.

THE PARLIAMENT OF THE COMMONWEALTH.

## HOUSE OF REPRESENTATIVES.

Read 1<sup>o</sup> 28th July, 1915.

*(Brought in by the Minister for the Navy, the Honorable  
J. A. Jensen.)*

## A BILL

FOR

## AN ACT

To amend the *War Pensions Act 1914*.

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 *War Pensions Act 1915*.

Short title  
and citation.

5 (2.) The *War Pensions Act 1914* is in this Act referred to as the  
Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as  
the *War Pensions Act 1914-1915*.

10 2. This Act shall be deemed to have commenced on the same day  
as the Principal Act. Commencement.

3. Section two of the Principal Act is amended—

Amendment  
of s. 2.

(a) by inserting after the definition of "Dependants" the  
words "'Deputy Commissioner' means a Deputy  
Commissioner of Pensions under this Act ;"

(b) by

- (b) by adding at the end of the definition of "Member of the Forces" the words ", 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;" ; and
- (c) by omitting the definition of "The Pensions Board" and inserting in its stead the following definitions:—
- " 'Registrar' means a Registrar of Pensions under this Act;
- " 'The Commissioner' means the Commissioner of Pensions under this Act;" .

Amendment  
of s. 3.

4. Paragraph (b) of the proviso to section three of the Principal Act is amended—

- (a) by omitting the words "under any other Act", and inserting in their stead the words "under any Act (other than the *Invalid and Old-age Pensions Act* 1908-1912, or any Act amending or substituted for that Act,)." .
- (b) by inserting after the word "gratuity" the words "(but not including any payment in lieu of furlough under the *Commonwealth Public Service Act* 1902-1913 or the *Defence Act* 1903-1915)," ;
- (c) by omitting the words "such other" and inserting in their stead the word "that" ; and
- (d) by omitting the word "other" (last occurring).

5. Section four of the Principal Act is repealed and the following sections inserted in its stead:—

Commissioner.

" 4. There shall be a Commissioner of Pensions, who shall, subject to the control of the Minister, have the general administration of this Act. 30

Assistant  
Commissioner.

" 4A.—(1.) There may be an Assistant Commissioner of Pensions, who shall have such powers as are delegated by the Commissioner or as are prescribed.

" (2.) The Commissioner may, by writing under his hand, delegate to the Assistant Commissioner all or any of his powers under this Act. 35

" (3.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commissioner.

Deputy  
Commissioners.

" 4B. There shall be a Deputy Commissioner for each State, who shall, subject to the control of the Commissioner, have the powers conferred on him by this Act. 40

Deputy  
Commissioners  
outside  
Commonwealth;

" 4C. The Governor-General may appoint a Deputy Commissioner at any place outside the limits of the Commonwealth and any Deputy Commissioner so appointed shall for the purposes of this Act have, in addition to the powers conferred on him by this Act, the powers and functions of a Registrar or a Special Magistrate. 45

Registrars.

" 4D. The Governor-General may appoint such Registrars of Pensions as he thinks necessary for the purposes of this Act.

" 4E.—The

1915.

*War Pensions.*

No.

3

“4E. The Governor-General may appoint such Special Magistrates of the Commonwealth as he thinks necessary for the purposes of this Act.

Special Magistrates.

5 “4F. The persons for the time being holding the offices of Commissioner of Pensions, Assistant Commissioner of Pensions, Deputy Commissioner of Pensions, Registrar of Pensions, or Special Magistrate, under the *Invalid and Old-age Pensions Act 1908-1912* shall be deemed to have been appointed to the offices under this Act corresponding respectively to the offices held by them under that Act.

Officers under Invalid and Old-age Pensions Act to be officers under this Act

10 “4G.—(1.) Each Registrar shall have power to administer oaths and shall have such other powers and such duties and functions as are conferred or imposed upon him by this Act.

Powers and duties of Registrars.

“ (2.) In particular, it shall be the duty of each Registrar—

- 15 (a) to receive pension claims ;  
 (b) to investigate pension claims as prescribed ; and  
 (c) generally, to keep such books and registers, and do all such things, as are prescribed or as the Commissioner or the Deputy Commissioner directs.”

20 6. Section five of the Principal Act is amended by omitting the words “the Pensions Board or any member thereof” (wherever occurring) and inserting in their stead the words “the Commissioner or a Deputy Commissioner”.

Powers of Commissioner and Deputy Commissioners.

7. After section five of the Principal Act the following section is inserted :—

25 “5A.—(1.) Each Deputy Commissioner shall be charged with the duties of—

Duties of Deputy Commissioners.

- 30 (a) determining whether the death or incapacity of a member of the Forces in fact resulted from his employment in connexion with warlike operations, and in the case of incapacity the nature and extent thereof ;  
 (b) determining the extent to which persons alleged to be dependent upon a member of the Forces were in fact so dependent ;  
 35 (c) assessing the rates of pensions of members of the Forces and their dependants, and determining the dates of the commencement of such pensions ; and  
 (d) such other duties as are prescribed.

40 “ (2.) The Commissioner may at any time direct that any particular case or cases of a particular class be referred to him for assessment or determination.”

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

“6. An appeal shall lie to the Commissioner from any assessment or determination of a Deputy Commissioner under this Act.”

Appeal to Commissioner.

9. Section

Review by  
Commissioner.

9. Section seven of the Principal Act is amended by omitting the words "the Pensions Board" (wherever occurring) and inserting in their stead the words "the Commissioner".

Suspension  
of pension or  
forfeiture of  
instalment.

10. After section seven of the Principal Act the following section is inserted :—

"7A. If any pensioner is convicted of an offence and sentenced to any term of imprisonment, the Commissioner or a Deputy Commissioner may suspend his pension during the term of his imprisonment or any portion thereof or forfeit any instalment thereof accruing during such term or portion."

Amendment  
of s. 8.

11. Section eight of the Principal Act is amended—

(a) by omitting the words "shall not exceed the following", and inserting in their stead the words "shall be as follows";

(b) by omitting the words "the Pensions Board" (wherever occurring) and inserting in their stead the words "the Commissioner or the Deputy Commissioner, as the case may be,";

(c) by adding at the end of sub-paragraph (iii) of paragraph (B) the words "and

(iv.) to the other dependants such rates as are assessed by the Commissioner or the Deputy Commissioner, as the case may be, but not exceeding in the aggregate the rate specified in column two of the Schedule opposite to the rate of pay of the member plus Fifty-two pounds per annum :

Provided that the maximum rate of pension payable to any one dependant of a member shall not in any case exceed the amount specified in column two of the Schedule opposite to the rate of pay of the member.";

(d) by adding at the end thereof the following sub-section :—

"(2.) Notwithstanding anything contained in this section, the maximum rate of pension payable to a child both of whose parents are dead, or whose mother is dead and whose father is totally or partially incapacitated, shall be Nineteen pounds ten shillings per annum."

12. After section eight of the Principal Act the following section is inserted :—

Payment of  
pension  
instalments.

"8A.—(1.) Pensions shall be paid in fortnightly instalments.

"(2.) In order to ascertain the amount of an instalment of a pension covering a period of a fortnight the annual pension shall be divided by twenty-six.

"(3.) The instalment of a pension covering a period of less than a fortnight shall be in proportion to the number of days of a fortnight."

13. Section

13. Section nine of the Principal Act is amended— Amendment  
of s. 9.
- (a) by omitting the words "the Pensions Board" (wherever occurring), and inserting in their stead the words "the Commissioner";
- 5 (b) by omitting the words "with the sanction of the Minister"; and
- (c) by omitting the word "its" and inserting in its stead the word "his".
14. After section nine of the Principal Act the following section Pensions  
payable for  
limited period  
in certain cases.
- 10 is inserted:—
- "9A.—(1.) A pension payable to any dependant who at the date of the granting of the pension is under sixteen years of age shall cease upon the pensioner attaining that age, or after the expiration of two years from the date of the commencement of the pension,
- 15 whichever occurs later.
- "(2.) Except in the case of a child, or of the wife, widow, father, mother, grandfather or grandmother of a member of the Forces, no pension shall be payable for a period exceeding two years to any dependant who in the opinion of the Commissioner or the Deputy
- 20 Commissioner, as the case may be, is able to earn a livelihood."
15. Section ten of the Principal Act is amended— Pensions to  
female  
dependants to  
cease upon  
marriage or  
re-marriage
- (a) by omitting the words "the widow", and inserting in their stead the words "any female dependant"; and
- 25 (b) by inserting after the word "her" the words "marriage or".
16. Section eleven of the Principal Act is repealed. Repeal  
of s. 11.
17. Section fourteen of the Principal Act is amended by omitting from paragraph (c) thereof the words "or to the Pensions Board". Amendment  
of s. 14.
18. Section sixteen of the Principal Act is amended by omitting Amendment of  
s. 16.
- 30 the word "in" (first occurring).
19. The Schedule to the Principal Act is amended by inserting in column one thereof, after the figures "6. 0.", the words "and under". Amendment  
of the Schedule



1914-15.

## THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

## WAR PENSIONS BILL (1915).

*(Schedule of the Amendments made by the Senate.)*

No. 1.—Page 1, clause 3, after “amended” in line 11, and before paragraph (a), insert the following new paragraph :—

“(aa) by omitting the definition of ‘Dependants’ and inserting in its stead the following definition :—

‘Dependants’ means the wife or widow and children or ex-nuptial children of a member of the Forces, whose death or incapacity results from his employment in connexion with warlike operations, and includes such other members of the family of that member of the Forces as were wholly or in part dependent upon his earnings at any time during the period of twelve months prior to his enlistment, or who would, but for such incapacity, have been so dependent, and parents who though not dependent upon the earnings of the member at any time during the period of twelve months prior to his enlistment are, at any time within five years after his death, without adequate means of support; and where the member—

(i.) being the grandparent of an ex-nuptial child, leaves the child so dependent upon his earnings, or

(ii.) being an ex-nuptial child, leaves a parent or grandparent so dependent upon his earnings,

includes such an ex-nuptial child and parent or grandparent respectively.”

No. 2.—Page 5, clause 14, at end of clause add—

“(3.) A child to whom a pension has been granted, who on attaining the age of sixteen years is, in the opinion of the Commissioner, unable to earn a livelihood, may then be granted a pension at such rate as may be assessed by the Commissioner, but not exceeding the rate specified in column two of the Schedule opposite the rate of pay of the member :

Provided that an application for the pension shall be made to the Commissioner or a Deputy Commissioner within six months of the child attaining the age of sixteen years.”

C. B. BOYDELL,  
*Clerk of the Senate.*

The Senate,  
Melbourne, 6th August, 1915.





1915.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

NOTICE OF PROPOSED AMENDMENT.

WAR PENSIONS BILL (1915).

*Mr. Greene :—*

Clause 7.

5A.—New sub-section.

(3.) In assessing the rate of pension due to a dependant the Commissioner or Deputy-Commissioner shall assess it at a rate not less than the amount contributed by the member for the support of the dependant during the period of twelve months prior to his death or being incapacitated; provided such assessment shall not exceed the amount specified in column two of the Schedule opposite to the rate of pay of the member.

28th July, 1915.

