REGULATIONS UNDER THE WAR SERVICE ESTATES ACT 1942-1943.

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 War Service Estates Act 1942-1943.

Dated this sixteenth day of September, 1943.

(SGD.) GOWRIE.

Governor-General.

By His Excellency's Command,

Minister of State for Defence.

WAR SERVICE ESTATES REGULATIONS.

1. These Regulations may be cited as the War Service Estates Regulations.

2.-(1.) These Regulations shall have effect as from the thirtieth day of October, 1942.

(2.) Nothing in these Regulations shall invalidate any distribution of any war service estate, or part thereof, of a deceased member, made before the date of the notification of these Regulations in the Gazette, in accordance with the law in force at the time of the distribution.

3. In these Regulations, unless the contrary intention appears—

   "the Act" means the War Service Estates Act 1942-1943;
   "the Board" means—
   (a) in relation to a deceased member who was a member of or attached to or accompanied the Naval Forces—the Naval Board;
   (b) in relation to a deceased member who was a member of or attached to or accompanied the Military Forces—the Military Board or, during any period in which an officer appointed to command the Military Forces in time of war holds office, the officer so appointed; and

* Notified in the Commonwealth Gazette on 28/18.8.1943.
(c) in relation to a deceased member who was a member of or attached to or accompanied the Air Force—
the Air Board;

"the Repatriation Commission" means the Repatriation Commission constituted under the Australian Soldiers' Repatriation Act 1920-1943.

4. Subject to these Regulations, the distribution of the war service estate of a deceased member may be made in whole or in part at any time after the death of that member.

5. Personal property and effects comprised in the war service estate of a deceased member may be sold in one or more lots at such times and places and in such manner as the Board directs.

6. Notwithstanding anything contained in any other regulation, an authorized person may, at any time, if he thinks fit, deliver any article of clothing or of personal use, or any article having, in the opinion of the authorized person, a sentimental value, forming part of the war service estate of a deceased member, to one or more of the following persons:

(a) the executor of an apparently valid will of the deceased member;
(b) the sole beneficiary under such a will;
(c) the widow, widower, child, mother, father, brother or sister of the deceased member; or
(d) any person appearing in the official records relating to the deceased member as his next-of-kin.

7. An authorized person may pay or deliver the whole or any portion of the war service estate of a deceased member to any one or more of the following persons:

(a) the widow, widower, child, step-child, grandchild, mother, step-mother, father, step-father, brother, half-brother, sister, half-sister, grandparent, nephew or niece of the deceased member;
(b) any woman who, for not less than the three years immediately preceding the date of the deceased member's death, was wholly or mainly maintained by him and, although not legally married to him, lived with him on a permanent and bona fide domestic basis;
(c) any child of the deceased member born out of wedlock who is dependent on him; or
(d) any person appearing in the official records as the next-of-kin of the deceased member.

8.—(1.) As soon as practicable after the death of a person in respect of whose war service estate the Act applies, an authorized person shall:

(a) cause the war service estate of the deceased member to be ascertained; and
(b) by notice sent by post to the person (if any) appearing in the official records relating to the deceased member as his next-of-kin, addressed to the address last appearing
in those records, direct attention to the provisions of the
Act and those Regulations relating to the distribution of
the war service estate of the deceased member and—

(i) advise that person concerning the existence of any
will of which the authorized person has notice
and request him to advise whether he has
knowledge of any later will; or

(ii) if the authorized person has no knowledge of the
existence of a will, advise the next-of-kin of that
fact and request him to furnish any information
in his possession as to the existence of a will.

(2.) A war service estate shall not be paid or delivered otherwise
than to the personal representative of the deceased member, until
thirty days have elapsed after the date of the notice given under sub-
regulation (1.) of this regulation.

9.—(1.) When an authorized person has notice of the existence
of a personal representative of a deceased member, he shall, before
paying or delivering any part of the war service estate of that member
to any person other than the personal representative, cause to be sent
by post to the personal representative at his last known place of address
notice in writing of his intention to do so.

(2.) Before paying or delivering any part of the war service estate
of a deceased member to any person other than the personal representa-
tive of the deceased member or to any person who, in the opinion of
the authorized person, is beneficially entitled thereto, an authorized
person shall, in addition to any notice required to be given under
the last preceding sub-regulation, cause to be sent by post—

(a) to each person who, in the opinion of the authorized person,
is beneficially entitled to that part of the war service
estate of the deceased member;

(b) if the deceased member appears to have left a widow or
widower— to that widow or widower;

(c) if the deceased member appears to have left any child—to
that child or to the father, mother or guardian of the
child; and

(d) to the person (if any) appearing in the official records
relating to the deceased member as his next-of-kin,
at the last known place or places of address of that person or persons,
notice of his intention so to do.

10. After the expiration of thirty days from the posting of the notice (if any) given under either of the last two preceding regul-
ations, or, if more than one such notice was posted, after the expiration
of thirty days from the posting of the last of the notices, an authorized
person may distribute the war service estate of the deceased member,
but he shall not be bound to distribute it in accordance with his inten-
tion stated in any of the notices so posted and may, in any case in
which he is satisfied that proceedings are being taken bona fide and
with reasonable despatch to obtain a grant of probate of the will, or
letters of administration of the estate, of the deceased member, post-
pone the distribution for such periods as he thinks fit.
11. In order to ascertain what persons should receive consideration in connexion with the distribution of the war service estate of a deceased member, any authorized person may cause such inquiries to be made, and such notices to be published, as he thinks fit, having regard to the amount of the estate and the cost of the inquiries and notices, and the cost of the inquiries and notices may be paid out of the estate.

12. Where the person to whom it is intended to pay the whole or any part of the war service estate of a deceased member is an infant—

(a) if he is over the age of sixteen years, the authorized person may pay the whole or part of the war service estate to him, and a receipt therefor given by the infant shall be a good and sufficient discharge for the amount paid; or

(b) if he is not over the age of sixteen years, the authorized person may pay the whole or part of the war service estate to the guardian of the infant, or to any person who, in the opinion of the authorized person, stands in the relation of guardian to the infant, to be applied for the benefit of the infant, unless, in the opinion of the authorized person, the guardian or the person is unfit to act as trustee of the share, and, in that case, the authorized person may, for the purposes of these Regulations, appoint the Repatriation Commission to be the guardian of the infant, and shall pay the whole or part of the war service estate to the Repatriation Commission, to be held by it upon such trusts as the authorized person determines.

13. Where a person gives to the authorized person a notice in writing, stating that he foregoes any claim to the war service estate of a deceased member, or requesting that any portion of the war service estate which might otherwise have been paid or delivered to him shall be paid to some other person, the authorized person shall, in paying or delivering the war service estate, have regard to the notice.