STATUTORY RULES.
1945. No. 176.

REGULATIONS UNDER THE WAR GRATUITY ACT 1945.*

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 Gratuity Act 1945.

Dated this twentieth day of November, 1945.

HENRY
Governor-General.

By His Royal Highness's Command,

J. B. CHIFLEY
Treasurer.

WAR GRATUITY REGULATIONS 1945.

1. These Regulations may be cited as the War Gratuity Regulations 1945.

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

"State Board" means a State War Gratuity Board constituted under these Regulations;
"the Act" means the War Gratuity Act 1945;
"the Central Board" means the Central War Gratuity Board constituted under these Regulations;
"the Register" means the Register of War Gratuities established under section 19 of the Act.

3.—(1.) Subject to these Regulations, the prescribed authority for the purposes of the Act and these Regulations shall consist of—

(a) the Central War Gratuity Board;
(b) State War Gratuity Boards; and
(c) such War Gratuity Officers as are appointed under these Regulations.

(2.) The Central Board shall have and may exercise all of the powers and functions of a prescribed authority.

(3.) Each State Board and each War Gratuity Officer shall exercise only such powers and functions of a prescribed authority as the Governor-General from time to time directs.

(4.) Each State Board and each War Gratuity Officer shall refer to the Central Board any case or class of case which the Central Board directs to be referred to it, and may refer any question to the Central Board for a decision or ruling.

* Notified in the Commonwealth Gazette on 22nd November, 1945.

6160.—PRICE 3D.
4.—(1.) The Central Board and each of the State Boards shall respectively consist of not less than three members who shall be appointed by the Minister and shall hold office during the pleasure of the Minister.

(2.) The Minister may appoint persons to act as deputies of absent members of the Central Board and State Boards and, in the event of the absence (whether through illness or otherwise) of any member of a Board, his deputy shall, while so acting, have and exercise all the powers and functions of that member.

(3.) The Minister shall appoint one of the members of each Board to be the Chairman and another member to be the Deputy Chairman of the Board.

(4.) At any meeting of a Board two members shall form a quorum.

(5.) All questions before a Board shall be decided by a majority of votes and, in the event of there being an equality of voting, the presiding member shall have and may exercise a casting vote.

(6.) Each Board shall cause to be kept a record of its proceedings.

(7.) There shall be payable to each member and deputy member of a Board such salary, fees, allowances and expenses as the Minister determines.

5. The Minister may, for the purposes of the Act and these Regulations, appoint persons to be War Gratuity Officers, each of whom shall hold office during the pleasure of the Minister.

6. Subject to the next succeeding regulation, sections of the Register may be maintained in Sydney, Melbourne, Brisbane, Adelaide, Perth and Hobart.

7.—(1.) The account relating to war gratuity payable in respect of a member's service shall be kept in a section of the Register maintained in the capital city specified in the Schedule to these Regulations opposite the class to which the member belonged.

(2.) Where war gratuity is payable in respect of the service of a member who has had more than one period of service, the account of the war gratuity payable in respect of his service shall be kept in that section of the Register in the capital city specified in the Schedule to these Regulations opposite the class to which the member belonged during his last period of service.

8. The Minister may determine the manner in which any application for entitlement or payment of war gratuity is to be made and may approve the forms to be used in connexion with all applications.

9. After each application for war gratuity has been considered, a War Gratuity Officer shall notify the applicant and the Registrar of War Gratuities of the amount of war gratuity to be credited and the date of entitlement, or, if no war gratuity is to be credited, he shall notify the applicant accordingly.

10.—(1.) A State Board may confirm, vary or reverse any decision of a War Gratuity Officer relating to the entitlement or payment of any war gratuity.
(2.) A State Board may, at its discretion, grant leave in writing to an applicant for war gratuity to appeal from its decision to the Central Board, and the Central Board may confirm, vary or reverse the decision of the State Board.

11.—(1.) The Central Board, a State Board, or a War Gratuity Officer may for the purposes of the Act and these Regulations—
   (a) summon witnesses;
   (b) receive evidence on oath; and
   (c) require the production of documents.

(2.) A person who has been summoned under sub-regulation (1.) of this regulation to appear shall not, without lawful excuse and after tender of reasonable expenses, fail to appear in obedience to the summons.

(3.) A person, whether summoned or not, who appears before a Board or a War Gratuity Officer shall not—
   (a) refuse to be sworn as a witness or to make an affirmation;
   (b) fail to answer any question which he is lawfully required to answer; or
   (c) fail to produce any document he is lawfully required to produce.

Penalty: Fifty pounds.

12. Any woman who was engaged to serve in, or enrolled as a member of, one of the women's organizations known respectively—
   (a) prior to the first day of October, 1942, as the Royal Australian Naval Nursing Service or the Women's Royal Australian Naval Service; or
   (b) prior to the twenty-fourth day of March, 1943, as the Royal Australian Air Force Nursing Service or the Women's Auxiliary Australian Air Force,

shall be deemed to have become a member of the Naval Forces or a member of the Air Force, as the case may be, on the date of her engagement or enrolment.

13. If a member has returned to Australia—
   (a) in order to serve a sentence of imprisonment or detention;
   (b) because he has been guilty of misconduct; or
   (c) in order to undergo trial for an offence of which he is subsequently convicted,

the reason for his return shall be a disciplinary reason for the purposes of sections 7 and 8 of the Act.

14. The prescribed authority shall have power to direct that, in the case of a member who returns to Australia at his own request or for a prescribed disciplinary reason, any portion of the period of service specified in paragraph (f) of sub-section (1.) of section 7 of the Act shall be deemed to be overseas qualifying service.

15.—(1.) Any person who claims credit and payment of an amount in pursuance of section 14 of the Act shall make application therefor in accordance with the approved form.
(2.) Before approving of an application, the prescribed authority shall satisfy himself that the applicant or the person or persons on whose behalf the application is made was or were totally dependent on the member concerned at the date of the member's death.

16. Where a person who is entitled to a war gratuity dies on or after the date of entitlement but before the date of payment and there is no personal representative, the amount of the war gratuity and interest may be paid to such person or persons as the prescribed authority determines, if the prescribed authority has first assured himself that on the evidence and waivers available no liability is likely to attach to the Commonwealth by making payment in this manner.

17. Where a payment of war gratuity is made to any person to whom war gratuity is not payable or to or for any person of an amount greater than the amount of war gratuity payable to that person, that person shall not be entitled to retain the amount wrongly paid but shall, when required by the Registrar of War Gratuities, forthwith return to the Registrar of War Gratuities the amount wrongly paid.

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**THE SCHEDULE.**

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<tr>
<th>Class of Member</th>
<th>Capital City</th>
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<tbody>
<tr>
<td>Members of the Naval Forces</td>
<td>Melbourne</td>
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<tr>
<td>Members of the Military Forces whose Army numbers commenced with the letter or letters—</td>
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<tr>
<td>Q, NG</td>
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<tr>
<td>Members of the Air Forces</td>
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By Authority: L. F. JOHNSON, Commonwealth Government Printer, Canberra.