

- (b) by omitting from that sub-section the words "before the expiration of" and inserting in their stead the word "within"; and
- (c) by omitting from sub-section (2.) the words "of an election under the last preceding sub-section" and inserting in their stead the words ", under the last preceding sub-section, of an election made after the expiration of the prescribed period".

WAR GRATUITY.

No. 16 of 1945.

An Act relating to the payment of War
Gratuity to members of the Defence Force
in respect of War Service.

[Assented to 3rd August, 1945.]

[Date of commencement, 31st August, 1945.]

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 Gratuity Act 1945*.

Short title.

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

Definitions.

"Australia" means that area comprising the States of the Commonwealth, the Australian Capital Territory and the Northern Territory;

"Australian Territories" means the Territories of Papua, New Guinea and Norfolk Island;

"date of embarkation", in relation to a member, means the date upon which the member embarked on a ship or aircraft for service in an overseas area, but shall not be deemed to refer to the embarkation on that ship or aircraft on that date of a member who disembarked from that ship or aircraft before reaching an overseas area and, in the opinion of a prescribed authority, did not proceed forthwith in the same or another ship or aircraft for service in an overseas area;

- “date of entitlement” means the date on which a member or other person becomes entitled to be credited in the Register of War Gratuities with war gratuity in respect of the service of the member ;
- “death due to war service” means death of a member which occurred in circumstances in which there is a liability upon the Commonwealth to pay war pension under the *Australian Soldiers’ Repatriation Act 1920-1945* ;
- “dependants” means the wife, widow or children (including ex-nuptial children) of any person who is or was a member, and any person who is or was wholly or partly dependent for his support upon the earnings of that person during the period of his service as a member or subsequently at any time before the date of entitlement of that person to war gratuity ;
- “excepted injury or illness”, in relation to a member, means—
- (a) an injury or illness which, in the opinion of a prescribed authority, was due to or arose from the serious default or wilful act of the member ;
 - (b) an intentionally self-inflicted injury ; or
 - (c) an injury or illness which, in the opinion of a prescribed authority, was due to or arose from any occurrence happening during the commission of a serious breach of discipline ;
- “general qualifying service” means service performed on the days prescribed by section nine of this Act as days of general qualifying service ;
- “member” means a person who, at any time during the war, has been—
- (a) a member of the Naval Forces ;
 - (b) a member of the Military Forces ; or
 - (c) a member of the Air Force ;
- “member of the Naval Forces” means a member of the Naval Forces raised in pursuance of the *Naval Defence Act 1910-1934* and includes—
- (a) any person who held a rank or rating in the Naval Forces (whether Permanent, Reserve or Temporary) of any part of the King’s dominions, other than the Commonwealth, in respect of any period in which he served as a member of the Royal Australian Navy ; and
 - (b) any member of the Royal Australian Naval Nursing Service or the Women’s Royal Australian Naval Service and such members or classes of members as are prescribed of any body or organization which has been replaced by or merged into either of those Services ;

“ member of the Military Forces ” means—

- (a) a member of the Permanent Military Forces ;
- (b) a member of the Australian Imperial Force ; and
- (c) a member of the Citizen Military Forces, enlisted, appointed or called up for continuous full time war service.

and includes a member of the Australian Army Nursing Service, the Australian Women's Army Service, the Australian Army Medical Women's Service or the Voluntary Aid Detachment and such members or classes of members as are prescribed of any body or organization which has been replaced by or merged into any of those bodies ;

“ member of the Air Force ” means a member of the Royal Australian Air Force established under the *Air Force Act* 1923-1941, and includes a member of the Royal Australian Air Force Nursing Service or the Women's Auxiliary Australian Air Force and such members or classes of members as are prescribed of any body or organization of women which has been replaced by or merged into either of those bodies ;

“ month ”, for the purposes of sections four, five, eight, twelve and thirteen of this Act, means a period of thirty days ;

“ overseas area ” means—

- (a) in relation to service during the period commencing on the third day of September, One thousand nine hundred and thirty-nine and ending on the sixth day of December, One thousand nine hundred and forty-one, any area outside Australia and outside Australian Territories ; or
- (b) in relation to service during the period commencing on the seventh day of December, One thousand nine hundred and forty-one and ending on the date twelve months after the cessation of hostilities, any area outside Australia ;

“ overseas qualifying service ” means service performed on the days prescribed by section seven of this Act as days of overseas qualifying service ;

“ sea-going ship ” does not include a depot ship or a ship principally employed on or in connexion with port or harbour defence ;

“ service abroad ” means service by a member—

- (a) in an overseas area or in a sea-going ship as a member of a body, contingent or detachment of the Defence Force engaged in service in such an area or ship ; or

(b) as a member of the air crew of a squadron, if the role of the squadron was operational involving flights out of Australia,

and includes service during the period of any voyage to an overseas area commencing on and including the date of embarkation for that area and service during the period of any voyage from an overseas area up to and including the date of disembarkation ;

“ the cessation of hostilities ” means a date to be proclaimed by the Governor-General from which, for the purposes of this Act, the hostilities in which the Commonwealth of Australia is engaged in the war shall be deemed to have ceased ;

“ the war ” means the war with Germany which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of commencement of this Act ;

“ war gratuity ” means war gratuity under this Act.

Payment of
war gratuity
authorized.

3. War gratuity may be credited and paid in accordance with this Act to any member or other person authorized by this Act to receive war gratuity in respect of the overseas qualifying service or general qualifying service of that member.

Rate of war
gratuity

4.—(1.) The rate of war gratuity payable under this Act in respect of overseas qualifying service or service deemed to be overseas qualifying service shall be Three pounds fifteen shillings for each month or portion of a month of overseas qualifying service calculated in accordance with section twelve of this Act.

(2.) The rate of war gratuity payable under this Act in respect of general qualifying service or service deemed to be general qualifying service shall be Fifteen shillings for each month or portion of a month of general qualifying service calculated in accordance with section twelve of this Act.

Natives of
Torres Straits
Islands, New
Guinea and
Papua.

5. Notwithstanding anything contained in this Act—

(a) in the case of members who are natives of Torres Straits Islands or aboriginal natives of Australia enlisted in the Defence Force at rates of pay less than the minimum rates of pay prescribed for male members of the Australian Military Forces, the rate of war gratuity shall be Ten shillings for each month or portion of a month ; and

(b) in the case of members who are natives of New Guinea or Papua, war gratuity may take the form of a monetary payment at such rates as are prescribed or may be in such other form as is prescribed.

6. A war gratuity shall not be claimable or recoverable by any person as a matter of right, but shall be deemed to be a free gift by the Commonwealth in recognition of honorable service during the war, and the crediting or payment of a war gratuity may in any case be withheld or deferred by a prescribed authority or made subject to such terms and conditions as a prescribed authority, having regard to the interests or deserts of the claimant, thinks just and proper.

War gratuity
not a right.

7.—(1.) Subject to the provisions of sections ten and eleven of this Act, overseas qualifying service shall comprise each day of service as a member, and each day of the period following the death of a member, specified in one or more of the following paragraphs:—

Overseas
qualifying
service.

- (a) Service abroad for a continuous period of not less than ninety days or for periods aggregating not less than one hundred and eighty days in any period of twelve months ;
- (b) Service abroad for any period or periods less than those specified in paragraph (a) of this sub-section, if, at the end of any such period, the member has been returned to Australia, or discharged from his ship, owing to injury or illness, not being an excepted injury or illness ;
- (c) Service abroad for any periods at any time subsequent to service within the provisions of paragraph (a) or (b) of this sub-section ;
- (d) Service abroad for any period, if the member's death occurred at the end of the period ;
- (e) Service in any area, other than an overseas area, for any period of treatment in hospital or convalescent depot immediately following a member's return from service abroad, or discharge from his ship, owing to injury or illness, not being an excepted injury or illness ;
- (f) Service in any area, other than an overseas area, for any period not exceeding ninety days immediately following any period of service described in paragraph (a), (b), (c) or (e) of this sub-section, except in cases where a member has been returned to Australia from an overseas area, or discharged from his ship, on account of an excepted injury or illness, and except in such other cases as are prescribed ; and
- (g) In the event of a period of service described in paragraph (a), (b), (c), (d), (e) or (f) of this sub-section having been terminated by death due to war service, the period from the date of death to the date of notification of death to the Repatriation Commission or to the date of expiration of the period of twelve months next succeeding the cessation of hostilities, whichever is the earlier date, except in the case of the death of a member during the period deemed to be service by sub-section (1.) of section eleven of this Act :

Provided that—

- (i) if a member, after the cessation of hostilities, commences a period of service abroad, that service shall not be classified as overseas qualifying service, except in such cases and subject to such conditions as are prescribed ; and
- (ii) if a member has returned to Australia at his own request or for prescribed disciplinary reasons, the period specified in paragraph (f) of this sub-section subsequent to the date of his disembarkation shall not be deemed to be overseas qualifying service, except in cases where a prescribed authority, acting in pursuance of powers conferred on a prescribed authority by the regulations, directs that it shall be deemed to be overseas service.

(2.) Any day of service specified in more than one of paragraphs (a), (b), (c), (d), (e), (f) and (g) of the last preceding sub-section shall count as one day of service only.

Periods of overseas qualifying service less than twelve months.

8. Where a member has performed overseas qualifying service and the number of months of that service is less than twelve, the number shall be deemed to be twelve, but, unless otherwise prescribed, this section shall not apply if the member has returned to Australia at his own request or for prescribed disciplinary reasons or on account of excepted injury or illness.

General qualifying service.

9.—(1.) Subject to the provisions of sections ten and eleven of this Act, general qualifying service shall comprise each day of service as a member, and each day of the period following the death of a member, which is specified in any one or more of the following paragraphs :—

- (a) Service classified as overseas qualifying service within the provisions of section seven of this Act ;
- (b) Service on and after the seventh day of December, One thousand nine hundred and forty-one, if the member had served on continuous full-time war service for a period of six months immediately preceding that date ;
- (c) Service on and after the day following the date subsequent to the seventh day of December, One thousand nine hundred and forty-one, on which the member completed a period of six months continuous full-time war service ;
- (d) In the event of a period of service described in paragraph (b) or (c) of this sub-section having been terminated by death due to war service, the period from the date of death to the date of notification of death to the Repatriation Commission or to the date of the expiration of a period of twelve months from the cessation of hostilities, whichever is the earlier date, except in the case of the death of a member during the period deemed to be service under sub-section (1.) of section eleven of this Act ; and

(e) Service on or after the seventh day of December, One thousand nine hundred and forty-one, by a member who died before the completion of the period of six months service referred to in paragraph (c) of this sub-section, where his death was due to war service.

(2.) Any day of service specified in more than one of the paragraphs of the last preceding sub-section shall count as one day of service only.

(3.) The Governor-General may, by Proclamation, declare a date as the date upon which the general qualifying service of any class of member of the Permanent Forces specified in the Proclamation shall cease, and service by members included in that class after the date proclaimed shall not be deemed to be general qualifying service.

10. Service subsequent to the date twelve months after the cessation of hostilities or periods deemed to be service after that date shall not be included in a member's overseas qualifying service or general qualifying service.

Qualifying service does not include service later than twelve months after cessation of hostilities.

11.—(1.) Where a member on termination of service has been granted pay in lieu of leave accrued in respect of his war service, a period from the termination of his service equal to the number of days for which he was granted pay in lieu of that leave shall, for the purposes of sections seven and nine of this Act, be deemed to be service as a member.

Special provisions as to period of service.

(2.) Days of overseas qualifying service or general qualifying service shall not include—

(a) any day in respect of which a member was not entitled to the full pay appropriate to his appointment, rank or rating or in respect of which his pay was forfeited, or, in the case of a member of the Naval Forces, any day on which he was absent without leave and in respect of which his pay was mulcted under the appropriate Naval Regulations ; or

(b) any day which was not part of the continuous full-time war service of a member :

Provided that, where a prescribed authority is satisfied, in respect of any day in respect of which a member was not entitled to the full pay appropriate to his appointment, rank or rating or in respect of which his pay was forfeited or mulcted, that there exist mitigating circumstances which justify the inclusion of that day as a day of overseas qualifying service or general qualifying service, the prescribed authority may direct that that day be so included.

12.—(1.) The number of months in respect of which a member is entitled to war gratuity in respect of his service at the rate prescribed for overseas qualifying service shall be the number of months of overseas qualifying service of the member based on the

Calculation of qualifying service.

total number of days on which he has performed overseas qualifying service (any fraction of a month being treated as one month) together with any additional period required to be included in pursuance of section eight of this Act.

(2.) The number of months in respect of which a member is entitled to war gratuity in respect of his service at the rate prescribed for general qualifying service shall be the number of months of general qualifying service of the member based on the total number of days on which the member has performed general qualifying service (any fraction of a month being treated as one month) less the number of months in respect of which the member is entitled to war gratuity in respect of his service at the rate prescribed for overseas qualifying service.

Addition to
war gratuity
in case of
death.

13.—(1.) Where death due to war service occurred while the member was performing service specified in section seven of this Act, a sum calculated at the rate prescribed for overseas qualifying service for a period of seven months shall be added to the war gratuity to which he would otherwise be entitled.

(2.) Where death due to war service occurred while the member was performing general qualifying service, not being service specified in section seven of this Act, a sum calculated at the rate prescribed for general qualifying service for a period of seven months shall be added to the war gratuity to which he would otherwise be entitled.

Minimum
war gratuity
in case of
death and total
dependency.

14.—(1.) Where the death of a member due to war service occurred prior to the expiration of the period of twelve months next succeeding the cessation of hostilities and a prescribed authority determines in accordance with the regulations that any person or persons specified in sub-section (1.) of section seventeen of this Act was or were totally dependent on that member at the date of his death, an amount of war gratuity not less than the amount prescribed in respect of a period of three years service at the rate prescribed for overseas qualifying service (including any sum added under the last preceding section) shall, subject to section six of this Act, be credited and paid in respect of the deceased member's service, whether or not the member had, at the date of his death, any general qualifying service.

(2.) The amount by which the war gratuity is increased in consequence of the provisions of this section shall be credited and paid to or for the benefit of the person or persons totally dependent on the member, in such proportions as the regulations prescribe or a prescribed authority directs.

(3.) Where, at the date of the death of the member, he had no general qualifying service, the amount of war gratuity to be credited and paid in pursuance of this section shall be credited and paid to or for the benefit of the person or persons totally dependent on the member in such proportions as the regulations prescribe or a prescribed authority directs.

15. A member or other person who would, but for this section, be entitled to be credited with war gratuity in respect of the service of the member shall be disqualified from being so entitled if the member is included in one of the classes specified in the Schedule to this Act:

Disqualifica-
tions.

Provided that—

- (a) where disqualification under this section results from a member's absence without leave and a prescribed authority is satisfied that the member has neglected or failed to provide adequately for his dependants, the prescribed authority may authorize credit to some or all of those dependants of such amounts of war gratuity as the prescribed authority thinks fit, not exceeding in the aggregate the amount which could, but for this section, have been credited to, or in respect of the service of, that member;
- (b) where in any case a prescribed authority, having regard to the meritorious service rendered by the member or other special circumstances, considers that it is inequitable to withhold the war gratuity which would, but for this section, have been credited, the prescribed authority may authorize the credit of the whole or such part of the war gratuity as the prescribed authority considers justified; and
- (c) where an occurrence relating to the service of a member has rendered him liable to be disqualified for war gratuity under the provisions of this section and the member subsequently re-enlisted or was re-appointed for service, the occurrence relating to his earlier service shall not render him liable to be disqualified for war gratuity in respect of service following his re-enlistment or re-appointment after the time of the occurrence.

16. From the amount of any war gratuity to be credited there shall be deducted—

Deductious.

- (a) any amount due to the Commonwealth by the person to whom, or in respect of whose service, the war gratuity is to be credited, where the indebtedness of that person to the Commonwealth was caused by fraud, deception or misappropriation on his part; and
- (b) any amount due to the Minister of State for Repatriation or the Repatriation Commission by the person to whom, or in respect of whose service, the war gratuity is to be credited where that person has improperly disposed of property belonging to that Minister or that Commission, or property over which that Minister or that Commission holds security.

Death of
member before
date of
entitlement.

17.—(1.) Where a member in respect of whose service a war gratuity is to be credited has died before the date of entitlement, the war gratuity to which he would have been entitled shall not form part of the estate of the deceased member, and shall not be payable to the executor or administrator of the estate of the deceased member, but, except where otherwise prescribed, may be credited to or for the benefit of such one or more of the following persons, and in such proportions, as the regulations prescribe or a prescribed authority directs, namely, any person who—

(a) is beneficially entitled under the will of the deceased to any part of his estate ; or

(b) is, or would, if the deceased had died intestate, have been entitled to a share in the distribution of his intestate estate,

and who is either the widow or widower, or a child, parent, step-parent, foster-parent or dependant of the deceased.

(2.) Subject to the regulations, a prescribed authority may, in special circumstances, approve the crediting of the war gratuity to persons other than those included in the last preceding sub-section.

Date of
entitlement.

18. The date on which a person shall be entitled to be credited with war gratuity in respect of the service of a member shall be the date six months after the cessation of hostilities or, in the case of a member who is serving as a member on that date, either—

(a) the date on which the member's service terminates ; or

(b) the date twelve months after the cessation of hostilities, whichever is the earlier date :

Provided that, in any case to which section fourteen of this Act applies, war gratuity may be credited as from any date later than six months, but not later than twelve months, after the cessation of hostilities :

Provided further that, in the case of any member included in a class of members specified in a Proclamation under sub-section (3.) of section nine of this Act, if the date proclaimed as the date upon which the general qualifying service of such class shall cease is subsequent to the date six months after the date of cessation of hostilities but prior to the date twelve months after the date of cessation of hostilities, the date so proclaimed shall be the date of entitlement.

Register of
War Gratuities.

19.—(1.) There shall be a Register of War Gratuities in which an account shall be kept for each member or other person who is entitled to a war gratuity.

(2.) The Register of War Gratuities shall be under the control of an officer appointed by the Governor-General who shall be known as the Registrar of War Gratuities.

20. Except as otherwise provided by this Act, payment of war gratuity shall be made at the expiration of a period of five years and six months after the cessation of hostilities.

Date of
payment of
war gratuity

21. In the case of a war gratuity credited in the Register of War Gratuities to the account of—

Payment of
war gratuity
before due date.

- (a) any person, where the amount credited to that person is less than Ten pounds ;
- (b) the widow of a member ;
- (c) the widowed mother of an unmarried deceased member ;
- (d) the mother of a deceased member, or an older sister of a deceased member who acted *in loco parentis* to him, if a prescribed authority is satisfied that she was totally dependent on the member at the time of his death or is in necessitous circumstances ; or
- (e) a member who is found by a prescribed authority to be blind or totally or permanently incapacitated,

and in such other cases as are prescribed, payment in whole or in part may, at the discretion of a prescribed authority, be made at any time after the date of entitlement.

22. Upon the recommendation of a prescribed authority, made in pursuance of an application by a member, the Minister may authorize the then present value of the whole or portion of the war gratuity to which the member is entitled to be transferred to the War Service Homes Commissioner or any other authority approved by a prescribed authority for the purpose of being credited by the Commissioner or other authority, by way of deposit or otherwise, towards the cost of the erection or purchase of a dwelling-house for the member, and the whole or portion of the war gratuity may, thereupon, be so transferred.

Application of
war gratuity
towards
purchase of
home for
member

23. Except as otherwise provided by this Act, no war gratuity or part of a war gratuity shall be alienable, whether by way or in consequence of sale, assignment, charge, execution, bankruptcy or otherwise howsoever.

War gratuity
inalienable
except as
prescribed

24. Where a person who is entitled to a war gratuity dies on or after the date of entitlement but before the date of payment, the amount of the war gratuity and interest shall form part of his estate, and may, subject to section fourteen of this Act, be paid to his personal representative or, if there is no personal representative, to such person or persons as a prescribed authority determines in accordance with the regulations.

War gratuity
to form part
of estate on
death after
entitlement.

Provision in case of mentally unfit persons.

25. Where a prescribed authority is satisfied that any person to whom a war gratuity is payable is mentally unfit, payment of the war gratuity may be made for the benefit of that person or some or all of his dependants, to such person, in such manner, and upon such conditions as the prescribed authority directs.

Provision for dependants when not adequately provided for by member.

26. Where a prescribed authority is satisfied at any time prior to the date of entitlement of any member that the member has neglected or failed to provide adequately for some or all of his dependants, the prescribed authority may direct that the whole or portion of the war gratuity to which the member would otherwise be entitled shall be credited and payable to those dependants or to some person in trust for them upon such trusts as the prescribed authority directs which shall, if the prescribed authority so directs, be set out in a deed of trust executed by that person.

Interest on war gratuity.

27.—(1.) Subject to sub-sections (2.) and (3.) of this section, on the date of payment of the whole or the final balance of the war gratuity to which a person is entitled, compound interest at the rate of Three pounds five shillings per centum per annum calculated on the basis of yearly rests from the date of entitlement to that date of payment shall be credited to the account of that person in the Register of War Gratuities on the amount of war gratuity in credit to that account and shall be deemed to be part of the war gratuity and paid accordingly.

(2.) Interest shall not be credited with respect to any period subsequent to a date five years and six months after the cessation of hostilities.

(3.) Where the war gratuity is paid in full within three months from the date of entitlement, no interest shall be credited or paid.

War gratuity and interest not liable to income tax.

28. The amount of—

(a) any war gratuity ; or

(b) any interest credited or paid to any person in pursuance of this Act,

shall not be liable to income tax under any law of the Commonwealth or of a State or Territory of the Commonwealth, and shall not be deemed to be property or income for the purposes of the *Invalid and Old-age Pensions Act 1908-1945*, the *Australian Soldiers' Repatriation Act 1920-1945* or the *Widows' Pensions Act 1942-1944*.

Offences.

29. Any person who—

(a) obtains any war gratuity or interest which is not payable ;

(b) obtains payment of any war gratuity or interest by means of any false or misleading statement ; or

(c) makes or presents to the Minister, or to any officer or authority 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 six months.

30.—(1.) The Treasurer may, from time to time, under the provisions of the *Commonwealth Inscribed Stock Act 1911-1940*, or under the provisions of any Act authorizing the issue of Treasury Bills, borrow such moneys as are necessary for carrying out or giving effect to this Act.

Authority to borrow money for purposes of Act.

(2.) The amount borrowed shall be issued and applied only for the expenses of borrowing and for the purposes of this Act.

31. The Consolidated Revenue Fund is, to the necessary extent, hereby appropriated for the purposes of this Act.

Appropriation of Consolidated Revenue Fund.

32. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which 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, and in particular prescribing matters providing for and in relation to—

Regulations.

- (a) the appointment and tenure of office of prescribed authorities ;
- (b) the summoning of witnesses, the taking of evidence on oath and the production of documents ; and
- (c) penalties, not exceeding Fifty pounds, for offences against the Regulations.

THE SCHEDULE.

CLASSES OF MEMBERS DISQUALIFIED FOR WAR GRATUITY.

1. Any member—

- (a) who has been absent without leave for a period of thirty days or more and has not, prior to such date as is prescribed in relation to the class of members in which the member is included, surrendered or been apprehended ;
- (b) who, after such date as is prescribed in relation to the class of members in which the member is included, has absented himself without leave for a continuous period of thirty days or more ;
- (c) who is proved to the satisfaction of a prescribed authority to have been discharged or to have had his appointment terminated in consequence of wounds intentionally inflicted by himself or illness intentionally induced by himself ;
- (d) who being an officer was, by sentence of court-martial, cashiered or dismissed from His Majesty's service or from the Defence Force or whose commission was cancelled, or whose appointment was terminated, by sentence of court-martial, or who was retired and such retirement was entered in Service records as being on account of an offence or misconduct of any kind committed during his service ; or
- (e) who, by reason of any sentence or award of penal servitude, imprisonment or detention imposed on him while on the voyage for service overseas or while in a training camp, a ship or a depot, was unable to join a unit in the field, a ship or a depot (other than a unit or depot to which the member was posted for the purpose of undergoing penal servitude, imprisonment or detention, or a training camp or training depot) unless—
 - (i) he had, prior to the date of the sentence or award, completed a period of overseas qualifying service ; and
 - (ii) in the opinion of a prescribed authority, the circumstances of that service are such as would not justify his being disqualified for war gratuity.

2. Any member of the Naval Forces—
- (a) who has been discharged "Run";
 - (b) who has been dismissed from His Majesty's Service with disgrace;
 - (c) who has been dismissed from His Majesty's Service;
 - (d) who has been discharged from the Naval Service as "Services no longer required";
 - (e) whose services have been dispensed with on account of misconduct; or
 - (f) who has been invalided from the Naval Services for causes due to misconduct or within his control.
3. Any member of the Military Forces—
- (a) who has been, by sentence of court-martial, discharged with ignominy from His Majesty's Service or discharged from the Defence Force;
 - (b) who has been discharged for any of the following reasons :—
 - (i) that he had been guilty of misconduct;
 - (ii) that he had made a false answer on attestation;
 - (iii) that he was considered unfit for the duties of his corps; or
 - (iv) that it was considered his services were no longer required, and such discharge was, and was entered in Service records as being, on account of misconduct or discreditable service;
 - (c) who has been discharged for any of the following reasons :—
 - (i) that by reason of numerous convictions he is deemed to be incorrigible;
 - (ii) that he has been sentenced during his service to penal servitude or imprisonment by a civil court or by a court-martial; or
 - (iii) that he has been sentenced by a court-martial to detention for a period of six months or more; or
 - (d) who has been discharged for any of the following reasons :—
 - (i) that he was found to be not suitable for any military service;
 - (ii) that he was considered unsuitable for any further military duty; or
 - (iii) because his services, for any reason considered sufficient by the Military Board, were no longer required, and such discharge was, and was entered in Service records as being, on account of misconduct or discreditable service, or was because he had been sentenced to death by a civil court during his service.
4. Any member of the Air Force—
- (a) who has been, by sentence of court-martial, discharged with ignominy from His Majesty's Service or discharged from the Defence Force; or
 - (b) whose appointment has been terminated or who has been discharged for reasons designated in the authority for termination of appointment or discharge as disciplinary.
5. Any other class prescribed by the regulations.

DROUGHT RELIEF.

No. 17 of 1945.

An Act to amend the *States Grants (Drought Relief) Act 1944*, and for other purposes.

[Assented to 3rd August, 1945.]

[Date of commencement, 31st August, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title and citation.

1.—(1.) This Act may be cited as the *Drought Relief Act 1945*.