

REPATRIATION.

No. 31 of 1954.

An Act to amend the *Repatriation Act* 1920-1953.

[Assented to 6th October, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Repatriation Act* 1954.

(2.) The *Repatriation Act* 1920-1953* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Repatriation Act* 1920-1954.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Members of
Commission.

3. Section eight of the Principal Act is amended by omitting sub-section (6.) and inserting in its stead the following sub-sections :—

“(6.) Where there is a vacancy in the office of deputy chairman of the Commission, the Commissioners present at a meeting of the Commission may elect one of their number to be deputy chairman until the next meeting of the Commission on or after the first day of January next following the date of the election.

* Act No. 6, 1920, as amended by No. 34, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; Nos. 10 and 47, 1931; No. 17, 1933; Nos. 16 and 32, 1934; No. 58, 1935; Nos. 29 and 67, 1936; Nos. 12, 24 and 42, 1937; No. 55, 1938; Nos. 37 and 96, 1940; No. 49, 1941; No. 22, 1943; No. 11, 1945; No. 49, 1946; Nos. 1, 29 and 74, 1947; No. 39, 1948; No. 38, 1949; Nos. 34 and 80, 1950; No. 31, 1951; No. 58, 1952; and No. 69, 1953.

“(6A.) The chairman shall preside at all meetings of the Commission at which he is present and, in the absence of the chairman, the deputy chairman shall preside.

“(6B.) If neither the chairman nor the deputy chairman is present at a meeting of the Commission, the Commissioners present at the meeting may elect one of their number to preside at that meeting.”

4. Section fifteen of the Principal Act is amended by omitting sub-section (9.) and inserting in its stead the following sub-sections :—

Members of Board.

“(9.) Where there is a vacancy in the office of Deputy Chairman of a Board, the members of the Board present at a meeting of the Board may elect one of their number to be Deputy Chairman until the first meeting of the Board on or after the first day of January next following the date of the election.

“(9A.) The Chairman shall preside at all meetings of a Board at which he is present and, in the absence of the Chairman, the Deputy Chairman shall preside.

“(9B.) If neither the Chairman nor the Deputy Chairman is present at a meeting of a Board, the members present at the meeting may elect one of their number to preside at that meeting.”

5. After section twenty-four of the Principal Act the following section is inserted :—

“24A.—(1.) Where—

Determination of claim where claimant dies.

- (a) a claim has been made for payment of a pension in accordance with this Division ;
- (b) the claimant dies ; and
- (c) at the date of the death of the claimant—
 - (i) the claim has not been determined by a Board ; or
 - (ii) the claim has been so determined but the claimant had a right of appeal to the Commission or an appeal made by the claimant to the Commission had not been determined by the Commission,

the legal personal representative of the claimant or, if there is no legal personal representative, a person approved by the Commission as the representative of the claimant may, for the purpose of procuring payment of pension in respect of a period before the death, prosecute the claim, lodge an appeal to the Commission or continue such an appeal, as the case requires, as if the legal personal representative or the person so approved were the original claimant, and the claim or appeal shall be determined as if the claimant had not died.

“(2.) Pension payable as a result of a determination in pursuance of the last preceding sub-section forms part of the estate of the claimant.”

6.—(1.) Section thirty-seven of the Principal Act is amended by adding at the end thereof the following sub-section :—

Pension for pulmonary tuberculosis.

“(4.) Where, after an application for a pension under the last preceding sub-section has been made by a member, an application for such a pension is made by or on behalf of a dependant of the

member, the Commission or a Board may approve of the payment of such a pension to that dependant from and including a date not earlier than three months before the date of the application for the pension to that dependant, and not earlier than the date of the application by the member for his pension.”.

(2.) The amendment made by this section applies in relation to a pension granted to a dependant after the date of commencement of this section as a result of an application for that pension made before or after that date.

Pension of
member
afflicted with
lunacy.

7. Section forty-nine of the Principal Act is amended by inserting in sub-section (6.), after the word “Commission” (fourth occurring), the words “towards the payment of the funeral expenses of the member or”.

Appeals.

8. Section sixty-four of the Principal Act is amended by omitting from sub-section (1.) the words “, as a member of the Forces, or as a dependant of a member of the Forces, a pension under this Act (other than a service pension),” and inserting in their stead the words “a pension (other than a service pension) or other benefit under this Act arising out of the incapacity or death of a member of the Forces”.

Appeals to
Assessment
Appeal
Tribunals.

9. Section sixty-seven of the Principal Act is amended by omitting from paragraph (d) of sub-section (1.) the words “the date of refusal” and inserting in their stead the words “the date of the notification of the refusal”.

Date of
operation
of decisions
on appeals.

10. Section seventy-eight of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:—

“(2.) A decision of an Appeal Tribunal shall not be expressed to operate—

(a) where the appeal is in respect of a claim for a pension which the Commission has rejected—

(i) from a date earlier than three months before the date on which the claim was lodged; or

(ii) from a date earlier than six months before the date on which the appeal to the Appeal Tribunal was lodged; or

(b) where the appeal is in respect of a pension which the Commission has cancelled—from a date earlier than six months before the date on which the appeal to the Appeal Tribunal was lodged.

“(3.) A decision of an Assessment Appeal Tribunal shall not be expressed to operate—

(a) where the appeal follows upon an appeal to an Appeal Tribunal that has been upheld—from a date earlier than the date from which the decision of the Appeal Tribunal operates;

- (b) where the appeal is from a decision of the Commission or a Board whereby a claim for a pension has been rejected—
- (i) from a date earlier than three months before the date on which the claim for that pension was lodged ; or
 - (ii) from a date earlier than six months before the date on which the appeal to the Assessment Appeal Tribunal was lodged ; or
- (c) where the appeal is from a decision of the Commission or a Board whereby a pension has been cancelled or reduced— from a date earlier than six months before the date on which the appeal to the Assessment Appeal Tribunal was lodged.”.

11. Section eighty-three of the Principal Act is amended—

Definitions.

- (a) by omitting from paragraph (h) of the definition of “ Income ” the word “ or ” (last occurring) ;
- (b) by adding at the end of that definition the following word and paragraph :—
 - “ or (j) income derived from property ; ” ; and
- (c) by inserting after the definition of “ Income ” the following definition :—

“ “ Income derived from property ’, in relation to a person, means income derived from property owned, whether alone or jointly or in common with another person, by that person, other than income which—

- (a) consists of an annuity ; or
- (b) is derived from a life interest in property, not being, where that person is a pensioner or applicant, property which is the permanent home of the pensioner or applicant ; ”.

12. Section eighty-nine of the Principal Act is repealed and the following section inserted in its stead :—

“ 89.—(1.) Where a service pensioner or an applicant for a service pension has accumulated property, the net capital value of which exceeds Two hundred pounds, the amount of the service pension that would, but for this sub-section, be payable to that person shall be reduced by Ninepence per fortnight for every complete Ten pounds by which the net capital value of that property exceeds Two hundred pounds.

Reduction of service pension where pensioner has accumulated property.

“ (2.) A service pension is not payable to a person the net capital value of whose accumulated property exceeds One thousand seven hundred and fifty pounds.”.

13. Section ninety-one A of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words “ Nine pounds fifteen shillings ” and inserting in their stead the words “ Eleven pounds five shillings ” ;

Maximum amount of service pension and war pension.

- (b) by omitting from paragraph (b) of sub-section (1.) the words "Seventeen pounds fifteen shillings" and inserting in their stead the words "Nineteen pounds five shillings"; and
- (c) by omitting from paragraph (c) of sub-section (1.) the words "Fifteen pounds" and inserting in their stead the words "Sixteen pounds ten shillings".

14. After section one hundred and ten of the Principal Act the following section is inserted :—

Voluntary winding-up of affairs of Local Committee.

"110A.—(1.) The Commission may, at the request of a Local Committee, authorize the winding-up of the affairs of that Local Committee, and, upon the winding-up, the funds of the Local Committee shall be paid to the Commission.

"(2.) Where, under this section, the Commission receives the funds of a Local Committee for a district, the Commission may pay the whole or a part of those funds—

- (a) to a person or body for disbursement within that district as if that person or body were a Local Committee for that district; or
- (b) to a Local Committee for another district for disbursement within that other district."

Deduction from pensions and allowances of certain amounts.

15. Section one hundred and twenty B of the Principal Act is amended by adding at the end thereof the following sub-section :—

"(3.) Where—

- (a) pension, allowance or benefit under the *Social Services Consolidation Act 1947*, or under that Act as amended, has been paid (whether before or after the commencement of this sub-section) to a person in respect of a period and, on a date subsequent to that payment (not being a date before the commencement of this sub-section), a pension under this Act, or pension under this Act at an increased rate, becomes payable to that person or his spouse in respect of that period; and
- (b) the whole or a part of the pension, allowance or benefit paid to that person under the *Social Services Consolidation Act 1947*, or under that Act as amended, in respect of that period would not have been payable if, during that period, he or his spouse had been in receipt of the pension under this Act, or pension under this Act at the increased rate,

the amount referred to in paragraph (b) of this sub-section shall be deducted from any pension or allowances payable to that person under this Act in a lump sum or by instalments, as the Commission determines."

16. The First Schedule to the Principal Act is amended by omitting the scale and inserting in its stead the following scale :—

First Schedule.

COLUMN 1.	COLUMN 2.	COLUMN 3.	COLUMN 4.		
Rank or Rating of the Member.	Pension payable to Widowed Mother on Death of Member.	Pension payable to Widow on Death of Member.	Pension payable to Member upon Total Incapacity.		
	£ s. d. Per fortnight.	£ s. d. Per fortnight.	£ s. d. Per fortnight.		
All ranks and ratings below Leading Seaman, Corporal and relative ranks and ratings ..	4 10 0	} 8 0 0	} 9 0 0		
Leading Seaman, Corporal and relative ranks and ratings ..	5 0 0				
Petty Officer, Sergeant and relative ranks and ratings ..	5 3 0				
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings ..	5 5 6				
Warrant Officer and relative ranks ..	5 13 6				
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	5 18 0				
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	6 8 0			9 4 6	
Lieutenant-Commander, Major, Squadron Leader and relative ranks ..	6 19 0			8 9 0	9 14 6
Commander, Lieutenant-Colonel, Wing Commander and relative ranks ..	7 11 0			9 1 0	10 4 6
Captain (Navy), Colonel, Group Captain and relative ranks ..	8 3 0			9 13 0	10 13 6
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks ..	8 6 0	9 16 0	10 16 0		

17. The Fifth Schedule to the Principal Act is amended by omitting the table in paragraph 1 and inserting in its stead the following table :—

Fifth Schedule.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Disability.	Amount.	Allowances.
	£ s. d. Per fortnight.	£ s. d. Per fortnight.
Two arms amputated	9 10 0	7 0 0
Two legs and one arm amputated	9 10 0	3 10 0
Two legs amputated above the knee	9 10 0	3 10 0
Two legs amputated and loss of eye	9 10 0	..
One leg and one arm amputated and one eye destroyed	9 10 0	..
One leg and one arm amputated	9 10 0	..
One leg amputated above, and one leg amputated below, the knee	5 12 0	..
Two legs amputated below the knee	3 15 0	..
One arm amputated and one eye destroyed	3 4 0	..
One leg amputated and one eye destroyed	3 4 0	..
One leg amputated above the knee	1 13 0	..
One leg amputated below the knee	0 17 0	..
One arm amputated above the elbow	1 13 0	..
One arm amputated below the elbow	0 17 0	..
Loss of vision in one eye	1 6 0	..

Date of commencement of certain pensions.

18. Notwithstanding section five of the *Australian Soldiers' Repatriation Act (No. 3) 1937*, section sixty of the *Australian Soldiers' Repatriation Act 1950* or section twenty-seven of the *Repatriation Act 1953*, where a pension is granted by virtue of an amendment made by any of those Acts, payment of the pension may, to the extent authorized by the *Repatriation Act 1920-1954*, be authorized in respect of a period before the date of receipt by the Repatriation Commission of the application for the pension.

Application of amendments.

19. The amendments effected by sections eleven, twelve, thirteen, sixteen and seventeen of this Act apply in relation to payments of pensions falling due on the first pension pay day occurring after the date of commencement of this Act and to all subsequent payments.
