

REPATRIATION.

No. 47 of 1958.

An Act to amend the *Repatriation Act* 1920-1957.

[Assented to 30th September, 1958.]

BE it enacted by the Queen'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 *Repatriation Act* 1958.
- (2.) The *Repatriation Act* 1920-1957* is in this Act referred to as the Principal Act.

Short title
and citation.

* 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. 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; No. 69, 1953; No. 31, 1954; No. 39, 1955; Nos. 68 and 97, 1956; and No. 44, 1957.

(3.) The Principal Act, as amended by this Act, may be cited as the *Repatriation Act* 1920–1958.

**Commence-
ment.**

2. Sections one, two, five, nine, thirteen and sixteen, and sections eighteen to twenty-two (inclusive), of this Act shall come into operation on the day on which this Act receives the Royal Assent and the other sections of this Act shall come into operation on the day on which the *Social Services Act* 1958 comes into operation.

Parts.

3. Section four of the Principal Act is amended by omitting the words—

“ Division 5.—Service Pensions (Sections 83–98).”

and inserting in their stead the words—

“ Division 5.—Service Pensions (Sections 83–98A).”.

**Payment of
pensions.**

4. Section thirty-six of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (3.) In this section, ‘ pension ’ includes an allowance under section ninety-eight A of this Act.”.

**Pensions to
dependants
of certain
deceased
members.**

5. Section forty-six of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (2.) Where—

(a) a member of the Forces was not, immediately prior to his death, in receipt of a pension or an amount referred to in paragraph (a) or (b) of the last preceding sub-section; and

(b) by virtue of a determination, decision or assessment made under this Act after his death such a pension or amount becomes payable in respect of the member for a period terminating immediately prior to his death,

the member shall, for the purposes of the last preceding sub-section, be deemed to have been in receipt of such a pension or amount immediately prior to his death.”.

**Pensions
payable from
moneys
appropriated.**

6. Section fifty-one of the Principal Act is amended by inserting after the word “ Act ” the words “, and allowances granted under section ninety-eight A of this Act,”.

**Pension
absolutely
inalienable.**

7. Section fifty-two of the Principal Act is amended by inserting after the word “ pension ” the words “ and an allowance under section ninety-eight A of this Act ”.

Offences.

8. Section fifty-three of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (5.) In this section, ‘ pension ’ includes an allowance under section ninety-eight A of this Act.”.

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

Date of operation of decisions and determinations on appeals.

“(a) where the appeal follows upon an appeal to an Appeal Tribunal that has been upheld or upon a determination of the Commission made by virtue of section sixty-four of this Act—from a date earlier than the date from which the decision of the Appeal Tribunal or the determination of the Commission, as the case may be, operates;”.

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

Definitions.

(a) by omitting from the definition of “Income” the words “or daughter” and inserting in their stead the words “, daughter, brother or sister”; and

(b) by omitting paragraph (f) of that definition and inserting in its stead the following paragraph:—

“(f) a payment made by an organization registered under a law referred to in the last preceding paragraph for or in respect of expenses incurred by a person for hospital, medical or dental treatment;”.

11. Section eighty-nine of the Principal Act is amended by omitting from sub-section (2.) the words “One thousand seven hundred and fifty pounds” and inserting in their stead the words “Two thousand two hundred and fifty pounds”.

Reduction of service pension where pensioner has accumulated property.

12. Section ninety-three of the Principal Act is amended by inserting after the words “service pensions” the words “and any allowance under section ninety-eight A of this Act”.

Payment of service pensions.

13. Section ninety-five of the Principal Act is amended by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

Service pensioner in a public institution.

“(b) where a service pensioner becomes such an inmate—on the first pension pay day after he becomes such an inmate.”.

14. Section ninety-six of the Principal Act is amended—

Acquisition of property or income to be notified by pensioner.

(a) by inserting in sub-section (1.), after the word “or” (first occurring), the words “any service pensioner (not being a person in receipt of an allowance under section ninety-eight A of this Act)”;

(b) by omitting from sub-section (2.) the word “forthwith” and inserting in its stead the words “, within fourteen days after the sale or vacation,”; and

- (c) by omitting from sub-section (3.) the word “ forthwith ” and inserting in its stead the words “, within fourteen days after the marriage or re-marriage,”.

15. After section ninety-eight of the Principal Act the following section is inserted in Division 5 of Part III. of that Act:—

Supplementary
assistance.

“ 98A.—(1.) This section applies to a person if he is a service pensioner and the Commission is satisfied that he requires supplementary assistance by reason that he pays rent and is entirely dependent upon his service pension.

“ (2.) Subject to this section, there is payable to a person to whom this section applies, in addition to his service pension, an allowance by way of supplementary assistance at the rate of Twenty-six pounds per annum.

“ (3.) An allowance under this section is payable from a date determined by the Commission, which may be a date before the date of the determination.

“ (4.) An allowance under this section is not payable—

- (a) to a married person in relation to whose income sub-section (2.) of section eighty-seven of this Act applies if the husband or wife of that person is in receipt of a service pension, a pension or an allowance under Part III. of the *Social Services Act* 1947–1958 or an allowance under section nine of the *Tuberculosis Act* 1948; or

- (b) to a child of a member of the Forces.

“ (5.) Where a person in receipt of an allowance under this section ceases to be a person to whom this section applies, the Commission may cancel the allowance as on and from such date as the Commission determines.

“ (6.) The date determined by the Commission under the last preceding sub-section may, in the case of a person who has failed to comply with a requirement of section ninety-six of this Act or of sub-section (8.) or (9.) of this section, be a date earlier than the date of the determination but not earlier than the first day after the expiration of the time within which the requirement could have been complied with, and, if any amount of the allowance is received by the person in respect of a period after the date so determined—

- (a) the person is liable to refund that amount; and
(b) the Commission may sue for and recover that amount in any court of competent jurisdiction as a debt due to the Commonwealth.

“(7.) For the purposes of this section, the Commission may treat a service pensioner as being entirely dependent upon his service pension if that pensioner is dependent upon his service pension to such an extent that the Commission considers it just so to do.

“(8.) Where a person in receipt of an allowance under this section—

- (a) ceases to pay rent; or
- (b) in any period of two consecutive weeks, receives income the average weekly rate of which is higher than the weekly rate of income last specified by him in an application, claim, statement or notification under this Part,

the person shall, within fourteen days after the date on which the last payment of rent was due, or after the expiration of that period, as the case may be, notify the Commission in writing accordingly.

Penalty: Twenty pounds.

“(9.) Where the husband or wife of a person in receipt of an allowance under this section is granted a pension or allowance under Part III. of the *Social Services Act* 1947–1958 or an allowance under section nine of the *Tuberculosis Act* 1948, that last-mentioned person shall, within fourteen days after becoming aware of the grant of the pension or allowance, notify the Commission in writing of the grant.

Penalty: Twenty pounds.

“(10.) In this section, ‘rent’, in relation to a service pensioner, means rent in respect of premises, or a part of premises, occupied by him as his home, and includes amounts payable by him for lodging, or for board and lodging.”.

16. Section one hundred and ten of the Principal Act is amended—

Local
Committees.

- (a) by inserting in sub-section (3.), before the words “section one hundred and twenty-four”, the words “sub-section (1.) of”; and
- (b) by omitting from sub-section (3.) the words “that section” and inserting in their stead the words “that sub-section”.

17. Section one hundred and twenty of the Principal Act is amended by inserting after the words “service pensions” the words “or allowances under section ninety-eight A of this Act”.

Service
pensions for
South African
veterans.

18. Section one hundred and twenty B of the Principal Act is amended by inserting in sub-section (3.), after the word “amended,” (wherever occurring), the words “or under the *Tuberculosis Act* 1948,”.

Deductions
from pensions
and allowances
of certain
amounts.

Second
Schedule.

19. The Second Schedule to the Principal Act is amended by omitting the words—

“RATE FOR SPECIAL PENSIONS—TWENTY-TWO POUNDS PER FORTNIGHT.”

and inserting in their stead the words—

“RATE FOR SPECIAL PENSIONS—TWENTY-THREE POUNDS PER FORTNIGHT.”.

Third Schedule.

20. The Third Schedule to the Principal Act is amended—

(a) by omitting from both columns of Table A the words and figures relating to the class of person “Child of the member” and inserting in their stead the words and figures—

“Child (including an ex-nuptial child) of the member—		
(a) where (in the case of a child other than an ex-nuptial child) both the member and the wife or husband of the member are dead		£6 6s. per fortnight
(b) in any prescribed case not covered by the last preceding paragraph where—		Such rate, not exceeding £6 6s. per fortnight, as is assessed
(i) both parents of the child are dead;		
(ii) both adoptive parents of the child, being an adopted child, are dead; or		
(iii) the mother of the child, being an ex-nuptial child, is dead		
(c) in any other case—		
First child	£3 3s. per fortnight	} and, in addition, such amount, not exceeding 12s. per fortnight, as is assessed in such cases as are prescribed”;
Second and each subsequent child	£2 5s. per fortnight	

and

(b) by omitting from Table B the words “Child of the member” and inserting in their stead the words “Child (including an ex-nuptial child) of the member”.

Fifth Schedule.

21. The Fifth Schedule to the Principal Act is amended by omitting from the table in paragraph 1 the figures “11 15 0” (wherever occurring) and inserting in their stead the figures “12 15 0”.

22.—(1.) The amendments effected by this Act, in so far as they affect pensions other than service pensions, apply in relation to an instalment of pension falling due on the first pension pay day after the day on which this Act receives the Royal Assent and to all subsequent instalments.

Application of
amendments

(2.) The amendments effected by this Act, in so far as they affect service pensions, apply in relation to an instalment of pension falling due on the first pension pay day after the commencement of the *Social Services Act 1958* and to all subsequent instalments.
