

Repatriation

No. 66 of 1968

An Act to amend the *Repatriation Act* 1920–1967 so as to provide for increases in the Rates of certain War Pensions, for an Allowance to Compensate for Serious Incapacity and for matters in connexion with Service Pensions, and to appropriate the Consolidated Revenue Fund for the purpose of Payments resulting from this Act.

[Assented to 27 September 1968]

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* 1968.

(2.) The *Repatriation Act* 1920–1967* 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* 1920–1968.

Commence-
ment.

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

Parts.

3. Section 4 of the Principal Act is amended by omitting the words—
“ Division 5.—Service Pensions (Sections 83–98A).”

and inserting in their stead the words—

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

Definitions.

4. Section 23 of the Principal Act is amended by omitting from the definition of “ Pension ” the words “ and Fifth ” and inserting in their stead the words “, Fifth and Sixth ”.

Interpretation.

5. Section 83 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (3.) the word
“ and ”; and

(b) by omitting paragraph (c) of sub-section (3.) and inserting in its stead the following paragraphs:—

“ (c) a child of a member of the Forces (other than a child who is in receipt of, or would if a service pension were payable to him be paid, service pension in accordance with

* 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; No. 44, 1957; No. 47, 1958; No. 58, 1959; No. 44, 1960; No. 46, 1961; Nos. 75 and 91, 1962; No. 47, 1963; Nos. 62 and 105, 1964; No. 64, 1965; No. 42, 1966; and No. 64, 1967.

paragraph (a) in the second column of the table in sub-section (1.) of section eighty-five of this Act) shall be deemed to be in the custody, care and control of the member; and

(d) sub-section (1c.) of section twenty-eight of that Act shall be deemed not to have any operation.”.

6. Section 85 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “ Three hundred and twelve dollars per annum ” and inserting in their stead the words “ Three hundred and sixty-four dollars per annum ”;

Pension in respect of a member permanently unemployable, etc.

(b) by omitting paragraphs (a) and (b) in the second column of the table in sub-section (1.) and inserting in their stead the following paragraphs:—

“ (a) If no older child of the member is, or would but for sub-section (5.) of this section be, in receipt of service pension—One hundred and thirty dollars per annum.

(b) If an older child of the member is, or would but for sub-section (5.) of this section be, in receipt of service pension—Thirteen dollars per annum.”; and

(c) by omitting sub-section (4.) and inserting in its stead the following sub-sections:—

“ (4.) A pension under this section shall not be granted to a child of a member of the Forces if the grant would result in pensions under this section being payable in accordance with paragraph (b) in the second column of the table in sub-section (1.) of this section to more than three children of the member.

“ (5.) Where—

(a) the maximum rate at which a service pension is payable to a member of the Forces by virtue of sub-section (1A.) of section twenty-eight of the *Social Services Act* 1947–1968 in its application for the purposes of this Division is increased in respect of a child by virtue of sub-section (1B.) of that section; and

(b) a service pension would, but for this sub-section, be payable to the child in accordance with paragraph (a) in the second column of the table in sub-section (1.) of this section,

the service pension is not payable to the child.”.

7. Section 86 of the Principal Act is amended by inserting in paragraph (b) of sub-section (1.), after the words “ service pension ”, the words “ (other than a service pension payable under section ninety-eight B of this Act) ”.

Restrictions as to dual pensions.

Pension to
widow and
children of
service
pensioner.

8. Section 94 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) Where—

(a) a service pension would, but for sub-section (5.) of section eighty-five of this Act, be payable to a child of a member of the Forces in accordance with paragraph (a) in the second column of the table in sub-section (1.) of that section; and

(b) the member dies,

the Commission or a Board may grant to the child a service pension at such rate, not exceeding the rate specified in paragraph (a) in the second column of the table in sub-section (1.) of that section, as the Commission or the Board determines.”.

Service
pensioner in
mental hospital.

9. Section 94B of the Principal Act is amended by adding at the end thereof the following sub-section:—

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

Service
pensioner in
public
institution.

10. Section 95 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1A.) the word “and”;

(b) by inserting in sub-section (1A.), after paragraph (a), the following paragraph:—

“(aa) in the case of a male service pensioner in relation to whose income sub-section (2.) of section eighty-seven of this Act applies and the maximum rate of whose pension is increased by reason of the operation of sub-section (1B.) or sub-section (1F.) of section twenty-eight of the *Social Services Act 1947–1968* in its application for the purposes of this Division—there shall, so long as he remains an inmate of the institution, be paid to his wife so much of his service pension as does not exceed the amount per annum by which the amount per annum of his service pension is greater than the amount that, but for the operation of those sub-sections, would be the amount per annum of his service pension; and”; and

(c) by adding at the end thereof the following sub-section:—

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

11. After section 98A of the Principal Act the following section is inserted in Division 5 of Part III.:—

On death of
married
person, widow,
widower or child
to receive certain
benefits for
three months.

“98B.—(1.) For the purposes of this section, unless the contrary intention appears—

(a) a woman shall be deemed to be the widow of a deceased man where, immediately before his death, she was a dependent female

in respect of him for the purposes of the operation of a provision of Part III. of the *Social Services Act* 1947–1968; and

- (b) a man shall be deemed to be the widower of a deceased woman where, immediately before her death, she was a dependent female in respect of him for the purposes of the operation of a provision of Part III. of the *Social Services Act* 1947–1968.

“(2.) Subject to this Division, where—

- (a) a person in receipt of a service pension, being a person in relation to whose income sub-section (2.) of section eighty-seven of this Act applies; or
- (b) a person in receipt of a pension under Part III. of the *Social Services Act* 1947–1968, being a person who is a married person for the purposes of that Part,

dies and the widow or widower, or a child, of the deceased person was, at the time of the death of that person, in receipt of a service pension—

- (c) that service pension is, notwithstanding section ninety-four of this Act, payable at the rate at which it would have been payable if the deceased person had not died; and
- (d) in addition, there is payable to the widow or widower a service pension at a rate equal to the rate at which the pension referred to in paragraph (a) or paragraph (b), as the case may be, of this sub-section would have been payable to the deceased person if—
 - (i) the deceased person had not died;
 - (ii) where the next succeeding sub-section applies in relation to the deceased person—the provisions referred to in that sub-section did not operate in relation to that person; and
 - (iii) where section ninety-five of this Act or section fifty of the *Social Services Act* 1947–1968 operated in relation to the deceased person at the time of his death—that section did not operate in relation to that person.

“(3.) For the purposes of the last preceding sub-section, a deceased person who, but for the operation of the provisions of section one hundred and thirty-three N, or sub-section (1.) of section one hundred and thirty-five D, of the *Social Services Act* 1947–1968, would have been in receipt of a pension under Part III. of the *Social Services Act* 1947–1968 at the time of his or her death shall be deemed to have been in receipt of that pension at that time.

“(4.) Section ninety-five of this Act does not apply in relation to a pension payable by virtue of paragraph (d) of sub-section (2.) of this section.

“(5.) Where the amount of a fortnightly payment that, but for this sub-section, would be made to the widow or widower of a deceased person under the preceding provisions of this section would be less than the amount of the corresponding fortnightly payment that, but for this section, would be made to that widow or widower under this Division and under the *Social Services Act* 1947–1968, the amount of the fortnightly payment

to be made to that widow or widower under this section is that second-mentioned amount.

“(6.) A reference in the last preceding sub-section to a fortnightly payment that, but for this section, would be made to a widow or widower under the *Social Services Act 1947–1968* shall be read as a reference to the payment that would be so made if fortnightly instalments of pensions and allowances under that Act were paid at fortnightly intervals corresponding to the fortnightly intervals at which service pensions are paid.

“(7.) This section applies in relation to the widow, widower or child of a deceased person only in respect of instalments of service pension falling due during the period of twelve weeks after the date of the death of the deceased person.

“(8.) In this section, ‘service pension’ includes an allowance under the last preceding section.”

First Schedule.

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

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 on Total Incapacity
	\$ Per fortnight	\$ Per fortnight	\$ Per fortnight
All ranks and ratings below Leading Seaman, Corporal and relative ranks and ratings	9.00	28.00	24.00
Leading Seaman, Corporal and relative ranks and ratings ..	10.00	28.00	24.00
Petty Officer, Sergeant and relative ranks and ratings ..	10.30	28.00	24.00
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings	10.55	28.00	24.00
Warrant Officer and relative ranks	11.35	28.00	24.00
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	11.80	28.00	24.00
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks	12.80	28.00	24.45
Lieutenant-Commander, Major, Squadron Leader and relative ranks	13.90	28.90	25.45
Commander, Lieutenant-Colonel, Wing Commander and relative ranks	15.10	30.10	26.45
Captain (Navy), Colonel, Group Captain and relative ranks ..	16.30	31.30	27.35
All ranks higher than Captain (Navy), Colonel, Group Captain, and relative ranks	16.60	31.60	27.60

(2.) The First Schedule to the Principal Act is amended by omitting from paragraph 6 the words “Forty-two dollars fifty cents” and inserting in their stead the words “Forty-eight dollars fifty cents”.

Second Schedule.

13. The Second Schedule to the Principal Act is amended—

(a) by omitting the words—

“RATE FOR SPECIAL PENSIONS—SIXTY-ONE DOLLARS PER FORTNIGHT.”

and inserting in their stead the words—

“RATE FOR SPECIAL PENSIONS—SIXTY-SEVEN DOLLARS PER FORTNIGHT.”;

- (b) by omitting the words "Thirteen dollars" and inserting in their stead the words "Fifteen dollars"; and
- (c) by omitting the words "Twenty-one dollars" and inserting in their stead the words "Twenty-four dollars".

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

Third Schedule.

- (a) by omitting from Table A the figures "\$16.30" (wherever occurring) and inserting in their stead the figures "\$20.30";
- (b) by omitting from Table A the figures "\$8.80" and inserting in their stead the figures "\$10.80"; and
- (c) by omitting from Table A the figures "\$6.50" and inserting in their stead the figures "\$8.50".

15. 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 Description of Disability	Column 2 Amount	Column 3 Allowances
	\$ Per fortnight	\$ Per fortnight
Two arms amputated	43.00	24.00
Two legs and one arm amputated	43.00	15.00
Two legs amputated above the knee	43.00	15.00
Two legs amputated and loss of eye	43.00	..
One leg and one arm amputated and one eye destroyed	43.00	..
One leg and one arm amputated	43.00	..
One leg amputated above, and one leg amputated below, the knee	14.20	..
Two legs amputated below the knee	9.50	..
One arm amputated and one eye destroyed	8.40	..
One leg amputated and one eye destroyed	8.40	..
One leg amputated above the knee	4.30	..
One leg amputated below the knee	2.70	..
One arm amputated above the elbow	4.30	..
One arm amputated below the elbow	2.70	..
Loss of vision in one eye	3.60	..

16. After the Fifth Schedule to the Principal Act the following Schedule is added:—

Sixth Schedule.

"THE SIXTH SCHEDULE

" 1. This Schedule applies in relation to a member of the Forces to whom there is payable pension (other than pension payable under the Second Schedule) at a rate of an amount per fortnight that—

- (a) is less than the amount specified in paragraph 6 of the First Schedule; and
- (b) is, after deducting any amount payable under the Fifth Schedule, not less than seventy-five per centum of the amount of pension per fortnight specified in relation to the member in column 4 of the First Schedule.

" 2. There is payable to a member of the Forces in relation to whom this Schedule applies, in addition to any other pension, an allowance—

- (a) where the amount of pension (excluding any amount payable under the Fifth Schedule) per fortnight payable to the member is equal to the amount of pension per fortnight specified in relation to the member in column 4 of the First Schedule—at the rate of Six dollars per fortnight; or

THE SIXTH SCHEDULE—*continued*

- (b) in any other case—at the rate of the amount per fortnight that bears the same proportion to Six dollars as the amount of pension (excluding any amount payable under the Fifth Schedule) per fortnight payable to the member bears to the amount of pension per fortnight specified in relation to the member in column 4 of the First Schedule.

“ 3. For the purposes of this Schedule—

(a) where—

- (i) the incapacity of a member results from a disability that is, or from disabilities at least one of which is, capable of being alleviated by the use of aids to vision or hearing aids; and
- (ii) the assessment of the rate of the pension of the member has not been affected by sub-section (1.) of section thirty-seven of this Act,

the amount per fortnight at which pension is payable to the member shall, except for the purposes of comparison with the amount referred to in sub-paragraph (a) of paragraph 1 of this Schedule, be deemed to be the amount that would be so payable if the rate of pension were assessed having regard to the incapacity remaining after any disability or disabilities capable of being alleviated by the use of aids to vision or hearing aids were so alleviated; and

- (b) where the rate of pension of the member has been assessed in accordance with sub-section (1.) of section thirty-seven of this Act, the amount per fortnight at which pension is payable to the member shall, except for the purposes of comparison with the amount referred to in sub-paragraph (a) of paragraph 1 of this Schedule, be deemed to be the amount that would be so payable if the rate of pension—

- (i) were assessed without regard to sub-section (1.) of section thirty-seven of this Act; and
- (ii) where the incapacity of the member results from a disability that is, or from disabilities at least one of which is, capable of being alleviated by the use of aids to vision or hearing aids—were also assessed having regard to the incapacity remaining after any disability or disabilities capable of being alleviated by the use of aids to vision or hearing aids were so alleviated.

“ 4. In this Schedule, ‘ pension ’ does not include a service pension, an allowance under the Second Schedule, an allowance specified in column 3 of the table in the Fifth Schedule or an allowance under this Schedule.”.

Application of amendments.

17. In so far as an amendment made by this Act affects instalments of pensions or allowances, the amendment applies in relation to an instalment of a pension or an allowance falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.

Appropriation.

18.—(1.) The Consolidated Revenue Fund is appropriated to the extent necessary for the purposes of such expenditure in pursuance of the Principal Act as amended by this Act as results from this Act, being expenditure on or before the thirtieth day of June, One thousand nine hundred and sixty-nine.

(2.) The last preceding sub-section does not prevent the issue and application of moneys, for the purposes referred to in that sub-section, in pursuance of an appropriation made by an Act other than this Act (whether passed before or after the commencement of this Act).