

REPATRIATION.

No. 58 of 1959.

An Act to amend the *Repatriation Act 1920-1958*.

[Assented to 30th September, 1959.]

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 1959*.

(2.) The *Repatriation Act 1920-1958** 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; No. 44, 1957; and No. 47, 1958.

(3.) The Principal Act, as amended by this Act, may be cited as the *Repatriation Act 1920-1959*.

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

3. Section twenty-four of the Principal Act is amended— Pensions upon death or incapacity.

- (a) by inserting in paragraph (c) of the proviso to sub-section (1.), after the word “entitled”, the words “to receive, or receives,”; and
- (b) by omitting from paragraph (c) of the proviso to sub-section (1.) the words “to receive”.

4. Section fifty-four of the Principal Act is amended— Extension of Act to British reservists, &c.

- (a) by omitting the proviso; and
- (b) by adding at the end thereof the following sub-section:—
 - “ (2.) A pension shall not be granted under this section to a person who is not resident in Australia or a Territory of the Commonwealth.”

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

- (a) by inserting in paragraph (a) of the definition of “Income”, after the word “payment”, the words “(not being a payment of an annuity)”;
- (b) by inserting in paragraph (b) of the definition of “Income”, after the word “payment”, the words “(not being a payment of an annuity)”;
- (c) by omitting from paragraph (l) of the definition of “Income” the word “or” (last occurring); and
- (d) by adding at the end of the definition of “Income” the following word and paragraph:—
 - “ or (n) an amount payable by the Commission as a clothing allowance to a member of the Forces whose clothing, because of a disability from which he suffers, is subject to exceptional wear and tear or damage; ”.

6. Section one hundred and one of the Principal Act is amended— Liability of the Commonwealth to pay pensions to certain male members of the Forces.

- (a) by inserting in paragraph (c) of the proviso to sub-section (1.), after the word “entitled”, the words “to receive, or receives,”; and

(b) by omitting from paragraph (c) of the proviso to sub-section (1.) the words "to receive".

Liability of the Commonwealth to pay pensions to certain male members of the Forces.

7. Section one hundred and seven c of the Principal Act is amended—

(a) by inserting in sub-section (6.), after the word "entitled", the words "to receive, or receives,"; and

(b) by omitting from sub-section (6.) the words "to receive".

First Schedule.

8. 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 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	10 10 0	11 0 0
Leading Seaman, Corporal and relative ranks and ratings	5 0 0	10 10 0	11 0 0
Petty Officer, Sergeant and relative ranks and ratings	5 3 0	10 10 0	11 0 0
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings	5 5 6	10 10 0	11 0 0
Warrant Officer and relative ranks ..	5 13 6	10 10 0	11 0 0
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	5 18 0	10 10 0	11 0 0
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks	6 8 0	10 10 0	11 4 6
Lieutenant-Commander, Major, Squadron Leader and relative ranks	6 19 0	10 19 0	11 14 6
Commander, Lieutenant-Colonel, Wing Commander and relative ranks ..	7 11 0	11 11 0	12 4 6
Captain (Navy), Colonel, Group Captain and relative ranks	8 3 0	12 3 0	12 13 6
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks	8 6 0	12 6 0	12 16 0

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

Second
Schedule.

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

and inserting in their stead the words—

“ RATE FOR SPECIAL PENSIONS—TWENTY-FOUR POUNDS TEN SHILLINGS PER FORTNIGHT.”.

10. 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	13 10 0	9 0 0
Two legs and one arm amputated	13 10 0	5 10 0
Two legs amputated above the knee	13 10 0	5 10 0
Two legs amputated and loss of eye	13 10 0	—
One leg and one arm amputated and one eye destroyed	13 10 0	—
One leg and one arm amputated	13 10 0	—
One leg amputated above, and one leg amputated below, the knee	7 2 0	—
Two legs amputated below the knee	4 15 0	—
One arm amputated and one eye destroyed	4 4 0	—
One leg amputated and one eye destroyed	4 4 0	—
One leg amputated above the knee	2 3 0	—
One leg amputated below the knee	1 7 0	—
One arm amputated above the elbow	2 3 0	—
One arm amputated below the elbow	1 7 0	—
Loss of vision in one eye	1 16 0	—

11. Notwithstanding the amendments effected by sections three, six and seven of this Act, where a pension is, at the date of commencement of this Act, payable to a person who is in receipt of a payment that, by reason of those amendments, would, but for this section, be taken into account, on or after the date of commencement of this Act, in assessing the rate of his pension, that payment shall not be so taken into account.

Saving of
certain
pensions.

12. The amendments effected by sections eight, nine and ten of this Act apply in relation to an instalment of pension falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.

Application of
amendments.