

REPATRIATION.

No. 46 of 1961.

An Act to amend the *Repatriation Act* 1920-1960,
and for other purposes.

[Assented to 27th September, 1961.]

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* 1961.
- (2.) The *Repatriation Act* 1920-1960* 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* 1920-1961.

Commence-
ment.

- 2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (2.) Section eight of this Act shall be deemed to have come into operation on the twenty-ninth day of September, One thousand nine hundred and sixty.

* 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; and No. 44, 1960.

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

Offices—how vacated.

“(b) he is wilfully absent from duty, except on leave granted—

(i) in the case of a Commissioner or Acting Commissioner—by the Governor-General;
or

(ii) in the case of a member of a Board—by the Minister,

for twenty-one consecutive days or he becomes incapable of performing his duties; or”.

4. Section twenty-four A of the Principal Act is amended—

Determination of claim where claimant dies.

(a) by inserting in sub-section (1.), after the word “requires”, the words “and appeal to an Appeal Tribunal or an Assessment Appeal Tribunal,”;

(b) by inserting in sub-section (1.), after the word “determined” (last occurring), the words “or decided”; and

(c) by inserting in sub-section (2.), after the word “determination”, the words “or decision”.

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

Pension payable to dependants on death of a member after termination of war service.

“(3.) The rate of a pension which a person is entitled to receive under this section by virtue of the death of a member of the Forces is the rate at which pension would have been paid or payable to that person if the member of the Forces had not died and the nature and extent of his incapacity had remained as they were immediately prior to his death.”.

6. Section sixty-two of the Principal Act is amended by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraph:—

Vacation of office—disqualification.

“(c) he is wilfully absent from duty, except on leave granted by the Minister, for twenty-one consecutive days.”.

7. Section eighty-five of the Principal Act is amended—

Service pension in respect of a member permanently unemployable, &c.

(a) by omitting from sub-section (1.) the words “Ninety-one pounds per annum” and inserting in their stead the words “One hundred and twenty-three pounds ten shillings per annum”;

- (b) by omitting from sub-section (1.) the words "Twenty-nine pounds eighteen shillings per annum" and inserting in their stead the words "Thirty-nine pounds per annum";
- (c) by omitting from sub-section (1.) the words "Thirty-six pounds eight shillings per annum" and inserting in their stead the words "Forty-five pounds ten shillings per annum";
- (d) by omitting from sub-section (1.) the words "Forty-two pounds eighteen shillings per annum" and inserting in their stead the words "Fifty-two pounds per annum"; and
- (e) by omitting from sub-section (1.) the words "Forty-nine pounds eight shillings per annum" and inserting in their stead the words "Fifty-eight pounds ten shillings per annum".

Regulations.

8. Section one hundred and twenty-four of the Principal Act is amended by omitting from paragraph (g) of sub-section (1.) the words "who are suffering from pulmonary tuberculosis".

First Schedule.

9. 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	11 10 0	11 10 0
Leading Seaman, Corporal and relative ranks and ratings ..	5 0 0	11 10 0	11 10 0
Petty Officer, Sergeant and relative ranks and ratings ..	5 3 0	11 10 0	11 10 0
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings ..	5 5 6	11 10 0	11 10 0
Warrant Officer and relative ranks ..	5 13 6	11 10 0	11 10 0
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	5 18 0	11 10 0	11 10 0
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	6 8 0	11 10 0	11 14 6
Lieutenant-Commander, Major, Squadron Leader and relative ranks ..	6 19 0	11 19 0	12 4 6
Commander, Lieutenant-Colonel, Wing Commander and relative ranks ..	7 11 0	12 11 0	12 14 6
Captain (Navy), Colonel, Group Captain and relative ranks ..	8 3 0	13 3 0	13 3 6
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks ..	8 6 0	13 6 0	13 6 0

10. The Second Schedule to the Principal Act is amended— Second
Schedule.
 (a) by omitting the words—

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

and inserting in their stead the words—

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

- (b) by omitting the words “ Five pounds ten shillings ” and inserting in their stead the words “ Six pounds ten shillings ”; and
 (c) by omitting the words “ Nine pounds ” and inserting in their stead the words “ Ten pounds ten shillings ”.

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

- (a) by omitting from the column headed “ Rate of Pension Payable. ” in Table A the figures “ £6 6s. ” (wherever occurring) and inserting in their stead the figures “ £7 3s. ”;
 (b) by omitting from that column the figures “ £3 3s. ” and inserting in their stead the figures “ £3 18s. ”; and
 (c) by omitting from that column the figures “ £2 5s. ” and inserting in their stead the figures “ £2 15s. ”.

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

Column 1. Description of Disability.	Column 2. Amount.	Column 3. Allowances.
	£ s. d. Per fortnight.	£ s. d. Per fortnight.
Two arms amputated	15 0 0	10 10 0
Two legs and one arm amputated	15 0 0	6 10 0
Two legs amputated above the knee	15 0 0	6 10 0
Two legs amputated and loss of eye	15 0 0	—
One leg and one arm amputated and one eye destroyed	15 0 0	—
One leg and one arm amputated	15 0 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	—

13. The amendments made by this Act, in so far as they affect instalments of pensions or of allowances, apply in relation to an instalment of pension or of an allowance, as the case may be, 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.

Leave granted
by Governor-
General to
members of
Repatriation
Boards, &c.

14. Leave granted by the Governor-General before the commencement of this section to—

- (a) a member of a Repatriation Board;
- (b) a member or acting member of a War Pensions Entitlement Appeal Tribunal; or
- (c) the Chairman of an Assessment Appeal Tribunal,

shall, for the purposes of sub-section (2.) of section eighteen of the Principal Act as amended by this Act or sub-section (1.) of section sixty-two of the Principal Act as so amended, as the case requires, be deemed to be leave granted by the Minister.
