

# Repatriation

No. 42 of 1966

An Act relating to Repatriation Benefits for  
Members of the Defence Forces.

[Assented to 30 September, 1966]

**B**E 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* 1966.
- (2.) The *Repatriation Act* 1920–1965\* 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* 1920–1966.

Short title  
and citation.

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

Commence-  
ment.

\* 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; and No. 64, 1965.

Date of  
operations of  
decisions and  
determinations  
on appeal.

3. Section 78 of the Principal Act is amended by omitting from sub-sections (2.) and (2A.) the words “ sub-section (1.) of section sixty-four ” and inserting in their stead the words “ sub-section (1.) or sub-section (1A.) of section sixty-four ”.

Interpretation.

4. Section 83 of the Principal Act is amended—

(a) by inserting after the definition of “ Means as assessed ” the following definitions:—

“ ‘ Mental hospital ’ means premises declared by the Commission under section ninety-four A of this Act to be a mental hospital for the purposes of this Division;

‘ Mental hospital patient ’ means a person who—

- (a) has been admitted to a mental hospital as a patient of the hospital;
- (b) is shown on the records of the hospital as a patient, other than an out-patient, of the hospital; and
- (c) is maintained in the hospital at the public expense;”;

(b) by adding at the end thereof the following sub-sections:—

“ (2.) Where a mental hospital patient is transferred from one mental hospital to another mental hospital, he shall, for the purposes of this Division, be deemed to be a mental hospital patient during the period of the transfer notwithstanding that, during that period, he is not shown on the records of a mental hospital as a patient of a mental hospital.

“ (3.) In the application of section twenty-eight of the *Social Services Act 1947-1966* for the purposes of this Division—

- (a) the reference in sub-paragraph (iii) of paragraph (a) of sub-section (1A.) of that section to a service pension under this Act shall be read as not including a reference to a service pension that is payable to the wife of a member of the Forces by reason of her being his wife;
- (b) a reference in that section to the means as assessed or the property component of a person shall be read as a reference to the means as assessed or the property component, as the case may be, of the person for the purposes of this Division; and
- (c) a child of a member of the Forces shall be deemed to be in the custody, care and control of the member.

“(4.) In the application of section fifty of the *Social Services Act 1947-1966* for the purposes of this Division, the reference in sub-paragraph (i) of paragraph (a) of sub-section (1.) of that section to an allowance under Division 4A of Part III. of the *Social Services Act 1947-1966* shall be read as a reference to an allowance under section ninety-eight A of this Act.”.

5. Section 84 of the Principal Act is amended by omitting sub-section (2.).

Grant of service pension on account of age.

6. Section 87 of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Variation of rate of service pension according to means.

“(1.) A service pension shall not be granted at a rate that exceeds the highest rate at which an age pension could be payable to the service pensioner under Part III. of the *Social Services Act 1947-1966* if he were qualified to receive an age pension under that Part.”; and

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

“(3.) In the computation, for the purposes of this Division, of the income of a member of the Forces—

(a) where the member is not in receipt of an age pension or an invalid pension under the *Social Services Act 1947-1966* but the wife or husband of the member is in receipt of a pension under that Act, that pension shall not be treated as income of the wife or husband, as the case may be; and

(b) where a child of the member is dependent on the member, the income of the member shall be reduced by the amount of One hundred and fifty-six dollars per annum, less the annual amount of any payment, not being a payment under this Part or under Part III. or Part VI. of the *Social Services Act 1947-1966*, received by the member for or in respect of the child.”.

7. After section 94 of the Principal Act the following sections are inserted:—

“94A. Where the Commission is satisfied that accommodation for mentally ill or mentally defective persons is provided in any premises, the Commission may, by instrument in writing, declare the premises to be a mental hospital for the purposes of this Division.

Declaration of mental hospitals.

Service  
pensioner  
in mental  
hospital.

“ 94B.—(1.) Subject to this section, where—

- (a) a service pensioner is a mental hospital patient; and
- (b) the rate of his service pension exceeds the rate of age pension specified in paragraph (a) of sub-section (1.) of section fifty of the *Social Services Act 1947–1966* that would be applicable to him if he were an age pensioner who was an inmate of a benevolent home,

that part of his service pension that exceeds pension at that last-mentioned rate is, by force of this section, suspended in respect of the period during which he is a mental hospital patient.

“ (2.) Where a service pensioner who is a mental hospital patient is, for a continuous period of more than six days, absent from a mental hospital, the last preceding sub-section does not apply to him in respect of any whole day included in the period during which he is so absent.

“ (3.) Where—

- (a) a part of the service pension of a mental hospital patient has been suspended by force of sub-section (1.) of this section; and
- (b) he ceases to be a mental hospital patient otherwise than by reason of death,

he is, subject to this Division, entitled to payment of the part of his pension that was suspended—

- (c) in respect of each day in respect of which a part of his pension was suspended; or
- (d) if the number of days in respect of which a part of his pension was suspended exceeds eighty-four days—in respect of each of the last eighty-four of those days.

“ (4.) Where a mental hospital patient is absent from a mental hospital for a continuous period of four weeks or more, he shall, for the purposes of the last preceding sub-section, be deemed to have ceased to be a mental hospital patient at the commencement of the absence, and, if he ceases to be so absent by reason of again becoming an inmate of a mental hospital, he shall, for the purposes of sub-section (1.) of this section, be deemed to have again become a mental hospital patient.

“ (5.) This section does not apply in relation to a service pensioner in respect of any period during which he is in receipt of an allowance under the *Tuberculosis Act 1948* by reason that he is suffering from pulmonary tuberculosis.”

## 8. Section 95 of the Principal Act is amended—

(a) by omitting sub-section (1.); and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) A payment specified in sub-section (1A.) of this section shall commence—

(a) where it is granted in pursuance of an application made by a person who is an inmate as specified in this section—as from the date of the application; and

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

Service  
pensioner in  
benevolent  
home.

9.—(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	26.00	24.00
Leading Seaman, Corporal and relative ranks and ratings ..	10.00	26.00	24.00
Petty Officer, Sergeant and relative ranks and ratings ..	10.30	26.00	24.00
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings ..	10.55	26.00	24.00
Warrant Officer and relative ranks ..	11.35	26.00	24.00
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	11.80	26.00	24.00
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	12.80	26.00	24.45
Lieutenant-Commander, Major, Squadron Leader and relative ranks ..	13.90	26.90	25.45
Commander, Lieutenant-Colonel, Wing Commander and relative ranks ..	15.10	28.10	26.45
Captain (Navy), Colonel, Group Captain and relative ranks ..	16.30	29.30	27.35
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks ..	16.60	29.60	27.60

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

First Schedule.

Second  
Schedule.

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

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

and inserting in their stead the words—

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

Fifth  
Schedule.

11. The Fifth Schedule to the Principal Act is amended by 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.
	\$ Per fortnight	\$ Per fortnight
Two arms amputated . . . . .	37.00	21.00
Two legs and one arm amputated . . . . .	37.00	13.00
Two legs amputated above the knee . . . . .	37.00	13.00
Two legs amputated and loss of eye . . . . .	37.00	—
One leg and one arm amputated and one eye destroyed . . . . .	37.00	—
One leg and one arm amputated . . . . .	37.00	—
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	—

Amendments  
in relation to  
decimal  
currency.

12.—(1.) The Principal Act is amended as set out in the Schedule to this Act.

(2.) The Second Schedule to the Principal Act is amended—

(a) by omitting the words “ Six pounds ten shillings ” and inserting in their stead the words “ Thirteen dollars ”; and

(b) by omitting the words “ Ten pounds ten shillings ” and inserting in their stead the words “ Twenty-one dollars ”.

(3.) The Third Schedule to the Principal Act is amended—

(a) by omitting the symbol, figures and letter “ £7 3s. ” (wherever occurring) and inserting in their stead the symbol and figures “ \$14.30 ”;

(b) by omitting the symbol, figures and letter “ £3 18s. ” and inserting in their stead the symbol and figures “ \$7.80 ”;

(c) by omitting the symbol, figures and letter “ £2 15s. ” and inserting in their stead the symbol and figures “ \$5.50 ”;

- (d) by omitting the symbol and figure “£2” (wherever occurring) and inserting in their stead the symbol and figure “\$4”;
- (e) by omitting the symbol, figures and letter “£4 1s.” and inserting in their stead the symbol and figures “\$8.10”; and
- (f) by omitting the symbol, figures and letters “£1 7s. 6d.” and inserting in their stead the symbol and figures “\$2.75”.

13. In so far as an amendment made by this Act affects instalments of pensions, the amendment applies 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.

14. The Consolidated Revenue Fund is appropriated to the extent necessary for the purpose of making any payment of pension or other benefit in pursuance of the Principal Act as amended by this Act. Appropriation.

THE SCHEDULE

Section 12 (1.).

AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit—	Insert—
Section 11 (2) ..	Ten thousand pounds	Twenty thousand dollars
Section 18 (3) ..	Five hundred pounds	One thousand dollars
Section 26 (2) ..	Twenty pounds	Forty dollars
Section 26 (3) ..	Fifty pounds	One hundred dollars
Section 26 (5) ..	Fifty pounds	One hundred dollars
Section 53 (1.) ..	Fifty pounds	One hundred dollars
Section 74 ..	Twenty pounds	Forty dollars
Section 75 ..	Fifty pounds	One hundred dollars
Section 83 (1.) ..	Nineteen shillings and six pence	One dollar ninety-five cents
	Ten pounds	Twenty dollars
	Two hundred pounds	Four hundred dollars
Section 85 (1) ..	One hundred and fifty-six pounds	Three hundred and twelve dollars
	Thirty-nine pounds	Seventy-eight dollars
	Six pounds ten shillings	Thirteen dollars
Section 90 (1.) (b) (iii) ..	Seven hundred and fifty pounds	Fifteen hundred dollars
Section 96 (6.) (g) (ii) ..	One hundred pounds	Two hundred dollars
Section 96 (9.) ..	Twenty pounds	Forty dollars
Section 98A (1.) (b) ..	Seventy-eight pounds	One hundred and fifty-six dollars
Section 98A (3.) (a) ..	Twenty-six pounds	Fifty-two dollars
	Fifty-two pounds	One hundred and four dollars
Section 98A (3.) (b) ..	Seventy-eight pounds	One hundred and fifty-six dollars
Section 98A (8.) ..	Twenty pounds	Forty dollars
Section 98A (9.) ..	Twenty pounds	Forty dollars
Section 118 ..	One hundred pounds	Two hundred dollars
Section 118A (1.) (e) ..	Fifty pounds	One hundred dollars
Section 121 ..	One hundred pounds	Two hundred dollars
Section 124 (1.) ..	Twenty-five pounds	Fifty dollars