

# Repatriation

No. 95 of 1969

An Act to amend the *Repatriation Act 1920–1968* so as to provide for Increases in the Rates of certain Pensions and Allowances and for matters connected therewith and to appropriate the Consolidated Revenue Fund for the purpose of certain Payments resulting from the Increases.

[Assented to 27 September 1969]

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 1969*.

(2.) The *Repatriation Act 1920–1968\** 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 1920–1969*.

Commencement.

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

Interpretation.

3. Section 83 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (3.) the words “ in sub-paragraph (iii) ” and inserting in their stead the words “ in sub-paragraph (ii) ”; and

(b) by inserting after paragraph (a) of sub-section (3.) the following paragraph:—

“ (aa) the reference in sub-paragraph (ii) of paragraph (b) of sub-section (1AA.) of that section to the Director-General shall be read as a reference to a Board;”.

Variation of rate of service pension according to means.

4. Section 87 of the Principal Act is amended by omitting from paragraph (b) of sub-section (3.) the words “ One hundred and fifty-six dollars ” and inserting in their stead the words “ Two hundred and eight dollars ”.

5. After section 123 of the Principal Act the following section is inserted:—

Modification of certain other laws.

“ 123A.—(1.) A person shall not be taken to be a pensioner for the purposes of section one hundred and twenty-eight of the *Broadcasting and Television Act 1942–1969* by reason that the person is in receipt of a service pension where that pension would not be payable if—

(a) any amendment of the *Repatriation Act 1920–1968*, being an amendment alleviating the operation of the means test in

\* 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; No. 64, 1967; and Nos. 66 and 120, 1968.

relation to that person, made after the date of commencement of the *Repatriation Act* 1968 had not been made; and

- (b) any amendment of the *Social Services Act* 1947–1968, being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act* 1968 had not been made.

“(2.) A person shall not be taken to be a pensioner for the purposes of regulation 29 of the Telephone Regulations in force under the *Post and Telegraph Act* 1901–1968 by reason that the person is in receipt of, or is entitled to, a service pension, or a pension under the *Native Members of the Forces Benefits Act* 1957–1968 that corresponds with a service pension, where that person would not be eligible to receive such a pension if any amendment referred to in paragraph (a) or paragraph (b) of the last preceding sub-section had not been made.

“(3.) Regulation 66 of the Repatriation Regulations in force under the *Repatriation Act* 1920–1968 immediately before the commencement of this section does not apply in relation to a person by reason that the person is receiving a service pension where that pension would not be payable if any amendment referred to in paragraph (a) or paragraph (b) of sub-section (1.) of this section had not been made.

“(4.) Regulation 179A of the Repatriation Regulations in force under the *Repatriation Act* 1920–1968 immediately before the commencement of this section has effect as if—

- (a) a reference in that regulation to a service pension did not include a reference to a service pension that a person would not be, or would not have been, as the case may be, eligible to receive if any amendment referred to in paragraph (a) or paragraph (b) of sub-section (1.) of this section had not been made;
- (b) sub-regulation (4.) of that regulation were omitted and the following sub-regulation inserted in its stead:—

‘(4.) For the purposes of the application in relation to paragraph (b) of the last preceding sub-regulation of the definition of “pensioner” in sub-regulation (1.) of this regulation, a reference in that definition to a service pension shall be read as including a reference to a service pension of which a person is in receipt as the wife of a member of the Forces under section 85 of the Act.’; and

- (c) after sub-regulation (5.) the following sub-regulation were inserted:—

‘(5A.) The reference in paragraph (b) of the last preceding sub-regulation to an age or invalid pension or a wife’s allowance or a widow’s pension does not include a reference to such a pension or allowance that would not be payable if any amendment of the *Social Services Act* 1947–1968, being an amendment alleviating the operation of the means test in relation to the

person in receipt of the pension or allowance, made after the date of commencement of the *Social Services Act 1968* had not been made.’.

“(5.) Nothing in this section prevents the making of regulations under this Act or the *Post and Telegraph Act 1901-1968* that could have been made if this section had not been enacted.

“(6.) In this section—

‘amendment alleviating the operation of the means test’, in relation to a person, means an amendment that operates to diminish or eliminate any reduction that would otherwise be made in the rate of pension payable to or in respect of the person by reason of his means as assessed as defined by section eighty-three of this Act or section eighteen or section fifty-nine of the *Social Services Act 1947-1969*, as the case may be;

‘service pension’ has the same meaning as in Part III. of this Act.”.

First  
Schedule.

6.—(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	30.00	24.00
Leading Seaman, Corporal and relative ranks and ratings ..	10.00	30.00	24.00
Petty Officer, Sergeant and relative ranks and ratings ..	10.30	30.00	24.00
Chief Petty Officer, Staff Sergeant, Flight Sergeant and relative ranks and ratings .. .. .	10.55	30.00	24.00
Warrant Officer and relative ranks .. .. .	11.35	30.00	24.00
All commissioned ranks below Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks ..	11.80	30.00	24.00
Lieutenant (Navy), Captain (Army), Flight Lieutenant (Air Force) and relative ranks .. .. .	12.80	30.00	24.45
Lieutenant-Commander, Major, Squadron Leader and relative ranks .. .. .	13.90	30.90	25.45
Commander, Lieutenant-Colonel, Wing Commander and relative ranks .. .. .	15.10	32.10	26.45
Captain (Navy), Colonel, Group Captain and relative ranks ..	16.30	33.30	27.35
All ranks higher than Captain (Navy), Colonel, Group Captain and relative ranks .. .. .	16.60	33.60	27.60

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

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

Second Schedule.

(a) by omitting the words—

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

and inserting in their stead the words—

“ RATE FOR SPECIAL PENSIONS—SEVENTY-TWO DOLLARS PER FORTNIGHT.”;

(b) by omitting the words “ Fifteen dollars ” and inserting in their stead the words “ Seventeen dollars ”; and

(c) by omitting the words “ Twenty-four dollars ” and inserting in their stead the words “ Twenty-eight dollars ”.

8. 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 Allowance
	\$ Per fortnight	\$ Per fortnight
Two arms amputated .. .. .	48.00	28.00
Two legs and one arm amputated .. .. .	48.00	17.00
Two legs amputated above the knee .. .. .	48.00	17.00
Two legs amputated and loss of eye .. .. .	48.00	..
One leg and one arm amputated and one eye destroyed .. .. .	48.00	..
One leg and one arm amputated .. .. .	48.00	..
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	..

9. The Sixth Schedule to the Principal Act is amended by omitting from paragraph 2 the words “ Six dollars ” (wherever occurring) and inserting in their stead the words “ Ten dollars ”.

Sixth Schedule.

10. Where—

Retrospective payments in respect of certain claims.

(a) a service pension under the Principal Act as amended by this Act is granted to a person;

(b) the service pension would not have been granted if the amendment of the *Social Services Act* 1947–1968 made by paragraph (h) of section 3 of the *Social Services Act* 1969 had not been made; and

(c) the claim for the service pension was lodged on or before the thirty-first day of December, One thousand nine hundred and sixty-nine,

a Board may determine that the service pension shall be paid on and from a service pension pay day earlier than the date on which the claim for the pension was lodged but not earlier than the date of commencement of this Act.

Application  
of  
amendments.

**11.** 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 of an allowance falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.

Appropriation.

**12.—(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 seventy.

(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).

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