

Repatriation (Special Overseas Service)

No. 110 of 1965

An Act to extend Eligibility for Benefits
under the *Repatriation (Special Overseas Service)*
Act 1962-1964.

[Assented to 18 December, 1965]

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 (Special Overseas Service) Act 1965.*

(2.) The *Repatriation (Special Overseas Service) Act 1962-1964** 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 (Special Overseas Service) Act 1962-1965.*

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.) The amendments made by section 4 of this Act shall be deemed to have come into operation on the twenty-eighth day of May, One thousand nine hundred and sixty-three.

Title.

3. The title of the Principal Act is amended by omitting the words "on Special Service".

Interpretation.

4. Section 3 of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the definition of

"pension", the following definition:—

" 'port' includes airport;";

(b) by omitting from sub-section (1.) the definition of "special service" and inserting in its stead the following definition:—

" 'special service', in relation to a person, means service of the person as a member of the Naval, Military or Air Forces during a period comprising—

(a) a period when he is outside Australia and he or his unit is allotted for special duty in a special area; and

* Act No. 89, 1962, as amended by No. 108, 1964.

(b) if, at the end of that period, he is outside Australia and travels to a place other than the place where he is at the end of that period, being a place to which he or his unit is allotted for duty other than special duty—the period commencing at the end of that period and ending at the time when—

- (i) he arrives at that other place;
- (ii) he commences a further period of special service; or
- (iii) he ceases to be outside Australia,

whichever first occurs;”;

(c) by adding at the end of sub-section (1.) the following definition:—

“ ‘unit’, in relation to a person, means a body, contingent or detachment of the Naval, Military or Air Forces of which he is a member or to which he is attached.”; and

(d) by inserting after sub-section (1.) the following sub-section:—

“ (1A.) For the purposes of the definition of ‘ special service ’ in the last preceding sub-section—

(a) a person who travels from a place in Australia to a place outside Australia shall be deemed to have departed from Australia when he departs from the last port of call in Australia; and

(b) a person who travels to Australia from a place outside Australia shall be deemed to have arrived in Australia when he arrives at the first port of call in Australia.”.

5. After section 7 of the Principal Act the following section is inserted:—

“ 7A.—(1.) Upon the incapacity or death of a person whose incapacity or death has resulted from an occurrence that happened, other than during a period of special service of the person but when the person was a member of the Naval, Military or Air Forces and in an area outside Australia, as a result of action by hostile forces, the Commonwealth is liable to pay a pension or pensions, in accordance with this Act, in respect of the incapacity or death as if the person had been serving on special service when the occurrence happened and the day on which the occurrence happened were the period of that special service.

Pensions in relation to service other than special service.

“(2.) For the purposes of the last preceding sub-section, an occurrence that happened while a person was engaged in war-like operations against hostile forces in an area outside Australia shall be deemed to have happened as a result of action by hostile forces.

“(3.) In this section, ‘ occurrence ’, in relation to a person, includes the contracting of a disease by the person but does not include an occurrence that happened before the commencement of this section.”.

Regulations.

6. Section 14 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4.) Regulations under this section may make provision for and in relation to a person referred to in section seven A of this Act, and any children (including step-children, adopted children and ex-nuptial children) or other dependants of the person, as if the person were a member of the Forces for the purposes of this Act.”.
