

REPATRIATION ACT 1974

No. 3 of 1974

An Act to amend the *Repatriation Act* 1920-1973 so as to provide for Increases in the Rates of certain Pensions payable to certain persons, and for other Repatriation purposes, and to appropriate the Consolidated Revenue Fund for the purpose of certain payments resulting from those amendments.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Repatriation Act* 1974.¹

Short title
and citation.

(2) The *Repatriation Act* 1920-1973² 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* 1920-1974.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Commence-
ment.

3. (1) Section 9 of the Principal Act is repealed and the following section substituted:—

“9. (1) A member of the Commission shall be paid such remuneration as is determined by the Remuneration Tribunal.”

Remuner-
ation of
Com-
missioners.

“(2) Subject to the *Remuneration Tribunal Act* 1973, a member of the Commission shall be paid such allowances as are prescribed.”

(2) The amendment made by sub-section (1) does not affect—

- (a) the remuneration (including any annual allowance but excluding any other allowance) payable to a member of the Repatriation Commission before his remuneration is determined by the Remuneration Tribunal; or
- (b) any allowances (other than annual allowances) payable to such a member before regulations are made for the purposes of sub-section 9 (2) of the Principal Act as amended by this Act.

4. (1) Section 15 of the Principal Act is amended—

- (a) by omitting sub-section (6) and substituting the following sub-section:—

Members of
Repatriation
Boards.

“(6) A member shall be appointed for such a period, not exceeding 2 years, as the Governor-General specifies in the

instrument of appointment, but is eligible for re-appointment.”; and

- (b) by omitting sub-section (11) and substituting the following sub-sections:—

“(11) A member of a Board shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(12) Subject to the *Remuneration Tribunal Act* 1973, a member of a Board shall be paid such allowances as are prescribed.”.

(2) The amendment made by paragraph (1) (a) does not affect the tenure of office of any member holding office immediately before the commencement of this section.

- (3) The amendment made by paragraph (1) (b) does not affect—

- (a) the remuneration (other than allowances) or fees payable to a member of a Repatriation Board before his remuneration is determined by the Remuneration Tribunal; or
- (b) any allowances payable to such a member before regulations are made for the purposes of sub-section 15 (12) of the Principal Act as amended by this Act.

5. (1) Section 59 of the Principal Act is repealed and the following section substituted:—

Remuner-
ation of
members.

“59. (1) A member of an Appeal Tribunal shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) Subject to the *Remuneration Tribunal Act* 1973, a member of an Appeal Tribunal shall be paid such allowances as are prescribed.”.

- (2) The amendment made by sub-section (1) does not affect—

- (a) the remuneration (other than allowances) payable to a member of a War Pensions Entitlement Appeal Tribunal before his remuneration is determined by the Remuneration Tribunal; or
- (b) any allowances payable to such a member before regulations are made for the purposes of sub-section 59 (2) of the Principal Act as amended by this Act.

6. (1) Section 66 of the Principal Act is repealed and the following section substituted:—

Remuner-
ation of
members of
Assessment
Appeal
Tribunal.

“66. (1) A member of an Assessment Appeal Tribunal shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) Subject to the *Remuneration Tribunal Act* 1973, a member of an Assessment Appeal Tribunal shall be paid such allowances as are prescribed.”.

- (2) The amendment made by sub-section (1) does not affect—
 - (a) the remuneration (other than allowances) payable to a member of a War Pensions Assessment Appeal Tribunal before his remuneration is determined by the Remuneration Tribunal; or
 - (b) any allowances payable to such a member before regulations are made for the purposes of sub-section 66 (2) of the Principal Act as amended by this Act.

7. Section 83 of the Principal Act is amended—

Interpretation.

- (a) by omitting the definition of “Dependent female” from sub-section (1) and substituting the following definition:—
 - “ ‘Dependent female ’, in relation to a man, means a woman who has lived with the man (in this Division referred to as her husband) as his wife on a permanent and *bona fide* domestic basis, although not legally married to him, for not less than 3 years immediately preceding the operation of any provision of this Division in relation to that woman or that man; ”; and
- (b) by inserting in sub-section (1), after the definition of “Income derived from property”, the following definition:—
 - “ ‘married person’ means a person in relation to whose income sub-section 87 (2) applies; ”.

8. Section 87 of the Principal Act is amended by omitting from paragraph (b) of sub-section (3) the words “two hundred and eight dollars” and substituting the words “three hundred and twelve dollars”.

Variation of rate of service pension according to means.

9. Section 96 of the Principal Act is amended—

Acquisition of property, &c., to be notified.

- (a) by omitting from sub-section (1) the word “Except” and substituting the words “Subject to sub-section (6A), except”;
- (b) by omitting from sub-section (2) the word “Where” and substituting the words “Subject to sub-section (6A), where”;
- (c) by omitting paragraph (a) of sub-section (2) and substituting the following paragraph:—
 - “(a) is not a married person, or is legally married but is living apart from his spouse; and”;
- (d) by omitting from sub-section (3) the word “Where” and substituting the words “Subject to sub-section (6A), where”;
- (e) by omitting sub-paragraph (i) of paragraph (a) of sub-section (3) and substituting the following sub-paragraph:—
 - “(i) is a married person and, if he is legally married, is not living apart from his spouse; and”;
- (f) by omitting from sub-section (6) the words “In the event of” and substituting the words “Subject to sub-section (6A), in the event of”; and

(g) by inserting after sub-section (6) the following sub-section:—

“(6A) A service pensioner who—

- (a) is permanently blind or has attained the age of 75 years;
- (b) is not in receipt of an allowance by way of supplementary assistance under section 98A;
- (c) is not a pensioner for the purposes of the provisions of the *National Health Act* 1953-1973 relating to the Pensioner Medical Service; and
- (d) is not a pensioner the maximum rate of whose pension has been increased by virtue of sub-section 28 (1AA) or (1B) of the *Social Services Act* 1947-1974 in its application by virtue of section 84 of this Act,

is not required to give a notification in the circumstances set out in sub-section (1), (2) or (3) or in the event specified in paragraph (6) (e) or (g).”.

On death of married person, widow, widower or child to receive certain benefits for 3 months.

10. Section 98B of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1) all the words after the words “for the purposes of” and substituting the words “this Division”; and
- (b) by omitting from paragraph (b) of sub-section (1) all the words after the words “for the purposes of” and substituting the words “this Division”.

Schedule 1.

11. (1) Schedule 1 to the Principal Act is amended by omitting the table and the heading immediately preceding the table and substituting the following heading and table:—

TABLE OF PENSIONS PAYABLE, SUBJECT TO SCHEDULE 3, TO A WIDOWED MOTHER OR A WIDOW ON DEATH OF A MEMBER OF THE FORCES OR TO A MEMBER UPON HIS TOTAL INCAPACITY

Column 1	Column 2	Column 3
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 17	\$ Per fortnight 52	\$ Per fortnight 44

(2) Schedule 1 to the Principal Act is further amended by omitting from paragraph 6 the words “Seventy-seven dollars sixty cents” and substituting the words “Eighty-two dollars ten cents”.

- 12.** Schedule 2 to the Principal Act is amended— Schedule 2.
- (a) by omitting the words—
 “RATE FOR SPECIAL PENSIONS—ONE HUNDRED AND ELEVEN
 DOLLARS TWENTY CENTS PER FORTNIGHT.”
 and substituting the words—
 “RATE FOR SPECIAL PENSIONS—ONE HUNDRED AND TWENTY
 DOLLARS TWENTY CENTS PER FORTNIGHT.”;
 and
- (b) by omitting the words “Third Schedule” and substituting the
 word and figure “Schedule 3”.
- 13.** Schedule 5 to the Principal Act is amended by omitting from Schedule 5.
 column 2 the figures “73.20” (wherever occurring) and substituting the
 figures “76.20”.
- 14.** Schedule 6 to the Principal Act is repealed. Schedule 6.
- 15.** In so far as an amendment made by this Act affects instalments Application
of certain
amendments.
 of pensions or allowances, the amendment applies in relation to an
 instalment of a pension or of an allowance falling due on the day on
 which this Act receives the Royal Assent, if that day is a pension pay-
 day, or, if it is not, on the first pension pay-day after that day, and to all
 subsequent instalments.
- 16.** (1) The Consolidated Revenue Fund is appropriated to the Appropri-
ation.
 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 30 June 1974.
- (2) Sub-section (1) 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 this Act receives the Royal Assent).

NOTES

1. Act No. 3, 1974; assented to 22 March 1974.
2. 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; Nos. 66 and 120, 1968; No. 95, 1969; Nos. 4 and 60, 1970; Nos. 17 and 68, 1971; Nos. 15, 82 and 139, 1972; Nos. 2, 27 and 104, 1973; and No. 216, 1973 (as amended by No. 20, 1974).