**Repatriation Acts Amendment Act 1980**

**No. 129 of 1980**

**An Act relating to repatriation and related matters**

[*Assented to 19 September 1980*]

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

**PART I—PRELIMINARY**

**Short title**

**1.** This Act may be cited as the *Repatriation Acts Amendment Act* 1980.

**Commencement**

**2.** **(1)** Sections 1, 2 and 3, sub-section 4(1) and sections 5, 12, 14 and 16 shall come into operation on the day on which this Act receives the Royal Assent.

**(2)** The remaining provisions of this Act (other than section 8) shall come into operation on 1 November 1980.

**(3)** Section 8 shall come into operation on 1 January 1981.

**PART II—AMENDMENTS OF THE REPATRIATION ACT 1920**

**Principal Act**

**3.** The *Repatriation Act* 1920 is in this Part referred to as the Principal Act.

**Interpretation**

**4.** **(1)** Section 83 of the Principal Act is amended by inserting after paragraph (g) of the definition of “Income” in sub-section (1) the following paragraph:

“(ga) in the case of a member of—

(i) the Citizen Naval Forces;

(ii) the Naval Emergency Reserve Forces;

(iii) the Citizen Military Forces;

(iv) the Citizen Air Force;

(v) the Air Force Emergency Force; and

(vi) the Regular Army Emergency Reserve,

the pay and allowances paid to him as such a member (other than pay and allowances in respect of continuous full-time service) and, in the case of a member of a Force referred to in sub-paragraph (ii), (v) or (vi), any gratuity paid to him by reason of a calling out for continuous service of, or of part of, that Force;”.

**(2)** Section 83 of the Principal Act is further amended—

(a) by omitting from sub-section (1) the definitions of “Mental hospital” and “Mental hospital patient”; and

(b) by omitting sub-section (2).

**Variation of rate of service pension according to income**

**5.** Section 87 of the Principal Act is amended by adding at the end of sub-section (3a) the following word and paragraph:

“and (e) a payment of an instalment of any allowance under the regulations that is prescribed for the purposes of this paragraph.”.

**Repeal of sections 94a and 94b**

**6.** **(1)** Sections 94a and 94b of the Principal Act are repealed.

**(2)** Where a person who was a mental hospital patient immediately before the commencement of this section ceases to be a mental hospital patient (otherwise than by reason of death) after the commencement of this section, the person is entitled, in respect of each day in respect of which a part of his pension was suspended under section 94b of the Principal Act, to payment of that part of his pension that was so suspended.

**(3)** In sub-section (2), “day”, in relation to a mental hospital patient, means—

(a) where the mental hospital patient was an inmate of the mental hospital for a period not exceeding 84 days—any day in that period; or

(b) in any other case—any day included in the last 84 days of the period during which he was an inmate of the mental hospital,

but does not include 31 October 1980.

**(4)** For the purposes of sub-section (2), where a mental hospital patient has been absent from the mental hospital for a continuous period of 4 weeks or more, he shall be deemed to cease to be a mental hospital patient at the expiration of the period of 4 weeks commencing on the commencement of that absence.

**Deduction from pensions, allowances or benefits of certain amounts**

**7.** Section 120b of the Principal Act is amended by inserting in sub-section (1) “or the regulations” after “this Act” (wherever occurring).

**Prescribed persons**

**8.** Section 123ab of the Principal Act is amended—

(a) by omitting sub-section (5); and

(b) by omitting from sub-section (6) the definitions of “income” and “married person” and substituting the following definitions:

“‘income’ means—

(a) in relation to a service pensioner—income calculated in relation to the pensioner for the purposes of the operation of section 87; or

(b) in relation to a person other than a service pensioner—income equal to the income that would be calculated in relation to the person for the purposes of the operation of section 87 if the person were a service pensioner;

“‘married person’ means a person in relation to whose income sub-section (2) of section 87 applies, or would apply if the person were a service pensioner;”.

**Schedule 2**

**9.** Schedule 2 to the Principal Act is amended—

(a) by omitting “$35” and substituting “$38.64”; and

(b) by omitting “$70” and substituting “$77.30”.

**Schedule 3**

**10.** Schedule 3 to the Principal Act is amended—

(a) by omitting from Table A “$50” (wherever occurring) and substituting “$55.20”; and

(b) by omitting from Table A “$25” and substituting “$27.60”.

**Schedule 5**

**11.** Schedule 5 to the Principal Act is amended—

(a) by omitting from column 2 of the table in paragraph (1) “33.20” and substituting “51.60”;

(b) by omitting from column 2 of the table in paragraph (1) “22.40” and substituting “34.80”;

(c) by omitting from column 2 of the table in paragraph (1) “19.30” (wherever occurring) and substituting “30.00”;

(d) by omitting from column 2 of the table in paragraph (1) “9.60” (wherever occurring) and substituting “14.90”;

(e) by omitting from column 2 of the table in paragraph (1) “5.10” (wherever occurring) and substituting “7.90”;

(f) by omitting from column 2 of the table in paragraph (1) “7.50” and substituting “11.60”;

(g) by omitting from column 3 of the table in paragraph (1) “70” and substituting “77.30”; and

(h) by omitting from column 3 of the table in paragraph (1) “35” (wherever occurring) and substituting “38.64”.

**PART III—AMENDMENTS OF THE SEAMEN’S WAR PENSIONS AND ALLOWANCES ACT 1940**

**Principal Act**

**12.** The *Seamen’s War Pensions and Allowances Act* 1940 is in this Part referred to as the Principal Act.

**Rates of pension on death or total incapacity**

**13.** Section 18 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (7) “$25” and substituting “$27.60”; and

(b) by omitting from sub-section (8) “$50” and substituting “$55.20”.

**Regulations**

**14.** Section 59 of the Principal Act is amended by inserting in sub-section (1), after paragraph (da), the following paragraph:

“(db) medical, surgical and hospital benefits for Australian mariners for the purposes of the treatment of any disability (whether or not resulting from a war injury), being Australian mariners who—

(i) have suffered detention; or

(ii) have suffered an amputation, or are suffering from loss of vision, by reason of a war injury.”.

**Schedule 2**

**15.** Schedule 2 to the Principal Act is amended—

(a) by omitting from column 2 “35” (wherever occurring) and substituting “38.64”; and

(b) by omitting from column 2 “70” and substituting “77.30”.

**PART IV—APPLICATION OF CERTAIN AMENDMENTS**

**Application**

**16.** **(1)** The amendments made by this Act (other than sub-section 4 (1)), in so far as they affect instalments of pensions or allowances, apply in relation to an instalment of a pension or allowance falling due on 13 November 1980 and to all subsequent instalments.

**(2)** The amendment made by sub-section 4 (1), in so far as it affects instalments of pensions or allowances, applies in relation to an instalment of pension or 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 the day on which this Act receives the Royal Assent, and to all subsequent instalments.