

REPATRIATION ACTS AMENDMENT ACT
(No. 2) 1975
No. 111 of 1975

An Act relating to Repatriation and related Matters.

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

PART I—PRELIMINARY

Short title. **1.** This Act may be cited as the *Repatriation Acts Amendment Act (No. 2) 1975*.¹

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

**PART II—AMENDMENTS OF THE REPATRIATION ACT
1920-1974, AS AMENDED**

Citation. **3.** (1) The *Repatriation Act 1920-1974*,² as amended by the *Repatriation Acts Amendment Act 1975*,³ and the *Postal and Telecommunications Commissions (Transitional Provisions) Act 1975*,⁴ is in this Part referred to as the Principal Act.

(2) Section 3 of the *Repatriation Acts Amendment Act 1975* is amended by omitting sub-section (2).

(3) Schedule 3 to the *Postal and Telecommunications Commissions (Transitional Provisions) Act 1975* is amended by omitting the following words:—

“*Repatriation Act 1920-1974* | *Repatriation Act 1920-1975*”.

(4) The Principal Act, as amended by this Act, may be cited as the *Repatriation Act 1920-1975*.

4. After section 8A of the Principal Act the following section is inserted:—

Appointment “8B. (1) This section relates to both of the following offices:—
to act as
Chairman
and
Secretary.

(a) the office of Chairman of the Commission;

(b) the office under the *Public Service Act 1922-1975* of Secretary to the Department of Repatriation and Compensation.

“(2) Where—

- (a) one person occupies both the offices to which this section relates and that person is, or is about to be, absent or not available to perform the functions of those offices; or
- (b) both the offices to which this section relates are vacant,

the Governor-General may appoint a member of the Commission—

- (c) to act in the place of the person referred to in paragraph (a), in his capacity as the holder of each of the offices to which this section applies, while that person is absent or not available to perform the functions of those offices; or
- (d) to act in each of those offices until the filling of the vacancy in either office,

and a member so appointed may perform the functions and exercise the powers, and shall perform the duties, appertaining, whether under this Act or any other Act, to each of those offices in accordance with his appointment.

“(3) Subject to this section, a person appointed under sub-section (2) holds office on such terms and conditions as the Governor-General determines.

“(4) A person appointed under sub-section (2)—

- (a) shall, in his capacity as a person appointed to act as Secretary to the Department of Repatriation and Compensation, be paid such remuneration and allowances as the Governor-General determines; and
- (b) shall not be paid remuneration or allowances in his capacity as a person appointed to act as Chairman of the Commission but, for the purpose of the payment of allowances to him under paragraph (a), the duties appertaining to the office of Secretary to the Department of Repatriation and Compensation shall be deemed to include the duties appertaining to the office of Chairman of the Commission.

“(5) An appointment under sub-section (2) by reason of a vacancy in an office to which this section relates shall not be made, or continue to have effect, after the expiration of a period of 6 months from the date of the occurrence of the vacancy.

“(6) The Governor-General may, at any time, terminate an appointment made under sub-section (2).

“(7) A person appointed under sub-section (2) shall, while acting in accordance with that appointment, be deemed, for the purposes of sub-section (4) of section 8, to be absent for the purpose of performing the duties of another office.

“(8) The validity of an act done by a person appointed under sub-section (2) shall not be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or that the appointment (not being an appointment to a vacant office) had ceased to have effect.

“(9) This section does not affect the operation of section 54 of the *Public Service Act 1922-1975*.”.

Appeals by applicants under section 85.

5. Section 70 of the Principal Act is amended by inserting in sub-section (1), after the word “Forces”, the words “or as a member of the Forces of a Commonwealth country”.

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

6. Section 96 of the Principal Act is amended by omitting from paragraph (a) of sub-section (6A) the figures and the word “75 years” and substituting the figures and word “70 years”.

Schedule 1.

7. Schedule 1 to the Principal Act is amended—

(a) by omitting from column 2 of the table the figures “72” and substituting the figures “77.50”; and

(b) by omitting from paragraph 6 the figures “\$96.10” and substituting the figures “\$102.10”.

Schedule 2.

8. Schedule 2 to the Principal Act is amended by omitting the words—

“RATE FOR SPECIAL PENSIONS—\$136.20 PER FORT-NIGHT.”

and substituting the words—

“RATE FOR SPECIAL PENSIONS—\$148.20 PER FORT-NIGHT.”.

Schedule 5.

9. Schedule 5 to the Principal Act is amended by omitting from column 2 of the table in paragraph 1 the figures “80.20” (wherever occurring) and substituting the figures “92.20”.

PART III—AMENDMENTS OF THE SEAMEN'S WAR PENSIONS AND ALLOWANCES ACT 1940-1974, AS AMENDED

Citation.

10. (1) The *Seamen's War Pensions and Allowances Act 1940-1974*,⁵ as amended by the *Repatriation Acts Amendment Act 1975*,⁶ is in this Part referred to as the Principal Act.

(2) Section 15 of the *Repatriation Acts Amendment Act 1975* is amended by omitting sub-section (2).

(3) The Principal Act, as amended by this Act, may be cited as the *Seamen's War Pensions and Allowances Act 1940-1975*.

Rates of pension on death or total incapacity.

11. Section 18 of the Principal Act is amended by omitting from sub-section (4A) the figures “\$96.10” and substituting the figures “\$102.10”.

12. Schedule 1 to the Principal Act is amended by omitting from Schedule 1. column 1 of the table the figures “72.00” and substituting the figures “77.50”.

PART IV—APPLICATION OF CERTAIN AMENDMENTS

13. The amendments made by this Act, in so far as they affect instalments of pensions, apply in relation to an instalment of pensions falling due on 6 November 1975 and to all subsequent instalments. Application of certain amendments.

NOTES

1. Act No. 111, 1975; assented to 27 October 1975.
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; No. 216, 1973 (as amended by No. 20, 1974); and Nos. 3, 24 and 90, 1974.
3. Act No. 35, 1975.
4. Act No. 56, 1975.
5. Act No. 60, 1940, as amended by No. 77, 1946; No. 80, 1950; Nos. 17 and 75, 1952; No. 70, 1953; No. 32, 1954; No. 40, 1955; No. 45, 1957; No. 48, 1958; No. 59, 1959; No. 46, 1960; No. 47, 1961; Nos. 64 and 113, 1964; No. 65, 1965; No. 43, 1966; No. 102, 1967; No. 67, 1968; No. 96, 1969; No. 61, 1970; Nos. 18 and 69, 1971; Nos. 16 and 83, 1972; Nos. 6 and 106, 1973; and Nos. 4, 25 and 90, 1974.
6. Act No. 35, 1975.