

## Section 4.

## THE SCHEDULE.

(1.) So much of the duties of customs payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 3d. per gallon of all those goods which shall be entered for home consumption during each year of the period of three years commencing on the first day of July, 1947 that is to say, the duties of customs payable and collected, under Tariff Item 229 (c) in the Schedule to the *Customs Tariff* 1933-1939 or under that Tariff Item as amended or proposed to be amended, during each year of that period of three years in respect of petroleum and shale products, viz., naphtha, benzine, benzoline, gasoline, pentane, petrol and any other petroleum or shale spirit.

(2.) So much of the duties of excise payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 1½d. per gallon of all those goods which shall be entered for home consumption during each year of that period of three years that is to say, the duties of excise payable and collected under Tariff Item 11 in the Schedule to the *Excise Tariff* 1921-1939 or under that Tariff Item as amended or proposed to be amended during each year of that period of three years in respect of—

(a) petroleum or shale products, viz., petrol, benzine, benzoline, gasoline, naphtha, pentane, and any other petroleum or shale spirit as described in that Item;

(b) petroleum or shale distillates, viz., turpentine substitutes; and

(c) coal tar and coke oven distillates (including benzol) suitable for use as petrol substitutes as described in that Item.

(3.) So much of the duties of excise payable and collected under the Tariff Item specified in paragraph 2 of this Schedule in respect of the goods specified in that paragraph (other than benzol) as shall be equal to ¼d. per gallon of all those goods which shall be entered for home consumption during each year of that period.

(4.) The duties of customs and excise specified in the foregoing provisions of this Schedule shall not include duties payable and collected in respect of any goods used in civil aircraft for the purposes of civil aviation.

## SEAMEN'S COMPENSATION.

## No. 18 of 1947.

An Act to amend the *Seamen's Compensation Act* 1911-1938.

[Assented to 4th June, 1947.]

[Date of commencement, 2nd July, 1947.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Seamen's Compensation Act* 1947.

(2.) The *Seamen's Compensation Act* 1911-1938\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Seamen's Compensation Act* 1911-1947.

2. Section three of the Principal Act is amended by omitting the definition of "Dependants" and inserting in its stead the following definition:—

" 'Dependants' means, in relation to a deceased seaman—

(a) a member of the seaman's family;

Short title  
and citation.

Definitions.

- (b) a person to whom the seaman stood *in loco parentis* or who stood *in loco parentis* to the seaman ;
- (c) any ex-nuptial child or grand-child of the seaman ; and
- (d) if the seaman was an ex-nuptial child, any parent or grand-parent of the seaman,

who was wholly or in part dependent upon his earnings at the time of his death or who would, but for his incapacity due to injury, have been so dependent:”.

3. Section five of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (2.) the words “, for a period of at least one week,” ; and

(b) by adding at the end thereof the following sub-sections :—

“(5.) Any payment to an injured seaman made under an insurance policy privately effected by the seaman or made by a friendly society, by way of compensation or medical or disablement benefits, shall not be deemed to be compensation or payment in respect of the injury within the meaning of sub-section (2.) of this section.

“(6.) Where a dependant dies before a claim under this Act is made, or, if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the seaman.”.

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

“5AA.—(1.) Where personal injury by accident is caused to a seaman while he is travelling to or from work, the employer shall, subject to this Act, be liable to pay to the seaman or his dependants compensation in accordance with this Act as if the accident were an accident arising out of and in the course of his employment.

(2.) In this section ‘travelling to or from work’ means, in relation to a seaman—

(a) travelling between the seaman’s place of abode and the place of his employment ; or

(b) travelling between the seaman’s place of abode or place of employment and a Mercantile Marine Office,

but does not include travelling during or after any substantial interruption of, or substantial deviation from the shortest convenient route for, any such journey, made for a reason unconnected with his employment or unconnected with his attendance at a place where he is required or expected by his employer to attend.”.

5. Section five A of the Principal Act is amended—

(a) by omitting from sub-section (1.) all the words from and including the words “In addition to” to and including the words “in relation to the injury” and inserting in their stead the words “Where any compensation is payable

Compensation  
for personal  
injuries to  
seamen.

Injury while  
travelling to  
or from work.

Medical  
benefits.

by the employer under this Act to, or in respect of, a seaman, or where a seaman suffers injury or disease in circumstances in which compensation would be payable under this Act but for the fact that the seaman is not rendered incapable of earning full wages, the employer shall pay the cost, not exceeding in any case One hundred pounds, of such medical, surgical and hospital treatment and ambulance services in relation to the injury, or disease, as the case may be," ;

- (b) by omitting from the second proviso to that sub-section the word "Twenty-five" and inserting in its stead the words "One hundred" ;
- (c) by omitting from the definition of "ambulance services" in sub-section (2.) the word "workman" and inserting in its stead the word "seaman" ;
- (d) by omitting from paragraph (b) of the definition of "medical treatment" in that sub-section the words "and artificial members", and inserting in their stead the words "artificial members and artificial replacements" ;
- (e) by omitting from paragraph (c) of that definition the word "him" and inserting in its stead the words "an injured seaman" ; and
- (f) by omitting from the definition of "hospital treatment" in that sub-section the words "the workman" and inserting in their stead the words "an injured seaman" .

Compensation  
for certain  
injuries.

**6. Section five B of the Principal Act is amended—**

- (a) by omitting the word "Where" and inserting in its stead the words "Subject to this Act, where" ;
- (b) by omitting the words "total or partial incapacity" and inserting in their stead the words "incapacity other than total and permanent incapacity for work" ;
- (c) by omitting all the words from and including the words "or by way of wages under any Act" to the end of the section ; and
- (d) by adding at the end thereof the following sub-sections :—
  - "(2.) Where a seaman habitually uses his left hand and arm to perform work usually performed by seamen with the right hand and arm, the compensation payable to the seaman under this section shall be—
  - (a) for the loss of his left arm or any part of his left arm—the amount which would have been payable to a seaman for a similar loss in respect of his right arm or the corresponding part of his right arm ; and
  - (b) for the loss of his right arm or any part of his right arm—the amount which would have been payable to a seaman for a similar loss in respect of his left arm or the corresponding part of his left arm.

“(3.) Where a seaman sustains an injury which causes the loss of the sight of both eyes or of an only useful eye, any compensation previously paid under this Act in respect of loss of sight shall be deducted from the compensation payable under this section.

“(4.) Where a seaman sustains an injury which causes partial and permanent loss of the sight of one eye, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of the sight of one eye as is equal to the percentage of the diminution of sight.

“(5.) Where a seaman sustains an injury which causes partial and permanent loss of the efficient use, in and for the purposes of his employment at the date of the injury, of a part of the body (other than an eye) specified in the Third Schedule to this Act, there shall be payable an amount of compensation equivalent to such percentage of the amount of compensation payable under this section in respect of the loss of that part as is equal to the percentage of the diminution of the efficient use of that part.

“(6.) For the purposes of this section and of the Third Schedule to this Act, the loss of a part of the body shall be deemed to include—

- (a) the permanent loss of the use of that part; and
- (b) the permanent loss of the efficient use of that part in and for the purposes of his employment at the date of the injury.

“(7.) For the purposes of sub-section (2.) of this section, a seaman who habitually uses his left hand and arm to perform work usually performed by a seaman with his right hand and arm shall notify the prescribed authority of this fact in such manner as is prescribed, and, in the absence of proof to the contrary—

- (a) every such notification shall be evidence that the seaman to whom it relates habitually, prior to the injury, used his left hand and arm to perform that work; and
- (b) failure so to notify the prescribed authority shall be evidence that the seaman concerned habitually, prior to the injury, used his right hand and arm to perform that work.”.

**7. Section five D of the Principal Act is amended—**

- (a) by inserting after the word “accident,” the words “except where the injury results in total and permanent incapacity,”; and
- (b) by omitting the words “Seven hundred and fifty” and inserting in their stead the words “One thousand”.

**Maximum  
compensation.**

Amendment of  
the First  
Schedule.

8. The First Schedule to the Principal Act is amended—

(a) by omitting from clause (i) of sub-paragraph (a) of paragraph (1.) the words “Seven hundred and fifty” and inserting in their stead the words “Eight hundred”;

(b) by omitting the proviso to that clause and inserting in its stead the following provisos:—

“Provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption of those payments, shall be deducted from that sum, but so that the amount payable to the dependants upon the death of the seaman shall not be less than Two hundred pounds :

Provided also that, if the period of the seaman's employment by that employer has been less than that period of four years, the amount of his earnings during that period shall be deemed to be two hundred and eight times his average weekly earnings during the period of his actual employment by that employer ;” ;

(c) by inserting after that clause the following clause :—

“(ia) in addition to any amount payable under the last preceding clause, an amount of Twenty-five pounds in respect of each child who is, at the date of the seaman's death, under the age of sixteen years and who was totally or mainly dependent upon the seaman at the date of the injury ;” ;

(d) by omitting from sub-paragraph (b) of that paragraph the words “ten shillings” (first occurring) ;

(e) by omitting sub-paragraph (c) of that paragraph, and inserting in its stead the following sub-paragraph :—

“(c) where total incapacity for work results from the injury, there shall be added to any amount payable under sub-paragraph (b) of paragraph (1.) of this Schedule—

(i) an amount of One pound per week in respect of—

(1) the wife of the seaman ; or

(2) if he has no wife, or if compensation is not payable in respect of his wife, one female who has attained the age of twenty-one years and is caring for any child of the seaman

under the age of sixteen years, or who is a member of the seaman's family and is over the age of sixteen years,

if she was totally or mainly dependent on the seaman at the date of the injury; and

- (ii) an amount of Eight shillings and sixpence per week in respect of each child who, at the date of the injury, was under the age of sixteen years and totally or mainly dependent upon the seaman and who, being under the age of sixteen years, remains so dependent.”;

- (f) by inserting after paragraph (1.) the following paragraphs:—

“(1A.) Notwithstanding anything contained in subparagraphs (b) and (c) of paragraph (1.) of this Schedule, no payment shall be made under those paragraphs which is in excess of the amount of the weekly pay of the seaman at the date of the injury.

“(1B.) The amount of any endowment under the *Child Endowment Act 1941-1945* received by a seaman or a dependant shall not be taken into account in determining, for the purposes of this Schedule, whether or not any child in respect of whom the endowment is received is or was totally or mainly dependent on the seaman.”;

- (g) by inserting after paragraph (7.) the following paragraph:—

“(7A.) Where any person under any legal disability is entitled to any amount of compensation under this Act in the form of a lump sum, that amount may be paid to a trustee or trustees appointed by a committee or by an arbitrator and approved by a prescribed authority, or appointed by a Judge or a County Court, and the amount so paid shall, subject to any general or special direction of a Judge or a County Court, be held and applied by the trustee or trustees for the benefit of the person so entitled.”;

- (h) by omitting from the proviso to paragraph (17.) the words “ten shillings”; and

- (i) by inserting after paragraph (18.) the following paragraph:—

“(18A.) The last preceding paragraph shall not apply in any case where the incapacity is total and permanent.”.

9. The Principal Act is amended by omitting the Third Schedule thereto and inserting in its stead the following Schedule :—

The Third  
Schedule.

“ THIRD SCHEDULE.

COMPENSATION FOR SPECIFIED INJURIES.

Nature of Injury.	Amount Payable.	
	£	s. d.
Loss of both eyes .. .. .	800	0 0
Loss of both hands .. .. .		
Loss of both feet .. .. .		
Loss of hand and foot .. .. .		
Total and incurable loss of mental powers, involving inability to work .. .. .		
Total and incurable paralysis of limbs or mental powers .. .. .	400	0 0
Loss of sight of one eye .. .. .	800	0 0
Loss of sight of an only useful eye, the other being blind or absent	675	0 0
Loss of one eye, with serious diminution of the sight of the other	640	0 0
Loss of hearing .. .. .	200	0 0
Complete deafness of one ear .. .. .	720	0 0
Loss of right arm or greater part thereof .. .. .	675	0 0
Loss of left arm or greater part thereof .. .. .	640	0 0
Loss of lower part of right arm, right hand or five fingers of right hand .. .. .	600	0 0
Loss of lower part of left arm, left hand or five fingers of left hand	640	0 0
Loss of leg above knee .. .. .	600	0 0
Loss of leg below knee .. .. .	560	0 0
Loss of foot .. .. .	240	0 0
Loss of right thumb .. .. .	225	0 0
Loss of left thumb .. .. .	160	0 0
Loss of right forefinger .. .. .	150	0 0
Loss of left forefinger .. .. .	120	0 0
Loss of right little finger, middle finger or ring finger .. .. .	112	10 0
Loss of left little finger, middle finger or ring finger .. .. .	160	0 0
Loss of phalanx of right thumb .. .. .	120	0 0
Loss of phalanx of left thumb .. .. .	120	0 0
Loss of portion of terminal segment of right thumb, involving one third of its flexor surface without loss of phalanx .. .. .	112	10 0
Loss of portion of terminal segment of left thumb, involving one third of its flexor surface without loss of phalanx .. .. .	120	0 0
Loss of total movement of joint of right thumb .. .. .	112	10 0
Loss of total movement of joint of left thumb .. .. .	100	0 0
Loss of two phalanges or joints of finger of right hand .. .. .	95	0 0
Loss of two phalanges or joints of finger of left hand .. .. .	95	0 0
Loss of phalanx or joint of finger of right hand .. .. .	90	0 0
Loss of phalanx or joint of finger of left hand .. .. .	100	0 0
Loss of great toe .. .. .	90	0 0
Loss of phalanx or joint of great toe .. .. .	90	0 0
Loss of any other toe .. .. .	80	0 0
Loss of two phalanges or joints of any other toes .. .. .	75	0 0”.
Loss of phalanx or joint of any other toe .. .. .		

Amendment of  
the Fourth  
Schedule.

10. The Fourth Schedule to the Principal Act is amended by inserting at the end thereof the following words—

“ Any infectious disease contracted by employment involving contact with the infectious sources of the disease.”.