

SEAMEN'S COMPENSATION.

No. 102 of 1964.

An Act to amend the *Seamen's Compensation Act*
1911-1960.

[Assented to 20th November, 1964.]

BE it enacted by the Queen'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* 1964. Short title and citation.

(2.) The *Seamen's Compensation Act 1911-1960** 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 1911-1964*.

Commence-
ment.

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

Medical
benefits.

3. Section five A of the Principal Act is amended by omitting from sub-section (1.) the words "Three hundred and fifty pounds" (wherever occurring) and inserting in their stead the words "Five hundred pounds".

Maximum
compensation.

4. Section five D of the Principal Act is amended by omitting from sub-section (1.) the words "Three thousand pounds" and inserting in their stead the words "Four thousand three hundred pounds".

First Schedule.

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

(a) by omitting clause (i) of sub-paragraph (a) of paragraph (1.) and inserting in its stead the following clause:—

"(i) if the seaman leaves any dependants wholly dependent upon his earnings, the sum of Four thousand three hundred pounds and, in addition, in respect of each child under the age of sixteen years at the date of the death of the seaman who was, at the date of the injury or the date of the death of the seaman, wholly or mainly dependent upon the earnings of the seaman, a weekly payment, from the date of the death, of an amount equal to the amount specified in clause (ii) of the next succeeding sub-paragraph;";

(b) by omitting from sub-paragraph (b) of paragraph (1.) the words "Ten pounds" and inserting in their stead the words "Eleven pounds eleven shillings";

(c) by omitting from clause (i) of sub-paragraph (b) of paragraph (1.) the words "Two pounds ten shillings" and inserting in their stead the words "Two pounds fourteen shillings and sixpence";

(d) by omitting from clause (i) of sub-paragraph (c) of paragraph (1.) the words "Ten pounds" and inserting in their stead the words "Eleven pounds eleven shillings";

(e) by omitting from clause (ii) of sub-paragraph (a) of paragraph (2.) the words "Four hundred pounds" and inserting in their stead the words "Seven hundred pounds";

(f) by omitting from clause (iii) of sub-paragraph (b) of paragraph (2.) the words "Seven pounds five shillings" and inserting in their stead the words "Eight pounds thirteen shillings and threepence";

* Act No. 13, 1911, as amended by No. 56, 1938; No. 18, 1947; No. 7, 1949; No. 10, 1953; No. 16, 1954; No. 99, 1959; and No. 67, 1960.

(g) by omitting from clause (iii) of sub-paragraph (b) of paragraph (2.) the words "Ten pounds" and inserting in their stead the words "Eleven pounds eleven shillings";

(h) by inserting after paragraph (6.) the following paragraph:—

"(6A.) An additional amount of compensation payable under paragraph (10A.) of this Schedule shall be paid to such a person or to such persons, and for such purposes, as the Minister directs."; and

(i) by inserting after paragraph (10.) the following paragraph:—

"(10A.) A weekly payment referred to in clause (i) of sub-paragraph (a) of paragraph (1.) of this Schedule ceases to be payable when the child—

(a) attains the age of sixteen years;

(b) marries; or

(c) dies,

whichever event first occurs, and where such a weekly payment ceases to be payable and the aggregate amount of such weekly payments made in respect of the child is less than One hundred pounds, there is payable an additional amount of compensation equal to the difference between that aggregate amount and One hundred pounds."

6. The Third Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:— Third Schedule.

THIRD SCHEDULE
COMPENSATION FOR SPECIFIED INJURIES.

Section 5b.

Nature of Injury.	Amount Payable.		
	£	s.	d.
Loss of both eyes	4,300	0	0
Loss of an only useful eye, the other being blind or absent ..	4,300	0	0
Loss of one eye, with serious diminution of the sight of the other ..	3,225	0	0
Loss of one eye	1,720	0	0
Loss of hearing	3,010	0	0
Complete deafness of one ear	860	0	0
Loss of both hands	4,300	0	0
Loss of right arm or greater part of right arm	3,440	0	0
Loss of left arm or greater part of left arm	3,096	0	0
Loss of lower part of right arm, right hand or five fingers of right hand	3,010	0	0
Loss of lower part of left arm, left hand or five fingers of left hand ..	2,709	0	0
Loss of right thumb	1,290	0	0
Loss of left thumb	1,161	0	0
Loss of right forefinger	860	0	0
Loss of left forefinger	774	0	0
Loss of right middle finger	688	0	0
Loss of left middle finger	645	0	0
Loss of right ring finger	602	0	0
Loss of left ring finger	559	0	0
Loss of right little finger	559	0	0
Loss of left little finger	516	0	0
Loss of total movement of joint of right thumb	602	0	0
Loss of total movement of joint of left thumb	559	0	0
Loss of distal phalanx or joint of right thumb	688	0	0
Loss of distal phalanx or joint of left thumb	645	0	0
Loss of portion of terminal segment of right thumb involving one-third of its flexor surface without loss of distal phalanx or joint ..	602	0	0
Loss of portion of terminal segment of left thumb involving one-third of its flexor surface without loss of distal phalanx or joint ..	559	0	0

THIRD SCHEDULE—*continued.*

Nature of Injury.	Amount Payable.
	£ s. d.
Loss of two phalanges or joints of right forefinger	516 0 0
Loss of two phalanges or joints of left forefinger	473 0 0
Loss of two phalanges or joints of right middle or ring finger	473 0 0
Loss of two phalanges or joints of left middle or ring finger	430 0 0
Loss of two phalanges or joints of right little finger	430 0 0
Loss of two phalanges or joints of left little finger	387 0 0
Loss of distal phalanx or joint of right forefinger	430 0 0
Loss of distal phalanx or joint of left forefinger	387 0 0
Loss of distal phalanx or joint of other finger of right hand	344 0 0
Loss of distal phalanx or joint of other finger of left hand	301 0 0
Loss of hand and foot	4,300 0 0
Loss of both feet	4,300 0 0
Loss of leg above knee	3,225 0 0
Loss of leg below knee	2,795 0 0
Loss of foot	2,580 0 0
Loss of great toe	860 0 0
Loss of any other toe	344 0 0
Loss of two phalanges or joints of any other toe	301 0 0
Loss of phalanx or joint of great toe	430 0 0
Loss of phalanx or joint of any other toe	258 0 0

Adjustment
of weekly
payments under
Principal Act.

7.—(1.) Where, immediately before the date of commencement of this Act, a person was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Act, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Act as amended by this Act.

(2.) Where, before the date of commencement of this Act, a seaman sustained an injury or contracted a disease in respect of which weekly payments in accordance with the First Schedule to the Principal Act would have been payable immediately before that date but for the fact that he was not then incapacitated for work, and on or after that date he becomes incapacitated for work as a result of the injury or disease, weekly payments in respect of that incapacity shall be in accordance with the Principal Act as amended by this Act.

(3.) Where, on or after the date of commencement of this Act, death results from an injury or a disease that was sustained or contracted before that date and in respect of which compensation was payable under the Principal Act, compensation shall be paid in respect of that death in accordance with the Principal Act as amended by this Act.

(4.) Where, immediately before the date of commencement of this Act, a seaman was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Act in respect of an injury or injuries sustained or a

1964.

Seamen's Compensation.

No. 102.

disease contracted before that date, the provisions of section five D of the Principal Act as amended by this Act apply in relation to the injury, injuries or disease.

(5.) The amendment made by section six of this Act extends in relation to an injury sustained after the commencement of this Act notwithstanding that the accident or disease that caused the injury occurred before the commencement of this Act.
