

Seamen's Compensation

No. 52 of 1971

An Act to increase certain Amounts of Compensation payable to, and in respect of, Seamen.

[Assented to 25 May 1971]

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 1971*.

Short title and citation.

(2) The *Seamen's Compensation Act 1911–1970*[†] 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 1911–1971*.

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

Commencement.

* Act No. 57, 1970.

† 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; No. 67, 1960; No. 102, 1964; No. 97, 1967; No. 124, 1968; and No. 49, 1970.

Compensation
for certain
injuries.

3. Section 5B of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “ Twelve thousand dollars ” and inserting in their stead the words “ Thirteen thousand five hundred dollars ”; and
- (b) by omitting sub-sections (2.) and (7.).

Maximum
compensation.

4. Section 5D of the Principal Act is amended by omitting from sub-section (1.) the words “ Twelve thousand dollars ” and inserting in their stead the words “ Thirteen thousand five hundred dollars ”.

First Schedule.

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

- (a) by omitting from clause (i) of sub-paragraph (a) of paragraph (1.) the words “ Twelve thousand dollars ” and inserting in their stead the words “ Thirteen thousand five hundred dollars ”;
- (b) by omitting from clause (iii) of sub-paragraph (a) of paragraph (1.) the words “ One hundred and twenty dollars ” and inserting in their stead the words “ Three hundred dollars ”;
- (c) by omitting from sub-paragraph (b) of paragraph (1.) the words “ Thirty-one dollars eighty cents ” and inserting in their stead the words “ Thirty-five dollars ”;
- (d) by omitting from clause (i) of sub-paragraph (b) of paragraph (1.) the words “ Seven dollars seventy cents ” and inserting in their stead the words “ Eight dollars fifty cents ”;
- (e) by omitting from clause (ii) of sub-paragraph (b) of paragraph (1.) the words “ Two dollars eighty cents ” and inserting in their stead the words “ Five dollars ”;
- (f) by omitting from clause (i) of sub-paragraph (c) of paragraph (1.) the words “ Thirty-one dollars eighty cents ” and inserting in their stead the words “ Thirty-five dollars ”;
- (g) by omitting from clause (i) of sub-paragraph (a) of paragraph (2.) the word “ but ”;
- (h) by omitting clause (ii) of sub-paragraph (a) of paragraph (2.);
- (j) by adding at the end of clause (i) of sub-paragraph (b) of paragraph (2.) the word “ and ”;
- (k) by omitting clause (iii) of sub-paragraph (b) of paragraph (2.); and
- (l) by omitting from paragraph (10A.) the words “ Two hundred and eighty dollars ” (wherever occurring) and inserting in their stead the words “ Five hundred dollars ”.

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

THIRD SCHEDULE

Section 5B.

PART I.

INJURIES IN RESPECT OF WHICH THE AMOUNT OF COMPENSATION SPECIFIED IN
SECTION 5B (1.) IS PAYABLE

Loss of, or total loss of sight of, both eyes
Loss of, or total loss of sight of, a useful eye, the other being blind or absent
Loss of both hands
Loss of hand and foot
Loss of both feet

PART II.

INJURIES IN RESPECT OF WHICH A PERCENTAGE OF THE AMOUNT OF COMPENSATION
SPECIFIED IN SECTION 5B (1.) IS PAYABLE

First Column Nature of Injury	Second Column Percentage
Loss of, or total loss of sight of, one eye, with serious diminution of the sight of the other	75
Loss of, or total loss of sight of, one eye	40
Total loss of hearing	70
Complete deafness of one ear	20
Loss of arm at or above elbow	80
Loss of arm below elbow, loss of hand or loss of thumb and four fingers of the one hand	70
Loss of thumb	30
Loss of forefinger	20
Loss of middle finger	16
Loss of ring finger	14
Loss of little finger	13
Total loss of movement of joint of thumb	14
Loss of distal phalanx or joint of thumb	16
Loss of portion of terminal segment of thumb involving one-third of its flexor surface without loss of distal phalanx or joint	14
Loss of two phalanges or joints of forefinger	12
Loss of two phalanges or joints of middle or ring finger	11
Loss of two phalanges or joints of little finger	10
Loss of distal phalanx or joint of forefinger	10
Loss of distal phalanx or joint of other finger	8
Loss of leg at or above knee	75
Loss of leg below knee	65
Loss of foot	60
Loss of great toe	20
Loss of any other toe	8
Loss of two phalanges or joints of any other toe	7
Loss of phalanx or joint of great toe	10
Loss of phalanx or joint of any other toe	6

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.

Adjustment
of weekly
payments, &c.,
under Principal
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 or but for the operation of clause (ii) of sub-paragraph (b) of paragraph (2.) of that Schedule, and on or after that date he becomes incapacitated for work as a result of the injury or disease or that clause ceases to have effect in relation to him, 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, was entitled to receive, or, but for the operation of clause (ii) of sub-paragraph (b) of paragraph (2.) of the First Schedule to the Principal Act, would have been entitled to receive, weekly payments in accordance with that Schedule in respect of an injury or injuries sustained or a disease contracted before that date, the provisions of section 5D of the Principal Act as amended by this Act apply in relation to the injury, injuries or disease.

(5.) The amendments made by sections 3 and 6 of this Act apply in relation to an injury sustained on or after the date of commencement of this Act notwithstanding that the accident or disease that caused the injury occurred before that date.
