

Seamen's War Pensions and Allowances

No. 102 of 1967

An Act to amend the *Seamen's War Pensions and Allowances Act 1940–1966*.

[Assented to 10 November 1967]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Seamen's War Pensions and Allowances Act 1967*.

(2.) The *Seamen's War Pensions and Allowances Act 1940–1966** 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 War Pensions and Allowances Act 1940–1967*.

Commence-
ment.

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

Definitions.

3. Section 3 of the Principal Act is amended by omitting from subsection (1.) the definition of “passenger ship”.

* 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; and No. 43, 1966.

4. Section 17 of the Principal Act is repealed and the following sections are inserted in its stead:—

“ 17.—(1.) Where an Australian mariner who has suffered a war injury involving, as a direct result, some appreciable degree of incapacity, has died or dies otherwise than as a direct result of his having sustained that injury, and a pension—

Pension after death of incapacitated Australian mariner.

(a) was being paid or was payable to a dependant of the Australian mariner immediately before the death of the Australian mariner; or

(b) would have been payable to a dependant of the Australian mariner immediately before the death of the Australian mariner if—

(i) in a case where a claim for pension had been lodged by the dependant, but had not been determined, before the death of the Australian mariner—it had been so determined;

(ii) in a case where a claim for pension had not been lodged by the dependant before the death of the Australian mariner—a claim for pension had been lodged by the dependant, and had been determined, before the death of the Australian mariner; or

(iii) in a case where the dependant is a posthumous child of the Australian mariner—the dependant had been born, and a claim for pension had been lodged by him and had been determined, before the death of the Australian mariner,

the dependant is entitled to receive that pension.

“(2.) The rate of pension which a person is entitled to receive under this section is the rate at which pension would have been paid or payable to that person if the Australian mariner had not died and the nature and extent of his incapacity had remained as they were immediately prior to his death.

“ 17A.—(1.) Where an Australian mariner has died or dies otherwise than as a direct result of his having sustained a war injury and the Australian mariner, immediately prior to his death, was in receipt of—

Pensions to dependants of certain deceased Australian mariners.

(a) a pension under section twenty-two A of this Act in respect of an incapacity described in the Second Schedule to the *Repatriation Act 1920–1967*; or

(b) a pension under section twenty-two A of this Act that included an amount in respect of a disability described in any of the first eight items in Column 1 of the table in paragraph one of the Fifth Schedule to the *Repatriation Act 1920–1967*,

the dependants of the Australian mariner shall, subject to this Act, be entitled to receive, as from the death of the Australian mariner, such pensions as would have been payable to them if the Australian mariner's death had been a direct result of his having sustained a war injury.

“(2.) A reference in the last preceding sub-section to a war injury shall be read as a reference—

- (a) in relation to an Australian mariner not being a pilot—to a war injury sustained in the course of his employment as an Australian mariner; or
- (b) in the case of an Australian mariner being a pilot—to a war injury sustained while on pilot duty.

“(3.) Where—

- (a) an Australian mariner was not, immediately prior to his death, in receipt of a pension referred to in paragraph (a) or (b) of sub-section (1.) of this section; and
- (b) by virtue of a determination, decision or assessment made under this Act after his death, such a pension becomes payable in respect of the Australian mariner for a period terminating immediately prior to his death,

the Australian mariner shall, for the purposes of sub-section (1.) of this section, be deemed to have been in receipt of such a pension immediately prior to his death.”.

Rates of
pension on
death or total
incapacity.

5.—(1.) Section 18 of the Principal Act is amended by omitting sub-sections (7.) and (8.) and inserting in their stead the following sub-sections:—

“(7.) The rate of pension payable to children of an Australian mariner is—

- (a) in the case of his death—Eight dollars eighty cents per fortnight in respect of one child or, if the number of children exceeds one, Eight dollars eighty cents per fortnight in respect of the eldest child and Six dollars fifty cents per fortnight in respect of each other child; or
- (b) in the case of his total incapacity—Two dollars seventy-five cents per fortnight in respect of each child.

“(8.) Notwithstanding anything contained in the last preceding sub-section, where the mother of the children of the deceased Australian mariner is dead, the rate of pension payable in respect of each of those children is Sixteen dollars thirty cents per fortnight.”.

(2.) The amendment made by this section shall be deemed to have applied, or applies, as the case requires, in relation to an instalment of pension that fell due on the nineteenth day of October, One thousand nine hundred and sixty-seven, and to all subsequent instalments.

Regulations.

6. Section 59 of the Principal Act is amended—

- (a) by omitting from paragraph (fa) of sub-section (1.) the words “by Australian mariners or attendants accompanying Australian mariners” and inserting in their stead the words “by Australian

mariners or persons receiving medical benefits under the regulations, or attendants accompanying Australian mariners or such persons "; and

- (b) by inserting in paragraph (g) of that sub-section, after the words "widowed mothers", the words ", widowed step-mothers".
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