

# Seamen's War Pensions and Allowances

No. 67 of 1968

An Act to amend the *Seamen's War Pensions and Allowances Act 1940–1967* so as to provide for an increase in the Rates of certain Pensions and Allowances and to provide for an Allowance to compensate for serious incapacity, and for matters connected therewith.

[Assented to 27 September 1968]

**B**E 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 War Pensions and Allowances Act 1968*. Short title and citation.

(2.) The *Seamen's War Pensions and Allowances Act 1940–1967*\* 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 1940–1968*.

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

3. Section 3 of the Principal Act is amended by omitting from sub-section (1.) the definition of “pension” and inserting in its stead the following definition:— Definitions.

“‘pension’ means a pension under this Act and includes an allowance under section twenty-two B of this Act;”.

4. Section 18 of the Principal Act is amended—

(a) by omitting from sub-section (4A.) the words “Forty-two dollars fifty cents” and inserting in their stead the words “Forty-eight dollars fifty cents”; Rates of pension on death or total incapacity.

(b) by omitting paragraph (a) of sub-section (7.) and inserting in its stead the following paragraph:—

“(a) in the case of his death—Ten dollars eighty cents per fortnight in respect of one child or, if the number of children exceeds one, Ten dollars eighty cents per fortnight in respect of the elder or eldest child and Eight dollars fifty cents per fortnight in respect of each other child; or”; and

\* 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; and No. 102, 1967.

- (c) by omitting from sub-section (8.) the words "Sixteen dollars thirty cents" and inserting in their stead the words "Twenty dollars thirty cents".

5. After section 22A of the Principal Act the following section is inserted:—

Allowance to  
compensate for  
serious  
incapacity.

"22B.—(1.) This section applies in relation to an Australian mariner who is in receipt of pension (other than pension granted under the last preceding section) at a rate of an amount per fortnight that—

- (a) is less than the amount specified in sub-section (4A.) of section eighteen of this Act; and
- (b) is not less than seventy-five per centum of the amount of pension per fortnight specified in relation to him in column 4 of the First Schedule.

"(2.) There is payable to an Australian mariner in relation to whom this section applies, in addition to any other pension, an allowance—

- (a) where the amount of pension per fortnight payable to the Australian mariner is equal to the amount of pension per fortnight specified in relation to him in column 4 of the First Schedule—at the rate of Six dollars per fortnight; or
- (b) in any other case—at the rate of the amount per fortnight that bears the same proportion to Six dollars as the amount of pension per fortnight payable to the Australian mariner bears to the amount of pension per fortnight specified in relation to him in column 4 of the First Schedule.

"(3.) For the purposes of this section, where the incapacity of an Australian mariner results from a disability that is, or from disabilities at least one of which is, capable of being alleviated by the use of aids to vision or hearing aids, the amount per fortnight at which pension is payable to the mariner shall, except for the purposes of comparison with the amount referred to in paragraph (a) of sub-section (1.) of this section, be deemed to be the amount that would be so payable if the rate of pension were assessed having regard to the incapacity remaining after any disability or disabilities capable of being alleviated by the use of aids to vision or hearing aids were so alleviated.

"(4.) In this section, 'pension' does not include an allowance under this section."

Limit of  
payments in  
certain cases.

6. Section 24 of the Principal Act is amended by inserting in paragraph (a), after the word "attendant", the words "and an allowance under section twenty-two B of this Act".

Regulations.

7. Section 59 of the Principal Act is amended by omitting paragraph (e) of sub-section (1.) and inserting in its stead the following paragraph:—

- "(e) medical, surgical and hospital benefits for an Australian mariner who is, or would but for a direction under section fifty-three A of this Act be, in receipt of pension at a rate that, excluding—

- (i) any allowance payable under section twenty-two B of this Act; and
- (ii) in the case of a pension granted under section twenty-two A of this Act—any portion of the pension that is attributable to the application to the Australian mariner of the Fifth Schedule to the *Repatriation Act* 1920–1968, is not less than the appropriate rate in relation to the mariner set out in column 4 of the table in the First Schedule to this Act;”.

8. The First Schedule and the Second Schedule to the Principal Act are repealed and the following Schedules inserted in their stead:—

First and  
Second  
Schedules.

## FIRST SCHEDULE

Section 18.

## GENERAL PENSION RATES—DEATH OR TOTAL INCAPACITY

Column 1		Column 2	Column 3	Column 4
Rate of pay per day of the Australian mariner in the currency provided for by the <i>Coinage Act</i> 1909 or that Act as amended		Rate of pension payable per fortnight to widow on death of Australian mariner	Aggregate of rates of pensions payable per fortnight to dependants other than widow and children on death of Australian mariner	Rate of pension payable per fortnight to Australian mariner on total incapacity
£ s. d.	£ s. d.	\$	\$	\$
Not exceeding	1 2 6	28.00	14.00	24.00
Exceeding	1 2 6 but not exceeding 1 7 6	28.00	14.00	24.45
Exceeding	1 7 6 but not exceeding 1 15 0	28.90	14.90	25.45
Exceeding	1 15 0 but not exceeding 2 2 6	30.10	16.10	26.45
Exceeding	2 2 6 but not exceeding 2 10 0	31.30	17.30	27.35
Exceeding	2 10 0	31.60	17.60	27.60

## SECOND SCHEDULE

Section 21.

## ALLOWANCE FOR ATTENDANT

Column 1	Column 2
Description of Disability	Allowance for Attendant
	\$
Blind or with eyesight so defective as to have no useful sight .. .. .	15.00
An injury affecting the cerebro-spinal system or causing incapacity similar in effect and severity .. .. .	15.00
Loss of two arms .. .. .	24.00
Loss of two legs and one arm .. .. .	15.00
Loss of one leg at the hip and of the other either at the hip or in the upper third .. .. .	15.00

9. In so far as an amendment made by this Act affects instalments of pensions or allowances, the amendment applies in relation to an instalment of a pension or an allowance, as the case may be, falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.

Application of  
amendments.