

Seamen's Compensation

No. 97 of 1967

An Act to increase certain amounts of Compensation payable to Seamen and to amend the *Seamen's Compensation Act 1911-1964* in relation to Decimal Currency.

[Assented to 9 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:—

1.—(1.) This Act may be cited as the *Seamen's Compensation Act 1967*. Short title and citation.

(2.) The *Seamen's Compensation Act 1911-1964** 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 1911-1967*.

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 "seaman" and inserting in its stead the following definition:— Interpretation.

" 'seaman' means a master, mate, engineer, radio officer, apprentice, pilot or other person employed or engaged in any capacity on board a ship in connexion with the navigation or working of the ship;".

4. Section 5A of the Principal Act is amended by omitting from sub-section (1.) the words "Five hundred pounds" (wherever occurring) and inserting in their stead the words "One thousand dollars". Medical benefits.

5. Section 5B of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:— Compensation for certain injuries.

"(1.) Subject to this Act, where a seaman sustains, by accident arising out of or in the course of his employment, any of the injuries specified in Part I. of the Third Schedule to this Act, the compensation payable under this Act shall, when the injury results in incapacity other than total and permanent incapacity for work, be the amount of Ten thousand dollars.

* 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; and No. 102, 1964.

“(1AA.) Subject to this Act, where a seaman sustains, by accident arising out of or in the course of his employment, any of the injuries specified in the first column of Part II. of the Third Schedule to this Act, the compensation payable under this Act shall, when the injury results in incapacity other than total and permanent incapacity for work, be the amount equal to such percentage of the amount specified in the last preceding sub-section as is specified in the second column of that Part opposite the specification of the injury in the first column.”.

Maximum
compensation.

6. Section 5D of the Principal Act is amended by omitting from sub-section (1.) the words “Four thousand three hundred pounds” and inserting in their stead the words “Ten thousand dollars”.

Detention of
ship.

7. Section 13 of the Principal Act is amended—

(a) by omitting from sub-section (5.) the words “One hundred pounds” and inserting in their stead the words “Two hundred dollars”; and

(b) by omitting from sub-section (6.) the words “Ten pounds” and inserting in their stead the words “Twenty dollars”.

Returns as to
compensation.

8. Section 16 of the Principal Act is amended by omitting the words “Five pounds” and inserting in their stead the words “Ten dollars”.

First Schedule.

9. The First Schedule to the Principal Act is amended as set out in the following table:—

Provision amended	Omit—	Insert—
Paragraph (1.) (a) (i)	Four thousand three hundred pounds	Ten thousand dollars
Paragraph (1.) (a) (iii)	Sixty pounds	One hundred and twenty dollars
Paragraph (1.) (b)	Eleven pounds eleven shillings	Twenty-five dollars thirty-five cents
Paragraph (1.) (b) (i)	Two pounds fourteen shillings and sixpence	Six dollars
Paragraph (1.) (b) (ii)	One pound two shillings and sixpence	Two dollars forty-five cents
Paragraph (1.) (c) (i)	Eleven pounds eleven shillings	Twenty-five dollars thirty-five cents
Paragraph (2.) (a) (ii)	Seven hundred pounds	One thousand six hundred and fifty dollars
Paragraph (2.) (b) (iii)	Eight pounds thirteen shillings and threepence Eleven pounds eleven shillings	Nineteen dollars Twenty-five dollars thirty-five cents
Paragraph (3.) (a) (i)	Forty-five shillings	Four dollars fifty cents
Paragraph (10A.)	than One hundred pounds and One hundred pounds	than Two hundred dollars and Two hundred dollars

10. The Third Schedule to the Principal Act is repealed and the Schedule set out in the Schedule to this Act inserted in its stead. Third Schedule.

11.—(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, 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 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 5 and 10 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.

THE SCHEDULE

Sections 5 and 10.

SCHEDULE INSERTED IN THE PRINCIPAL ACT BY THIS ACT

THIRD SCHEDULE

Section 5B.

PART I.

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

- Loss of both eyes
- Loss of an only 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 one eye, with serious diminution of the sight of the other	75
Loss of one eye	40
Loss of hearing	70
Complete deafness of one ear	20
Loss of right arm or greater part of right arm	80
Loss of left arm or greater part of left arm	72
Loss of lower part of right arm, right hand or five fingers of right hand	70
Loss of lower part of left arm, left hand or five fingers of left hand	63
Loss of right thumb	30
Loss of left thumb	27
Loss of right forefinger	20
Loss of left forefinger	18
Loss of right middle finger	16
Loss of left middle finger	15
Loss of right ring finger	14
Loss of left ring finger	13
Loss of right little finger	13
Loss of left little finger	12
Loss of total movement of joint of right thumb	14
Loss of total movement of joint of left thumb	13
Loss of distal phalanx or joint of right thumb	16
Loss of distal phalanx or joint of left thumb	15
Loss of portion of terminal segment of right thumb involving one-third of its flexor surface without loss of distal phalanx or joint	14
Loss of portion of terminal segment of left thumb involving one-third of its flexor surface without loss of distal phalanx or joint	13
Loss of two phalanges or joints of right forefinger	12
Loss of two phalanges or joints of left forefinger	11
Loss of two phalanges or joints of right middle or ring finger	11
Loss of two phalanges or joints of left middle or ring finger	10
Loss of two phalanges or joints of right little finger	10
Loss of two phalanges or joints of left little finger	9
Loss of distal phalanx or joint of right forefinger	10
Loss of distal phalanx or joint of left forefinger	9
Loss of distal phalanx or joint of other finger of right hand	8
Loss of distal phalanx or joint of other finger of left hand	7
Loss of leg 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