

Seamen's Compensation

No. 49 of 1970

An Act to increase certain amounts of Compensation payable to Seamen.

[Assented to 24 June 1970]

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 Compensation Act 1970*.
- (2.) The *Seamen's Compensation Act 1911–1968*[†] is in this Act referred to as the Principal Act.

[†] 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; and No. 124, 1968.

(3.) The Principal Act, as amended by this Act, may be cited as the *Seamen's Compensation Act 1911-1970*.

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

3. Section 5B of the Principal Act is amended by omitting from sub-section (1.) the words "Ten thousand dollars" and inserting in their stead the words "Twelve thousand dollars". Compensation for certain injuries.

4. Section 5D of the Principal Act is amended by omitting from sub-section (1.) the words "Ten thousand dollars" and inserting in their stead the words "Twelve thousand dollars". Maximum compensation.

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

Provision amended	Omit—	Insert—
Paragraph (1.) (a) (i)	Ten thousand dollars	Twelve thousand dollars
Paragraph (1.) (b)	Twenty-eight dollars fifteen cents	Thirty-one dollars eighty cents
Paragraph (1.) (b) (i)	Six dollars eighty cents	Seven dollars seventy cents
Paragraph (1.) (b) (ii)	Two dollars fifty cents	Two dollars eighty cents
Paragraph (1.) (c) (i)	Twenty-eight dollars fifteen cents	Thirty-one dollars eighty cents
Paragraph (2.) (a) (ii)	One thousand six hundred and fifty dollars	Two thousand dollars
Paragraph (2.) (b) (iii)	Twenty-one dollars ten cents	Twenty-three dollars eighty-five cents
	Twenty-eight dollars fifteen cents	Thirty-one dollars eighty cents
Paragraph (10A.)	than Two hundred dollars and Two hundred dollars	than Two hundred and eighty dollars and Two hundred and eighty dollars

6.—(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 amendment made by section 3 of this Act applies 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.
