

SEAMEN'S WAR PENSIONS AND ALLOWANCES.

No. 47 of 1961.

An Act to amend the *Seamen's War Pensions and Allowances Act* 1940-1960, and for other purposes.

[Assented to 27th September, 1961.]

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* 1961.

(2.) The *Seamen's War Pensions and Allowances Act* 1940-1960* 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* 1940-1961.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Section four of this Act shall be deemed to have come into operation on the second day of August, One thousand nine hundred and sixty-one.

Rates of
pension on
death or total
incapacity.

3. Section eighteen of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (7.) the words "Three pounds three shillings" (wherever occurring) and inserting in their stead the words "Three pounds eighteen shillings";

* 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; and No. 46, 1960.

- (b) by omitting from paragraph (a) of sub-section (7.) the words "Two pounds five shillings" and inserting in their stead the words "Two pounds fifteen shillings"; and
- (c) by omitting from sub-section (8.) the words "Six pounds six shillings" and inserting in their stead the words "Seven pounds three shillings".

4. Section fifty-nine of the Principal Act is amended by omitting paragraphs (f) and (fa) and inserting in their stead the following paragraphs:— *Regulations.*

"(ea) clothing allowances for Australian mariners, being Australian mariners in receipt of pension, while they are suffering from prescribed disabilities or other prescribed circumstances exist;

"(f) sustenance allowances for Australian mariners while they are receiving medical, surgical or hospital treatment for war injuries or other prescribed circumstances exist;

"(fa) grants in respect of fares and travelling expenses and loss of salary or wages, or reduction in earnings, incurred or suffered, in prescribed circumstances, by Australian mariners or attendants accompanying Australian mariners;"

5. The First Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:— *First Schedule.*

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.	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 upon total incapacity.
£ s. d.	£ s. d.	£ s. d.	£ s. d.
Not exceeding 1 2 6 ..	11 10 0	7 0 0	11 10 0
Exceeding 1 2 6 but not exceeding 1 7 6 ..	11 10 0	7 0 0	11 14 6
Exceeding 1 7 6 but not exceeding 1 15 0 ..	11 19 0	7 9 0	12 4 6
Exceeding 1 15 0 but not exceeding 2 2 6 ..	12 11 0	8 1 0	12 14 6
Exceeding 2 2 6 but not exceeding 2 10 0 ..	13 3 0	8 13 0	13 3 6
Exceeding 2 10 0	13 6 0	8 16 0	13 6 0

Second
Schedule.

6. The Second Schedule to the Principal Act is amended—

- (a) by omitting the figures “5 10 0” (wherever occurring) and inserting in their stead the figures “6 10 0”; and
- (b) by omitting the figures “9 0 0” and inserting in their stead the figures “10 10 0”.

Application of
amendments.

7. The amendments made by sections three, five and six of this Act apply in relation to an instalment of pension or of an allowance, as the case may be, falling due on the first pension pay day after the day on which this Act receives the Royal Assent and to all subsequent instalments.

Validation of
certain
allowances and
other benefits.

8.—(1.) In this section, “the Regulations” means the Seamen's War Pensions and Allowances Regulations, being Statutory Rules 1961, No. 105.

(2.) This section applies to an allowance or other benefit of a kind provided for in Division 2, 3, 4 or 5 of Part IV. of the Regulations that—

- (a) was paid or provided on or after the thirtieth day of May, One thousand nine hundred and fifty-two, and before the commencement of the Regulations; or
- (b) was paid or provided after the commencement of the Regulations and before the commencement of this section otherwise than with the authority of the Regulations.

(3.) Where the payment or provision of an allowance or benefit to which this section applies would have been authorized by the Regulations if the Regulations had come into force on the thirtieth day of May, One thousand nine hundred and fifty-two, the allowance or benefit shall, subject to the next succeeding sub-section, be deemed to have been lawfully paid or provided.

(4.) For the purposes of the last preceding sub-section—

- (a) a reference in the Regulations to the *Seamen's War Pensions and Allowances Act 1940–1960* shall be read as a reference to the *Seamen's War Pensions and Allowances Act 1940–1950* as amended and in force at any relevant time;
- (b) the reference in sub-regulation (2.) of regulation thirty-three of the Regulations to the rate of Five shillings per hour shall, in relation to an allowance paid in respect of a period included in a period specified in column 1 of Part I. of the Schedule to this Act, be read as a reference to the rate specified in column 2 of that Part opposite to the period so specified;

- (c) the reference in sub-regulation (3.) of regulation thirty-three of the Regulations to the amount of Seven shillings and sixpence shall, in relation to an allowance paid in respect of a period included in a period specified in column 1 of Part I. of the Schedule to this Act, be read as a reference to the amount specified in column 3 of that Part opposite to the period so specified;
- (d) the reference in sub-regulation (3.) of regulation thirty-three of the Regulations to the amount of Two pounds shall, in relation to an allowance paid in respect of a period included in a period specified in column 1 of Part I. of the Schedule to this Act, be read as a reference to the amount specified in column 4 of that Part opposite to the period so specified;
- (e) the reference in sub-regulation (4.) of regulation thirty-three of the Regulations to the amount of Four pounds shall, in relation to payments of allowance in respect of periods included in a period specified in column 1 of Part I. of the Schedule to this Act, be read as a reference to the amount specified in column 5 of that Part opposite to the period so specified;
- (f) the reference in regulation thirty-seven of the Regulations to the rate of Six pounds per fortnight shall, in relation to an allowance paid in respect of a period included in a period specified in column 1 of Part II. of the Schedule to this Act, be read as a reference to the rate specified in column 2 of that Part opposite to the period so specified; and
- (g) the reference in regulation thirty-eight of the Regulations to the amount of Twenty-five pounds shall, in relation to benefit in respect of funeral expenses incurred before the second day of October, One thousand nine hundred and fifty-two, be read as a reference to the amount of Twenty pounds.

THE SCHEDULE.

Section 8.

PART I.

Column 1. Period.	Column 2. Rate per hour.	Column 3. Amount.	Column 4. Amount.	Column 5. Amount.
	<i>s. d.</i>	<i>s. d.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>
30 May, 1952, to 1 October, 1952 (inclusive)	2 6	4 0	1 0 0	2 0 0
2 October, 1952, to 4 November, 1953 (inclusive)	3 0	5 0	1 4 0	2 8 0
5 November, 1953, to 30 September, 1959 (inclusive)	4 0	6 0	1 12 0	3 4 0

THE SCHEDULE—*continued.*

PART II.

Column 1.	Column 2.
Period.	Rate per fortnight.
	£ s. d.
30 May, 1952, to 4 November, 1953 (inclusive)	3 4 0
5 November, 1953, to 16 October, 1957 (inclusive)	3 9 0
17 October, 1957, to 1 October, 1958 (inclusive)	4 0 0
2 October, 1958, to 30 September, 1959 (inclusive)	4 15 0
1 October, 1959, to 28 September, 1960 (inclusive)	5 10 0