

SEAMEN'S WAR PENSIONS AND ALLOWANCES.

No. 40 of 1955.

An Act to amend the *Seamen's War Pensions and Allowances Act 1940-1954*.

[Assented to 19th October, 1955.]

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 1955*.

(2.) The *Seamen's War Pensions and Allowances Act 1940-1954** 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 1940-1955*.

Commencement.

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

Interpretation.

3. Section three of the Principal Act is amended—

(a) by omitting from sub-section (1.) the definition of “child” and inserting in its stead the following definition :—

“ ‘child’, in relation to an Australian mariner, means a child, under the age of sixteen years, of the mariner, being his son, daughter, step-son, step-daughter, adopted child or ex-nuptial child, but does not include an ex-nuptial child born more than nine months after the relevant date, unless the mariner has adopted the child ; ” ;

* Act No. 60, 1940, as amended by No. 77, 1946 ; No. 80, 1950 ; Nos. 17 and 75, 1952 ; No. 70, 1953 ; and No. 32, 1954.

- (b) by omitting from sub-section (1.) the definition of "dependant" and inserting in its stead the following definition :—

" 'dependant', in relation to an Australian mariner, means—

- (a) the wife or widow of the mariner ;
- (b) a child of the mariner ; and
- (c) any of the following persons, namely :—
 - (i) any other member of the family of the mariner ;
 - (ii) an ex-nuptial child who is the grandchild of the mariner ; and
 - (iii) if the mariner is an ex-nuptial child—a parent or grandparent of the mariner,

being a person who—

- (iv) if the mariner died while suffering detention—was dependent upon the earnings of the mariner at the time of the commencement of the period of detention ; or
- (v) if the mariner, as a direct result of having sustained a war injury in the course of his employment as an Australian mariner or while on pilot duty, died or dies otherwise than in detention or became or becomes incapacitated—was or is dependent upon the earnings of the mariner at the time of his death or the commencement of his incapacity, as the case may be ; "

- (c) by omitting from sub-section (1.) the definition of " member of an Australian mariner's family " and inserting in its stead the following definition :—

" ' member of the family ', in relation to an Australian mariner, means the wife or husband, or a child, parent, brother, sister, grandparent, grandchild, step-parent, step-brother, step-sister, half-brother or half-sister, of the mariner ; " ; and

- (d) by omitting from sub-section (1.) the definition of " ' wife ' and ' widow ' " and inserting in its stead the following definitions :—

" ' widow ' does not include a separated widow ;
" ' wife ' does not include a separated wife."

First Schedule.

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

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.	Aggregates 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..	9 0 0	7 0 0	9 10 0
Exceeding 1 2 6 but not exceeding 1 7 6..	9 0 0	7 0 0	9 14 6
Exceeding 1 7 6 but not exceeding 1 15 0..	9 9 0	7 9 0	10 4 6
Exceeding 1 15 0 but not exceeding 2 2 6..	10 1 0	8 1 0	10 14 6
Exceeding 2 2 6 but not exceeding 2 10 0..	10 13 0	8 13 0	11 3 6
Exceeding 2 10 0	10 16 0	8 16 0	11 6 0

Second Schedule.

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

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 ..	£ s. d. 5 10 0
An injury affecting the cerebro-spinal system or causing incapacity similar in effect and severity	5 10 0
Loss of two arms	9 0 0
Loss of two legs and one arm	5 10 0
Loss of one leg at the hip and of the other either at the hip or in the upper third	5 10 0

Application of amendments.

6. The amendments effected by the last two preceding sections apply in relation to payments of pensions and allowances falling due on the first pension pay day occurring after the date of commencement of this Act and to all subsequent payments.