SEAMEN’S WARPENSIONS AND ALLOWANCES (No. 2).

**No. 113 of 1964.**

An Act to amend the *Seamen’s War Pensions and Allowances Act* 1940–1961, as amended by the *Seamen’s War Pensions and Allowances Act* 1964.

[Assented to 23rd November, 1964.]

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* (*No.* 2) 1964.

(2.) The *Seamen’s War Pensions and Allowances Act* 1940–1961, as amended by the *Seamen’s War Pensions and Allowances Act* 1964, is in this Act referred to as the Principal Act.

(3.) Section one of the *Seamen’s War Pensions and Allowances Act* 1964 is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Seamen’s War Pensions and Allowances Act* 1940–1964.

**Commencement.**

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

(2.) The amendment made by paragraph (*b*)of section six of this Act shall come into operation on a date to be fixed by Proclamation.

**Interpretation.**

**3.** Section three of the Principal Act is amended by inserting in sub-section (1.), after the definition of “separated wife”, the following definition:—

“‘step-son’ or ‘step-daughter’, in relation to an Australian mariner, means a step-son or step-daughter of the mariner, being—

(*a*)where the mariner is or was a male person—a child whose father is dead;

(*b*)where the mariner is or was a female person—a child whose mother is dead; or

(*c*) a child the marriage of whose parents has been dissolved and in respect of whom the Commission is satisfied that he or she—

(i) is in the custody, care and control of, or is being maintained by, the mariner;

(ii) if the mariner is dead, was in the custody, care and control of, or was being maintained by, the mariner at the time of the mariner’s death; or

(iii) if the mariner, being a male person, is dead, is in the custody, care and control of, or is being maintained by, the mariner’s widow;”.

**4.** After section twenty-seven of the Principal Act the following section is inserted:—

**Pensions to spouses to cease upon dissolution of marriage.**

“27a. If the marriage of an Australian mariner is dissolved, otherwise than by death, a pension to which the former spouse of the mariner was entitled as the spouse of the mariner shall thereupon cease.”.

**Persons entitled to payments under other laws.**

**5.** Section fifty-three a of the Principal Act is amended by omitting paragraph (*b*)and inserting in its stead the following paragraph:—

“(*b*)under a law of a country other than the Commonwealth that is or has been a part of the dominions of the Crown,”.

**Regulations.**

**6.** Section fifty-nine of the Principal Act is amended—

(*a*)by omitting paragraph (*e*)and inserting in its stead the following paragraphs:—

*“*(*da*)medical, surgical and hospital benefits for an Australian mariner for the purposes of the treatment of a war injury;

(*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 not less than the appropriate rate in relation to the mariner specified in column 4 of the table in the First Schedule to this Act;”; and

(*b*) by adding at the end thereof the following sub-sections:—

“(2.) Subject to sub-section (4.) of this section, where medical treatment is provided to a person under the regulations—

(*a*)in circumstances in which the regulations provide for payment in accordance with this sub-section; or

(*b*)in any case in which, before the treatment is provided, the Commission, for special reasons, determines that payment should be made in accordance with this subsection and notifies the person accordingly,

the person is liable to pay to the Commonwealth, as a debt due to the Commonwealth, such reasonable charges in respect of the treatment as the Commission notifies to him in writing.

“(3.) Regulations made in pursuance of paragraph (*a*)of the last preceding sub-section may provide for payment in accordance with that sub-section in any case in which—

(*a*)a person (whether before, during or after the provision of the treatment) recovers or receives; or

(*b*)the Commission or a delegate of the Commission (whether before, during or after the provision of the treatment) notifies a person that the person is, in the opinion of the Commission or the delegate, as the case may be, entitled to recover or receive,

the whole or a part of the cost of the treatment, by way of damages or compensation, from another person.

“(4.) Sub-section (2.) of this section does not apply in relation to medical treatment in respect of a war injury.

“(5.) In this section, ‘medical treatment’ means any treatment with a view to restoring a person to, or maintaining a person in, physical or mental health or alleviating suffering, and includes—

(*a*)any accommodation, nursing care or transport in relation to such treatment; and

(*b*)the supply, renewal and repair of artificial replacements and surgical and other aids and appliances.”.