**Seamen’s War Pensions and Allowances (No. 2)**

**No. 83 of 1972**

An Act to amend the *Seamen’s War Pensions and Allowances Act* 1940–1971, as amended by the *Seamen’s War Pensions and Allowances Act* 1972, so as to provide for Increases in the Rates of certain Pensions and Allowances and for Benefits for certain Student Children.

[*Assented to 27 September 1972*]

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) 1972.

(2.) The *Seamen’s War Pensions and Allowances Act* 1940–1971, as amended by the *Seamen’s War Pensions and Allowances Act* 1972, is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Seamen’s War Pensions and Allowances Act* 1972 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* 1940–1972.

**Commencement.**

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

**Interpretation.**

**3.** Section 3 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 son, step-son or adopted son, or a daughter, step-daughter or adopted daughter, of the mariner—

(*a*)who is under the age of sixteen years; or

(*b*)who—

(i) has attained the age of sixteen years but is under the age of twenty-one years;

(ii) is receiving full-time education at a school, college or university; and

(iii) is not in receipt of an invalid pension under Part III. of the *Social Services Act* 1947–1972;”; and

(*b*)by omitting paragraph (*b*) of the definition of “dependant” in sub-section (1.) and inserting in its stead the following paragraphs:—

“(*b*)a child (other than an ex-nuptial child) of the mariner;

(*ba*)an ex-nuptial child of the mariner who—

(i) was born not later than nine months after the relevant date; or

(ii) has been adopted by the mariner; and”.

**Rates of pension on death or total incapacity.**

**4.** Section 18 of the Principal Act is amended—

(*a*)by omitting from sub-section (4a.) the words “Sixty-two dollars fifty cents” and inserting in their stead the words “Sixty-eight dollars”;

(*b*)by inserting in paragraph (*a*)of sub-section (7.), after the word “dollars”, the words “seventy cents”; and

(*c*)by omitting from sub-section (8.) the words “Twenty-eight dollars” and inserting in their stead the words “Twenty-nine dollars forty cents”.

**5.** After section 18 of the Principal Act the following section is inserted:—

**Rate of pension to certain dependants who are children.**

“18a.—(1.) This section applies to a dependant of an Australian mariner—

(*a*)who is a child of the mariner;

(*b*)who has attained the age of sixteen years; and

(*c*) to or in respect of whom a maintenance or living allowance or a salary is payable by the Commonwealth under the Mariners’ Children Education Scheme or under any other scheme for assistance by the Commonwealth in the education or training of children.

“(2.) Where the maintenance or living allowance or the salary payable by the Commonwealth to or in respect of a dependant to whom this section applies—

(*a*)is payable under the Mariners’ Children Education Scheme; or

(*b*)is payable under a scheme other than the Mariners’ Children Education Scheme at a fortnightly rate that equals or exceeds the fortnightly rate of the corresponding Mariners’ Children Education Scheme allowance in relation to that dependant,

no pension is payable to or in respect of that dependant under this Act.

“(3.) Where—

(*a*)the maintenance or living allowance or the salary payable by the Commonwealth to or in respect of a dependant to whom this section applies is payable under a scheme other than the Mariners’ Children Education Scheme; and

(*b*)the amount of the fortnightly rate of that maintenance or living allowance or salary is less than the amount of the fortnightly rate of the corresponding Mariners’ Children Education Scheme allowance in relation to that dependant,

the fortnightly instalment of the pension payable to that dependant under this Act shall not exceed the amount by which the first-mentioned amount referred to in paragraph (*b*)of this sub-section is less than the other amount referred to in that paragraph.

“(4.) In this section—

‘the corresponding Mariners’ Children Education Scheme allowance’, in relation to a dependant who is not an eligible child for the purposes of the Mariners’ Children Education Scheme, means the maintenance or living allowance that would be payable to or in respect of the dependant under the Mariners’ Children Education Scheme if the dependant were an eligible child for the purposes of that scheme;

‘the Mariners’ Children Education Scheme’ means a scheme for providing facilities for the education or training of children of Australian mariners established by the Commission under the regulations.”.

**Pensions for limited periods in certain cases.**

**6.** Section 27 of the Principal Act is amended—

(*a*)by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“(1.) A pension payable to any dependant (other than the wife or widow, or a child, of an Australian mariner) who at the date of the granting of the pension is under sixteen years of age ceases upon the pensioner attaining that age.

“(1a.) A pension payable to a dependant of an Australian mariner by reason of his being a child of the mariner ceases to be payable when the dependant ceases to be such a child.”; and

(*b*)by omitting from sub-section (2.) the words “the last preceding sub-section” and inserting in their stead the words “either of the last two preceding sub-sections”.

**7.** After section 54 of the Principal Act the following section is inserted:—

**Change of status of child to be notified.**

“54a.—(1.) This section applies to a dependant of an Australian manner who—

(*a*)is a child of the mariner;

(*b*)has attained the age of sixteen years; and

(*c*) is in receipt of a pension.

“(2.) Where a dependant to whom this section applies—

(*a*)ceases to receive full-time education at a school, college or university;

(*b*)commences to receive an invalid pension under Part III. of the *Social Services Act* 1947–1972; or

(*c*) commences to receive a maintenance or living allowance or a salary payable by the Commonwealth under any scheme for assistance by the Commonwealth in the education or training of children, or to receive that allowance or salary at a higher rate than before,

the person who has the custody, care and control of that dependant shall, within fourteen days after that dependant so ceases or so commences, notify the Commission accordingly.

“(3.) Where a dependant to whom this section applies ceases to be in the custody, care and control of a person, that person shall, within fourteen days after that dependant so ceases, notify the Commission accordingly.

Penalty: Forty dollars.”.

**The Schedules.**

**8.** The First Schedule and the Second Schedule to the Principal Act are repealed and the following Schedules inserted in their 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 in the currency provided for by the *coinage Act* 1909 or that Act as amended | 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 on total incapacity |
|  | *£* | *s.* | *d.* |  | *£* | *s.* | *d.* | $ | $ | $ |
|  |  |  |  | Not exceeding | 1 | 2 | 6 | 40.00 | 14.00 | 28.00 |
| Exceeding | 1 | 2 | 6 | but not exceeding | 1 | 7 | 6 | 40.00 | 14.00 | 28.00 |
| Exceeding | 1 | 7 | 6 | but not exceeding | 1 | 15 | 0 | 40.00 | 14.90 | 28.00 |
| Exceeding | 1 | 15 | 0 | but not exceeding | 2 | 2 | 6 | 40.00 | 16.10 | 28.00 |
| Exceeding | 2 | 2 | 6 | but not exceeding | 2 | 10 | 0 | 40.00 | 17.30 | 28.00 |
| Exceeding | 2 | 10 | 0 |   | 40.10 | 17.60 | 28.00 |

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  | 21 |
| An injury affecting the cerebro-spinal system or causing incapacity similar in effect and severity  | 21 |
| Loss of two arms  | 35 |
| Loss of two legs and one arm  | 21 |
| Loss of one leg at the hip and of the other either at the hip or in the upper third | 21 |

**Application of certain amendments.**

**9.** In so far as an amendment made by this Act affects instalments of pensions or allowances, the amendment applies in relation to an instalment of a pension or of an allowance falling due on the first pension pay day after the date of commencement of this Act and to all subsequent instalments.