

SEAMEN'S WAR PENSIONS AND ALLOWANCES ACT 1974

No. 4 of 1974

An Act to amend the *Seamen's War Pensions and Allowances Act* 1940-1973.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Seamen's War Pensions and Allowances Act* 1974.¹

(2) The *Seamen's War Pensions and Allowances Act* 1940-1973² 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* 1940-1974.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Interpret-
ation.

3. Section 3 of the Principal Act is amended by omitting from the definition of "pension" in sub-section (1) the words "and includes an allowance under section 22B".

Seamen's
Pensions and
Allowances
Committees.

4. Section 4 of the Principal Act is amended by omitting from sub-section (2) the words "under such conditions and with such remuneration" and substituting the words "and under such conditions".

5. (1) After section 4 of the Principal Act the following section is inserted:—

Remuner-
ation of
members of
Seamen's
Pensions and
Allowances
Committee.

"4A. (1) A member of a Pensions Committee shall be paid such remuneration as is determined by the Remuneration Tribunal.

"(2) Subject to the *Remuneration Tribunal Act* 1973, a member of a Pensions Committee shall be paid such allowances as are prescribed."

(2) The amendment made by sub-section (1) does not affect the remuneration (other than allowances) payable to a member of a Seamen's Pensions and Allowances Committee before his remuneration is determined by the Remuneration Tribunal.

(3) Regulations in force at the commencement of this section for the purpose of sub-section 4 (2) of the Principal Act, to the extent that they relate to allowances, continue in force as if made for the purposes of sub-section 4A (2) of the Principal Act, as amended by this Act.

6. Section 18 of the Principal Act is amended by omitting from sub-section (4A) the words "Seventy-seven dollars sixty cents" and substituting the words "Eighty-two dollars ten cents".

Rates of pension on death or total incapacity.

7. Section 19 of the Principal Act is amended by omitting the words "the last preceding section" and substituting the words "section 18".

Pension to *de facto* wife.

8. Section 22B of the Principal Act is repealed.

Allowance to compensate for a serious incapacity.

9. Section 24 of the Principal Act is amended by omitting from paragraph (a) the words "and an allowance under section 22B".

Limit of payments in certain cases.

10. Section 59 of the Principal Act is amended by omitting paragraph (e) of sub-section (1) and substituting the following paragraph:—

Regulations.

"(e) medical, surgical and hospital benefits for an Australian mariner who is, or but for a direction under section 53A would be, in receipt of pension at a rate that, excluding, in the case of a pension granted under section 22A, any portion of the pension that is attributable to the application to the Australian mariner of Schedule 5 to the *Repatriation Act* 1920-1974, is not less than the rate specified in column 3 of Schedule 1 to this Act;"

11. Schedule 1 to the Principal Act is repealed and the following Schedule substituted:—

Schedule 1.

SCHEDULE 1

Section 18

GENERAL PENSION RATES—DEATH OR TOTAL INCAPACITY

Column 1	Column 2	Column 3
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
\$ 52.00	\$ 17.60	\$ 44.00

12. The Principal Act is amended as set out in the Schedule.

Additional amendments.

Application
of certain
amendments.

13. 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 day on which this Act receives the Royal Assent, if that day is a pension pay day, or, if it is not, on the first pension pay day after that day, and to all subsequent instalments.

SCHEDULE

Section 12

ADDITIONAL AMENDMENTS

The Principal Act is amended as set out in the following table:—

Provision	Amendment
Section 3 (1) (definition of "Australian mariner")	Omit from paragraph (b) "the Commonwealth", substitute "Australia". Omit from paragraph (c) "the Commonwealth" (first occurring), substitute "Australia". Omit from paragraph (c) "authority of the Commonwealth", substitute "authority constituted by or under a law of Australia".
Section 12	Omit "the Commonwealth", substitute "Australia".
Section 18A	Omit "the Commonwealth" (wherever occurring), substitute "Australia".
Section 54A(2)	Omit "the Commonwealth" (wherever occurring), substitute "Australia".
Section 55A(1)	Omit "the Commonwealth" (wherever occurring), substitute "Australia".
Section 59(2)	Omit "the Commonwealth" (wherever occurring), substitute "Australia".

NOTES

1. Act No. 4, 1974; assented to 22 March 1974.
2. 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; No. 46, 1960; No. 47, 1961; Nos. 64 and 113, 1964; No. 65, 1965; No. 43, 1966; No. 102, 1967; No. 67, 1968; No. 96, 1969; No. 61, 1970; Nos. 18 and 69, 1971; Nos. 16 and 83, 1972; and Nos. 6 and 106, 1973.