

SEAMEN'S COMPENSATION ACT 1974

No. 93 of 1974

An Act to increase certain Amounts of Compensation payable to and in respect of Seamen.

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

1. (1) This Act may be cited as the *Seamen's Compensation Act* 1974.¹ Short title and citation.

(2) The *Seamen's Compensation Act* 1911-1973² 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 Compensation Act* 1911-1974.

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

3. Section 5B of the Principal Act is amended by omitting from subsection (1) the words "Fourteen thousand five hundred dollars" and substituting the figures "\$20,000". Compensation for certain injuries.

4. Section 5D of the Principal Act is amended by omitting from subsection (1) the words "Fourteen thousand five hundred dollars" and substituting the figures "\$20,000". Maximum compensation.

5. The First Schedule to the Principal Act is amended—

- First Schedule.
- (a) by omitting from clause (i) of sub-paragraph (a) of paragraph (1) the words "Fourteen thousand five hundred dollars" and substituting the figures "\$20,000";
 - (b) by omitting from clause (iii) of sub-paragraph (a) of paragraph (1) the words "Three hundred dollars" and substituting the figures "\$450";
 - (c) by omitting from sub-paragraph (b) of paragraph (1) the words "Forty-three dollars" and substituting the figures "\$57";
 - (d) by omitting from clause (i) of sub-paragraph (b) of paragraph (1) the words "Eleven dollars" and substituting the figures "\$15";
 - (e) by omitting from clause (ii) of sub-paragraph (b) of paragraph (1) the words "Five dollars" and substituting the figures "\$7";

- (f) by omitting from clause (i) of sub-paragraph (c) of paragraph (1) the words "Forty-three dollars" and substituting the figures "\$57"; and
- (g) by omitting from paragraph (10A) the words "Five hundred dollars" (wherever occurring) and substituting the figures "\$700".

Application
of amend-
ments.

6. (1) Where, immediately before the date of commencement of this Act, a person was receiving, or was entitled to receive, weekly payments in accordance with the First Schedule to the Principal Act, he is, from and including that date, entitled to receive weekly payments in accordance with the Principal Act as amended by this Act.

(2) Where, before the date of commencement of this Act, weekly payments in accordance with the First Schedule to the Principal Act would have been payable to a seaman in respect of an injury or disease but for the fact that he was not then incapacitated for work or but for the operation of clause (ii) of sub-paragraph (b) of paragraph (2) of that Schedule, and on or after that date he becomes incapacitated for work as a result of the injury or disease or that clause ceases to have effect in relation to him, weekly payments in respect of that injury or disease shall be in accordance with the Principal Act as amended by this Act.

(3) Where, on or after the date of commencement of this Act, death results from an injury or disease in respect of which compensation was payable before that date under the Principal Act, compensation shall be paid in respect of that death in accordance with the Principal Act as amended by this Act.

(4) Where weekly payments that, by virtue of sub-section (1), became payable in respect of a child in accordance with clause (i) of sub-paragraph (a) of paragraph (1) of the First Schedule to the Principal Act as amended by this Act cease, on or after the date of commencement of this Act, to be payable, any additional amount of compensation payable in respect of that child shall be payable in accordance with the Principal Act as amended by this Act.

(5) Where, immediately before the date of commencement of this Act, a seaman was receiving, was entitled to receive, or, but for the operation of clause (ii) of sub-paragraph (b) of paragraph (2) of the First Schedule to the Principal Act, would have been entitled to receive, weekly payments in accordance with that Schedule in respect of an injury or injuries or a disease, the provisions of section 5D of the Principal Act as amended by this Act apply in relation to the injury, injuries or disease.

(6) The amendments made by this Act apply in relation to an injury sustained on or after the date of commencement of this Act, and so apply whether the accident or disease that caused the injury occurred before, on or after that date.

(7) Expressions used in this section have the same respective meanings as in the Principal Act.

NOTES

1. Act No. 93, 1974; assented to 16 November 1974.
2. Act No. 13, 1911, as amended by No. 56, 1938; No. 18, 1947; No. 7, 1949; No. 10, 1953; No. 16, 1954; No. 99, 1959; No. 67, 1960; No. 102, 1964; No. 97, 1967; No. 124, 1968; No. 49, 1970; No. 52, 1971; No. 124, 1972; and No. 216, 1973 (as amended by No. 20, 1974).