

Seamen's Compensation Regulations (Amendment) 1991 No. 106

EXPLANATORY STATEMENT

Statutory Rules 1991 No. 106

Issued by the authority of the Minister of State for Shipping and Aviation Support

Subject: Seamen's Compensation Act 1911

Seamen's Compensation Regulations (Amendment)

The purpose of the proposed regulations is to increase, from 13 June 1991, the rates and amounts of compensation benefits payable under the Seamen's Compensation Act 1911. Payments under the Act are varied, each six months, in line with movements in Average Weekly Earnings, and this increase is based on movements for the six months to 16 November 1990.

Regulation 1 provides for the date of effect of the amendments to be 13 June 1991.

Regulation 2 is a formal provision.

Regulation 3 of the proposed regulations amends regulation 118 of the Seamen's Compensation Regulations by omitting the table therein and substituting a new table. The new table sets out the prescribed amounts for the purposes of various provisions of the Act. The new table operates to increase compensation benefits as follows:

Subsection 5B(1): the amount of compensation payable for an injury specified in Part 1 of Schedule 3 to the Act, when the injury results in incapacity other than total and permanent incapacity for work, is increased from \$70,010 to \$73,020.

Subsection 5D(1): the maximum amount of compensation payable in respect of injury or injuries caused by any one accident, where those injuries did not result in death or total and permanent incapacity for work, is increased from \$70,010 to \$73,020.

Schedule 1:

is increased from \$28.10 to \$29.30.

- Subclause (1)(c)(i)(B): the maximum weekly amount of compensation payable to a seaman who is partially incapacitated for work as a result of an injury is increased from \$225 to \$234.70.

- Paragraph (10A): the minimum total amount of compensation payable in respect of each dependent child of a deceased employee is increased from \$2,810 to \$2,930.

Regulation 4 of the Statutory Rules amends regulation 119 of the Seamen's Compensation Regulations to prescribe the amounts of \$73,020 and \$29.30 for the

purpose of clause 1(a)(i) of Schedule 1 to the Act. Accordingly, the amount of compensation payable to dependants in respect of death which results from an injury to a seaman is increased from \$70,010 to \$73,020, and the amount of weekly payment for each dependent child of a deceased seaman is increased from \$28.10 to \$29.30.

Regulation 5 of the Statutory Rules amends regulation 120 of the Seamen's Compensation Regulations to prescribe the amount of \$234.70 for the purposes of subparagraph (1)(b) of Schedule 1 to the Act. Accordingly, the weekly payment for a seaman who is totally incapacitated for work as the result of an injury is increased from \$225 to \$234.70.

Regulation 6 - Application.

Paragraph 6.1(a) applies the increased rates and amounts of compensation payable at a weekly rate under the Act in respect of any period commencing after 12 June 1991.

Paragraph 6.1(b) applies the increased lump sum amounts of compensation payable under the Act in respect of an injury sustained, or disease suffered after 12 June 1991, or a loss or event occurring after that date, resulting from any other injury sustained or disease suffered by a seaman.