

# SEAMEN'S WAR PENSIONS 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.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Seamen's War Pensions and Allowances Act (No. 2) 1964*.

Short title  
and citation.

(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*.

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

Commence-  
ment.

(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.

\* 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; and No. 47, 1961.

† Act No. 64, 1964.

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**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

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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 sub-section 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.”.