

# SEAMEN'S WAR PENSIONS AND ALLOWANCES.

No. 60 of 1940.

An Act to make provision for Payment of Pensions and for the making of other Payments in respect of Australian Mariners who suffer Death, Disablement, Detention or Loss as a result of the Present War, and for other purposes.

[Assented to 24th August, 1940.]

[Date of commencement 21st September, 1940.]

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

## PART I.—PRELIMINARY.

- Short title.** 1. This Act may be cited as the *Seamen's War Pensions and Allowances Act 1940*.
- Parts** 2. This Act is divided into Parts as follows :—
- Part I.—Preliminary.
  - Part II.—Administration.
  - Part III.—Pensions and Gratuities in respect of Death or Incapacity.
  - Part IV.—Allowances in respect of Detention.
  - Part V.—Compensation for War Damage to Effects.
  - Part VI.—Miscellaneous.

3.—(1.) In this Act, unless the contrary intention appears— Definitions.

“ Australian mariner ” means—

- (a) any master, officer or seaman employed under agreement, or any apprentice employed under indenture, in sea-going service on any ship registered in Australia which is engaged in trading between a port of a State or Territory of the Commonwealth and any other port whatsoever ;
- (b) any master, officer, seaman or apprentice employed in a lighthouse tender or pilot ship of the Commonwealth or of a State ; and
- (c) any pilot employed or licensed by the Commonwealth or a State or by an authority of the Commonwealth or of a State,

and, except in so far as the expression is used in relation to the happening of any event in respect of which a benefit under this Act may be granted, includes a person who has been an Australian mariner within the meaning of the foregoing provisions of this definition ;

“ capture ” includes seizure, arrest or other restraint ;

“ certificated officer ” means an officer who is duly certificated within the meaning of the *Navigation Act* 1912–1935 ;

“ child ” means a dependant under the age of sixteen years who is—

- (a) a son or daughter born to the Australian mariner of a marriage which took place before the relevant date ;
- (b) a step-son, step-daughter, adopted son or adopted daughter who became dependent on him before the relevant date ; or
- (c) an ex-nuptial son or ex-nuptial daughter of the Australian mariner born before, or within nine months after, the relevant date ;

“ *de facto* wife ”, in relation to an Australian mariner, means a woman who, though not legally married to him, has been wholly or substantially maintained by and has lived with the Australian mariner as his wife on a permanent and *bona fide* domestic basis continuously from a date not less than six months prior to the relevant date and who, at the relevant date—

- (a) had in her charge a child of the Australian mariner ;
- (b) was over forty years of age ; or
- (c) was incapable of supporting herself by reason of her mental or physical incapacity of long standing ;

“**dependant**” means any member of an Australian mariner’s family who at the time of his death or the commencement of his incapacity or period of detention (as the case may be) was dependent upon his earnings or, in the case of a person specified in paragraph (a) or (c) of the definition of “child”, who would, but for the death, incapacity or detention, be so dependent, and includes—

(a) where the Australian mariner is the grandparent of an ex-nuptial child who was so dependent—that child; and

(b) where the Australian mariner is an ex-nuptial child and his parent or grandparent was so dependent—that parent or grandparent;

“dependent” means wholly or substantially dependent;

“Deputy Commissioner for Repatriation” means a Deputy Commissioner for Repatriation appointed under the *Australian Soldiers’ Repatriation Act 1920–1940*;

“detained person” means an Australian mariner who suffers detention;

“detention”, in relation to an Australian mariner, means detention consequent on his capture, or the capture of his ship, effected by reason of war operations during the present war;

“detention allowance” means an allowance granted under Part IV. of this Act in respect of the detention of an Australian mariner;

“effects”, in relation to an Australian mariner, means any of his property carried on his person or in the ship in which he is serving or in the ship or other conveyance in which he is travelling, or otherwise accompanying him, at the time when the war damage occurs;

“member of an Australian mariner’s family” means the wife or husband, parent, brother, sister, grandparent, grand-child, step-parent, step-brother, step-sister, half-brother, half-sister, or a person specified in paragraph (a), (b) or (c) of the definition of “child”;

“passenger ship” means a ship in respect of which there is in force a passenger steamship’s certificate granted under Part IV. of the *Navigation Act 1912–1935* or a certificate which in pursuance of that Part has the same force as if it had been granted under that Part;

“pension” means a pension under this Act;

“Pensions Committee” means a Seamen’s Pensions and Allowances Committee established under this Act;

“period of detention” means the period beginning on the date on which the detention commences and ending on—

(a) the date of the death of the detained person; or

(b) the earliest date after the commencement of the detention on which it was practicable for the detained person to have arrived back in Australia,

- whichever is the earlier date, or such other period as the Commission, in relation to any particular detained person or particular class of detained persons, directs ;
- “ pilot duty ” includes the proceeding by sea to a ship for the purpose of performing pilotage duty and the returning by sea after having performed that duty ;
- “ rate of pay ” in relation to an Australian mariner means the rate of the salary or wages which he was receiving or was entitled to receive in respect of his occupation as an Australian mariner on the relevant date or, in the case of a licensed pilot not employed at a monthly or annual rate, an amount equal to the monthly rate prescribed at the relevant date by an award of the Commonwealth Court of Conciliation and Arbitration in respect of the master of a sea-going passenger vessel of over six thousand tons but not over eight thousand tons gross registered tonnage ;
- “ rate of pay per day ”, in relation to a monthly or annual rate of pay, means one-thirtieth of that monthly rate or one three hundred and sixty-fifth of that annual rate as the case may be ;
- “ rate of pay per fortnight ” means fourteen times the rate of pay per day ;
- “ relevant date ” means—
- (a) in a case where a claim is made for a pension—the date on which the Australian mariner—
    - (i) sustained the war injury ; or
    - (ii) commenced the period of detention, to which his death or incapacity is directly attributable ; or
  - (b) in a case where a claim is made for a detention allowance—the date of the commencement of the Australian mariner's period of detention ;
- “ Schedule ” means a Schedule to this Act ;
- “ separated wife ” means the wife of an Australian mariner who is living apart from him either in pursuance of a decree, judgment, order or deed of separation or by reason of her having been deserted by the Australian mariner or in circumstances which, in the opinion of the Commission, are analogous thereto, and “ separated widow ” means the widow of an Australian mariner who was so living apart from him immediately prior to his death ;
- “ Superintendent ” means the Superintendent at a Mercantile Marine Office under the *Navigation Act 1912-1935* or his duly appointed deputy ;
- “ the Commission ” means the Repatriation Commission appointed under the *Australian Soldiers' Repatriation Act 1920-1940* ;
- “ the enemy ” means the forces, or any part thereof, of a State at war with His Majesty the King.

“ the present war ” means the war in which His Majesty is engaged and which commenced on the third day of September, One thousand nine hundred and thirty-nine ;

“ war damage ”, in relation to the effects of an Australian mariner, means the loss of or damage to those effects—

(a) caused by—

(i) the discharge of any missile, liquid or gas ;

(ii) the use of any weapon, explosive or other noxious thing ; or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in relation to any expected or suspected attack by the enemy or any expected attack upon the enemy ;

(b) caused by the action of any enemy aircraft or any aircraft in the service of His Majesty or of any Ally of His Majesty during the present war or by the impact of, or of any part of, or of anything dropped from, any such aircraft ; or

(c) caused by, or in consequence of, the capture by the enemy of the Australian mariner or of his effects ;

“ war injury ” means a personal injury—

(a) caused by—

(i) the discharge of any missile, liquid or gas ;

(ii) the use of any weapon, explosive or other noxious thing ; or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in relation to any expected or suspected attack by the enemy or any expected attack upon the enemy ;

(b) caused by the action of any enemy aircraft or any aircraft in the service of His Majesty or of any Ally of His Majesty during the present war or by the impact of, or of any part of, or of anything dropped from, any such aircraft ; or

(c) caused by, or in consequence of, the capture or detention of the Australian mariner by the enemy ;

“ wife ” and “ widow ” do not include a woman whose marriage to the Australian mariner takes place after the relevant date, or, except as otherwise expressly provided in this Act, a separated wife or separated widow.

(2.) Where any provision of this Act is expressed to be dependent upon the opinion of the Commission or a Pensions Committee, the reference to the opinion of the Pensions Committee shall be construed as applying to the opinion of the Pensions Committee only where the Commission has not formed an opinion on the matter.

## PART II.—ADMINISTRATION.

4.—(1.) The Governor-General may establish Seamen's Pensions and Allowances Committees for such States and Territories of the Commonwealth as he thinks fit.

Seamen's  
Pensions  
and Allowances  
Committees.

(2.) Each Pensions Committee shall consist of not less than three or more than five members who shall be appointed by the Governor-General and who shall hold office for such time, under such conditions and with such remuneration, as are prescribed.

(3.) The Governor-General shall appoint one member of each Pensions Committee to be Chairman of that Committee.

(4.) In the case of a Pensions Committee consisting of three members, two members, and, in any other case, three members, shall form a quorum.

(5.) At all meetings of a Pensions Committee the Chairman shall have a deliberative vote and, in the case of an equality of voting, a casting vote.

5. The duties of a Pensions Committee shall be—

Duties of  
Pensions  
Committees.

- (a) to determine, in case of the death or incapacity of an Australian mariner in respect of which a claim for pension is made—
- (i) whether the death or incapacity is directly attributable to a war injury sustained by the Australian mariner ;
  - (ii) whether that war injury was due to the Australian mariner's own serious negligence or serious misconduct ;
  - (iii) whether, in the case of the death of an Australian mariner, that death was in any substantial manner due to or hastened by his own serious negligence or serious misconduct ; and
  - (iv) in the case of the incapacity of the Australian mariner, the nature and degree of the incapacity ;
- (b) to determine, in case of the detention of an Australian mariner in respect of which a claim for detention allowance is made—
- (i) whether the detention is or was due to the serious negligence or serious misconduct of the Australian mariner ; and
  - (ii) the date of the commencement of the period of detention ;
- (c) to determine the extent (if any) to which persons alleged to be or to have been dependent upon an Australian mariner are or were so dependent ;
- (d) to assess, from time to time, the rates of pensions and detention allowances of Australian mariners and their dependants, and to determine the dates of commencement and cessation of those pensions and allowances ;

(e) to determine, in such cases as the Pensions Committee thinks fit—

- (i) that payment of a pension or detention allowance be suspended and the date of the suspension ; or
- (ii) that payment of a pension or detention allowance which has been suspended be recommenced and the date of recommencement ; and

(f) such other duties as are prescribed.

Determinations  
and assessments  
by Commission.

6. Notwithstanding anything contained in the last preceding section, the Commission may, in such cases as it thinks fit, make any determination or assessment specified in paragraph (a), (b), (c), (d) or (e) of that section, and may, at any time, direct that any particular case or class of cases be referred to it for determination or assessment.

Appeal to  
Commission.

7. Any person affected by any determination or assessment of a Pensions Committee may, within such time (if any) as is prescribed, appeal to the Commission and the Commission may affirm, vary or annul the determination or assessment.

Review by  
Commission.

8. Wherever it appears to the Commission that sufficient reason exists for reviewing any determination or assessment of a Pensions Committee it may review and may affirm, vary or annul the determination or assessment.

Special  
Magistrates  
and Registrars.

9.—(1.) The Governor-General may appoint such Special Magistrates and such Registrars of Seamen's War Pensions as are necessary for the purposes of this Act who shall have such powers, duties and functions as are prescribed.

(2.) The persons for the time being holding the offices of Special Magistrate and of Registrar of Pensions under the *Invalid and Old-age Pensions Act 1908-1937* shall be deemed to have been appointed under this Act to the offices of Special Magistrate and Registrar of Seamen's Pensions respectively.

Power to  
summon  
witnesses,  
take evidence,  
&c.

10.—(1.) The Chairman of the Commission, the Chairman of a Pensions Committee (or any person authorized in writing by the Chairman of the Commission or of the Pensions Committee, as the case may be), a Special Magistrate or a Registrar of Seamen's Pensions, for the purpose of any inquiry which the Commission, Pensions Committee, Special Magistrate or Registrar of Seamen's Pensions (as the case may be) has power to make, may summon any person to appear before the Commission, Pensions Committee, Special Magistrate or Registrar of Seamen's Pensions (as the case may be) and require that person to answer questions and to produce documents and, for any such purpose, may administer oaths.

(2.) Any person who has been lawfully summoned to appear before the Commission, a Pensions Committee, a Special Magistrate or a Registrar of Seamen's Pensions who fails to appear and any person who appears, whether summoned or not, who—

(a) refuses to be sworn as a witness ;

(b) fails to answer any question which he is lawfully required to answer ; or  
 (c) fails to produce any documents which he is lawfully required to produce,  
 shall be guilty of an offence.

Penalty : Fifty pounds.

**11.** The officers of the Commission shall perform such duties as are prescribed or as the Minister or Commission directs.

Officers of  
Commission.

**PART III.—PENSIONS AND GRATUITIES IN RESPECT OF DEATH OR INCAPACITY.**

**12.** Where any Australian mariner, not being a pilot, dies or becomes incapacitated as a direct result of having sustained a war injury in the course of his employment as an Australian mariner, or, being a pilot, dies or becomes incapacitated as a direct result of having sustained a war injury while on pilot duty, the Commonwealth shall, subject to this Act, pay to his dependants, or to him, or to both, pensions in accordance with this Act.

Grant of  
pensions.

**13.** A pension or allowance in respect of the death or incapacity of an Australian mariner shall not be granted if, in the opinion of the Commission or a Pensions Committee—

Limitation  
on grant of  
pensions  
where due  
to negligence  
or misconduct.

- (a) in the case of death—the Australian mariner in any substantial measure contributed to or hastened his death by his own serious negligence or serious misconduct ; or
- (b) in the case of incapacity—the war injury to which the incapacity of the Australian mariner is attributable was in any substantial measure due to his own serious negligence or serious misconduct.

**14.** A pension or allowance shall not be granted in respect of the incapacity of an Australian mariner unless a duly qualified medical officer or practitioner nominated by the Commission or a Pensions Committee certifies that the incapacity is directly attributable to a war injury sustained by the Australian mariner.

Incapacity  
must be due to  
war injury.

**15.—(1.)** For the purposes of this Act, the degree of incapacity of an Australian mariner shall be that degree which the Australian mariner's incapacitated condition bears to the condition of a normal and healthy person of the same age and sex without taking into account—

Degree of  
incapacity.

- (a) the earning capacity of the Australian mariner in his incapacitated condition in his own or any other specific trade or calling ; or
- (b) the effect of any individual factors or extraneous circumstances.

(2.) Total incapacity shall be expressed as one hundred degrees of incapacity and any lesser degree shall be expressed by way of percentage.



Pensions to dependants.

**16.**—(1.) Subject to sub-section (2.) of this section, a pension shall not be granted or continued to any person unless that person is, in the opinion of the Commission, or of a Pensions Committee, without adequate means of support and incapable of earning a livelihood.

(2.) The last preceding sub-section shall not apply to—

- (a) the Australian mariner or his widow, wife, separated widow, separated wife, *de facto* wife or child ; or
- (b) in the case of a deceased unmarried Australian mariner—
  - (i) his widowed mother if he was brought up by her and if she became a widow either prior to or within three years after his death ; or
  - (ii) his unmarried mother if he was brought up by her.

(3.) Except in the case of a mother of an Australian mariner, a pension discontinued in pursuance of sub-section (1.) of this section shall not afterwards be renewed.

Pension after death of incapacitated Australian mariner.

**17.** Where an Australian mariner has suffered a war injury involving, as a direct result, some appreciable degree of incapacity, and he subsequently dies from a cause or causes other than that injury, a dependant of the Australian mariner shall, subject to this Act, be entitled to receive or to continue to receive, as the case may be, such pension (if any) as—

- (a) was being paid ;
  - (b) was payable ;
  - (c) would, but for the fact that a claim which had been lodged had not been determined, have been payable ; or
  - (d) would, if a claim for a pension had been lodged prior to the death of the Australian mariner, have been payable,
- to that dependant, immediately prior to the death of the Australian mariner.

Rates of pension on death or total incapacity.

**18.**—(1.) Subject to this Act the rates of pension payable—

- (a) to the widow of an Australian mariner in the case of his death—shall be the rate specified in column 2 of the First Schedule opposite the rate of pay per day specified in column 1 of that Schedule which corresponds to the rate of pay per day of the Australian mariner :

Provided that where that rate of pension is less than Four pounds four shillings per fortnight and the widow has in her charge a child of the Australian mariner or her circumstances are such as, in the opinion of the Commission, to justify an increase beyond the rate prescribed by this paragraph, the Commission may, for such period as it thinks fit, increase the rate of pension to an amount not exceeding Four pounds four shillings per fortnight.

- (b) to dependants, other than children, in the case of the death of an Australian mariner where no pension is payable to his widow, separated widow or *de facto* wife—shall be such rates as are assessed by the Commission or a Pensions Committee but so that the aggregate of the pensions payable to all dependants, including children, shall not exceed the amount specified in column 3 of the First Schedule opposite the rate of pay specified in column 1 of that Schedule which corresponds to the rate of pay of the Australian mariner ;
- (c) to the Australian mariner in the case of his total incapacity—shall be the rate specified in column 4 of the First Schedule opposite the rate of pay per day specified in column 1 of that Schedule which corresponds to the rate of pay per day of the Australian mariner ;
- (d) to the wife of an Australian mariner in the case of his total incapacity—shall be One pound sixteen shillings per fortnight ;
- (e) to dependants, other than children, in the case of the total incapacity of an Australian mariner where no pension is payable to his wife, separated wife or *de facto* wife—shall be such rates as are assessed by the Commission or a Pensions Committee but so that the aggregate of the pensions payable to all dependants, including children, shall not exceed the amount of Two pounds eleven shillings per fortnight ; and
- (f) to each child of the Australian mariner in the case of the death or total incapacity of the Australian mariner (subject, in any case to which either paragraph (b) or (e) applies, to the maximum aggregate specified in that paragraph)—shall be Fifteen shillings per fortnight.

(2.) For the purposes of any provision of this Act under which any rate of pension is determined by reference to a rate of pay per day specified in column 1 of the First Schedule, if the rate of pay per day of the Australian mariner is higher than a rate so specified but lower than the next higher rate so specified, the rate of pension shall be determined by adding to the lower of the two specified rates of pension an amount which bears to their difference the same proportion as the excess of the rate of pay per day of the Australian mariner over the lower of the two specified rates of pay bears to their difference.

19. The Commission may, in its discretion, in the case of the death or total incapacity of an Australian mariner to which section twelve of this Act applies, grant to his *de facto* wife a pension at a rate not exceeding the rate of pension prescribed by the last preceding section in respect of his widow or wife :

Pension to  
*de facto*  
wife.

Provided that if a pension is also payable to the widow, wife, separated widow or separated wife, the pension granted to the *de facto* wife shall not in any case be at such a rate that the sum of those pensions would exceed the rate specified in the First Schedule in respect of the widow or wife.

Pension of  
separated wife  
or widow.

20.—(1.) The Commission may, in its discretion, in the case of the death or total incapacity of an Australian mariner to which section twelve of this Act applies, grant a pension to his separated widow or separated wife if she satisfies the Commission that the Australian mariner, in the case of a separated wife is, or, in the case of a separated widow was, immediately prior to his death, contributing, or liable to contribute, to her support, or that the separation was caused through the mental instability of the Australian mariner which resulted from a war injury.

(2.) The rate of any pension payable by reason of the last preceding sub-section shall be in the discretion of the Commission but shall not exceed—

(a) where the separated wife or separated widow is eligible for pension by reason of her having satisfied the Commission that the Australian mariner is or was contributing or liable to contribute to her support—the amount which the Australian mariner was contributing, or was liable to contribute, to her support immediately prior to the separation or the commencement of his incapacity (whichever is the later date), in the case of a separated wife, or immediately prior to his death, in the case of a separated widow ; or

(b) in any case—the rate to which she would have been entitled but for the separation.

Allowance for  
attendant.

21.—(1.) Where an Australian mariner entitled to a pension is incapacitated by reason of a disability described in column 1 of the Second Schedule which is directly attributable to a war injury and the Commission is of the opinion that he is in need of an attendant, there shall be payable to him the fortnightly allowance for an attendant specified in column 2 of that Schedule opposite the description of that disability :

Provided that no such allowance shall be payable in respect of any period during which the Australian mariner is maintained in an institution at the public expense.

(2.) For the purposes of this section, a leg or arm shall be deemed to be lost if it has been rendered permanently and wholly useless.

Permanent  
pensions  
for specified  
major injuries.

22.—(1.) Where an Australian mariner entitled to a pension is incapacitated by reason of a disability described in column 1 of the Third Schedule he shall be paid a permanent pension at a rate equal to that percentage of the rate of pension to which he would be entitled if his incapacity were total which is specified in column 2 of that Schedule opposite the description of that disability.

(2.) For the purposes of this section, a leg, foot, arm, hand or eye shall be deemed to be lost if it has been rendered permanently and wholly useless

**23.**—(1.) Except as provided in the foregoing provisions of this Part or in sub-sections (2.) and (3.) of this section, the rates of pension payable in respect of the partial incapacity of an Australian mariner shall, in respect of the degree of incapacity specified in column 1 of the Fourth Schedule, be such percentage of the rates specified in the First Schedule in respect of total incapacity as is specified in column 2 of the Fourth Schedule opposite that degree of incapacity.

Rates of pension in respect of partial incapacity.

(2.) Where, as the result of a minor war injury specified in column 1 of the Fifth Schedule, an Australian mariner is incapacitated to a degree of less than twenty per centum, there shall be payable to him in lieu of any pension or pensions otherwise payable under this Act in respect of that injury, a gratuity of the amount specified in column 2 of that Schedule opposite the description of the injury.

(3.) Where, as the result of a war injury other than a minor injury specified in column 1 of the Fifth Schedule, an Australian mariner is incapacitated to a degree of less than twenty per centum, and a duly qualified medical officer or practitioner certifies that the condition of incapacity is final and stationary, the Commission may assess the lump sum which would, in its opinion, be equivalent to the payment, or continued payment, as the case may be, of any pension or pensions otherwise payable under this Act in respect of that injury, and the lump sum so assessed shall be payable to him in lieu of that pension or those pensions.

(4.) For the purposes of sub-section (2.) of this section—

- (a) a finger shall be deemed lost if it is fixed and cannot be flexed and extended ; and
- (b) where the amount of gratuity payable is dependent upon whether the loss of a thumb or finger, or part thereof, is lost from the right or the left hand, the words " right " and " left " in the Fifth Schedule shall, in the case of a left-handed person, be read as " left " and " right " respectively.

**24.** Notwithstanding anything contained in this Part—

- (a) the fortnightly pensions payable under this Part in respect of the death or incapacity of an Australian mariner shall not in the aggregate exceed the rate of pay per fortnight of that Australian mariner :

Limit of payments in certain cases.

Provided that, in the case of a pension to the widow of an Australian mariner whose rate of pay was less than Four pounds four shillings per fortnight, who has in her charge a child of the Australian mariner and whose circumstances are such as, in the opinion

of the Commission, to justify an increase beyond the limit prescribed by this paragraph, the Commission may, for such period as it thinks fit, increase the pension to the widow but the aggregate of the pensions payable in respect of that Australian mariner shall not exceed Four pounds four shillings per fortnight ;

- (b) the aggregate of the payments under this Part to an Australian mariner (exclusive of an allowance for an attendant) shall not in any case exceed the amount which would be payable to that Australian mariner in accordance with section eighteen of this Act if he were totally incapacitated ;
- (c) the rate of pension to a dependant under the age of sixteen years shall not exceed Fifteen shillings per fortnight ; and
- (d) if the Australian mariner, or any of his dependants, has received, or is entitled to receive, any other payment from the public funds of the Commonwealth or of a State or of a Territory of the Commonwealth by way of compensation in respect of the incapacity or death of the Australian mariner—
  - (i) if that other payment exceeds the amount otherwise payable under this part to the Australian mariner or his dependant—no amount under this Part shall be payable ;
  - (ii) if that other payment does not exceed the amount otherwise payable under this Part—the amount otherwise payable under this Part shall be reduced by the amount of that other payment, unless the Commission otherwise directs.

Payment of pension.

**25.**—(1.) Pensions granted under this Act shall be payable by fortnightly instalments which may be paid in advance.

(2.) The amount of any instalment in respect of a period of less than a fortnight shall be an amount which bears the same proportion to a fortnightly instalment as that lesser period bears to a fortnight.

Claim for pension.

**26.**—(1.) A claimant for a pension shall forward the claim in accordance with the prescribed form, or a form approved by the Commission, to the Registrar for Seamen's Pensions in, or the Deputy Commissioner for Repatriation for, the State in which the claimant resides.

(2.) Unless the Commission otherwise directs, a pension shall not be granted in respect of a claim which is not made and delivered in accordance with the last preceding sub-section.

(3.) Unless the Commission in exceptional circumstances otherwise directs, a pension in respect of the death or incapacity of an Australian mariner shall not be paid in respect of any period prior to the date of the commencement of the period of three months immediately preceding the date on which the claim for the pension is made.

**27.**—(1.) A pension payable to a child as such shall cease upon his attaining the age of sixteen years.

Pensions for limited periods in certain cases.

(2.) Notwithstanding anything contained in the last preceding sub-section, where a person under the age of twenty-one years is a child in respect of whom a pension might have been granted under this Act if he had not attained the age of sixteen years and the Commission is satisfied—

(a) that his pecuniary circumstances or those of his family are such that a pension in respect of that person ought to be paid ; and

(b) that he is incapable of supporting himself by reason of an infirmity from which he has been suffering since a date prior to that on which he attained the age of sixteen years, the Commission may make or continue a grant of pension in respect of that person at the same rate as would have been applicable if that person had not attained the age of sixteen years, but in no case shall any such pension continue after the person has attained the age of twenty-one years.

**28.** A pension payable to any female dependant of an Australian mariner shall not be continued after her marriage or re-marriage :

Pensions to female dependants to cease on marriage or re-marriage.

Provided that the marriage of a *de facto* wife of an Australian mariner to that Australian mariner shall not be deemed to be marriage or re-marriage for the purposes of this section.

**29.** Any female dependant of an Australian mariner to whom a pension is payable who marries or obtains a *decree nisi* in divorce, or against whom a *decree nisi* in divorce is obtained, shall forthwith send a written notification of that fact to the Deputy Commissioner of Repatriation for the State in which she resides.

Notification of marriage or divorce.

Penalty : Twenty-five pounds and, in addition, any person convicted of an offence against this section may be ordered to repay to the Commonwealth any moneys received by her in consequence of her failure to comply with the provisions of this section.

**30.** The Commission may reject any claim for a pension by, or terminate any pension granted to, a dependant of an Australian mariner if it is satisfied that the grant or continuance of the grant of the pension would be undesirable.

Rejection of claims and termination of pensions of dependants.

**31.**—(1.) If any person in receipt of a pension is convicted of an offence and sentenced to any term of imprisonment, the Commission or a Pensions Committee may, in respect of the time during which that person is serving the term of imprisonment or in respect of any portion of that time, suspend the pension or cancel any instalment thereof.

Suspension of pension during imprisonment.

(2.) The Commission or a Pensions Committee may, if it thinks fit, in lieu of suspending a pension or cancelling any instalment thereof under the last preceding sub-section, order that, during the term of

imprisonment or any portion thereof, the pension shall be paid to such of the person's dependants as the Commission or Committee determines and the pension shall thereupon be payable accordingly during that term or portion.

Medical  
certificates.

**32.**—(1.) Any medical certificate given for the purposes of this Act shall be given by a duly qualified medical officer or practitioner nominated by the Commission or a Pensions Committee and shall be in a form approved by the Commission.

(2.) The duly qualified medical officer or practitioner shall not certify that the incapacity of an Australian mariner is directly attributable to a war injury sustained by him or to detention undergone by him unless the medical officer or practitioner is satisfied from evidence in contemporary records or other definite evidence, or by such evidence as the Commission may direct or prescribe in any special case, or class of case, that the Australian mariner has sustained a war injury or has sustained or contracted a wound, injury or disease directly attributable to his detention.

Periodical  
examination  
of pensioner.

**33.**—(1.) The Commission or a Pensions Committee or any person authorized in that behalf by the Commission or a Pensions Committee may, from time to time, require any person receiving a pension to submit himself for medical examination by a duly qualified medical officer or practitioner nominated by the Commission, a Pensions Committee or authorized person :

Provided that, unless he consents, a person shall not be so required to submit himself for medical examination more often than—

- (a) during the second month after receiving the first instalment of pension—once a week ;
- (b) during the third, fourth, fifth and sixth months after receiving the first instalment of pension—once a month ; and
- (c) during any period thereafter—once every two months.

(2.) The right to payment of instalments of pension of any person refusing or failing to submit himself to medical examination as and when required in accordance with this section, or in any way obstructing the examination, shall be suspended until the examination has taken place without any obstruction.

#### PART IV.—ALLOWANCES IN RESPECT OF DETENTION.

Grant of  
allowance  
in respect  
of detention.

**34.** Where any Australian mariner, not being a pilot, suffers detention by reason of his employment as an Australian mariner or, being a pilot, suffers detention by reason of his employment on pilot duty, the Commonwealth shall, subject to this Act, pay a detention allowance in accordance with this Part.

Claim for  
detention  
allowance.

**35.**—(1.) A claimant for a detention allowance shall forward the claim in accordance with the prescribed form, or a form approved by the Commission, to the Registrar for Seamen's Pensions in, or the Deputy Commissioner for Repatriation for, the State in which the claimant resides, and within the time (if any) prescribed.

(2.) Unless the Commission otherwise directs, a detention allowance shall not be granted in respect of a claim which is not made and delivered in accordance with the last preceding sub-section.

- 36.**—(1.) The amount of detention allowance payable shall be—
- Amount of  
detention  
allowance.
- (a) in respect of a period of detention or any part thereof during which the detained person has a dependent wife—the amount per fortnight specified in sub-column (i) of column 2 of the Sixth Schedule ;
  - (b) in respect of a period of detention or any part thereof during which the detained person has no dependent wife but has other dependants (not being his children)—the amount per fortnight specified in sub-column (i) of column 3 of the Sixth Schedule ; and
  - (c) in respect of a period of detention or any part thereof during which the detained person has either no dependants or no dependants other than his children—the amount per fortnight specified in sub-column (i) of column 3 of the Sixth Schedule,

opposite the rate of pay per day specified in column 1 of that Schedule which corresponds to the rate of pay per day of the detained person.

(2.) For the purposes of the last preceding sub-section, the Commission may determine that the separated wife or *de facto* wife of an Australian mariner shall be deemed to be his wife in which case any reference to “ wife ” in that sub-section shall be read as a reference to the separated wife or *de facto* wife, as the case may be.

- 37.**—(1.) That portion of the detention allowance specified in sub-column (ii) of column 2, 3 or 4 of the Sixth Schedule opposite the total amount of the detention allowance shall be paid to the detained person or his personal representative after the end of the period in respect of which, or part of which, that detention allowance is granted.
- Application of  
reserved parts.
- (2.) The whole or any part of that portion of the detention allowance specified in sub-column (iii) of column 2, 3 or 4 of the Sixth Schedule opposite the total amount of the detention allowance shall be—

- (a) expended for the personal benefit of the detained person ;
- (b) paid or expended to or for the benefit of the wife, separated wife, *de facto* wife or other dependants (if any) of the detained person or any of them : or
- (c) paid to the detained person or his personal representative after the end of the period in respect of which, or part of which, the detention allowance is granted,

as the Commission directs.

- 38.**—(1.) The whole or any part of that portion of the detention allowance specified in sub-column (iv) of column 2 or 3 of the Sixth Schedule opposite the total amount of the detention allowance (which
- Payment of  
available part.



portion is in this Act referred to as the available part) may, during the period in respect of which that detention allowance is granted, be paid to the wife, separated wife, *de facto* wife or other dependants of the detained person (not being his children) or any of them, as the Commission directs :

Provided that the payments out of the available part to a dependant, other than the wife, separated wife, *de facto* wife or child of the detained person, shall not exceed—

- (a) if the dependant is not under the age of sixteen years—  
Two pounds per fortnight ; or
- (b) if the dependant is under the age of sixteen years—Fifteen shillings per fortnight.

(2.) So much of the available part of a detention allowance (if any) as is not paid under the last preceding sub-section may, during the period in respect of which the detention allowance is granted, or during any subsequent period during the detention of the detained person, be applied for the benefit of the detained person to such extent and in such manner as the Commission directs.

Application of  
balance of  
available part.

**39.**—(1.) If at the end of a period of detention the available part of a detention allowance granted in respect of that period or any part thereof has not been wholly paid or applied in accordance with the last preceding section, the Commission may direct the whole or such part of the balance as it thinks fit to be paid to the detained person or his personal representative and that balance or part shall be paid accordingly.

(2.) In giving any direction under the last preceding sub-section the Commission shall, so far as possible, ensure that the detained person, in respect of any period during which the available part was not wholly paid or applied, shall not be in a worse position than if throughout that period he had been a detained person with no dependants or with dependent children only.

Detention  
allowances  
in respect  
of children.

**40.**—(1.) Where the detained person has dependent children there may be granted to each of those children, in addition to any other detention allowance prescribed by this Part, a detention allowance at a rate not exceeding Fifteen shillings per fortnight.

(2.) Where a person under the age of twenty-one years is a child in respect of whom a detention allowance might have been granted under the last preceding sub-section if he had not attained the age of sixteen years and the Commission is satisfied—

- (a) that his pecuniary circumstances or those of his family are such that a detention allowance in respect of that person ought to be granted or continued ; and
- (b) that he is incapable of supporting himself by reason of an infirmity from which he has been suffering since a date prior to that on which he attained the age of sixteen years,

the Commission may grant or continue a grant of a detention allowance in respect of that person at the same rate as would have been applicable if he had not attained the age of sixteen years, but in no case shall any such detention allowance continue after the person attains the age of twenty-one years.

**41.**—(1.) Without prejudice to any other provision of this Act, any detention allowance granted to a child of the detained person may, in the discretion of the Commission, be paid to a parent or guardian of that child, or to the child, or the whole or any part may be paid to such person as the Commission thinks fit to be used for the benefit or education of the child.

Payment of allowances for children.

(2.) A receipt given by any parent, guardian or child, or person to whom the allowance is paid for the benefit or education of the child, for any amount paid to him by the Commission under this section, shall be a good and sufficient discharge to the Commission in respect of that amount.

**42.** The aggregate of any detention allowances granted under the foregoing provisions of this Part in respect of any fortnight shall not in any case exceed the rate of pay per fortnight of the detained person in respect of whose detention the allowances are granted.

Detention allowances not to exceed rate of pay.

**43.** Notwithstanding anything contained in the foregoing provisions of this Part—

General provisions relating to detention allowances.

- (a) a detention allowance shall not be granted in respect of any period of detention of a detained person which, in the opinion of the Commission or a Pensions Committee, is or was due to the serious negligence or serious misconduct of that person ;
- (b) where the Commission is satisfied that, in respect of or in connexion with the period of detention, any amount has been paid or will become payable to the detained person, his wife, separated wife, *de facto* wife, child or other dependant by way of, or in lieu of, the salary or wages of the detained person, or in fulfilment of any contract of service entered into by that detained person, there may be deducted from any detention allowance otherwise payable under this Part such amount as the Commission, having regard to all the circumstances of the case, thinks fit ; and
- (c) until the Commission is satisfied that any period of detention has come to an end, it may continue to make any payment which it is authorized to make under this Part in respect of that detention, but if any overpayment thereby occurs the Commission may deduct the amount of the overpayment from any reserved part of the detention allowance or from any other amount which is or becomes payable under this Act in respect of the person in respect of whose detention the overpayment was made.

Other disability allowances to be taken into account.

44. Notwithstanding anything contained in this Part, where the Commission is satisfied that, in respect of any period in respect of which a detention allowance is or may be payable, any person has received or is entitled to receive some other allowance, whether under this Act or otherwise, out of the public funds of the Commonwealth or of a State or of a Territory of the Commonwealth—

(a) in respect of the wife, separated wife, *de facto* wife, child or other dependant of the detained person as part of any grant or award made in respect of the incapacity of the detained person ; or

(b) to the wife, separated wife, *de facto* wife, child or other dependant of the detained person in respect of any disablement or invalidity of that wife, separated wife, *de facto* wife, child or other dependant,

it may, deduct the whole or such part of that other allowance as it thinks fit from any detention allowance which otherwise would or might be payable under this Part in respect of the same period :

Provided that the amount so deducted shall not be such as would reduce the total amount of detention allowance in respect of that period below the total amount which might have been granted if the detained person had no dependants or no dependants other than children.

#### PART V.—COMPENSATION FOR WAR DAMAGE TO EFFECTS.

Grant of compensation for war damage to effects.

45. Subject to this Act, the Commonwealth may pay to any Australian mariner, not being a pilot, whose effects suffer war damage during his employment as an Australian mariner or, being a pilot, whose effects suffer war damage during his employment on pilot duty, an amount of compensation based—

(a) in the case of the loss of effects—on the value of the effects at the time of their loss ; or

(b) in the case of damage to effects—on the amount by which the value of the effects at the time of the damage was depreciated as a result of the damage,

but not in any case exceeding—

(i) the maximum amount specified in the Seventh Schedule ; or

(ii) where the Australian mariner has received, or is entitled to receive, any other payment out of the public funds of the Commonwealth or of a State or of a Territory of the Commonwealth by way of compensation for the loss of or damage to his effects or for the replacement of any or all of those effects—the amount by which that other payment falls short of the amount which would be payable under this Part but for that other payment,

whichever is the lesser amount.

**46.—(1.)** An Australian mariner making a claim for compensation under this Part shall, within one year after the date on which the war damage occurred, forward to a Superintendent a claim in accordance with the Form in the Eighth Schedule.

Claim for compensation.

(2.) Unless the Minister otherwise directs, compensation shall not be paid in respect of a claim which is not made and delivered in accordance with the last preceding sub-section.

**47.—(1.)** If a Superintendent is satisfied that the Australian mariner—

Advance in necessitous cases.

- (a) has lost the whole or a substantial part of his effects as a result of war damage and is entitled to compensation under this Part in respect of that loss ; and
- (b) is unable because of his financial position immediately to purchase the necessary replacements,

the Superintendent may, in his discretion, advance to the Australian mariner in order to enable him to purchase the necessary replacements such amount, not exceeding Ten pounds, as the Superintendent thinks fit.

(2.) Any amount advanced to an Australian mariner under the last preceding sub-section shall be as on account of the compensation payable by the Commonwealth and shall be deducted from the amount of compensation to which he would, but for the advance, be entitled under this Part.

**48.—(1.)** In the event of the death of an Australian mariner who, but for his death, might have made a claim for compensation under this Part, a claim may be made—

Payment of compensation to estate of deceased Australian mariner.

- (a) by his legal personal representative ; or
- (b) where the amount of compensation claimed, together with the value of other property in the hands of the Minister administering the *Navigation Act* 1912–1935 by virtue of the provisions of that Act relating to the property of deceased seamen, does not exceed One hundred pounds— by any person who is proved to the satisfaction of the Minister to be—
  - (i) the widow or child of the deceased Australian mariner ;
  - (ii) the person legally entitled to the personalty of the deceased Australian mariner ; or
  - (iii) the person entitled to take out representation although no representation has been taken out.

(2.) If more than one person is enabled by the last preceding sub-section to make a claim for compensation the Minister may determine which of those persons may make the claim.

(3.) Where any amount of compensation is granted in consequence of a claim made in pursuance of this section, that amount shall be paid to the estate of the deceased Australian mariner and shall be deemed to be property in the hands of the Minister administering the *Navigation Act 1912-1935* within the meaning of section one hundred and fifty-six of that Act and may be disposed of by that Minister in accordance with the provisions of that section.

#### PART VI.—MISCELLANEOUS.

Pensions, &c.  
to be  
inalienable.

**49.**—(1.) Any pension, allowance, gratuity or compensation payable under this Act shall be absolutely inalienable whether by way of or in consequence of sale, assignment, charge, execution, insolvency or otherwise howsoever.

(2.) A person shall not advance money or goods, or offer or promise to advance money or goods, to any person in receipt of or having a claim to receive any pension, allowance, gratuity or compensation, or to any person on his behalf, on the security (whether sole or collateral) of his pension, allowance, gratuity or compensation, or of any instalment thereof, and shall not purport to accept any transfer or assignment, or to create any charge on, any pension, allowance, gratuity or compensation or any instalment thereof.

(3.) A person shall not obtain an advance of money or goods upon the security of, or purport to transfer or assign, or create any charge on, his pension, allowance, gratuity or compensation, or any instalment thereof.

Penalty : Twenty-five pounds.

Provisional  
grant of  
pensions or  
allowances.

**50.**—(1.) A grant of pension or allowance under this Act may be made provisionally for such period and at such rates (not exceeding the period or rate authorized by this Act) as the Commission thinks fit.

(2.) Except in cases where the disablement of an Australian mariner has reached its final condition, the grant of any pension in respect of incapacity consequent on that disablement shall be provisional and subject to review from time to time until a permanent assessment can be made or the grant ceases.

Pension or  
allowance  
granted on  
appeal or  
re-application.

**51.** Where a claim for pension or allowance has been made under Part III. or Part IV. of this Act and has been rejected and, upon a subsequent application or upon appeal to the Commission, a pension or allowance is granted to the claimant, the pension or allowance shall not be payable in respect of any period prior to the period of three months immediately preceding the date of the application or appeal upon which the pension or allowance is granted.

**52.—(1.)** Where a pension or allowance has been cancelled and the person concerned, upon an application for re-instatement of his pension or allowance, is again granted a pension or allowance payment of the pension or allowance so granted shall not be made in respect of any period prior to the date of the commencement of the period of three months immediately preceding the date on which the application for re-instatement was made.

Re-grant of cancelled or relinquished pension or allowance.

(2.) Where a pension or allowance has been voluntarily relinquished, either wholly or in part, and the person concerned applies for the re-instatement of the pension or allowance or part thereof so relinquished, the pension or allowance or part thereof shall, subject to this Act, be re-instated, but the re-instatement shall not operate in respect of any period prior to the date of the commencement of the period of three months immediately preceding the date on which the application for re-instatement was made.

**53.** Where under this Act a pension or allowance may be granted to, for, or in respect of, a person only if some condition or requirement is fulfilled or complied with, a grant so made shall, unless the Commission otherwise determines, cease to have effect if and when that condition or requirement ceases to be fulfilled or complied with.

Conditions of grant to be fulfilled.

**54.—(1.)** When the Commission or a Deputy Commissioner for Repatriation considers it desirable so to do in the interests of the person to, for, or in respect of whom any pension, allowance or gratuity is payable under this Act, the Commission or Deputy Commissioner may administer that pension, allowance or gratuity in such manner as appears to it or him to be in the best interests of that person or may appoint a trustee of that pension, allowance or gratuity and pay the pension, allowance or gratuity to him to be administered by him for the benefit of that person, and a receipt given by the trustee for any amount of pension, allowance or gratuity shall be a good and sufficient discharge to the Commission in respect of that amount.

Administration of pensions, &c.

(2.) Subject to any directions of the Commission or Deputy Commissioner, a trustee so appointed shall collect and disburse the pension, allowance or gratuity for the person to, for, or in respect of whom the pension, allowance or gratuity is payable.

**55.—(1.)** If it appears to the Commission that by reason of any mis-statement or mistake of fact, or of any change in circumstances, or for any other reason whatsoever, it is expedient so to do the Commission may at any time review any grant of pension, allowance, gratuity or compensation made under this Act, and may vary or may cancel that grant and either make or refrain from making a new grant :

Commission may review pensions, &c.

Provided that no such pension, allowance, gratuity or compensation shall be increased to a rate or amount exceeding the rate or amount authorized by this Act.

(2.) Where any person in receipt of or entitled to receive any pension, allowance, gratuity or compensation under this Act refuses or fails to attend at the time and place fixed by the Commission for any review, or impedes or hinders the review, the Commission may cancel the pension, allowance, gratuity or compensation.

(3.) On the cancellation under the last preceding sub-section of a pension or allowance to an Australian mariner, any pensions or allowances payable to his dependants shall not be continued for more than twelve months from the date fixed for the review :

Provided that if the Commission is satisfied that the incapacity of the Australian mariner in respect of which a pension has been granted is of a permanent nature, it may continue any pension, or any part thereof, to a dependant for such period as it thinks proper.

Payments to  
be made from  
moneys  
appropriated.

56. Pensions, allowances, gratuities and amounts of compensation granted in pursuance of this Act shall be payable out of moneys from time to time appropriated by the Parliament for the purpose.

Delegation of  
powers by  
Minister or the  
Commission.

57.—(1.) In relation to any matters or class of matters, or in relation to any particular State or Territory of the Commonwealth or any part of a State or Territory of the Commonwealth, the Minister or the Commission may, by writing under his hand or its seal, delegate all or any of his or its powers and functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters or the State or Territory of the Commonwealth, or part of the State or Territory of the Commonwealth, specified in the instrument of delegation.

(2.) Where under this Act the exercise of any power or function by the Minister or the Commission is dependent upon the opinion, belief or state of mind of the Minister or the Commission in relation to any matter, that power or function may be exercised by the delegate upon the opinion, belief or state of mind of that delegate.

(3.) A delegation under this section shall not prevent the exercise of any power or function under this Act by the Minister or by the Commission, as the case may be.

Offences.

58.—(1.) Any person who—

- (a) makes, either orally or in writing, a false or misleading statement in, or in connexion with, or in support of, any application for pension, allowance or gratuity, or in any claim for compensation, either for himself or for any other person ;
- (b) obtains any pension, allowance, gratuity or compensation or any instalment thereof which is not payable ;

- (c) obtains payment of any pension, allowance, gratuity or compensation or any instalment thereof by means of any false or misleading statement ; or
- (d) makes or presents to the Commission, a Pensions Committee or to any officer doing duty in relation to this Act or the Regulations, any statement or document which is false in any particular,

shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for six months.

(2.) Any person convicted of an offence against this section may, in addition to the penalty imposed for the offence, be ordered to repay to the Commonwealth any amount received by him by way of pension, allowance, gratuity or compensation in consequence of the act in respect of which he was convicted.

(3.) In any proceedings for an offence against this section the burden of proving the truth of the statement in respect of which the proceedings have been instituted, or the genuineness of the document presented, shall rest on the person accused.

(4.) Proceedings under this section may be taken before a Court of summary jurisdiction, and may be commenced at any time within three years after the commission of the offence.

**59.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, but without limiting the generality of the foregoing, prescribing—

Regulations.

- (a) the manner and form of any claim for a pension, allowance, gratuity or compensation, the person by whom and to whom and the time within which such claims shall be made and the information and evidence which may be required and accepted in connexion with any such claim ;
- (b) the manner and form in which, and the person or class of persons by whom, any certificate relating to the death or incapacity of any person is to be given for the purposes of this Act ;
- (c) the general conditions governing the grant and administration of pensions, allowances, gratuities and compensation under this Act to Australian mariners and their dependants ;
- (d) the manner in which any pension, allowance, gratuity or compensation may be paid or applied ; and
- (e) penalties not exceeding Twenty-five pounds or imprisonment for three months for any breach of the Regulations.



## THE SCHEDULES.

## FIRST SCHEDULE.

## Section 18.

## GENERAL PENSIONS RATES—DEATH OR TOTAL INCAPACITY.

Column 1.	Column 2.	Column 3.	Column 4.
Rate of Pay per Day of the Australian Mariner.	Pension to Widow on death of Australian Mariner.	Total of Pensions to Dependents, including children (when no Pension payable to Widow, Separated Widow or <i>de facto</i> Wife) on death of Australian Mariner.	Pension to Australian Mariner, upon Total Incapacity.
<i>s. d.</i>	<i>£ s. d.</i> per fortnight.	<i>£ s. d.</i> per fortnight.	<i>£ s. d.</i> per fortnight.
6 0 or under ..	2 7 0	2 0 0	} 4 4 0
7 0 .. ..	2 7 0	2 3 0	
9 0 .. ..	2 9 0	2 9 0	
10 0 .. ..	2 12 3	2 12 3	
10 6 .. ..	2 13 9	2 13 9	
11 6 .. ..	2 16 0	2 16 0	
12 0 .. ..	2 17 3	2 17 3	
13 0 .. ..	2 19 6	2 19 6	
17 6 .. ..	3 10 0	3 10 0	
22 6 .. ..	3 17 6	3 17 6	
26 9 .. ..	4 4 0	4 4 0	4 10 8
30 0 .. ..	4 9 0	4 9 0	4 15 0
37 6 .. ..	5 0 9	5 0 9	5 5 0
45 0 .. ..	5 12 3	5 12 3	5 15 0
50 0 or over ..	6 0 0	6 0 0	6 0 0

## SECOND SCHEDULE.

## Section 21.

## ALLOWANCE FOR ATTENDANT.

Column 1.	Column 2.
Description of Disability.	Fortnightly Allowance for Attendant.
Blind or with eyesight so defective as to have no useful sight ..	40s.
An injury affecting the cerebro-spinal system or causing incapacity similar in effect and severity .. .. .	40s.
Loss of two arms .. .. .	80s.
Loss of two legs and one arm .. .. .	40s.
Loss of one leg at the hip and of the other either at the hip or in the upper third .. .. .	40s.

## THIRD SCHEDULE.

## Section 22.

## PERMANENT PENSIONS FOR SPECIFIED MAJOR INJURIES.

Column 1.	Column 2.
Description of Disability.	Rate of Permanent Pension payable, being percentage of rate prescribed for totally incapacitated Australian Mariner.
	Per centum.
Loss of two or more limbs .. .. .	100
Loss of both eyes .. .. .	100
Loss of one eye, together with loss of leg, foot, hand or arm	100
Loss of both feet .. .. .	100
Loss of both hands .. .. .	100
Loss of hand and foot .. .. .	100
Loss of all fingers and thumbs .. .. .	100
Lunacy .. .. .	100
Wounds, injuries or disease, involving total permanent disabling effects	100
Very severe facial disfigurement .. .. .	100
Loss of leg at hip, or of right arm at shoulder joint (if right handed), or of left arm at shoulder joint (if left handed)	100 for first six months; 80 thereafter
Severe facial disfigurement .. .. .	80
Total loss of speech .. .. .	80
Loss of leg or foot .. .. .	100 for first six months; 75 thereafter
Loss of arm or hand .. .. .	100 for first six months; 75 thereafter
Total deafness .. .. .	70
Loss of one eye .. .. .	50

## FOURTH SCHEDULE.

## Section 23 (1.).

## RATES OF PENSION IN RESPECT OF PARTIAL INCAPACITY.

Column 1.	Column 2.
Degree of Incapacity.	Percentage of Rate prescribed for Total Incapacity payable in respect of the Partial Incapacity.
Not less than 90 per centum .. .. .	90
Less than 90 per centum but not less than 80 per centum	80
Less than 80 per centum but not less than 70 per centum	70
Less than 70 per centum but not less than 60 per centum	60
Less than 60 per centum but not less than 50 per centum	50
Less than 50 per centum but not less than 40 per centum	40
Less than 40 per centum but not less than 30 per centum	30
Less than 30 per centum but not less than 20 per centum	20
Less than 20 per centum .. .. .	The same percentage as the degree of incapacity

## FIFTH SCHEDULE.

## Section 23 (2).

GRATUITIES PAYABLE TO AN AUSTRALIAN MARINER IN RESPECT OF SPECIFIED  
MINOR WAR INJURIES, INVOLVING LESS THAN 20 PER CENTUM OF TOTAL  
INCAPACITY.

Column 1.	Column 2.
For the loss of—	Amount of Gratuity.
	£ s.
1. Left thumb, terminal phalanx .. .. .	112 10
2. Fingers—	
Right index finger—	
Whole .. .. .	150 0
2 phalanges .. .. .	125 0
1 phalanx .. .. .	100 0
Tip and nail, no bone .. .. .	60 0
Left index finger—	
Whole .. .. .	100 0
2 phalanges .. .. .	80 0
1 phalanx .. .. .	60 0
Tip and nail, no bone .. .. .	50 0
Right or left middle finger—	
Whole .. .. .	80 0
2 phalanges .. .. .	60 0
1 phalanx .. .. .	50 0
Tip and nail, no bone .. .. .	40 0
Right or left ring or little finger—	
Whole .. .. .	50 0
2 phalanges .. .. .	40 0
1 phalanx .. .. .	30 0
Tip and nail, no bone .. .. .	20 0
3. Toes (whether from left or right foot)—	
Whole of great toe .. .. .	100 0
1 joint of great toe .. .. .	40 0
Other than great toes—	
Whole of 1 toe .. .. .	40 0
Whole of 2 toes from one foot .. .. .	60 0
Whole of 3 toes from one foot .. .. .	70 0
Whole of 4 toes from one foot .. .. .	100 0
1 joint of one toe .. .. .	20 0
1 joint from each of two toes of one foot .. .. .	30 0
1 joint from each of three toes of one foot .. .. .	35 0
1 joint from each of four toes of one foot .. .. .	40 0
4. Ear (hearing not affected) .. .. .	80 0

SIXTH SCHEDULE.

DETENTION ALLOWANCES.

Column 1.				Column 2.				Column 3.				Column 4.			
Rate of Pay per Day of Detained Person.				Fortnightly Allowance payable in respect of Detained Person having a Dependent Wife.				Fortnightly Allowance payable in respect of Detained Person without Dependent Wife, but having other Dependents (not being children).				Fortnightly Allowance payable in respect of Detained Person without Dependents, or with Children only.			
	(ii)	(iii)		(ii)	(iii)		(ii)	(iii)							
<i>s. d.</i>		<i>s. d.</i>		£ <i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	£ <i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	£ <i>s. d.</i>	<i>s. d.</i>	£ <i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
Exceeding 6 0	and under	7 6	..	5 4 0	10 0	10 0	4 4 0	4 14 0	10 0	40 0	2 4 0	2 10 0	10 0	40 0	
Exceeding 6 0	but not exceeding	7 6	..	5 6 10	10 6	10 6	4 5 10	4 16 4	10 6	40 6	2 5 4	2 11 0	10 2	40 10	
"	"	"	"	5 9 7	11 0	11 0	4 7 7	4 18 7	11 0	41 0	2 6 7	2 12 0	10 5	41 7	
"	"	"	"	5 12 5	11 6	11 6	4 9 5	5 0 11	11 6	41 6	2 7 11	2 13 0	10 7	42 5	
"	"	"	"	5 15 2	12 0	12 0	4 11 2	5 3 2	12 0	42 0	2 9 2	2 14 0	10 10	43 2	
"	"	"	"	5 18 0	12 6	12 6	4 13 2	5 5 6	12 6	42 6	2 10 6	2 15 0	11 0	44 0	
"	"	"	"	6 0 10	13 0	13 0	4 14 10	5 7 10	13 0	43 0	2 11 10	2 16 0	11 2	44 10	
"	"	"	"	6 3 7	13 6	13 6	4 16 7	5 10 1	13 6	43 6	2 13 1	2 17 0	11 5	45 7	
"	"	"	"	6 6 5	14 0	14 0	4 18 5	5 12 5	14 0	44 0	2 14 5	2 18 0	11 7	46 5	
"	"	"	"	6 9 2	14 6	14 6	5 0 2	5 14 8	14 6	44 6	2 15 8	2 19 0	11 10	47 2	
"	"	"	"	6 12 0	15 0	15 0	5 2 0	5 17 0	15 0	45 0	2 17 0	3 0 0	12 0	48 0	
"	"	"	"	6 14 10	15 6	15 6	5 3 10	5 19 4	15 6	45 6	2 18 4	3 1 0	12 2	48 10	
"	"	"	"	6 17 7	16 0	16 0	5 5 7	6 1 7	16 0	46 0	2 19 7	3 2 0	12 5	49 7	
"	"	"	"	7 0 5	16 6	16 6	5 7 5	6 3 11	16 6	46 6	3 0 11	3 3 0	12 7	50 5	
"	"	"	"	7 3 2	17 0	17 0	5 9 2	6 6 2	17 0	47 0	3 2 2	3 4 0	12 10	51 2	
"	"	"	"	7 6 0	17 6	17 6	5 11 0	6 8 6	17 6	47 6	3 3 6	3 5 0	13 0	52 0	
"	"	"	"	7 8 10	18 0	18 0	5 12 10	6 10 10	18 0	48 0	3 4 10	3 6 0	13 2	52 10	
"	"	"	"	7 11 7	18 6	18 6	5 14 7	6 13 1	18 6	48 6	3 6 1	3 7 0	13 5	53 7	
"	"	"	"	7 14 5	19 0	19 0	5 16 5	6 15 5	19 0	49 0	3 7 5	3 8 0	13 7	54 5	
"	"	"	"	7 17 2	19 6	19 6	5 18 2	6 17 8	19 6	49 6	3 8 8	3 9 0	13 10	55 2	
Exceeding 50 0	..	..	..	8 0 0	20 0	20 0	6 0 0	7 0 0	20 0	50 0	3 10 0	3 10 0	14 0	56 0	

## Section 45.

## SEVENTH SCHEDULE.

MAXIMUM AMOUNT OF COMPENSATION PAYABLE TO AN AUSTRALIAN MARINER IN RESPECT OF DAMAGE TO, OR LOSS OF, HIS EFFECTS BY WAR DAMAGE.

Column 1.	Column 2.
Rank or Rating.	Maximum Amount Payable.
	£ s. d.
Master .. .. .	100 0 0
Chief Engineer .. .. .	75 0 0
Other Certificated Officers, Surgeons, Pursers .. .. .	50 0 0
Uncertificated Officers, Pilots, Wireless Operators, Chief Stewards (Passenger Ships) and Apprentices .. .. .	40 0 0
Carpenters, in respect of—	
(i) tools .. .. . £20	} 40 0 0
(ii) other effects .. .. . £20	
All other Ratings .. .. .	20 0 0

## Section 46.

## EIGHTH SCHEDULE.

(Front of Form.)

COMMONWEALTH OF AUSTRALIA.

Seamen's War Pensions and Allowances Act 1940.

CLAIM FOR COMPENSATION FOR WAR DAMAGE TO SEAMAN'S EFFECTS.

1. Name of Applicant	Surname (in block letters)..... Christian Names (in full).....
2. Postal Address	..... ..... .....
3. Age and Place of Birth	Age.....Place of Birth..... .....
4. Ship in which serving when Loss or Damage occurred	Name.....Port of Registry..... Owners .....
5. Rank or Rating and Wages	Rank or Rating.....Wages, per month.....
6. Place and Date of Engagement	Place.....Date.....
7. Whether Claim is for Total Loss, Partial Loss, or Damage	..... .....
8. Date and Place of Occurrence	..... .....
9. Cause of Loss or Damage	..... .....
10. Particulars of Effects lost or damaged	(See back.)
11. Amount of Compensation claimed	Loss £ : :      Damage £ : :
12. Whether entitled to Compensation from any other source. (If so, give particulars.)	..... .....

EIGHTH SCHEDULE—continued.

DECLARATION BY APPLICANT.

I declare that, to the best of my knowledge and belief, the above particulars, as also the particulars as to Effects lost or damaged and their values, set out on the back hereof, are true and correct in every particular.

Signature of Applicant.....

Declared before me at.....this.....day of.....194.....

Commissioner for Declarations.

CERTIFICATE BY OWNER OR MASTER OF SHIP.

I certify that the above-named Applicant was employed in the above-mentioned Ship in the Rank specified, and that his Effects were lost at the time and place and from the cause set out.

Date.....Signature.....

Capacity in which signed.....

(Back of Form.)

Item No.	Particulars of Effects Lost or Damaged.					For Office Use Only.	
	Articles Lost or Damaged (describe fully).	Original Cost.	Date of Purchase.	Whether Lost or Damaged. If latter, give Nature and Extent.	Compensation Claimed.	Remarks.	£ s. d.
1		£ s. d.			£ s. d.		
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
	Total	£		Total	£		

NOTE.—Care should be taken that the particulars required above are furnished accurately and in detail, in order that delay in settlement of the claim may be avoided. If actual date of purchase cannot be stated, give approximate date, e.g., "About September, 1938."