

# STATUTORY RULES

1970 No. *62*

## REGULATIONS UNDER THE NATIVE MEMBERS OF THE FORCES BENEFITS ACT 1957-1968.\*

**I**, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Native Members of the Forces Benefits Act 1957-1968*.

Dated this *thirtieth*  
day of *April*, 1970.

**Paul Hasluck**  
Governor-General.

By His Excellency's Command,

**(SGD.) C. E. BARNES**

Minister of State for External Territories.

### AMENDMENTS OF THE NATIVE MEMBERS OF THE FORCES (PAPUA AND NEW GUINEA) BENEFITS REGULATIONS†

**1.** Regulation 3 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended by omitting the definition of "the Director of Native Affairs". Definitions.

**2.—(1.)** Regulation 4 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is repealed and the following regulation inserted in its stead:—

" **4.—(1.)** For the purposes of the Act in its application to members and their dependants, the person for the time being occupying or performing the duties of the office of The Secretary, Department of Social Development and Home Affairs in the Public Service established by section 30 of the *Papua and New Guinea Act 1949* is the prescribed authority. Prescribed authority.

" **(2.)** For the purpose of these Regulations, the prescribed authority is—

- (a) the person for the time being holding or performing the duties of the office specified in the last preceding sub-regulation; or
- (b) if that office is abolished after the commencement of this sub-regulation—the person for the time being holding or performing the duties of such office in the Public Service established by section 30 of the *Papua and New Guinea Act 1949* as is specified by the Minister, by instrument under his hand.

" **(3.)** Where the Minister, by instrument under his hand, specifies an office under the last preceding sub-regulation—

- (a) an approval, determination, direction, authorization or appointment given or made by the prescribed authority under these Regulations

\* Notified in the *Commonwealth Gazette* on *1 May* 1970.  
† Statutory Rules 1961, No. 73, as amended by Statutory Rules 1964, No. 112.

before the date of the instrument, being an approval, determination, direction, authorization or appointment that had not been revoked before that date, has effect on and after that date as if it was an approval, determination, direction, authorization or appointment given or made by the person holding or performing the duties of that office in his capacity of prescribed authority;

(b) if a pension or allowance was payable to, or medical treatment was provided for, a person under these Regulations immediately before the date of the instrument and payment of that pension or allowance or the provision of that medical treatment depended on—

(i) an opinion that was the opinion of the prescribed authority under these Regulations before that date; or

(ii) an act that was done by that prescribed authority before that date,

the payment of the pension or allowance to, or the provision of medical treatment for, that person on and after that date is not affected by the change in the prescribed authority and, for the purpose of enabling the pension or allowance to be so paid or medical treatment to be so provided—

(iii) that opinion shall be deemed to be and to continue to be an opinion of the person holding or performing the duties of the office so specified until a person specified in such an instrument forms a different opinion in relation to that pension or allowance; or

(iv) that act shall be deemed to be an act that was done by that person,

as the case may be; and

(c) a claim lodged with the prescribed authority before that date, not being a claim in respect of which the prescribed authority had made a determination under regulation 7 of these Regulations, has effect for the purpose of these Regulations as if it had been lodged with the person holding or performing the duties of the office so specified.

“(4.) Where the Minister makes, or revokes, an instrument under sub-regulation (2.) of this regulation, the Minister shall cause notice of the office specified in the instrument, or of the revocation of the instrument, as the case may be, to be published in the *Territory of Papua and New Guinea Government Gazette*.”

(2.) An approval, determination, direction, authorization or appointment given or made by the prescribed authority under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations before the date of commencement of these Regulations, being an approval, determination, direction, authorization or appointment that had not been revoked before that date, has effect on and after that date as if it were an approval, determination, direction, authorization or appointment given or made by the prescribed authority under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations.

(3.) Where a pension or allowance was payable to, or medical treatment was provided for, a person under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations immediately before the date of commencement of these Regulations and payment of that pension or allowance or the provision of that medical treatment depended on—

(a) an opinion that was the opinion of the prescribed authority under those Regulations; or

(b) an act that was done by that prescribed authority,

the amendment of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations effected by this regulation does not affect the payment of the pension or allowance to, or the provision of medical treatment for, that person on and after that date and, for the purpose of enabling the pension or allowance to be so paid or medical treatment to be so provided—

(c) that opinion shall be deemed to be and to continue to be the opinion of the prescribed authority under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations until that authority forms a different opinion in relation to that pension or allowance; or

(d) that act shall be deemed to be an act that was done by that prescribed authority,

as the case may be.

(4.) Where the prescribed authority had assumed the office of trustee of a pensioner before the date of commencement of these Regulations and that assumption of office had not been revoked before that date, the prescribed authority under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations becomes upon that date, by virtue of this sub-regulation, the trustee of that pensioner for the purpose of regulation 20 of those Regulations as so amended.

3. Regulation 9 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended— Rates of pension.

(a) by omitting from sub-regulation (1.) the word "The" (first occurring) and inserting in its stead the words "Subject to the next succeeding sub-regulation, the";

(b) by omitting from sub-paragraph (ii) of paragraph (c) of sub-regulation (1.) the words "Director of Native Affairs" and inserting in their stead the words "prescribed authority"; and

(c) by inserting after sub-regulation (1.) the following sub-regulation:—

"(1A.) The rate of pension payable to a person as a dependant of a member, not being a person who is the widow or wife of the member or a dependant of the member under sixteen years of age, is such percentage of the rate that would, but for this sub-regulation, be applicable in the case of the dependant under Table A or Table B, as the case may be, in the First Schedule to these Regulations as is determined by the prescribed authority having regard to the nature and extent of the person's dependency on the deceased member or on the member, as the case may be."

4. Regulation 17A of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended by omitting the words "Three pounds ten shillings" and inserting in their stead the words "Seven dollars". Allowances to certain widows.

5. Regulation 21 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended by omitting the words "Twenty-five pounds" and inserting in their stead the words "Fifty dollars". Offences.

6. The First Schedule to the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is repealed and the following Schedule inserted in its stead:— First Schedule.

*Native Members of the Forces (Papua and New Guinea) Benefits Regulations*

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FIRST SCHEDULE  
GENERAL PENSION RATES.

Reg. 9 (1.).

TABLE A.—PENSIONS PAYABLE IN RESPECT OF A DECEASED MEMBER.

Class of Person Eligible for Pension	Rate of Pension Payable
	Per month
	\$
Widow of member .. .. .	27.00
Dependant of member under 16 years of age .. .. .	9.00
Any other dependant of member .. .. .	10.50

TABLE B.—PENSIONS PAYABLE IN RESPECT OF A MEMBER WHO IS TOTALLY INCAPACITATED.

Class of Person Eligible for Pension	Rate of Pension Payable
	Per month
	\$
Member .. .. .	27.00
Wife of member .. .. .	6.75
Dependant of member under 16 years of age .. .. .	3.00
Any other dependant of member .. .. .	10.50

7. The rates of pensions provided for in the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations apply to an instalment of pension that fell due on the first pension pay-day occurring on or after the twenty-fourth day of February, 1966, and to all subsequent instalments. Application.