Statutory Rules
1975 No. 9


1. THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Papua New Guinea (Members of the Forces Benefits) Act 1957-1974.

Dated this twenty-ninth day of May, 1975.

John R. Kerr
Governor-General

By His Excellency's Command,

[Signature]

Minister of State for Repatriation and Compensation.

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

1. Regulation 1 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is repealed and the following regulation substituted:

"1. These Regulations may be cited as the Papua New Guinea (Members of the Forces Benefits) Regulations."

2. Regulation 3 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended:—

(a) by omitting the definition of "member" and substituting the following definition:—

"‘member’ means a member of the Forces;"

(b) by omitting the definition of "the Act" and substituting the following definition:—

"‘the Act’ means the Papua New Guinea (Members of the Forces Benefits) Act 1957-1974;" and

(c) by omitting from the definition of "wife" the word "native" (wherever occurring).

* Notified in the Australian Government Gazette on 30 May, 1975.
† Statutory Rules 1901, No. 73, as amended by Statutory Rules 1954, No. 112; and 1970, No. 61.
3. (1) Regulation 4 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is repealed and the following regulation substituted:—

"4. For the purposes of paragraph 9 (4) (a) of the Act and for the purposes of these Regulations, the Repatriation Commission established by section 7 of the Repatriation Act 1920-1923 is the prescribed authority."

(2) An approval, determination, direction, authorization or appointment given or made under the Native Members of the Forces (Papua and New Guinea) Benefits Regulations by the former prescribed authority and in force immediately before the commencement of this sub-regulation has force and effect after the commencement of this sub-regulation as if it were given or made by the prescribed authority immediately after the commencement of this sub-regulation.

(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 as in force from time to time before the commencement of this sub-regulation 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 former prescribed authority before the commencement of this sub-regulation, or

(ii) an act that was done by the former prescribed authority before the commencement of this sub-regulation,

the amendment effected by sub-regulation (1) does not affect the payment of the pension or allowance, or the provision of the medical treatment for, that person after the commencement of this sub-regulation 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 the opinion of the prescribed authority until the prescribed authority forms a different opinion in relation to that pension or allowance; or

(iv) that act shall be deemed to be an act done by the prescribed authority,

as the case may be.

(4) A claim lodged with the former prescribed authority before the commencement of this sub-regulation, not being a claim in respect of which the former prescribed authority made a determination under regulation 7 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as in force from time to time before the commencement of this sub-regulation, has effect for the purposes of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations as if it had been lodged with the prescribed authority on or after the commencement of this sub-regulation.

(5) Where the former prescribed authority had assumed the office of trustee of a pensioner under regulation 20 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as in force from time to time before the commencement of this sub-regulation and that assumption of office had not been revoked before the commencement of this sub-regulation, the prescribed authority becomes, upon the commencement of this sub-regulation, by virtue of this sub-regulation, the trustee of that pensioner for the purposes of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as amended by these Regulations and may revoke the assumption of office by the former prescribed authority as if it had been an assumption of office by the prescribed authority on or after the commencement of this sub-regulation.
Native Members of the Forces (Papua and New Guinea) Benefits Regulations

(6) In sub-regulations (2), (3), (4) and (5), the former prescribed authority means the prescribed authority for the purposes of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations as in force from time to time before the commencement of this sub-regulation.

4. Regulation 9 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended by omitting from sub-regulations (2) and (3) the word "native" (wherever occurring).

5. Regulation 13 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is amended by omitting from sub-regulation (2) the word "native".

6. Regulation 21 of the Native Members of the Forces (Papua and New Guinea) Benefits Regulations is repealed.