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Statutory Rules 1983 No. 1

2501

Papua New Guinea (Members of the Forces Benefits) Regulations² (Amendment)

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

Dated 28 October 1983.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

(Sgd) A. Gietzelt

Minister of State for
Veterans' Affairs

Rates of pension

1. Regulation 9 of the Papua New Guinea (Members of the Forces Benefits) Regulations is amended—

- (a) by omitting from sub-regulation (1) "the next succeeding sub-regulation" and substituting "sub-regulation (1A) and regulation 9A";
- (b) by omitting from paragraph (1) (a) "the First Schedule to these Regulations" and substituting "Schedule 1";
- (c) by omitting from paragraph (1) (b) "the First Schedule to these Regulations" and substituting "Schedule 1";
- (d) by omitting sub-paragraph (1) (c) (i) and substituting the following sub-paragraph:
 - "(i) where the incapacity is an incapacity specified in Schedule 2—the percentage, specified in relation to that incapacity in Schedule 2, of the rates ascertained in accordance with Table B in Schedule 1; or";

- (e) by omitting from sub-paragraph (1) (c) (ii) "the First Schedule to these Regulations" and substituting "Schedule 1"; and
- (f) by omitting from sub-regulation (1A) "the First Schedule to these Regulations" and substituting "Schedule 1".

2. After regulation 9 of the Papua New Guinea (Members of the Forces Benefits) Regulations the following regulation is inserted:

Variation of rates of pension

"9A. (1) In this regulation, unless the contrary intention appears—

'index number', in relation to a quarter, means the Weighted Urban Average Consumer Price Index number, being the weighted urban average (before seasonal adjustment) of the All Groups Indexes for 6 urban areas in Papua New Guinea, published by the Statistician in respect of that quarter;

'relevant period' means the period of 6 months commencing on 1 May 1984, and each subsequent period of 6 months;

'relevant rate' means—

- (a) in relation to a person included in a class of persons eligible for pension specified in Column 2 of Table A in Item 1 or 2 of Schedule 1 in that Table—the rate of pension specified in Column 3 of that Table in that item; and
- (b) in relation to a person included in a class of persons eligible for pension specified in Column 2 of Table B in Item 1 of Schedule 1 in that Table—the rate of pension specified in Column 3 of that Table in that item;

'Statistician' means the National Statistician appointed under section 6 of the *Statistical Services Act 1980* of Papua New Guinea;

"(2) Subject to sub-regulation (3), if at any time, whether before or after the commencement of this regulation, the Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by him in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this regulation.

"(3) If at any time, whether before or after the commencement of this regulation, the Statistician has changed or changes the reference base for the consumer price index, then, for the purposes of the application of this regulation after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

"(4) Where the factor ascertained, in relation to a relevant period, in accordance with sub-regulation (5) is greater than 1, this Part has effect as if for each relevant rate there were substituted on the first day of that period—

- (a) subject to paragraph (b)— a rate calculated by multiplying by that factor—
 - (i) in a case to which sub-paragraph (ii) does not apply—the relevant rate; or

- (ii) if, by virtue of another application or several other applications of this regulation, these Regulations have had effect as if another rate were substituted, or other rates were successively substituted, for the relevant rate--the substituted rate or the last substituted rate, as the case may be; or
- (b) where the rate so calculated (in this paragraph referred to as the 'calculated rate') is not a multiple of \$0.10 per fortnight—a rate equal to—
 - (i) if the calculated rate exceeds the next lower rate that is such a multiple by \$0.05 per fortnight or more—the next higher rate that is such a multiple; or
 - (ii) if the calculated rate exceeds the next lower rate that is such a multiple by less than \$0.05 per fortnight--that next lower rate.

“(5) The factor to be ascertained for the purposes of sub-regulation (4) in relation to a relevant period--

- (a) is the number, calculated to 3 decimal places, ascertained by dividing--
 - (i) if the relevant period commences on 1 May—the index number for the last preceding December quarter; or
 - (ii) if the relevant period commences on 1 November—the index number for the last preceding June quarter,by the highest index number in respect of a December or June quarter that preceded that quarter, not being a December or June quarter that occurred before the June quarter in the year 1983; or
- (b) if the number so ascertained would, if it were calculated to 4 decimal places, end in a number greater than 4—is the number so ascertained increased by .001.

“(6) Where, by virtue of the application of this regulation, this Part has effect as if another rate were substituted for a relevant rate on the first day of a relevant period, the substitution, in so far as it affects instalments of pension, has effect in relation to every instalment of pension payable on or after the first day of that period.”.

Schedule 1

3. The First Schedule to the Papua New Guinea (Members of the Forces Benefits) Regulations is repealed and the following Schedule substituted:

SCHEDULE 1

Sub-regulations
9 (1) and (1A) and 9A (1)

GENERAL PENSION RATES

TABLE A - PENSIONS PAYABLE IN RESPECT OF A DECEASED MEMBER

Column 1 Item	Column 2 Class of persons eligible for pension	Column 3 Rate of pension payable per fortnight
		\$
1	Widow of member	56.30
2	Dependant of member under 16 years of age	10.60
3	Any other dependant of member	4.80

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

Column 1 Item	Column 2 Class of persons eligible for pension	Column 3 Rate of pension payable per fortnight
		\$
1	Member	94.60
2	Wife of member	3.10
3	Dependant of member under 16 years of age	1.40
4	Any other dependant of member	4.80

Schedule 2

4. The Second Schedule to the Papua New Guinea (Members of the Forces Benefits) Regulations is amended by omitting the heading "SECOND SCHEDULE." and substituting "SCHEDULE 2".

Application

5. The amendment effected by regulation 3 applies in respect of instalments of pension payable on or after 1 November 1983.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 1983.
2. Statutory Rules 1961 No. 73 as amended by 1964 No. 112; 1970 No. 62; 1975 No. 98; 1976 No. 209; 1977 No. 166; 1978 No. 56; 1980 No. 325.

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