

Statutory Rules 1985 No. 4¹

273/

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

I, THE ADMINISTRATOR of the Government 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 11 October 1985.

J. A. ROWLAND

Administrator

By His Excellency's Command,

A. T. GIETZELT

Minister of State for Veterans' Affairs

Definitions

1. Regulation 3 of the Papua New Guinea (Members of the Forces Benefits) Regulations is amended—

(a) by omitting paragraphs (a), (b) and (c) of the definition of "dependant" and substituting the following paragraphs:

"(a) a widow of the member; or

(b) if the member has died, a child of the member;"

(b) by omitting the definition of "totally incapacitated" and substituting the following definition:

" 'totally incapacitated', in relation to a member, means—

(a) that the member has been blinded as a result of war service; or

- (b) that the member—
 - (i) is totally incapacitated as a result of war service, that is to say, his incapacity from injury or disease that has been accepted as related to his relevant war service is of such a nature as, of itself alone, to render him incapable of undertaking remunerative work for periods aggregating more than 8 hours per week; and
 - (ii) is, by reason of incapacity from that injury or disease alone, prevented from continuing to undertake remunerative work that he was undertaking and is, by reason thereof, suffering a loss of salary or wages, or of earnings on his own account, that he would not be suffering if he were free of that incapacity;” and
- (c) by adding at the end the following sub-regulation:

“(2) For the purposes of the definition of ‘totally incapacitated’ in sub-regulation (1), a member who is incapacitated from injury or disease that has been accepted as related to his relevant war service shall not be taken to be suffering a loss of salary or wages, or of earnings on his own account, by reason of that incapacity if—

 - (a) he has ceased to engage in remunerative work for reasons other than his incapacity from that injury or disease; or
 - (b) he is incapacitated, or prevented, from engaging in remunerative work for some other reason.”.

Who may claim pension

2. Regulation 5 of the Papua New Guinea (Members of the Forces Benefits) Regulations is amended by omitting from paragraph (b) “incapacity or”.

Rates of pension

3. Regulation 9 of the Papua New Guinea (Members of the Forces Benefits) Regulations is amended by omitting sub-regulations (1A) and (2).

Cessation of pension payable to dependants of member

4. Regulation 12 of the Papua New Guinea (Members of the Forces Benefits) Regulations is amended by omitting from sub-regulation (1) “the wife or” and substituting “a”.

Schedule 1

5. Schedule 1 to the Papua New Guinea (Members of the Forces Benefits) Regulations is amended by omitting Items 2, 3 and 4 of Table B.

Papua New Guinea (Members of the Forces Benefits) 1985 No. L 3 273/

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on L 1985. 18 October/
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. 322; 1983 No. 250.