

Unvalidated References:
Defence Act 1974

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 74B.

Defence (Member's Defence Force History) Regulation 1975

ARRANGEMENT OF SECTIONS.

1. Interpretation.
“authorizing officer”
2. Authorization of release of medical, etc., history of member.
3. Indemnity.
4. Untrue statements, etc.

Defence (Member's Defence Force History) Regulation 1975

MADE under the *Defence Act 1974*.

Dated 200 .

1. INTERPRETATION.

In this Regulation—

“**authorizing officer**” means—

- (a) the Minister; and
- (b) the Commander of the Defence Force; and
- (c) an officer appointed by the Commander of the Defence Force for the purposes of this Regulation.

2. AUTHORIZATION OF RELEASE OF MEDICAL, ETC., HISTORY OF MEMBER.

(1) When an authorized officer has received a written application requesting details of a member's or past member's medical or other Defence Force history from—

- (a) the spouse or a parent of the member or past member; or
- (b) any other person who proves to the satisfaction of the authorized officer that he has a *bona fide* interest in ascertaining details of the medical or other Defence Force history of a member or past member,

the authorized officer may, subject to Subsection (2), authorize the person who has custody of the records relating to the Defence Force history of the member or past member to give to the spouse, parent or other person, as the case may be, such details of the medical or other Defence Force history as he specifies in the authorization.

(2) An authorization under Subsection (1) may be general or subject to such conditions and restrictions as are specified in the authorization.

(3) An application under Subsection (1) shall contain such particulars as the authorizing officer requires and shall, where the authorizing officer directs, be supported by such evidence of the good character or other details of the applicant as the authorizing officer requires.

3. INDEMNITY.

(1) A member of the Defence Force or an officer in or an employee of the Department of Defence is not liable, civilly or criminally, for any act or omission, done or made in good faith and without negligence for the purposes of this Regulation.

(2) The burden of proof of lack of good faith lies on the person who relies on the lack.

4. UNTRUE STATEMENTS, ETC.

Any person who—

- (a) makes an untrue statement in an application under Section 2; or
- (b) makes an untrue statement in any statement or declaration given in support of an application under Section 2; or
- (c) having received information as to the medical or other Defence Force history of a member or past member by virtue of an authorization under this Regulation given subject to a condition (whether the condition be by way of promise or otherwise), fails to comply with that condition,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Defence (Member's Defence Force History) Regulation 1975