

Chapter 75.
Defence (Australian Forces) Act 1975.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 75.

Defence (Australian Forces) Act 1975.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Defence (Australian Forces) Act 1975,

Being an Act to implement Section 206 (*visiting forces*) of the *Constitution* in part by providing for the presence in Papua New Guinea of part of the Defence Forces of Australia.

1. EXPIRY OF THIS ACT.

Unless earlier renewed by resolution of the Parliament, this Act expires on 31 March 1976.

2. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“**dependant**”, in relation to a member of the forces of Australia or of a civilian component of those forces, means a person, not being a citizen of, or a person ordinarily resident in, Papua New Guinea, who—

- (a) is the wife or husband of the member; or
- (b) is wholly or mainly maintained by the member; or
- (c) is in the custody, care or charge of the member; or
- (d) is one of the family of the member residing with the member;

“**forces**”, in relation to Australia, means the naval, military or air forces of that country;

“**the regulations**” means any regulations made under this Act;

“**this Act**” includes the regulations.

(2) A reference in this Act to a member of a civilian component of the forces of Australia shall be read as a reference to a person who, not being a member of those forces or a citizen of, or a person ordinarily resident in, Papua New Guinea—

- (a) is employed by or in the service of—
 - (i) those forces or a part of those forces; or
 - (ii) an organization established for the benefit or welfare of members of those forces; or
- (b) is—
 - (i) serving in an organization that, with the approval of the Minister, is accompanying those forces; or
 - (ii) attached to or is accompanying those forces and, in accordance with the law of Australia, is subject to the service law of that country,

but does not include a dependant of a member of those forces or of a person referred to in Paragraph (a) or (b).

3. ARRANGEMENTS AS TO AUSTRALIAN FORCES.

Notwithstanding any other law, the Minister responsible for defence matters may enter into an arrangement with the Australian Minister responsible for defence matters—

- (a) relating to the presence of part or part of the forces of Australia in Papua New Guinea; and
- (b) for purposes connected with their presence.

4. DECLARATION RELATING TO AUSTRALIAN FORCES.

The Head of State, acting on advice, may, by notice in the National Gazette, declare that—

- (a) an arrangement referred to in Section 3 has been entered into; and
 - (b) the provisions of the *Defence (Visiting Forces) Act 1975*—
 - (i) do not apply; or
 - (ii) apply, subject to the variations, conditions or restrictions specified in the declaration,
- to—
- (iii) the part or parts of the forces of Australia specified in the declaration, or of a civilian component of those forces; or
 - (iv) a dependant of a member of those forces or of that civilian component,

for the purposes of giving effect to the arrangement.

5. EXPIRY OF DECLARATION.

Notwithstanding this Act, a declaration under Section 4 expires on the date on which an agreement between Papua New Guinea and Australia under Section 7 of the *Defence (Visiting Forces) Act 1975* relating to the presence of the forces or any part of the forces of Australia in Papua New Guinea becomes effective, or on the date on which this Act expires or is repealed, whichever is the earlier.

6. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Office of Legislative Counsel, PNG