

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 75.

*Defence (Australian Forces).*

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was vested in the Minister for Defence.

Accordingly, as at that date, unless some other intention is clearly indicated, by note or in the text, it seems that references in or in relation to this Chapter to—

“the Minister”—should be read as references to the Minister for Defence;

“the Departmental Head”—should be read as references to the Secretary for Defence;

“the Department”—should be read as references to the Department of Defence.

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CHAPTER NO. 75.

*Defence (Australian Forces) Act.*

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ARRANGEMENT OF SECTIONS.

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2. Interpretation—
  - "dependant"
  - "forces"
  - "the regulations"
  - "this Act".
3. Arrangements as to Australian forces.
4. Declaration relating to Australian forces.
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*Defence (Australian Forces) Act.*

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<sup>1</sup>.

1. Expiry of this Act.

Unless earlier renewed by resolution of the Parliament, this Act expires on 31 March 1976<sup>2</sup>.

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).

<sup>1</sup> The original Act was made by the National Constituent Assembly as a Provisional Act of the Parliament. See Constitution, Section 266(2).

<sup>2</sup> On 15 March 1976 the Parliament resolved that the Act be renewed for a further period of six months, until 30 September 1976, and by a similar resolution on 2 August 1976 it was extended until 31 March 1977.

**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*—
  - (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* 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.

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SUBSIDIARY LEGISLATION

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Act, Section 4—Declaration relating to Australian Forces.

- (a) An arrangement has been entered into between the Minister for Defence, Foreign Relations and Trade and the Australian Minister for Defence in the form of an exchange of letters relating to the presence of parts of the forces of Australia in Papua New Guinea on and from Independence Day for purposes connected with their presence; and
- (b) the provisions of the *Defence (Visiting Forces) Act*, other than Sections 6, 7 and 8 apply to all parts of the forces of Australia in Papua New Guinea, any civilian component of those forces, and any dependant of a member of those forces or that civilian component, for the purposes of giving effect to the arrangement specified in Paragraph (a).





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APPENDIX.

Part A.—Previous Legislation.

*Defence (Australian Forces) Act 1975 (No. 96 of 1975).*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1
2	2
3	3
4	5
5	6
6	7

<sup>1</sup> Unless otherwise indicated, references are to the Act set out in Part A.

