

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 372.

Defence Force (Presence Abroad).

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Prime Minister at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 372.

Defence Force (Presence Abroad) Act.

ARRANGEMENT OF SECTIONS

1. Parliament to approve active service, etc., abroad.
2. Agreements relating to presence abroad.
3. Contents of agreements.
4. Effect of assertion of jurisdiction, etc., abroad.
5. Civilians accompanying the Defence Force abroad.



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CHAPTER NO. 372.

Defence Force (Presence Abroad) Act.

Being an Act to implement Section 206(1)(b) (*visiting forces*) of the Constitution by making provision for the presence in another country of the Defence Force or a part of the Defence Force, and for related purposes.

1. Parliament to approve active service, etc., abroad.

Where the National Executive Council proposes that the Defence Force or a part of the Defence Force should be ordered on, or committed to—

- (a) active service; or
- (b) an international peace-keeping or relief operation,

outside the country, the Prime Minister shall advise the Parliament of the circumstances and ask the Parliament to approve the proposal.

2. Agreements relating to presence abroad.

(1) Where—

- (a) the Parliament has approved a proposal under Section 1; or
- (b) the Head of State, acting on advice, has, under Section 205 (1)(b) (*active service*) of the Constitution, authorized the presence of the Defence Force or a part of the Defence Force out of the country for a purpose other than—
 - (i) active service; or
 - (ii) an international peace-keeping or relief operation,

the Prime Minister may enter into an agreement with the appropriate authorities of the country to which the Defence Force or part of the Defence Force is to be sent setting out the terms and conditions relating to the presence of the Defence Force or part of the Defence Force in that country.

(2) Subject to Subsection (3), an agreement under Subsection (1) shall subsequently be presented to the Parliament.

(3) Subsection (2) does not apply where both the Speaker (acting on behalf of the Parliament) and the Prime Minister are satisfied that an agreement under Subsection (1) contains information the publication or disclosure of which is not in the interests of national security or of the security of the other country which is a party to the agreement.

3. Contents of agreements.

An agreement under Section 2(1) may contain provisions relating to the assertion of the exclusive jurisdiction of courts and tribunals of Papua New Guinea and of Defence Force authorities over members of the Defence Force in the country to which the Defence Force or part of the Defence Force is to be sent in terms of the agreement.

4. Effect of assertion of jurisdiction, etc., abroad.

Where an agreement under Section 2(1) contains provisions relating to the extra-territorial assertion of jurisdiction as authorized by Section 3, the law of Papua New Guinea shall, notwithstanding anything contained in any other law, have effect outside Papua New

Guinea to the extent provided by the agreement or necessary to give effect to the agreement.

5. Civilians accompanying the Defence Force abroad.

An agreement under Section 2(1) may relate to civilian components of, or civilians accompanying the Defence Force or a part of the Defence Force, and where applicable the provisions of this Act shall have effect in relation to such civilian components or civilians.

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APPENDIX.

SOURCE OF THE DEFENCE FORCE (PRESENCE ABROAD) ACT.

Part A.—Previous Legislation.

Defence Force (Presence Abroad) Act 1980 (No. 15 of 1980).

Part B.—Cross References.

Section etc., in Revised Edition.	Previous Reference ¹ .
1	1
2	2
3	3
4	4
5	5

¹Unless otherwise indicated references are to the Act as set out in Part A.

