

STATUTORY RULES.

1963. No. 134.

REGULATIONS UNDER THE DEFENCE (VISITING FORCES)
ACT 1963.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby make the following Regulations under the *Defence (Visiting Forces) Act 1963*.

Dated this *thirteenth*
day of *December*, 1963.

DE L'ISLE

Governor-General.

By His Excellency's Command,

(SGD) G.E. BARWICK

Attorney-General for and on behalf
of the Minister of State for Defence.

DEFENCE (VISITING FORCES) REGULATIONS.

1. These Regulations may be cited as the Defence (Visiting Forces) Regulations. Citation.
2. These Regulations shall come into operation on the day on which the Act comes into operation. Commence-ment.
3. In these Regulations, "the Act" means the *Defence (Visiting Forces) Act 1963*. Definition.
4. The following countries are declared to be, for the purposes of the Act, countries within the Commonwealth of Nations:— Declaration of countries within the Commonwealth.
 - (a) the United Kingdom;
 - (b) Canada;
 - (c) New Zealand;
 - (d) India;
 - (e) Pakistan;
 - (f) Ceylon;
 - (g) Ghana;
 - (h) Malaysia;
 - (i) Cyprus;
 - (j) Nigeria;
 - (k) Sierra Leone;
 - (l) Tanganyika;
 - (m) Trinidad and Tobago;
 - (n) Jamaica; and
 - (o) Uganda.

* Notified in the *Commonwealth Gazette* on *13th December*, 1963.

5. The United States of America is declared to be a country in relation to which all the provisions of the Act (except sub-section (2.) of section 25) have effect.

Declaration of countries other than Commonwealth countries in relation to which the Act applies.

6.—(1.) The immunities conferred by section 70 of the *Defence Act* 1903-1956 on members of the Defence Force and vehicles used by members of the Defence Force are conferred on members of a visiting force sent to Australia by a country in relation to which section 16 of the Act applies and vehicles used by members of that force.

Application to visiting forces of law relating to Defence Forces.

(2.) The provisions of sub-regulations (1.) to (4.) of regulation 201 of the Australian Military Regulations have effect in relation to a visiting force sent to Australia by a country in relation to which section 16 of the Act applies as if—

- (a) references to the Military Forces were references to that force;
- (b) references to the Commonwealth were references to that country; and
- (c) the reference to “these Regulations” were a reference to the law of that country.

7.—(1.) Where—

- (a) a member of the Defence Force is attached temporarily to the forces of a country in relation to which section 24 of the Act applies; and
- (b) while he is so attached, a sentence is passed on or a punishment is imposed on that member by a service tribunal of that country outside Australia,

Sentences imposed by service tribunals of other countries.

the sentence or punishment is as valid and effectual and, to the extent to which it has not been executed or enforced outside Australia, may be executed or enforced in Australia, as if it had been passed or imposed by a court-martial constituted under or by virtue of a law of the Commonwealth.

(2.) This regulation does not authorize the carrying into effect of a sentence of death passed by a service tribunal of a country in relation to which section 24 of the Act applies on a member of the Defence Force unless the carrying into effect of that sentence has been approved by the Governor-General.

8. For the purpose of legal proceedings within Australia, the Minister may, by writing under his hand, certify that—

Evidence of facts by certificate.

- (a) on a date specified in the certificate a person named in the certificate was a member of the Defence Force attached temporarily to the forces of a country specified in the certificate, being a country in relation to which section 24 of the Act applies;

Defence (Visiting Forces) Regulations.

(b) on that date a service tribunal specified in the certificate, being a service tribunal of that country, passed a sentence, or imposed a punishment, set out in the certificate on the person named in the certificate; and

(c) the sentence or punishment, or such part of it as is specified in the certificate, has not been executed or enforced,

and the certificate is, upon its production in those proceedings, sufficient evidence of the facts so certified, unless the contrary is proved.

By Authority: A. J. ARTIUR, Commonwealth Government Printer, Canberra.