



Defence (Visiting Forces) Amendment Regulation 2012 (No. 1)¹

Select Legislative Instrument 2012 No. 26

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Defence (Visiting Forces) Act 1963*.

Dated 8 March 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICOLA ROXON
Attorney-General

1 Name of regulation

This regulation is the *Defence (Visiting Forces) Amendment Regulation 2012 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Amendment of *Defence (Visiting Forces) Regulations 1963*

Schedule 1 amends the *Defence (Visiting Forces) Regulations 1963*.

Schedule 1 Amendments

(section 3)

[1] Regulations 3 to 5

substitute

3 Definition

In these Regulations:

Act means the *Defence (Visiting Forces) Act 1963*.

4 Declaration — countries within Commonwealth of Nations

For paragraph 6 (1) (a) of the Act, each country mentioned in Schedule 1 is a country within the Commonwealth of Nations.

5 Declaration — other countries to which Act applies

For subsection 6 (2) of the Act, all of the provisions of the Act have effect for each country mentioned in Schedule 2.

[2] Regulation 11

substitute

11 Civil detention of arrested persons

- (1) This regulation applies to a member of a visiting force of a country if:
 - (a) section 8 of the Act applies to the country; and
 - (b) the member is charged with an offence that may be tried by a service tribunal of the visiting force.
- (2) For section 16 of the Act:
 - (a) subsection 94 (1) of the *Defence Force Discipline Act 1982* applies to the member as if the member were a person arrested under that Act; and
 - (b) subsection 94 (2) of the *Defence Force Discipline Act 1982* applies to the member as if the member were:
 - (i) a person arrested under that Act; and
 - (ii) in the custody of a member of the Defence Force.
- (3) For section 16 of the Act, if a commanding officer or the senior member mentioned in paragraph 94 (2) (b) of the *Defence Force Discipline Act 1982* certifies as mentioned in that paragraph in relation to the member, the officer or senior member must issue a warrant for the temporary detention of the member in a civil detention facility.
- (4) A warrant under subregulation (3) must be in accordance with the form in Schedule 3.
- (5) In this regulation:

civil detention facility has the meaning given by subsection 3 (1) of the *Defence Force Discipline Act 1982*.

[3] After regulation 12*insert***Schedule 1 Countries within
Commonwealth of Nations**

(regulation 4)

Bangladesh	Pakistan
Brunei Darussalam	Papua New Guinea
Canada	Singapore
India	South Africa
Kenya	Sri Lanka
Malaysia	Tonga
Mozambique	United Kingdom
New Zealand	Zimbabwe

**Schedule 2 Other countries to which Act
applies**

(regulation 5)

Argentina	Japan
Brazil	Jordan
Cambodia	Nepal
Chile	Netherlands
China	Norway
Czech Republic	Poland
Denmark	Portugal
East Timor	Qatar
Egypt	Republic of Korea
Fiji	Republic of the Philippines
France	Spain
Germany	Sweden
Hungary	Thailand
Indonesia	Turkey
Iraq	United Arab Emirates
Ireland	United States of America
Italy	Uruguay

[4] Schedule, heading*substitute***Schedule 3 Form**

(subregulation 11 (4))

[5] Schedule, form*omit*

19 .

*insert*20 .

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.