

Police Force (Presence Abroad) Act 2004

No. 1 of 2004.

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Certified on: 5/5/2004.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

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ARRANGEMENT OF SECTIONS.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Police Force (Presence Abroad) Act 2004,

Being an Act to implement Section 197(4) of the Constitution by making provision for the presence in another country of the Police Force or a part of the Police Force, and for related purposes.

MADE by the National Parliament, to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. PARLIAMENT TO APPROVE ACTIVE SERVICE, ETC, ABROAD.

Where the National Executive Council proposes that the Police Force or a part of the Police Force should be ordered on, or committed to 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 Parliament has approved a proposal under Section 1, the Prime Minister may enter into an agreement with the appropriate authorities of the country to

which the Police Force or part of the Police Force is to be sent setting out the terms and conditions relating to the presence of the Police Force or part of the Police 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 interest 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) shall contain provisions relating to the assertion of the exclusive jurisdiction of courts and tribunals of Papua New Guinea and of Police Force authorities over members of the Police Force in the country to which the Police Force or part of the Police 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 POLICE FORCE ABROAD.

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

Office of Legislative Counsel, PNG

