



THE VISITING FORCES (AUSTRALIAN NAVAL FORCES)
ORDER 1978

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 12th day of June 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Visiting Forces Act 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Visiting Forces (Australian Naval Forces) Order 1978.

(2) This order shall come into force on the 13th day of June 1978.

2. Application of laws to members of Australian Naval Forces attached to New Zealand Naval Forces—Notwithstanding any provision to the contrary in the Defence Act 1971, the Navy Act 1954, or the Naval Discipline Act 1957 of the United Kingdom Parliament (as modified and adapted for the use of the New Zealand Naval Forces by Navy Regulations), those Acts shall apply to every member of the naval forces of Her Majesty raised in the Commonwealth of Australia (hereinafter referred to as the Australian Naval Forces) who may from time to time be attached temporarily to the naval forces of Her Majesty raised in New Zealand, with the following modifications:

- (a) When any Court Martial is convened for the trial of any member of the Australian Naval Forces, the maximum practicable number of officers of the Australian Naval Forces shall be appointed members of the Court Martial, and no member shall be tried by Court Martial unless at least one officer of the Australian Naval Forces is a member of the Court Martial:
- (b) No sentence of death passed by a Court Martial shall be carried into effect unless it is approved by the Governor-General of Australia:

- (c) A sentence of dismissal with disgrace from Her Majesty's Service or of dismissal from Her Majesty's Service passed by a Court-Martial shall be given effect only to the extent approved by the Chief of Naval Staff, Royal Australian Navy:
- (d) The punishment awarded to any member of the Australian Naval Forces shall not be more severe than that permitted by the law relating to the Australian Naval Forces for the same offence.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order provides that, in relation to members of the Australian Naval Forces who are attached to the New Zealand Naval Forces, the provisions of the Defence Act 1971, the Navy Act 1954, and the Naval Discipline Act 1957 of the United Kingdom Parliament shall apply with the modifications set out in the order.

The order will come into force on 13 June 1978.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 June 1978.

This order is administered in the Ministry of Foreign Affairs.