



Australian Government  
Department of Foreign Affairs and Trade

## QUESTIONS ON NOTICE FOR: DFAT

**Question Submitted by:** Joint Standing Committee on Treaties

**Question Date:** 15 July 2024

**Due for JSCOT Secretariat:** 2 August 2024

**Subject:** Agreement Between the Government of Australia and the Government of Papua New Guinea on a Framework for Closer Security Relations

**Clearance:** Justin Lee, FAS PMD      **Date:** 29 July 2024  
OTP | PMD | PNG Political and Strategy Branch  
Consulted: DFAT Legal Division, Attorney-General's Department, Defence Legal, Defence PNG team

**Contact Officer:** [REDACTED]

***Question (Senator FAWCETT):*** Can you clarify then, you said Defence Personnel are covered by the SOFA, by that ***do you mean ADF personnel or does that include Defence civilians or Defence contractors or other people who may be sent there from the Department Defence?***

***Answer:*** Regarding Defence activities in PNG, the 1977 SOFA applies to a 'Visiting Force' (which means ADF personnel) and its 'civilian component' which means civilian personnel accompanying the ADF Visiting Force. The civilian personnel could be from Defence or any other government agency, or non-government entity or organisation, so long as they are accompanying the Visiting Force. Civilian Defence contractors could be included within the civilian component. Defence policy has been generally to do so only when those contractors are embedded within Defence entities. It is important to note that the SOFA would not grant immunity from PNG jurisdiction for any Defence contractor included as part of the civilian component accompanying a Visiting Force.

***Question (Chair, Mr WILSON):*** ***whether or not Australia has given some consideration to the adequacy of our arrangements with that respect, or whether we've seen the introduction of the Leahy Act and its operations is something Australia might move towards?***

***Answer:*** Allegations of human rights non-compliance against a member of a partner force that Defence considered working with would be a matter of serious concern for Defence.