

No. 26656

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**AUSTRALIA  
and  
SINGAPORE**

**Exchange of notes constituting a Status of Forces Agreement  
(with annexes). Singapore, 10 February 1988**

*Authentic text: English.*

*Registered by Australia on 8 June 1989.*

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**AUSTRALIE  
et  
SINGAPOUR**

**Échange de notes constituant un accord relatif au statut de  
leurs forces (avec annexes). Singapour, le 10 février  
1988**

*Texte authentique : anglais.*

*Enregistré par l'Australie le 8 juin 1989.*

EXCHANGE OF NOTES CONSTITUTING A STATUS OF FORCES AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

I

HIGH COMMISSIONER  
AUSTRALIAN HIGH COMMISSION  
SINGAPORE

10 February 1988

My Dear Permanent Secretary,

1. I have the honour to refer to the communiqué issued by representatives of the Governments of Australia, Malaysia, New Zealand, Singapore and the United Kingdom at the conclusion of the Ministerial Meeting in London on the 16 April 1971, to consider matters of common interest to all five Governments relating to the external defence of Malaysia and of Singapore, and to the Exchange of Notes between the Government of Australia and the Government of Singapore on 1 December 1971.<sup>2</sup> In accordance with the intentions expressed in the above-mentioned communiqué and Exchange of Notes I now propose that the following arrangements shall apply between the Government of Australia and the Government of Singapore:

*a.* The Government of Australia shall afford to the Government of Singapore in respect of any:

- (1) Singapore force that may be stationed or be present in Australia with the consent of the Government of Australia,
  - (2) Civilian component of such size as may be agreed between the two Governments to be necessary, and
  - (3) Dependants of such a force,
- rights and facilities in accordance with the provisions of Annex I to this Note.

*b.* The provisions contained in Annex II to this Note shall apply to any:

- (1) Singapore force that may be present in Australia with the consent of the Government of Australia;
- (2) Civilian component of such size as may be agreed between the two Governments to be necessary; and
- (3) Dependants of such a force.

<sup>1</sup> Came into force on 10 February 1988, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1571, No I-27455.

c. The provisions contained in Annex III to this Note shall apply to:

- (1) The settlement of claims against the Government of Singapore or the members or civilian employees of a Singapore force in respect of acts or omissions of those members or employees; and
- (2) The settlement of claims against the Government of Australia or the members or civilian employees of an Australian force in respect of acts or omissions of those members or employees.

d. The Government of Singapore and the Government of Australia shall afford each other an adequate opportunity for comment upon any major administrative or legislative proposals which may affect the operation of the arrangements described in this Note or in its Annexes.

e. Representatives of the Singapore Service authorities or the Government of Singapore and representatives of the Australian authorities may, after mutual consultations, make arrangements not inconsistent with this Exchange of Notes, concerning matters of administrative detail including financial arrangements being matters relating to the deployment of a Singapore force at:

- (1) The RAAF Base at Williamtown in the State of New South Wales,
- (2) The RAAF Base at Amberley in the State of Queensland,
- (3) The area known as Shoalwater Bay Training Area in the State of Queensland,
- (4) The Australian Naval Base known as HMAS Moreton in the State of Queensland, and
- (5) Any other place in Australia,

to be observed by those authorities.

f. The provisions of this Note shall, in the event of hostilities involving either Government be immediately reviewed by the Governments concerned who may agree to or arrange such modifications as they consider desirable regarding the application of the Note.

g. Either Government may terminate the arrangements contained in this Note or its Annexes by giving notice in writing to the other Government of its intention to do so at least 180 days prior to the termination date.

2. For the purposes of the arrangements described in this Note, or in its Annexes, the terms used therein shall, unless the context otherwise requires, have the following meanings respectively assigned to them:

a. "Australian force" means any body, contingent, or detachment of any naval, land or air forces of Australia when stationed in the territory of Singapore or when present there in connection with their official duties;

b. "Installations" means the areas in Australia made available to the Government of Singapore for the purposes of this Note and includes the immovable property and structures situated thereon or built therein;

c. "Singapore force" means any body, contingent, or detachment of any naval, land or air forces of Singapore when stationed in the territory of Australia or when present there in connection with their official duties;

d. "Singapore Service authorities" means the authorities empowered by the law of Singapore to exercise command or jurisdiction over members of a Singapore force or civilian component or dependants;

e. "Australian authorities" means the authority or authorities from time to time authorized or designated by the Government of Australia or the Governments of Australia's political sub-divisions for the purpose of exercising the powers in relation to which the expression is used;

f. "Civilian component" means the civilian personnel accompanying a Singapore force, who are employed in the service of a Singapore force, or by a department or authority of the Government of Singapore having functions relating to the armed forces or to defence matters, and who are not stateless persons, nor nationals of, nor ordinarily resident in, Australia;

g. "Dependant" means a person not ordinarily resident in Australia who is the spouse of a member of a Singapore force or civilian component or who is wholly or mainly maintained or employed by any such member, or who is in his custody, charge or care, or who forms part of his family;

h. "Official vehicles" means vehicles, including hired vehicles, which are exclusively in the service of a Singapore force or department or authority having functions relating to the armed forces or to defence matters;

i. The expression "of a Singapore force" used in relation to "vessels" or "aircraft" includes vessels and aircraft on charter for the service of a Singapore force;

j. "Sending State" means the country or the Government of the country to which the Visiting Force in question belongs;

k. "Receiving State" means the country or the Government of the country in the territory of which a Visiting Force is located whether it be stationed there or in transit;

l. "Third parties" does not include members of a Visiting Force or civilian component, or persons who are nationals of, and in the direct employment of the sending State; and

m. "Visiting Force" means:

- (1) In relation to the Defence Force of Singapore, the personnel belonging to the land, sea or air armed forces of that country when present in Australia;
- (2) In relation to the Defence Force of Australia, the personnel belonging to the land, sea or air armed forces of that country when present in Singapore, provided that the two Governments may agree that certain individuals, units or formations should not be regarded as constituting, or included, in a Visiting Force.

3. If the foregoing is acceptable to the Government of Singapore, I have the honour to propose that this Note and its Annexes together with your reply to that effect shall constitute an Agreement between the two Governments on this matter which shall enter into force on the date of your reply.

Yours sincerely

[Signed]

W. P. J. Handmer  
High Commissioner

Permanent Secretary  
Ministry of Defence  
Singapore

## ANNEX I

## RIGHTS AND FACILITIES

*Section 1. INSTALLATIONS*

The Government of Australia shall permit a Singapore force to occupy such installations as are agreed by the Government of Australia upon such terms and conditions as may be agreed by the Government of Australia and the Government of Singapore.

*Section 2. TRAINING*

1. A Singapore force may use such defined land and sea areas, air space and facilities related thereto as may be agreed between the Government of Australia and the Government of Singapore for the purpose of training or exercises as may be agreed, and in accordance with Australian clearance procedures.

2. The Government of Singapore shall give the Government of Australia such prior notice of its intention to use any such areas or air space, or any related facilities, as may be agreed between the two Governments; and the Government of Australia shall take such measures as may be agreed between the two Governments to restrict civilian movement and activity in the areas or air space concerned during their use by a Singapore force, and generally to facilitate the carrying out of such training and exercises.

*Section 3. MOVEMENT OF FORCES, VESSELS,  
AIRCRAFT AND VEHICLES*

1. The Government of Australia shall grant to a Singapore force, civilian component and dependants, and vessels, aircraft and vehicles of a Singapore force, freedom of entry to, egress from and movement between the installations by water, air and land. Singapore ships may visit Australian ports on reasonable notification or in accordance with such operating arrangements as may be agreed between the Singapore Service authorities and the Australian authorities.

2. The Government of Australia shall grant to a Singapore force, civilian component and dependants, and to vessels, aircraft and vehicles of Singapore force, freedom of entry to, egress from and movement in and over the territory and territorial waters of Australia. Aircraft movements shall be made in accordance with such laws and regulations of the Government of Australia for the control of aircraft and, the movement of vessels shall be in accordance with all port laws and regulations.

3. *a.* The Government of Singapore may in compliance with the port regulations or other applicable laws of Australia pass explosives (including ammunition) through the ports of Australia and transport them to any place and move them to any extent reasonably necessary within Australia.

*b.* Notwithstanding the mutual waiver provided for in paragraphs 1 and 2 of Annex III, the Government of Singapore shall indemnify the port authorities and the Government of Australia against any legally enforceable claim presented against them by reason of the happening during the exercise of any rights aforesaid in breach of port by-laws or other laws in Australia in respect of the transport or storage of explosives or any explosion of such explosives.

*c.* The Government of Singapore shall pay compensation to the port authorities and to the Government of Australia for any damage to property of those authorities or of that Government, as the case may be, resulting from any explosion of such explosives during the exercise by the Government of Singapore of any of the rights aforesaid.

*d.* The indemnity or compensation in any case arising under sub-paragraph *b* or *c* of this paragraph shall be such a sum as is agreed between the Government of Singapore and

the port authorities or the Government of Australia (as the case may be), after having taken into account all the circumstances of the case.

#### *Section 4. CONTROL OF AIRCRAFT, VESSELS AND VEHICLES*

1. The Government of Singapore may exercise such control over aircraft, vessels and vehicles entering, leaving and within installations as may be required for the efficient operation, safety and security of such installations, providing such control accords with existing laws and regulations of the Government of Australia.

2. The Government of Australia shall arrange for such control over aircraft, vessels and vehicles entering, leaving and within areas near the installations as is agreed between the Government of Australia and the Government of Singapore to be necessary to ensure the efficient operation, safety and security of such installations.

#### *Section 5. LOCAL PURCHASES*

Subject to any wish expressed by the Government of Australia, the Government of Singapore and its contractors shall purchase locally goods and commodities which they require for the purposes of this Note if they are available at a suitable price and are of the standard required.

#### *Section 6. EMPLOYMENT OF LOCAL CIVILIANS*

Subject to any wish expressed by the Government of Australia, the Government of Singapore and its contractors shall employ such local labour as they may require, provided the labour is available and qualified to do the work. The Government of Singapore shall have regard to the laws of Australia in the employment of such labour, and in the pay and conditions thereof and in any event the pay and conditions applicable to the employment of such local labour shall not be less favourable than pay and conditions prescribed by Australian industrial laws.

#### *Section 7. USE OF SERVICE AND FACILITIES*

A Singapore force and all persons associated with its activities may use the public services and facilities owned, controlled or regulated by the Government of Australia or its instrumentalities. The terms of use, including charges, shall be no less favourable than those available to other users in like circumstances unless otherwise agreed.

#### *Section 8. CONSTRUCTION, DEVELOPMENT AND MAINTENANCE OF FACILITIES*

The Government of Singapore may with the agreement of the Government of Australia construct, develop and maintain such facilities as may be necessary for the purposes of this Note.

#### *Section 9. GENERATION AND DISTRIBUTION OF LIGHT AND POWER*

Within the installations, the Government of Singapore may with the agreement of the Australian authorities generate light and power for emergency use in such installations, and transmit and distribute such light and power by means of cables or in any other way whatsoever.

#### *Section 10. POSTAL AND COMMUNICATIONS ARRANGEMENTS*

1. A Singapore Force may in accordance with the arrangements between the two Governments control and operate in Australia facilities for communicating with and reporting to the authorities of Singapore.

2. A Singapore force may, at installations and facilities put at its disposal, establish and operate military post offices for the handling of official correspondence, documents, and non-official mail of authorized individuals between these and other post offices of Singapore. Detailed arrangements for the interchange of mails with or through the postal services of Australia shall be as mutually arranged.

3. The authorities of Australia shall not inspect official mail in the military postal channels of Singapore. Any inspection of non-official mail in such channels which may be required by the regulations of Australia shall be conducted by the authorities of Australia in accordance with procedures to be arranged between the appropriate authorities of both States.

4. Telecommunication facilities operated in pursuance of paragraph 1 of this section shall not be used for the transmission of non-official communications. Non-official communications shall be transmitted by the public telecommunications services of Australia at the charges applicable to the nationals of Australia for equivalent transmissions.

5. The provisions of the International Telecommunication Convention<sup>1</sup> and of the Regulations and Recommendations associated with that Convention shall be observed in relation to any telecommunication facility operated in pursuance of paragraph 1 of this section.

6. Arrangements made in pursuance of paragraph 1 of this section for the operation of telecommunications facilities shall include arrangements for Australia to approve the proposed route of any telecommunications cable to be laid in Australia and the proposed frequency and power of any wireless transmitter to be operated from Australia.

7. Facilities shall not be operated except in accordance with approved proposals. Where a facility operates otherwise than in accordance with approved proposals by reason of the malfunction of equipment, the Singapore Service authorities shall, at the request of the authorities or the receiving State, suspend the operation of the facility until the malfunction is corrected.

## ANNEX II

### STATUS OF FORCES

#### *Section 1. CRIMINAL JURISDICTION*

1. Subject to the provisions of this section:

*a.* The Singapore Service authorities shall have the right to exercise within Australia all criminal and disciplinary jurisdiction conferred on them by the law of Singapore over members of a Singapore force or civilian component or dependants.

*b.* The Australian authorities shall have jurisdiction over the members of a Singapore force or civilian component or dependants with respect to offences committed within Australia and punishable by the law of Australia.

2. *a.* The Singapore Service authorities shall have the right to exercise exclusive jurisdiction over members of a Singapore force or civilian component or dependants with respect to offences punishable by the law of Singapore, but not by the law of Australia.

*b.* The Australian authorities shall have the right to exercise exclusive jurisdiction over members of a Singapore force or civilian component or dependants with respect to offences punishable by the law of Australia but not by the law of Singapore.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1531, No. I-26559.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

*a.* The Singapore Service authorities shall have the primary right to exercise jurisdiction over members of a Singapore force or civilian component or dependants in relation to:

- (1) Offences against the security of Singapore, offences solely against the property of that country or against the person or property of another member of a Singapore force or civilian component or of a dependant;
- (2) Offences arising out of any act or omission done in the performance of official duty.

*b.* In the case of any other offence, the Australian authorities shall have the primary right to exercise jurisdiction.

*c.* If the authorities having the primary right decide not to exercise jurisdiction, they shall notify the other authorities as soon as practicable. The authorities having the primary right of jurisdiction shall give sympathetic consideration to a request from the other authorities for a waiver of their right in cases where those other authorities consider such waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.

4. The foregoing provisions of this section shall not confer any right on the Singapore Service authorities to exercise jurisdiction over persons who are nationals of or ordinarily resident in Australia unless they are members of a Singapore force or civilian component or dependants.

5. *a.* The Singapore Service authorities and the Australian authorities shall assist each other in arresting members of a Singapore force or civilian component or dependants and handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions. The Singapore Service authorities shall assist the Australian authorities in the arrest within the installations of other offenders against the laws of Australia.

*b.* The Australian authorities shall give prompt notification to the Singapore Service authorities of the arrest of any member of a Singapore force or civilian component or a dependant.

*c.* The custody of an accused member of a Singapore force or civilian component or a dependant over whom the Australian authorities are to exercise jurisdiction shall remain with the Singapore Service authorities until he is brought to trial by the Australian authorities.

6. *a.* The Singapore Service authorities and the Australian authorities shall assist each other in carrying out all necessary investigations into offences and in the collection and production of evidence relating to an offence. For the purpose of this paragraph, members of the police forces of Australia may, by arrangement with the Singapore Service authorities, have reasonable access to the installations except to premises which are enclosed and under guard.

*b.* The Singapore Service authorities and the Australian authorities shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. The Singapore Service authorities shall not carry out a death sentence in Australia.

8. Where an accused has been tried in accordance with the provisions of this section by the Singapore Service authorities or the Australian authorities, as the case may be, and has been acquitted, or has been convicted, he may not be tried again for the same offence by the Singapore Service authorities or the Australian authorities as the case may be. However, nothing in this paragraph shall prevent the Singapore Service authorities from trying a member of a Singapore force for any violation of rules of discipline arising from an

act or omission which constituted an offence for which he was tried by the Australian authorities.

9. Whenever a member of a Singapore force or civilian component or a dependant is prosecuted under the jurisdiction of Australia he shall be entitled:

- a. To a prompt and speedy trial;
- b. To be informed in advance of trial of the specific charge or charges made against him;
- c. To be confronted with the witnesses against him;
- d. To have compulsory process for obtaining witnesses in his favour if they are within the jurisdiction of Australia;
- e. To have legal representation of his own choice for his defence, or to apply to have free or assisted legal representation under the conditions prevailing for the time being in Australia;
- f. To have the services of a competent interpreter; and
- g. To communicate with a representative of his Government and, when the rules of the court permit, to have a representative of that Government present at his trial.

#### *Section 2. SECURITY*

1. The Singapore Service authorities in consultation with the Australian authorities may take such measures as they deem necessary to ensure the security of the installations and of the equipment, property, records and official information of a Singapore force.

2. The Australian authorities shall co-operate with the Singapore Service authorities in taking such steps as from time to time may be necessary to ensure the security of the installations of a Singapore force, its members, civilian component and dependants and their property.

3. The Government of Australia shall enact such legislation and take such other action as is necessary to ensure the adequate security within the territory of Australia of the installations and of the equipment, property, records and official information of a Singapore force, and the punishment of persons who contravene the laws of Australia relating thereto.

4. A Singapore force shall have the right to maintain Service police for the maintenance of discipline within the force and for the security of the installations which it occupies. Such Service police may, with the agreement of and in liaison with the Australian authorities, be employed outside the installations in so far as such employment may be necessary to maintain the security of such installations or discipline and order among the members of a Singapore force.

#### *Section 3. CARRIAGE OF ARMS*

Members of a Singapore force or civilian component may with the agreement of the Australian authorities possess and carry arms on condition that they are authorized to do so by their orders. They may not however carry arms on regular public transport flights.

#### *Section 4. EXCHANGE CONTROL*

1. Members of a Singapore force or civilian component and dependants shall remain subject to the foreign exchange regulations of Singapore but as regards acts done in the territory of Australia shall also be subject to the exchange control regulations of Australia in force from time to time.

2. Remittances between Singapore and Australia shall be freely permitted in respect of:

*a.* Funds derived by members of a Singapore force or civilian component from services or employment in connection with the purposes of this Note;

*b.* Funds derived by members of a Singapore force or civilian component or dependants from sources outside Australia subject to the regulations of Singapore.

3. The preceding paragraphs shall not preclude the transmission into or outside Australia of foreign exchange instruments representing the official funds of a Singapore force.

4. This section shall not apply to persons ordinarily resident in Australia.

#### *Section 5. IMPORT, EXPORT, TAXATION, ETC.*

1. Save as provided expressly to the contrary in this Annex, members of a Singapore force or civilian component and dependants shall be subject to the laws and regulations administered by the customs and taxation authorities of Australia.

2. Official documents under official seal shall not be subject to customs inspection. The package shall be accompanied by a certificate which states that only official documents are enclosed. Samples of the official seals shall be lodged with the Customs authorities.

3. *a.* A Singapore force may import free of duty equipment, material, vehicles, provisions, supplies and other goods for the official exclusive use of, but not for sale by, a Singapore force or civilian component.

*b.* A member of a Singapore force or civilian component or a dependant may import free of duty and sales tax, goods being personal effects, furniture and household goods (other than motor vehicles, cigarettes, cigars, tobacco and spirituous liquors):

- (1) That are imported at the time of first arrival of the member to take up service in Australia or within six months thereafter or, in the case of a dependant, at the time of the first arrival of the dependant to join the member or within six months thereafter; and
- (2) In respect of which the member or dependant lodges an undertaking with the Customs that the goods will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia within a period of two years immediately after the date of their importation, unless prior approval has been obtained and the duty which would have been otherwise payable on the goods on the date on which they were imported into Australia is paid unless the Customs authorities for special reasons, determine otherwise.

*c.* A member of a Singapore force or civilian component or a dependant may import into Australia free of duty and sales tax a motor vehicle in respect of which the member lodges with the Customs:

- (1) Where the vehicle was owned and used by the member during the period of 3 months immediately preceding his first departure for Australia: a security that the vehicle remains in the use, ownership and possession of that member or, with the permission of the Customs of another member during the period of two years immediately after the date of its importation; or
- (2) Where sub-paragraph (1) is inapplicable: a general security or undertaking that the vehicle will not be sold, traded, exchanged, hired out, donated or otherwise disposed of in Australia and will be re-exported from Australia within 12 months from the date of its importation or within such further period as may be allowed by the Customs.

4. Items which have been imported free under paragraph 3 of this section:

*a.* May be re-exported freely, provided that a certificate is presented to the customs office; the customs authorities may verify that goods re-exported are as described in the certificate and have been imported under the conditions of paragraph 3;

b. May not be transferred to another person without the approval of the Australian authorities;

c. May, if they are owned by a Singapore force be disposed of in Australia by public sale, auction, tender or private treaty, provided that:

- (1) Before doing so the Singapore Service authorities concerned shall first offer them for sale at a reasonable price having regard to their condition and other relevant circumstances to the Government of Australia unless the latter shall have indicated that it is not interested in their acquisition;
- (2) In so disposing of stores or goods the Singapore Service authorities concerned shall be liable to pay any duties which would be payable on items so disposed of as if they were imported by a private individual into Australia at the date of such disposal.

5. The arrangements in paragraph 4c above shall cover only the sale or disposal of unforeseen surpluses or damaged items of official stores and equipment. Any such sale or disposal shall not be made in a manner or with such frequency as seriously to compete with or adversely affect legitimate trade or industry in the territory of Australia. The Government of Singapore or the Government of Australia shall at the request of the other Government be ready at any time to enter into discussions for this purpose should it appear necessary to that other Government.

6. The Singapore Service authorities shall be allowed delivery of all fuel, oil and lubricants exclusively for use in official vehicles, aircraft and vessels of a Singapore force or civilian component or in the installations, free of all duties and taxes.

7. In paragraphs 3 to 6 of this section:

a. "Duty" means customs duties and all other duties, taxes and *ad valorem* registration fees payable on importation and exportation as the case may be, except dues and taxes which are no more than charges for services rendered.

b. "Importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in Australia.

8. The movement of vessels, vehicles or aircraft of a Singapore force in and over the territory and territorial waters of Australia shall be free from harbour charges and all dues, tolls or taxes, except charges for specific services rendered at the request of the Singapore Service authorities. The Government of Singapore shall make such contribution to the maintenance and operating costs of any airport in Australia as may be fair and reasonable having regard to the use made of that airport by aircraft operating in connection with the activities of Singapore. The amount of such contribution shall be the subject of arrangements between the two Governments.

9. Official vehicles, excluding vehicles hired in Australia, of a Singapore force or civilian component shall be exempt from any regulations relating to the registration of vehicles in Australia and from any tax payable in respect of the use of such vehicles on the roads of Australia. However, official vehicles shall carry distinctive number plates, issued by the Singapore Service authorities, which shall readily identify such vehicles.

10. The Australian authorities shall accept as valid, without a driving test or fee, the driving permit or licence issued by the Singapore Service authorities to a member of a Singapore force or civilian component for the purpose of driving official vehicles. For the purpose of driving other vehicles, including vehicles of the Defence Force of Australia a driving permit or licence issued by the Australian authorities shall be obtained.

11. The Government of Australia shall exempt from tax the official emoluments paid from Singapore Government funds to members of a Singapore force or civilian component whilst in Australia in respect of their offices under the Government of Singapore, if such emoluments are subject to an income tax in Singapore, provided that nothing herein

contained shall prejudice any claims for exemption or relief from taxation under arrangements between the two Governments for the avoidance of double taxation.

12. Personal property which is situated in Australia solely because a member of a Singapore force or of the civilian component or a dependant is in Australia shall, in respect of the holding by transfer by reason of the death of or transfer to or by such a member or dependant, be exempt from taxation under the laws of the Commonwealth of Australia relating to estate and gift duty.

13. The last preceding paragraph shall apply only if the property concerned is subject to and is brought to tax under the laws of Singapore relating to estate or gift tax and shall not apply in relation to:

- a. Property held as, or for the purpose of, an investment;
- b. Intangible property registered and copyright subsisting in Australia;
- c. Property held in connection with the carrying on of any business in Australia.

14. Regulation military uniforms may be imported by a member of a Singapore force for his personal use free of import duties including sales tax.

15. The Singapore Service authorities shall take all possible measures and on request shall render all assistance within their power to the Australian authorities to prevent misuse of the privileges granted and to ensure proper discharge of the obligations imposed under this section and the immediately preceding section. In particular the Singapore Service authorities shall by appropriate administrative instructions bring their rights and obligations to the notice of all members of a Singapore force, civilian component and dependants.

16. This section shall not apply to persons ordinarily resident in Australia.

#### *Section 6. ENTRY AND EXIT*

1. The Government of Australia shall facilitate the admission of members of a Singapore Force and of the civilian component and dependants into, and their departure from, Australia in connection with activities agreed upon by the two Governments. Subject to compliance with the formalities established by Australia relating to entry and departure, members of a Singapore force civilian component or dependants shall be exempt from visa and entry permit requirements on entering or leaving the territory of Australia.

2. The undermentioned documents only, which must be presented on demand, shall be required in respect of members of a Singapore force seeking to enter Australia on official duty:

- a. Personal identity card issued by the appropriate Singapore authority showing full name, date of birth, rank and number (if any), service and photograph;
- b. Individual or collective movement order issued by an appropriate Singapore authority and certifying to the status of the individual or group as a member or members of the Singapore force; and
- c. Such documents conforming to standards approved by the World Health Organization as may be issued by the appropriate Singapore authorities in satisfaction of Australian health and quarantine regulations.

3. Members of the civilian component and dependants shall be required to be in possession of a valid national passport and a certificate by the appropriate Singapore authority that the holder is a member of the civilian component or a dependant. The certificate will serve in lieu of a visa when travel is undertaken under the authority of movement orders.

4. Members of a Singapore force and of the civilian component and dependants shall be exempt from Australian regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in Australia.

5. If a person other than an Australian national admitted into Australia in accordance with this Agreement ceases while still in Australia to be a member of a Singapore force or of the civilian component or a dependant, the Government of Singapore shall, within the framework of and subject to relevant Singapore laws and regulations, take steps to effect the departure from Australia of that person within thirty days of his so ceasing to be such a member or dependant, unless with the approval of the Government of Australia other arrangements are made. Where the former member or dependant has not left Australia at the end of thirty days of his ceasing to be a member or dependant and no other arrangements have been approved by the Government of Australia, the Singapore Service authorities shall thereupon inform the Government of Australia, giving particulars as may be required. Similar notification shall be given to the Government of Australia concerning any members of a Singapore force who, after having been admitted into Australia, absent themselves for more than twenty-one days, otherwise than on approved leave.

6. If the Government of Australia has requested the removal from Australia of a member of a Singapore force or of the civilian component or a dependant admitted in accordance with this Agreement or has made a deportation order against a former member or dependant who has not formally been granted permanent residence in Australia, the Government of Singapore shall be responsible for the transportation from Australia of the person concerned, and, where applicable, his dependants without cost to the Government of Australia.

#### *Section 7. UNIFORMS*

Members of a Singapore force may wear the uniform of that force while performing official duties in Australia.

#### *Section 8. FLAGS*

Whenever the flag of Singapore is flown at premises occupied by a Singapore force the flag of Australia shall be flown on a separate and adjacent flagstaff.

#### *Section 9. OBSERVANCE OF LAWS*

Consistently with agreements for the time being in force between Australia and Singapore members of a Singapore force and the civilian component and dependants shall conform to the laws of Australia including quarantine laws.

### ANNEX III

#### SETTLEMENT OF CLAIMS

##### *Section 1*

1. Each Government waives all its claims against the other:
  - a. For damage (including loss of use) to property in the receiving State belonging to, hired or chartered by either of them and used by their defence forces if such damage:
    - (1) Was caused by an act or omission of a member or an employee of the Defence Force of the other Government and arose out of and in the course of the performance of his official duty; or
    - (2) Arose from the use of vehicles, vessels or aircraft belonging to, hired or chartered by the other Government and being used for the performance of official duties in the receiving State;

*b.* For maritime salvage where the vessel or cargo salvaged was owned by a Government and being used by its Defence Force for official purposes; and

*c.* For damages for injury or death suffered by a member of its Defence Force while such member was engaged in his official duties.

2. The two Governments shall consult on the settlement of claims by one against the other arising from damage caused in the ways set out in sub-paragraph (1)(a) of this section to other property belonging to, hired or chartered by either Government or a political subdivision thereof and located in the receiving State.

3. Claims arising out of acts or omissions of a member of a Visiting Force, the civilian component or of other servants or employees of a Visiting Force done in the performance of official duty or arising out of any other act, omission or occurrence for which the sending State is legally responsible, and causing damage in the territory of the receiving State to third parties, other than to either of the two Governments, shall, except when the two Governments otherwise arrange, be dealt with by the Government of the receiving State in accordance with the following provisions:

*a.* Claims shall be filed, considered and settled or adjudicated in accordance with the laws of the receiving State with respect to claims arising from the activities of the Defence Force of the receiving State.

*b.* The Government of the receiving State may settle such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the Government of the receiving State.

*c.* Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent authority of the receiving State or the final adjudication by such an authority denying payment shall be binding and conclusive discharge of the claim.

*d.* Every claim paid by the Government of the receiving State shall be communicated to the appropriate authorities of the sending State together with full particulars and a proposed distribution in accordance with sub-paragraph *e*(3) of this section. In default of a reply within two months the proposed distribution shall be regarded as accepted.

*e.* The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs of this clause shall be distributed between the two Governments as follows:

- (1) Subject to sub-paragraph (3) below, where the Government of the sending State alone is responsible for the damage the amount awarded or adjudged and the costs associated with the settling of the claim shall be distributed in the proportion of 25 per cent chargeable to the Government of the receiving State and 75 per cent chargeable to the Government of the sending State;
- (2) Where the two Governments are responsible for the damage or it is not possible to attribute responsibility for the damage specifically to either Government such amount shall be distributed equally between them;
- (3) Where a third party claim arises out of the use of official vehicles of the sending State, sub-paragraph *e*(1) above shall not apply and the costs associated with the settling of the claim shall be fully chargeable to the Government of the sending State.

4. Every three months a statement of the sums paid by each Government shall be sent to the authorities of the other Government together with a request for reimbursement.

5. Paragraphs 3 and 6 of this section shall not apply to contractual claims.

6. A certificate issued by the designated authorities of the sending State that the claim arose out of any act or omission done in the performance of official duty shall be conclusive of that fact.

7. The authorities of the two Governments shall co-operate in the procurement of evidence for a fair hearing and disposal of claims under this section.

8. In the case of any private movable property which is subject to compulsory execution under the law of the receiving State and which is within an area in use by the Visiting Force or the civilian component, the authorities of the sending State shall, upon request, assist the appropriate authorities of the receiving State to take possession of such property.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a Visiting Force, the civilian component or dependants in respect of the civil jurisdiction of the courts of the receiving State.

## II

FROM THE OFFICE OF THE PERMANENT SECRETARY  
MINISTRY OF DEFENCE  
TANGLIN, SINGAPORE  
REPUBLIC OF SINGAPORE

10th February 1988

My Dear High Commissioner,

I have the honour to refer to your Note of the 10th day of February, 1988, together with the Annexes attached thereto, setting out the Arrangements which shall apply between the Government of Australia and the Government of Singapore, the text of which reads as follows:

*[See note I]*

2. In reply, I have the honour to inform you that the Government of Singapore accepts the proposals contained in your Note and its Annexes and confirms that your Note and my present reply shall constitute an Agreement between our two Governments in this matter which shall enter into force on the 10th day of February, 1988.

Yours sincerely

*[Signed]*

LIM SIONG GUAN  
Permanent Secretary

His Excellency Mr. W. P. J. Handmer  
High Commissioner for Australia  
Australian High Commission  
Republic of Singapore

*[Annexes as under note I]*