



Foreign States Immunities Amendment Act 2009

No. 89, 2009

An Act to amend the *Foreign States Immunities Act 1985*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 89, 2009

An Act to amend the *Foreign States Immunities Act 1985*, and for related purposes

[Assented to 18 September 2009]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Foreign States Immunities Amendment Act 2009*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Foreign States Immunities Act 1985

1 Subsections 42(1) and (2)

Omit “Governor-General” (first occurring), substitute “Minister”.

Note: The heading to section 42 is altered by adding at the end “—**general**”.

2 After section 42

Insert:

42A Extension of immunities—emergency prevention and management

- (1) This section applies if the Minister is satisfied that a foreign State (or a separate entity of a foreign State) is providing, or is to provide, assistance or facilities:
 - (a) to the Australian Government, or the government of a State or Territory; and
 - (b) for the purposes of preparing for, preventing or managing emergencies or disasters (whether natural or otherwise) in Australia.
- (2) The Governor-General may make regulations excluding or modifying the application of section 13 (personal injury and damage to property) with respect to the foreign State (or the separate entity of the foreign State) in relation to acts or omissions done or omitted to be done by the foreign State (or the entity) in the course of the provision of the assistance or facilities.

Note: Section 22 applies section 13 to a separate entity of a foreign State.

*[Minister's second reading speech made in—
House of Representatives on 19 August 2009
Senate on 14 September 2009]*

(153/09)

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