

Diplomatic Privileges and Immunities Amendment Regulations 2004 (No. 1) 2004 No. 220

EXPLANATORY STATEMENT

Statutory Rules 2004 No. 220

Issued by the authority of the Minister for Justice and Customs

Diplomatic Privileges and Immunities Act 1967

Diplomatic Privileges and Immunities Amendment Regulations 2004 (No. 1)

Section 15 of the *Diplomatic Privileges and Immunities Act 1967* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to amend the Diplomatic Privileges and Immunities Regulations (the Principal Regulations) as a consequence of the integration of the Australian Protective Service with the Australian Federal Police, and the repeal of the *Australian Protective Service Act 1987*.

Following the Cornall Review in 2001, the Australian Government determined that the Australian Protective Service should transfer from the Attorney-General's Department and become an operating division of the Australian Federal Police. Integration ensures the closest possible coordination between two of Australia's key counter terrorist organisations. It further consolidates and enhances national security initiatives that have been implemented following the terrorist attacks in the United States and Bali.

The *Australian Federal Police and Other Legislation Amendment Act 2004* (AFP Amendment Act) implemented amendments to the *Australian Federal Police Act 1979* to complete the integration of the Australian Protective Service with the Australian Federal Police and repealed the *Australian Protective Service Act 1987*. The AFP Amendment Act commenced on 1 July 2004.

The Regulations delete references to the "Australian Protective Service" and replace them with references to the "Australian Federal Police".

The Regulations also update the citation of the Principal Regulations in line with current drafting practice.

The Acting Minister for Foreign Affairs has agreed to the Regulations.

Details of the Regulations are set out in the [Attachment](#).

ATTACHMENT

Details of the *Diplomatic Privileges and Immunities Amendment Regulations 2004 (No. 1)*

Regulation 1

Regulation 1 prescribes how the regulations are to be cited.

Regulation 2

Regulation 2 provides that the regulations are taken to have commenced on 1 July 2004.

Regulation 3

Regulation 3 provides that Schedule 1 amends the Diplomatic Privileges and Immunities Regulations.

Schedule 1 - Amendments

Item 1

Item 1 substitutes Regulation 1. The name of the Principal Regulations is to be changed from the Diplomatic Privileges and Immunities Regulations to the *Diplomatic Privileges and Immunities Regulations 1989*, in line with current drafting practice.

Items 2, 3 and 4

Item 2 substitutes "a member, special member, protective service officer or special protective service officer of the Australian Federal Police" in paragraph 5B(1)(a). Protective service officers are now a class of Australian Federal Police employee. This amendment includes all classes of Australian Federal Police employee eligible to be a "prescribed officer" in paragraph 5B(1)(a).

Paragraph 5B(1) provides who may be a "prescribed officer" for the purposes of removal of prescribed objects. A member of the police force of a State or Territory is also a "prescribed officer" for the purposes of Regulation 5B.

Item 3 omits "Territory; or" in paragraph 5B(1)(b) and substitutes "Territory.". This is an editorial amendment to reflect that paragraph 5B(1)(c) is to be omitted (see Item 4).

Item 4 omits paragraph 5B(1)(c), which refers to "a member of the Australian Protective Service".