



Defence (Visiting Forces) Amendment (Privileges and Immunities) Regulation 2014

Select Legislative Instrument No. 116, 2014

I, Kevin Scarce AC CSC RANR, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 04 August 2014

Kevin Scarce
Administrator

By His Excellency's Command

George Brandis QC
Attorney-General

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1 Name of regulation

This regulation is the *Defence (Visiting Forces) Amendment (Privileges and Immunities) Regulation 2014*.

2 Commencement

Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. Regulations 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.
2. Schedule 1, Part 1	The day after this regulation is registered.
3. Schedule 1, Part 2	The later of: (a) the day after this regulation is registered; and (b) the day the Force Posture Agreement between the Government of Australia and the Government of the United States of America comes into force for Australia.

3 Authority

This regulation is made under the *Defence (Visiting Forces) Act 1963*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Part 1—Immunities for members of civilian components of certain visiting forces

Defence (Visiting Forces) Regulations 1963

1 Regulation 6 (heading)

Repeal the heading, substitute:

6 Immunities relating to tolls and permissions etc.

2 Subregulation 6(2)

Repeal the subregulation, substitute:

- (2) For paragraph 16(2)(b) of the Act, the immunities conferred by subsection 123(1) of the *Defence Act 1903* on members of the Defence Force are conferred on members of a visiting force as if:
 - (a) references to the Defence Force in subsection 123(1) of the *Defence Act 1903* were references to the relevant visiting force; and
 - (b) the reference in paragraph 123(1)(a) of the *Defence Act 1903* to the Commonwealth included a reference to the sending country in relation to the relevant visiting force.
- (3) For paragraph 16(2)(b) of the Act, the immunities conferred by subsection 123(1) of the *Defence Act 1903* on members of the Defence Force, to the extent that those immunities relate to the use, possession or registration of a vehicle, are conferred on members of a civilian component of a visiting force of the United States of America, Singapore or Papua New Guinea as if:
 - (a) references to the Defence Force in subsection 123(1) of the *Defence Act 1903* were references to the relevant civilian component of the relevant visiting force; and
 - (b) the reference in paragraph 123(1)(a) of the *Defence Act 1903* to the Commonwealth included a reference to the sending country in relation to the relevant visiting force.

Part 2—Immunities for use etc. of certain vehicles

Defence (Visiting Forces) Regulations 1963

3 At the end of regulation 6

Add:

- (4) For paragraph 16(2)(b) of the Act:
 - (a) a member of a visiting force of the United States of America;
or
 - (b) a member of a civilian component of such a visiting force;
is not bound by any law of a State or Territory that would require the member to have permission (whether in the form of a licence or otherwise) to use or to have in his or her possession, or would require the member to register, a vehicle hired or leased by the United States of America.
- (5) Subregulation (4) does not limit subregulation (2) or (3).