



Defence (Road Transport Legislation Exemption) Act 2006

No. 4, 2006

**An Act to provide for members of the Australian
Defence Force and others to be exempt from State
and Territory road transport laws in certain
circumstances, and for related purposes**

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

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[Assented to 1 March 2006]

The Parliament of Australia enacts:

Defence (Road Transport Legislation Exemption) Act 2006 No. 4, 2006 1

Section 1

1 Short title

This Act may be cited as the *Defence (Road Transport Legislation Exemption) Act 2006*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Definitions

In this Act:

Australian Transport Council has the meaning given by section 4 of the *National Transport Commission Act 2003*.

defence civilian has the meaning given by subsection 3(1) of the *Defence Force Discipline Act 1982*.

defence contractor has the same meaning as in the Exemption Framework.

defence employee has the same meaning as in the Exemption Framework.

defence vehicle has the same meaning as in the Exemption Framework.

Exemption Framework means the Australian Defence Force Road Transport Exemption Framework referred to in clause 20 of the Intergovernmental Agreement and endorsed by the Australian Transport Council on 18 November 2005, and includes that Framework as amended from time to time.

Note: The Exemption Framework is published on the National Transport Commission's website.

Intergovernmental Agreement means the Agreement as defined in section 4 of the *National Transport Commission Act 2003*.

road transport law means a law of a State or Territory to which section 4 applies.

specific engineering exemption, in relation to a defence vehicle, means an exemption of that kind that the vehicle has under the Exemption Framework.

4 Definition of road transport law

- (1) This section applies to a law of a State or Territory:
 - (a) to the extent that the law relates to the use of vehicles in a place to which the Exemption Framework applies; or
 - (b) if regulations made for the purposes of this paragraph declare that this section applies to the law.
- (2) This section does not apply to a law of a kind referred to in paragraph (1)(a) if regulations made for the purposes of this subsection declare that this section does not apply to the law.
- (3) In this section:

law means a written law of a State or Territory, and includes:

- (a) subordinate legislation; and
- (b) a provision of a law.

5 Exemption from State and Territory road transport laws for defence-related purposes—Australian Defence Force

- (1) The following persons:
 - (a) the Australian Defence Force;
 - (b) members of the Australian Defence Force;
 - (c) defence civilians;
 are exempt from State and Territory road transport laws in respect of anything done or omitted to be done in connection with one or more defence-related purposes, if the thing is done, or omitted to be done, as required or permitted by the Exemption Framework.

Note: ***Road transport law*** is defined by section 4.

- (2) A defence contractor or defence employee is exempt from State and Territory road transport laws if:

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- (a) the defence contractor or defence employee is operating a defence vehicle that has a specific engineering exemption; and
 - (b) the operation of the defence vehicle is in connection with one or more defence-related purposes;but only to the extent of the matters to which the specific engineering exemption relates.
- (3) For the purposes of this section, a ***defence-related purpose*** is a purpose related to any of the following:
 - (a) the defence of Australia;
 - (b) the security of Australia;
 - (c) the operation of the Australian Defence Force in connection with the defence of Australia;
 - (d) the operation of the Australian Defence Force in connection with the security of Australia;
 - (e) the operation of the Australian Defence Force in making preparations for the defence of Australia;
 - (f) the management of an emergency or disaster (whether natural or otherwise), where that management involves the Australian Defence Force;
 - (g) the provision by the Australian Defence Force of civil aid, humanitarian assistance, medical relief or civil emergency or disaster relief;
 - (h) the operation of the Australian Defence Force in connection with a peacekeeping or peace enforcement activity;
 - (i) the operation of the Australian Defence Force in connection with an activity carried out under the auspices of the United Nations;
 - (j) the operation of the Australian Defence Force in assisting an agency or authority of the Commonwealth, of a State or Territory, or of a foreign government in connection with a matter affecting the defence interests of Australia;
 - (k) the operation of the Australian Defence Force in assisting an agency or authority of the Commonwealth, of a State or Territory, or of a foreign government in connection with the security of Australia;

- (l) the operation of the Australian Defence Force in connection with the protection of the interests of the Commonwealth or of a State or Territory from domestic violence, if the State or Territory has applied for that protection;
- (m) the provision by the Australian Defence Force of support to community activities of national or international significance.

6 Exemption from State and Territory road transport laws—armed forces of foreign countries

The armed forces of a foreign country, and the members of those armed forces, are exempt from State and Territory road transport laws in respect of anything done or omitted to be done in connection with operations of those armed forces, if the thing is done, or omitted to be done:

- (a) in accordance with an arrangement approved by the Australian Defence Force; and
- (b) as required or permitted by the Exemption Framework.

Note: *Road transport law* is defined by section 4.

7 Application of the *Defence Act 1903*

- (1) Subject to subsection (2), this Act does not limit the operation of the *Defence Act 1903*.
- (2) Subsection 123(1) of the *Defence Act 1903* does not apply to:
 - (a) a permission (whether in the form of a licence or otherwise) that a State or Territory road transport law would require a member of the Australian Defence Force to have:
 - (i) to use, or to have in his or her possession, a vehicle or other thing belonging to the Commonwealth; or
 - (ii) to do anything in the course of his or her duties as a member of the Australian Defence Force; or
 - (b) a requirement under a State or Territory road transport law that a member of the Australian Defence Force register a vehicle or other thing belonging to the Commonwealth;to the extent that the Exemption Framework makes provision in relation to such a permission or requirement.

*[Minister's second reading speech made in—
Senate on 30 November 2005
House of Representatives on 16 February 2006]*

(184/05)