

Act on the Implementation of the Agreement between Japan and Australia Concerning the Facilitation of Reciprocal Access and Cooperation between the Self-Defense Forces of Japan and the Australian Defence Force

1. Objectives of the Act

- The purpose of this Act is to enable exemptions from the Road Transportation Act and Road Transport Vehicle Act, formulate special provisions on criminal and other procedures and special provisions on the Japanese government's liability, and prescribe measures for the assistance in compensation claims for special marine damage in relation to the implementation of the agreement in order to ensure its proper implementation (Article 1).

2. Contents of the Act

- (1) Exemptions from the Road Transportation Act and Road Transport Vehicle Act (Article 3) [related to the Ministry of Land, Infrastructure, Transport and Tourism]
 - The Act is to prescribe provisions for exemptions from the Road Transportation Act and Road Transport Vehicle Act, applying to official vehicles used by the Australian Defence Force.
- (2) Special provisions on criminal and other procedures (Articles 4 through 11) [related to the Ministry of Justice]
 - The Act is to prescribe the necessary provisions for handing over arrested members of the Australian Defence Force or the civilian component, seizure and search of the property of the Australian Defence Force, and other procedures.
- (3) Japanese government's liability (Articles 12 through 14) and assistance in compensation claims for special marine damage (Articles 15 through 18) [related to the Ministry of Defense]
 - The Act is to prescribe provisions and other rules rendering the Japanese government liable to compensation for damages by following the same rules that apply to Japanese public servants and other personnel members if a member of the Australian Defence Force or the civilian component causes loss or damage to another person by committing an unlawful act or a similar act while performing their official duties in Japan.

3. Other Matters

- Since the purpose of the agreement is to facilitate defense cooperation between Japan and Australia, the Cabinet decision to submit the bill to the Diet will be made upon joint requests issued by the Ministry of Defense taking a leading role in cooperation with other related Ministries (namely the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, and Ministry of Land, Infrastructure, Transport and Tourism) based on the compatibility with the policy to promote international cooperation in the field of defense as part of defense and security under the scope of authority of the Ministry of Defense.

日本国の自衛隊とオーストラリア国防軍との間における相互のアクセス及び協力の円滑化に関する日本国とオーストラリアとの間の協定の実施に関する法律

①法律の目的

- 本法は、協定の適確な実施を確保するため、協定の実施に伴う道路運送法及び道路運送車両法の適用除外、刑事手続等の特例、国の賠償責任の特例並びに特殊海事損害に係る賠償の請求についての援助に関する措置を定めることを目的とする。
(第1条)

②法律の内容

- (1) 道路運送法及び道路運送車両法の適用除外(第3条)【国土交通省関連】
 - ・オーストラリア軍隊が使用する公用車両について、道路運送法及び道路運送車両法の適用除外に係る規定を整備する。
- (2) 刑事手続等の特例(第4条～第11条)【法務省関連】
 - ・逮捕されたオーストラリア軍隊構成員等の引渡しやオーストラリア軍隊の財産の差押え・搜索等に係る所要の規定を整備する。
- (3) 国の賠償責任(第12条～第14条)及び特殊海事損害に係る賠償請求の援助(第15条～第18条)【防衛省関連】
 - ・オーストラリア軍隊構成員等が、その職務を行うに際し、日本国内において違法に他人に損害を加えたとき等に、国の公務員等の例により、日本国が損害賠償の責任を負うこととする規定等を整備する。

③その他

- 同協定の目的は、日豪の防衛協力の円滑化であるところ、防衛省の所掌事務である「防衛及び警備」の一環としての「防衛の分野における国際的な交流」との親和性等を踏まえ、防衛省を主管省として、関係省(法務省、外務省、財務省及び国土交通省)と共同請議の上、国会提出のための閣議決定を行う。