

No. 6784

**AUSTRALIA
and
UNITED STATES OF AMERICA**

**Agreement (with Protocol) concerning the status of United
States Forces in Australia. Signed at Canberra, on
9 May 1963**

Official text: English.

Registered by Australia on 20 June 1963.

**AUSTRALIE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord (avec Protocole) concernant le statut des forces
américaines en Australie. Signé à Canberra, le 9 mai
1963**

Texte officiel anglais.

Enregistré par l'Australie le 20 juin 1963.

No. 6784. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE STATUS OF UNITED STATES FORCES IN AUSTRALIA. SIGNED AT CANBERRA, ON 9 MAY 1963

The Government of the Commonwealth of Australia (in this Agreement called "the Australian Government") and the Government of the United States of America (in this Agreement called "the United States Government").

Recalling the Security Treaty which was concluded at San Francisco between Australia, New Zealand and the United States of America on the first day of September 1951;²

Considering that from time to time by arrangement between the Australian Government and the United States Government elements of the United States Forces and civilian components may be stationed in Australia;

Considering that the purpose of the presence of such United States Forces in Australia is the furtherance of the efforts of the two countries to promote peace and security in the Pacific and other areas of mutual interest;

Bearing in mind that the decision to station any such personnel in Australia, and the conditions under which they will be so stationed, will, insofar as such conditions are not laid down in the present Agreement, continue to be the subject of separate arrangements between the two Governments;

Desiring, however, to define the status of such personnel while in Australia;

Have agreed as follows :

Article 1

In this Agreement, except where the contrary intention appears :

"Australia" includes the territories under the authority of the Commonwealth of Australia;

"members of the United States Forces" means personnel belonging to the land, sea or air armed services of the United States in Australia in connection with activities agreed upon by the two Governments, other than those for whom status is provided otherwise than under this Agreement;

¹ Came into force on 9 May 1963, the date of signature, in accordance with article 24 (1).

² United Nations, *Treaty Series*, Vol. 131, p. 83.

“ members of the civilian component ” means civilian personnel in Australia in connection with activities agreed upon by the two Governments who are neither nationals of, nor ordinarily resident in, Australia, but who are :

- (a) employed by the United States Forces or by military sales exchanges, commissaries, officers' clubs, enlisted men's clubs or other facilities established for the benefit or welfare of United States personnel and officially recognised by the United States authorities as non-appropriated fund activities; or
- (b) serving with an organisation which, with the approval of the Australian Government, is accompanying the United States Forces;

“ dependant ” means a person in Australia who is the spouse of, or other relative who depends for support upon, a member of the United States Forces or of the civilian component.

Article 2

(1) The Australian Government shall facilitate the admission of members of the United States Forces and of the civilian component and dependants into, and their departure from, Australia in connection with activities agreed upon by the two Governments.

(2) The undermentioned documents only, which must be presented on demand, shall be required in respect of members of the United States Forces seeking to enter Australia :

- (a) personal identity card issued by the appropriate United States authority showing full name, date of birth, rank and number (if any), service and photograph;
- (b) individual or collective movement order issued by an appropriate United States authority and certifying to the status of the individual or group as a member or members of the United States Forces; and
- (c) such documents conforming to standards approved by the World Health Organization as may be issued by the appropriate United States authorities in satisfaction of Australian health and quarantine regulations.

(3) Members of the civilian component and dependants shall be required to be in possession of a valid national passport and a certificate by the appropriate United States authority that the holder is a member of the civilian component or a dependant. The certificate will serve in lieu of a visa.

(4) The following additional conditions will apply with regard to the entry of members of the civilian component and dependants to any of the

Territories of Papua and New Guinea, Norfolk Island, Nauru, Cocos (Keeling) Islands or Christmas Island :

- (a) such persons travelling by ordinary commercial transport shall comply with the normal entry requirements of the Territory concerned, including, in the case of Papua and New Guinea and Nauru, prior application for a permit of entry;
- (b) where such persons are travelling by special transport, the United States authorities shall give the Australian authorities twenty-four hours notice of the arrival of such persons; such notice may be given in a collective movement order or nominal roll.

(5) Members of the United States Forces and of the civilian component and dependants shall be exempt from Australian regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in Australia.

(6) If a person other than an Australian national admitted into Australia in accordance with this Agreement ceases while still in Australia to be a member of the United States Forces or of the civilian component or a dependant, the United States Government shall, within the framework of and subject to relevant United States laws and regulations, take steps to effect the departure from Australia of that person within thirty days of his so ceasing to be such a member or dependant, unless with the approval of the Australian Government other arrangements are made. Where the former member or dependant has not left Australia at the end of thirty days of his ceasing to be a member or dependant and no other arrangements have been approved by the Australian Government, the United States authorities shall thereupon inform the Australian Government, giving particulars as may be required. Similar notification shall be given to the Australian Government concerning any members of the United States Forces who, after having been admitted into Australia, absent themselves for more than twenty-one days, otherwise than on approved leave.

(7) If the Australian Government has requested the removal from Australia of a member of the United States Forces or of the civilian component or a dependant admitted in accordance with this Agreement or has made a deportation order against a former member or dependant who has not formally been granted permanent residence in Australia, the United States authorities shall be responsible for the transportation from Australia of the person concerned, and, where applicable, his dependants without cost to the Australian Government.

Article 3

(1) The personal effects, furniture and household goods (other than motor vehicles and cigarettes, cigars, tobacco and spirituous liquors) of a member

of the United States Forces or of the civilian component or of a dependant, may, at the time of the first arrival of the member to take up service in Australia or in the case of a dependant at the time of the first arrival of the dependant to join a member, be brought into Australia free of import duty, including sales tax, provided that, except as authorised by the appropriate Australian authority, the personal effects, furniture and household goods are not disposed of in Australia, by way of sale or gift or otherwise, within the period of two years immediately after their importation.

(2) Regulation military uniforms may be imported by a member of the United States Forces for his personal use free of import duties, including sales tax.

(3) A motor vehicle owned and used outside Australia by a member of the United States Forces or of the civilian component during the period of six months immediately preceding his first departure for Australia shall be eligible for admission into Australia free of import duty, including sales tax, provided that the vehicle remains in the use, ownership and possession of that member or, with the permission of the appropriate Australian authority, of another member during the period of two years immediately after the date of its importation.

(4) A motor vehicle which is not covered by paragraph (3) of this Article and which is intended to be exported may be imported temporarily free of import duty, including sales tax, by a member of the United States Forces or of the civilian component for the personal use of the member, provided that the vehicle is exported within three years or within such extended period as may be approved. With the permission of the appropriate Australian authority, a vehicle imported under this paragraph may be transferred to another member provided that it is exported by the latter member within three years from the date of importation or within such extended period as may be approved.

(5) Security may be required for compliance with the provisions of this Article.

Article 4

(1) A member of the United States Forces who has not imported a motor vehicle into Australia under the provisions of paragraph (3) of Article 3 of this Agreement may, once during a tour of duty in Australia, purchase free of sales tax a motor vehicle manufactured or assembled in Australia provided that the vehicle remains in the use, ownership and possession of the member or, with the permission of the appropriate Australian authorities, of another member still

eligible to avail himself of this concession during the period of two years immediately following the date of purchase or is exported during that period.

(2) Where the military authorities of the United States certify that the domestic circumstances of a member of the United States Forces are such that two vehicles are at the one time reasonably needed by him and his family, the member may acquire in Australia a second vehicle upon the purchase conditions set out in paragraph (1) of this Article.

(3) Security may be required for compliance with the provisions of this Article.

Article 5

Goods admitted into or acquired in Australia free of import duties or sales tax for the personal use of a member of the United States Forces or of the civilian component or of a dependant may not be transferred to another person without the approval of the Australian authorities.

Article 6

(1) Income derived by a member of the United States Forces or of the civilian component from rendering services as a member to the United States Government in Australia, shall be deemed not to have been derived in Australia, provided that it is not exempt, and is brought to tax, under the taxation laws of the United States. Members and their dependants other than persons who, immediately before becoming dependants, were and at all times thereafter have continued to be ordinarily resident in Australia shall not be subject to Australian tax in respect of income derived from sources outside Australia.

(2) Personal property which is situated in Australia solely because a member of the United States Forces or of the civilian component or a dependent is in Australia shall, in respect of the holding by, transfer by reason of the death of, or transfer to or by, such member or dependant, be exempt from taxation under the laws of the Commonwealth of Australia relating to estate and gift duty.

(3) The last preceding paragraph shall apply only if the property concerned is subject to and is brought to tax under the laws of the United States relating to estate or gift tax and shall not apply in relation to :

- (a) property held as, or for the purpose of, an investment;
- (b) intangible property registered and copyright subsisting in Australia; or
- (c) property held in connection with the carrying on of any business in Australia.

Article 7

Where the legal incidence of any form of taxation in Australia depends upon residence or domicile, periods during which members of the United States Forces or of the civilian component or dependants are in Australia solely by reason of their membership in such Forces or in the civilian component or of their status as dependants shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation.

Article 8

(1) Subject to the provisions of this Article :

- (a) the military authorities of the United States shall have the right to exercise within Australia all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- (b) the authorities of Australia shall have jurisdiction over members of the United States Forces and of the civilian component and dependants with respect to offences committed within Australia and punishable by the law of Australia.

(2) (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offences, including offences relating to its security, punishable by the law of the United States, but not by the law of Australia.

(b) The authorities of Australia shall have the right to exercise exclusive jurisdiction over members of the United States Forces and of the civilian component and dependants with respect to offences, including offences relating to the security of Australia, punishable by the law of Australia but not by the law of the United States.

(c) For the purposes of this paragraph and paragraph (3) of this Article, an offence relating to the security of a State shall include :

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

(3) In cases where the right to exercise jurisdiction is concurrent the following rules shall apply :

- (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over persons subject to the military law of the United States in relation to :

- (i) offences solely against the property or security of the United States, or offences solely against the person or property of a member of the United States Forces, the civilian component or a dependant;
 - (ii) offences arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offence the authorities of Australia shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.
- (4) The foregoing provisions of this Article shall not confer on the military authorities of the United States any right to exercise jurisdiction over persons who are nationals of or ordinarily resident in Australia unless they are members of the United States Forces.
- (5) (a) The military authorities of the United States and the authorities of Australia shall assist each other in accordance with arrangements to be agreed to by them in the arrest of members of the United States Forces or of the civilian component or of dependants in Australia and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
- (b) The authorities of Australia shall notify promptly the military authorities of the United States of the arrest of any member of the United States Forces or of the civilian component or of a dependant.
- (c) The custody of an accused member of the United States Forces or of the civilian component or of a dependant over whom Australia is to exercise jurisdiction shall, if he is in the hands of the United States authorities, remain with the United States to the extent authorised by United States law until he is charged by Australia.
- (6) (a) The military authorities of the United States and the authorities of Australia shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure of and, in proper cases, the handing over of objects in connection with an offence. The handing over of such objects may, however, be made subject to their return within any reasonable time specified by the authority delivering them.
- (b) The military authorities of the United States and the authorities of Australia shall notify each other of the disposal of all cases in which there are concurrent rights to exercise jurisdiction.

(7) (a) A death sentence shall not be carried out in Australia by the military authorities of the United States.

(b) The authorities of Australia shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the United States under the provisions of this Article within Australia.

(8) Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or by the authorities of Australia and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned or has had sentence suspended, he may not be tried again for the same offence within Australia. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of the United States Forces for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Australia.

(9) Whenever a member of the United States Forces or of the civilian component or a dependant is prosecuted under the jurisdiction of Australia he shall be entitled :

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges to be made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Australia;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the part of Australia in which he is being prosecuted;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the United States Government and, when the rules of the court permit, to have such a representative at his trial.

Article 9

Equipment, materials, supplies and other property imported into or acquired in Australia by or on behalf of the United States Government for the official use of the United States Forces and not for resale shall be free of all Australian duties and taxes. Except as may be otherwise agreed, title to such equipment, materials, supplies and other property shall remain in the Government of the

United States, which may remove them from Australia at any time, free from export duties and related charges and restrictions.

Article 10

(1) The Australian Government shall permit the establishment of United States commissaries in Australia in accordance with arrangements between the appropriate authorities of the two Governments.

(2) Goods for use in or sale by a commissary shall be free of import duty, excise duty and sales tax. Commissaries shall be exempt from Australian licensing requirements, fees and taxes.

(3) The United States authorities shall co-operate closely with Australian authorities to ensure the observance of the arrangements applicable to a commissary and to prevent resale on the local market of duty or tax free goods sold by a commissary and any other abuses of privileges exercisable through a commissary. In particular, the United States authorities shall strictly police personal quotas in respect of the purchase of duty or tax free goods.

(4) In this Article "commissary" means a commissary, military sales exchange, officers' club, enlisted men's club or like facility.

Article 11

(1) United States Forces may, at the installations put at their disposal, establish and operate United States Military Post Offices for the handling of official correspondence and documents and mail of authorised individuals between these and other United States Post Offices. Detailed arrangements for the interchange of mails with or through the postal services of Australia shall be mutually agreed upon.

(2) The Australian authorities shall not inspect official mail in United States military postal channels. The United States authorities shall take all practicable steps to prevent items from entering Australia through United States official mails in contravention of Australian health or quarantine regulations.

(3) Any inspection of non-official mail in such channels which may be required by the regulations of the Australian Government shall be conducted by the Australian authorities in accordance with procedures to be agreed upon by the appropriate authorities of the two Governments.

Article 12

(1) Each Government waives all its claims against the other Government for damage to any property owned by it and used by its land, sea or air armed forces where such property is in Australia or is being used outside Australia in connection with mutual defence activities, such as mutual participation in operations or exercises, provided that such damage :

- (a) was caused by a member or an employee of the armed forces of the other Government in the performance of his official duties; or
- (b) arose from the use of any vehicle, vessel or aircraft owned by the other Government and used by its armed forces provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Government against the other shall be waived, provided that the vessel or cargo salvaged was owned by a Government and being used by its armed forces for official purposes.

(2) (a) In the case of damage caused or arising as stated in paragraph (1) of this Article to other property owned by either Government and located in Australia, the issue of the liability of the other Government shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) of this paragraph shall be selected by agreement between the two Governments from amongst the nationals of Australia who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive.

(d) The amount of any compensation awarded by the arbitrator shall be distributed as follows :

- (i) where the armed forces of one Government alone are responsible for the damage, the amount awarded shall be distributed in the proportion of 75 per cent chargeable to that Government and 25 per cent chargeable to the other Government;
- (ii) where the two Governments are responsible for the damage, the amount awarded shall be distributed equally between them;
- (iii) where the damage was caused by the armed forces of the United States or Australia and it is not possible to attribute responsibility for the damage specifically to one or both of those armed forces, the amount awarded shall be distributed equally between the United States and Australia.

(e) The remuneration of the arbitrator shall be fixed by agreement between the two Governments and shall together with the necessary expenses incidental to the performance of his duties be defrayed in equal proportions by them.

(f) Nevertheless, each Government waives its claim in any such case up to the amount of 1,400 United States dollars or 625 Australian pounds. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

(3) For the purposes of paragraphs (1) and (2) of this Article the expression "owned by a Government" in the case of a vessel includes a vessel on bare boat charter to that Government or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Government).

(4) Each Government waives all its claims against the other Government for injury or death suffered by any member of its armed forces while such member was engaged in the performance of his official duties.

(5) In accordance with the requirements of Australian law, the United States Government shall insure official vehicles of the United States Forces against third party risks.

(6) United States contractors and sub-contractors shall be required to effect public risk insurance.

(7) Except in the case of claims arising out of the use of official vehicles of the United States Forces insured in accordance with the requirements of Australian law, claims (other than contractual claims and those to which paragraph (9) of this Article apply) arising out of acts or omissions of members or employees of the United States Forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States Forces are legally responsible, and causing damage in Australia, other than damage suffered by one of the two Governments, shall, unless the interested parties otherwise agree, be dealt with by the Australian Government in accordance with the following provisions :

- (a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Australia with respect to claims arising from the activities of Australia's own armed forces.
- (b) The Australian Government may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the Australian Government.

- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent Australian tribunal or the final adjudication by such a tribunal denying payment, shall be a binding and conclusive discharge of the claim.
 - (d) Every claim paid by the Australian Government shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with sub-paragraph (e) of this paragraph. In default of a reply within two months the proposed distribution shall be regarded as accepted.
 - (e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs of this paragraph shall be distributed between the Governments as follows :
 - (i) where the United States alone is responsible for the damage, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent chargeable to Australia and 75 per cent chargeable to the United States;
 - (ii) where the two Governments are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them;
 - (iii) where the damage was caused by the armed forces of the United States or Australia and it is not possible to attribute responsibility for the damage specifically to one or both of those armed forces, the amount awarded or adjudged shall be distributed equally between the United States and Australia.
 - (f) The provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage or discharge of a cargo other than claims for death or personal injury to which paragraph (4) of this Article does not apply.
- (8) Every three months a statement of the sums paid by each Government in the course of the quarterly period in respect of every claim dealt with under paragraph (2) or (7) of this Article regarding which the proposed distribution on a percentage basis has been accepted shall be sent to the appropriate authorities of the other Government together with a request for prompt reimbursement.
- (9) Except in the case of claims arising out of the use of official vehicles of the United States Forces insured in accordance with the requirements of Australian law, claims against members of the United States Forces and of the civilian component and dependants arising out of tortious acts or omissions in Australia not done in the performance of official duty shall be dealt with in the following manner :
- (a) The Australian Government shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

- (b) The report shall be delivered to the United States Government which shall then decide without delay whether it will offer an ex gratia payment and if so, of what amount.
- (c) If an offer of ex gratia payment is made and accepted by the claimant in full satisfaction of his claim, the United States Government shall make the payment itself and inform the authorities of Australia of its decision and of the sum paid.
- (d) Nothing in this paragraph shall affect the jurisdiction of the courts of Australia to entertain an action against a member of the United States Forces or of the civilian component or a dependant unless and until there has been payment in full satisfaction of the claim.

(10) If a dispute arises as to whether a tortious act or omission was done in the performance of official duty, the question shall be submitted to an arbitrator appointed in accordance with sub-paragraph (b) of paragraph (2) of this Article, whose decision on this point shall be final and conclusive.

(11) (a) The United States shall not claim immunity from the jurisdiction of the courts of Australia for members of the United States Forces or of the civilian component or dependants in respect of the civil jurisdiction of the courts of Australia.

(b) In case any private movable property, excluding that in use by the United States Forces, which is subject to compulsory execution under Australian law, is within areas in use by the United States Forces, the United States authorities shall, upon request, assist the appropriate Australian authorities to take possession of such property.

(c) The authorities of the United States and Australia shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

(12) Paragraphs (2) and (7) of this Article shall apply only to claims arising incident to non combatant activities.

Article 13

Consistently with agreements for the time being in force between Australia and the United States of America, the United States Government shall conform to the provisions of relevant Commonwealth and State laws and regulations, including quarantine laws and industrial awards and determinations, and United States personnel shall observe those laws and regulations.

Article 14

(1) Australian authorities shall accept as valid, without a driving test or fee, a driving permit or licence issued by the appropriate United States authority to members of the United States Forces or of the civilian component for the purpose of driving military vehicles. For the purpose of driving vehicles other than military vehicles, a driving permit or licence issued by the appropriate Australian authorities shall be obtained.

(2) Official vehicles of the United States Forces shall carry a distinctive number.

(3) Privately owned vehicles of members of the United States Forces and of members of the civilian component and of dependants shall carry Australian number plates to be acquired under and subject to the applicable Australian laws and regulations.

Article 15

Local civil labour requirements of the United States Forces shall be satisfied in the same way as the comparable requirements of the Australian armed forces and, upon request, with the assistance of the Australian authorities.

Article 16

Members of the United States Forces and of the civilian component and dependants shall remain subject to the foreign exchange regulations of the United States and shall also be subject to the foreign exchange regulations of Australia.

Article 17

Whenever the United States flag is flown at an establishment of the United States Forces in Australia, the Australian national flag shall be flown on a separate and adjacent flagstaff.

Article 18

Subject to any arrangement to the contrary between the authorities of the United States and Australia, the conditions governing the wearing of civilian dress by members of the United States Forces shall be the same as those applicable to members of the appropriate forces of Australia.

Article 19

Members of the United States Forces may possess and carry arms on condition that they are authorised to do so by their orders, provided that arrangements regarding the carrying of arms outside areas and facilities in use by United States Forces are to be agreed between the appropriate authorities of the two Governments.

Article 20

(1) Regularly constituted military units or formations of the United States Forces shall have the right to police any camps, establishments or other premises or areas of which the United States Forces have exclusive occupation as the result of arrangement with the Australian Government. United States military police may take all appropriate measures to ensure the maintenance of order and security in such premises or areas.

(2) Outside such premises and areas, United States military police will be employed only subject to arrangements with the appropriate Australian authorities and in liaison with such appropriate Australian authorities and in so far as such employment :

- (a) is appropriate to provide for the protection of United States installations in premises or areas of which the United States Forces have the use, but not exclusive occupation; or
- (b) is necessary to maintain discipline and order among the members of the United States Forces and to ensure their security.

(3) The United States Government may, after appropriate consultation in any case between the relevant authorities of the two Governments, designate areas comprising buildings or portions of buildings or installations in premises or areas of which the United States Forces have use or occupation to be areas into which only personnel authorized by the local United States Commander may enter. The United States Forces will be responsible for the internal security of areas so designated.

Article 21

In cases in which the Australian Government or the Government of a State or the Administration of an Australian Territory is required to pay claims for which it is liable under Australian law arising out of the operations or activities of the United States Government or United States personnel who are in Australia for the purposes of this Agreement, the appropriate authorities of the United States Government shall seek necessary legislative authority to reimburse the Government or Administration concerned.

Article 22

The United States Government shall co-operate with the Australian Government in preventing any abuses of the privileges granted in this Agreement in favour of members of the United States Forces and the civilian component and dependants and shall take appropriate measures to this end.

Article 23

(1) The United States Forces and all persons associated with activities agreed upon by the two Governments may use the public services and facilities owned, controlled or regulated by the Australian Government or its instrumentalities. The terms of use, including charges, shall be no less favourable than those available to other users in like circumstances unless otherwise agreed.

(2) No landing charges shall, however, be payable by the United States Government by reason of the use by aircraft of the United States armed forces of any airport in Australia. The United States Government shall make such contribution to the maintenance and operating costs of any airport as may be fair and reasonable, having regard to the use made of the airport by aircraft operating in connection with activities of the United States Government. The amount of such contribution shall be the subject of agreement between the United States Government and the Australian Government. Aircraft owned or operated by or on behalf of the United States armed forces shall observe local Air Traffic Control Regulations while in Australia.

(3) No toll charges, including light and harbour dues, shall be levied upon vessels of the United States armed forces using port facilities owned, controlled or regulated by the Australian Government, nor shall such vessels be subject to compulsory pilotage at these ports.

Article 24

(1) This Agreement shall enter into force on the date of signature.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall remain in force for at least twenty-five years and thereafter until the expiration of 180 days from the date on which one Government gives the other Government notice in writing that it desires to terminate the Agreement.

(3) In the event that the two Governments conclude an agreement concerning the status of both United States Forces in Australia and of Australian Forces in the United States, this Agreement shall terminate on the date when the first-mentioned agreement enters into force.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Agreement.

DONE at Canberra, in duplicate, this ninth day of May, One thousand nine hundred and sixty-three.

For the Government
of the Commonwealth of Australia :
(Signed) G. E. BARWICK

For the Government
of the United States of America :
(Signed) Wm. C. BATTLE

PROTOCOL TO THE AGREEMENT CONCERNING THE STATUS OF UNITED STATES FORCES IN AUSTRALIA¹

The Government of the Commonwealth of Australia and the Government of the United States of America, having this day signed an Agreement concerning the Status of United States Forces in Australia,¹ agree that at a future date they will enter into negotiations for the conclusion of a reciprocal agreement which would govern the status of the forces of each Government in the territory of the other.

This Protocol shall enter into force on the date of signature.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Protocol.

DONE at Canberra, in duplicate, this ninth day of May, One thousand nine hundred and sixty-three.

For the Government
of the Commonwealth of Australia :
(Signed) G. E. BARWICK

For the Government
of the United States of America :
(Signed) Wm. C. BATTLE

¹ See p. 56 of this volume.