

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 29 October 1981

*(Minister for Foreign Affairs)*

## A BILL

FOR

### **An Act to amend the *International Organizations (Privileges and Immunities) Act 1963***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title, &c.**

5     **1. (1)** This Act may be cited as the *International Organizations (Privileges and Immunities) Amendment Act 1981*.

**(2)** The *International Organizations (Privileges and Immunities) Act 1963*<sup>1</sup> is in this Act referred to as the Principal Act.

#### **Interpretation**

10     **2.** Section 3 of the Principal Act is amended—

      (a) by omitting from sub-section (1) the definition of “international conference” and substituting the following definition:

          “‘international conference’ means a conference that is attended by a person representing Australia and—

2 *International Organizations (Privileges and Immunities) Amendment*  
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- (a) a person representing a country other than Australia; or
- (b) a person representing an international organization to which this Act applies or an overseas organization to which this Act applies,  
whether or not it is also attended by another person or other persons;”;
- (b) by adding at the end of sub-section (1) the following definition:  
“‘overseas organization to which this Act applies’ means an organization that is declared by the regulations to be an overseas organization to which this Act applies, and includes—
  - (a) an organ of, or office within, an organization that is so declared;
  - (b) a commission, council or other body established by such an organization or organ; and
  - (c) a committee, or sub-committee of a committee, of such an organization, organ, commission, council or body.”;
- (c) by omitting sub-section (3) and substituting the following sub-section:  
“(3) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of—
  - (a) a country;
  - (b) an international organization to which this Act applies; or
  - (c) an overseas organization to which this Act applies,shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.”; and
- (d) by inserting in paragraph (4) (a) “, of an international organization to which this Act applies or of an overseas organization to which this Act applies” after “country”.

3. After section 5 of the Principal Act the following section is inserted:

**Overseas organizations to which Act applies**

- “5A. (1) Subject to sub-section (2), the regulations may declare—
- (a) an organization the members of which are overseas countries in a particular geographical region;
  - (b) an organization that is constituted by persons representing overseas countries in a particular geographical region; or
  - (c) an organization established, or a group of organizations constituted, by—
    - (i) organizations the members of which are overseas countries in a particular geographical region; or

(ii) organizations that are constituted by persons representing overseas countries in a particular geographical region, to be an overseas organization to which this Act applies.

5 “(2) An organization shall not be declared by the regulations to be an overseas organization to which this Act applies if—

- (a) Australia is a member of the organization; or
- (b) the organization is constituted by a person or persons representing Australia and a person or persons representing a country or countries other than Australia.”.

10 **Privileges and immunities of certain international organizations and persons connected therewith**

4. Section 6 of the Principal Act is amended—

- (a) by omitting sub-paragraph (1) (c) (i) and substituting the following sub-paragraph:

15 “(i) upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of—

- (A) a country other than Australia;
- (B) another international organization to which this Act applies; or
- (C) an overseas organization to which this Act applies, all or any of the privileges and immunities specified in Part I of the Third Schedule; and”;

- (b) by adding at the end of paragraph (2) (d) “, of particular international organizations to which this Act applies or of particular overseas organizations to which this Act applies”;

- (c) by omitting sub-section (3) and substituting the following sub-section:

30 “(3) Where by the regulations any privileges or immunities are conferred upon a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of—

- (a) a country other than Australia;
- (b) another international organization to which this Act applies; or
- (c) an overseas organization to which this Act applies,

35 that person is entitled to the same privileges and immunities while travelling to a place for the purpose of presenting his credentials or of attending the conference or while returning from a place after ceasing to be so accredited or after attending the conference.”; and

- (d) by omitting sub-sections (5) and (6) and substituting the following sub-sections:

“(5) Subject to sub-section (6), where by the regulations or by sub-section (3) any privileges or immunities are conferred upon a person who is, or has been, a person accredited to, or in attendance at an international conference convened by, an international organization to which this Act applies as a representative of—

- (a) a country other than Australia;
- (b) another international organization to which this Act applies; or
- (c) an overseas organization to which this Act applies,

a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities. 10

“(6) A person who is, or has been, a representative of—

- (a) a country other than Australia;
- (b) an international organization to which this Act applies; or
- (c) an overseas organization to which this Act applies,

or a member of the official staff of such a representative during the period when he is or was an Australian citizen is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.”. 15 20

**Privileges and immunities of representatives attending certain international conferences or engaged on missions in Australia or a Territory**

5. Section 7 of the Principal Act is amended—

(a) by omitting paragraph (1) (b) and substituting the following paragraph: 25

“(b) a mission is, or is to be, sent by—

- (i) a country other than Australia; or
- (ii) an international organization to which this Act applies or an overseas organization to which this Act applies,

to Australia or to a Territory of the Commonwealth;” 30

(b) by omitting paragraph (2) (a) and substituting the following paragraph:

“(a) a person who is, or has been, a representative of—

- (i) a country other than Australia; or
- (ii) an international organization to which this Act applies or an overseas organization to which this Act applies,

at the conference or on the mission is, in respect of the period in which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy;” and

(c) by omitting sub-section (3) and substituting the following sub-section: 40

“(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies as a

representative, or as a member of the official staff of a representative, of—

- (a) a country other than Australia; or
- (b) an international organization to which this Act applies or an overseas organization to which this Act applies,

during a period when he is or was an Australian citizen, is not entitled under sub-section (2) to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.”.

10 **Amendment of Fifth Schedule**

6. The Fifth Schedule to the Principal Act is amended by inserting after paragraph 2 of Part I the following paragraph:

“2A. Exemption from taxation on salaries and emoluments received from the organization.”.

15 **Formal amendments**

7. The Principal Act is amended as set out in the Schedule.

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**SCHEDULE**

Section 7

FORMAL AMENDMENTS

| Provision amended   | Amendment   |
|---------------------|---|
| Sub-section 2 (2)   | Omit “the next succeeding sub-section”, substitute “sub-section (3)”.<br>Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 2 (3)   | Omit “the last preceding sub-section”, substitute “sub-section (2)”.  |
| Sub-section 7 (2)   | Omit “the next succeeding sub-section”, substitute “sub-section (3)”.   |
| Paragraph 7 (2) (b) | Omit “the last preceding paragraph”, substitute “paragraph (a)”.  |
| Sub-section 12 (1)  | Omit “One hundred dollars”, substitute “\$100”.   |
| Sub-section 12 (2)  | Omit “paragraph (b) of the last preceding sub-section”, substitute “paragraph (1) (b)”.   |
|                     | Omit “One hundred dollars”, substitute “\$100”.   |

**NOTE**

1. No. 50, 1963, as amended. For previous amendments, see No. 93, 1966.





