

## DIPLOMATIC IMMUNITIES.

### No. 67 of 1952.

An Act to confer certain Immunities on Representatives in Australia of certain parts of the Queen's dominions and on certain other persons.

[Assented to 28th October, 1952.]

[Date of commencement, 25th November, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Diplomatic Immunities Act* 1952. Short title.
2. In this Act, unless the contrary intention appears— Definitions.

“chief representative” means a person, whether he is known by the title of High Commissioner or by another title, who is recognized by the Government of the Commonwealth as the chief representative in Australia of a country to which this Act applies;

“country to which this Act applies” means the United Kingdom, Canada, New Zealand, the Union of South Africa, India, Pakistan, Ceylon or a part of the Queen's dominions which is declared by the regulations to be a country to which this Act applies;

“envoy” means the envoy of a foreign sovereign power accredited to the Queen in Australia.
3. This Act extends to all the Territories of the Commonwealth. Application.
4. A chief representative is entitled to the immunity from suit and legal process, and to the inviolability of residence, official premises and official archives, to which he would be entitled if he were an envoy. Immunity of chief representatives.
- 5.—(1.) Subject to the next succeeding sub-section, a person who is— Immunity of families and staffs, and of families of staffs, of chief representatives.
  - (a) a member of the family of a chief representative;
  - (b) a member of the staff of a chief representative; or
  - (c) a member of the family of a member of the official staff of a chief representative,

is entitled to the immunity from suit and legal process to which he would be entitled if the chief representative were an envoy.

(2.) Where a person who is a member of the staff of a chief representative is an Australian citizen and is not a citizen of the country represented by that chief representative—

- (a) that person is entitled to immunity under this Act only in respect of things done or omitted to be done in the course of the performance of his duties as a member of that staff ; and
- (b) a member of the family of that person is not, by reason only of his being a member of that family, entitled to immunity under this Act.

Regulations may modify application of Act.

6. Where the Governor-General is of the opinion that a country to which this Act applies is failing to accord treatment to the Commonwealth corresponding to the treatment which the Commonwealth accords to that country under this Act, the regulations may provide—

- (a) that that country shall cease to be a country to which this Act applies ; or
- (b) for the modification of this Act in its application in relation to that country.

Regulations may confer consular immunity on certain persons.

7. The regulations may provide that a person who holds a prescribed office in the service of the Government of a prescribed part of the Queen's dominions, not being a country to which this Act applies, is entitled to the immunity from suit and legal process, and to the inviolability of official premises and official archives, to which he would be entitled if he were a consular officer of a foreign sovereign power.

Immunity may be waived.

8.—(1.) A chief representative may waive any right to immunity or inviolability to which—

- (a) he or a member of his family ;
- (b) a member of his staff ; or
- (c) a member of the family of a member of his official staff,

is entitled under this Act.

(2.) A person may waive any right to immunity or inviolability to which he is entitled under the regulations.

Certificate of Minister.

9.—(1.) The Minister may issue a certificate certifying any fact relevant to the question whether or not a person is entitled under this Act or the regulations to immunity from suit or legal process or inviolability of residence, official premises or official archives.

(2.) A certificate issued under the last preceding sub-section is, in any legal proceedings, conclusive evidence of the fact certified in the certificate.

Saving of pending legal proceedings.

10. This Act does not affect legal proceedings pending at the commencement of this Act.

Regulations.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.