



International Organisations (Privileges and Immunities) Act 1963

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About this compilation

This compilation

This is a compilation of the *International Organisations (Privileges and Immunities) Act 1963* that shows the text of the law as amended and in force on 20 September 2023 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the Privileges and Immunities of certain International Organisations and of persons connected therewith, and for other purposes

1 Short title

This Act may be cited as the *International Organisations (Privileges and Immunities) Act 1963*.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

acquisition has the meaning given by section 195-1 of the GST Act.

approved form has the meaning given by section 995-1 of the *Income Tax Assessment Act 1997*.

association means an association or other body or group of persons, whether incorporated or not.

Commissioner means the Commissioner of Taxation.

diplomatic agent and **diplomatic mission** have the same respective meanings as in the *Diplomatic Privileges and Immunities Act 1967*.

enterprise has the meaning given by section 195-1 of the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999*.

ICRC Arrangement means the Arrangement Between The Government of Australia and The International Committee of the Red Cross (“ICRC”) On a Regional Headquarters in Australia, done at Canberra on 24 November 2005 (a copy of the text of which is set out in the regulations).

indirect tax means:

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- (a) GST within the meaning of section 195-1 of the GST Act; or
- (b) luxury car tax within the meaning of section 27-1 of the Luxury Car Tax Act; or
- (c) wine equalisation tax within the meaning of section 33-1 of the Wine Equalisation Tax Act.

international conference means a conference that is attended by a person representing Australia and:

- (a) a person representing a country other than Australia; or
- (b) a person representing an international organisation to which this Act applies or an overseas organisation to which this Act applies; or
- (c) a person representing an organisation (other than an organisation referred to in paragraph (b)) upon which privileges and immunities have been conferred by regulations made for the purposes of this Act;

whether or not it is also attended by another person or other persons.

International Criminal Court means the International Criminal Court established under the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998.

Note: The text of the Rome Statute is set out in Australian Treaty Series 2002 No. 15 ([2002] ATS 15). In 2013, the text of a Statute in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

international organisation to which this Act applies means:

- (a) an organisation that is the subject of a declaration under subsection 5(1); or
- (b) an organ specified for the purposes of subsection 5(5); or
- (c) an organ that is taken, by force of subsection 5(6), to be an international organisation to which this Act applies.

Note: Specification of an organ for the purposes of subsection 5(5) does not affect subsection 5(6).

Investment Convention means the Convention on the Settlement of Investment Disputes between States and Nationals of Other

States signed by Australia on 24 March 1975, the English text of which is set out in Schedule 3 to the *International Arbitration Act 1974*.

Luxury Car Tax Act means the *A New Tax System (Luxury Car Tax) Act 1999*.

member of the administrative and technical staff, in relation to a diplomatic mission, has the same meaning as in the *Diplomatic Privileges and Immunities Act 1967*.

overseas organisation to which this Act applies means an organisation that:

- (a) is the subject of a declaration under subsection 5A(1); and
- (b) is not an international organisation to which this Act applies.

Wine Equalisation Tax Act means the *A New Tax System (Wine Equalisation Tax) Act 1999*.

- (2) The privileges and immunities conferred by this Act or the regulations are privileges and immunities in relation to the operation of the laws of the Commonwealth (including Acts of the Commonwealth other than this Act) and of the States and Territories of the Commonwealth.
- (2A) For the purposes of this Act, and subject to subsection 5(5):
 - (a) an office within an international organisation to which this Act applies or an overseas organisation to which this Act applies; or
 - (b) an organ of such an organisation; or
 - (c) a commission, council or other body established by such an organisation or organ; or
 - (d) a committee, or sub-committee of a committee, of such an organisation, organ, commission, council or other body;is taken to be part of the organisation.
- (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 organisation

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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 organisation to which this Act applies; or
- (c) an overseas organisation 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 or she is a national.

- (4) For the purposes of this Act:
 - (a) an alternate or deputy of, or substitute for, a representative of a country, of an international organisation to which this Act applies or of an overseas organisation to which this Act applies; and
 - (b) an adviser to, or expert assisting, such a representative;shall each be deemed to be a member of the official staff of the representative.
- (5) References in this Act to countries shall be read as including references to the governments of countries.
- (6) A reference in this Act to a Schedule by number shall be read as a reference to the Schedule to this Act so numbered.

4 Extension of Act to Territories

This Act extends to every Territory of the Commonwealth.

4A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

5 International organisations to which Act applies

- (1) The regulations may declare an organisation:
 - (a) of which Australia and a country or countries other than Australia are members; or
 - (b) that is constituted by a person or persons representing Australia and a person or persons representing a country or countries other than Australia; or
 - (c) of which 2 or more countries other than Australia are members; or
 - (d) that is constituted by 2 or more persons representing countries other than Australia;to be an international organisation to which this Act applies.
- (2) In determining whether a designated organisation is covered by paragraph (1)(b) or (d), a person is taken to represent a particular country if, and only if:
 - (a) the person has been nominated by an officer of the government of that country to be a member of that organisation; and
 - (b) the person is subject to direction by an officer of the government of that country as to how the person's rights in relation to the person's membership of the organisation are to be exercised (whether or not any such directions have been given).
- (3) For the purposes of subsection (2), an organisation is a **designated organisation** unless:
 - (a) both:
 - (i) the organisation is established by an agreement to which Australia and one or more other countries are parties; and
 - (ii) the advancement of the interests of Australia and that other country or those other countries is, under the agreement, a function (whether express or implied) of the organisation; or
 - (b) both:

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- (i) the organisation is established by an agreement to which 2 or more countries other than Australia are parties; and
 - (ii) the advancement of the interests of those countries is, under the agreement, a function (whether express or implied) of the organisation.
- (4) Subsections (2) and (3) are to be disregarded in determining the validity of regulations made before the commencement of this subsection.
- (5) The regulations may provide that this Act (other than subsection (6)) has effect as if a specified organ of an international organisation to which this Act applies were, in the organ's own right, an international organisation to which this Act applies.

Note: As a result of this subsection, the organ will not be treated as part of the first-mentioned organisation.

- (6) If:
 - (a) an organ of an international organisation to which this Act applies (the *parent organisation*):
 - (i) ceases to be an organ of the parent organisation; and
 - (ii) becomes a new organisation in its own right; and
 - (b) the new organisation is covered by paragraph (1)(a), (b), (c) or (d); and
 - (c) the new organisation is not the subject of a declaration under subsection (1); and
 - (d) the parent organisation is not declared by the regulations to be exempt from this subsection;the new organisation is taken, by force of this subsection, to be an international organisation to which this Act applies throughout the period:
 - (e) beginning when it became a new organisation in its own right; and
 - (f) ending at whichever is the earlier of the following:
 - (i) the end of 12 months after the time when it became a new organisation in its own right;

- (ii) the time when it became the subject of a declaration under subsection (1).

5A Overseas organisations to which Act applies

- (1) Subject to subsection (2), the regulations may declare:
 - (a) an organisation the members of which are overseas countries in a particular geographical region;
 - (b) an organisation that is constituted by persons representing overseas countries in a particular geographical region; or
 - (c) an organisation established, or a group of organisations constituted, by:
 - (i) organisations the members of which are overseas countries in a particular geographical region; or
 - (ii) organisations that are constituted by persons representing overseas countries in a particular geographical region;to be an overseas organisation to which this Act applies.
- (2) An organisation shall not be declared by the regulations to be an overseas organisation to which this Act applies if:
 - (a) Australia is a member of the organisation; or
 - (b) the organisation is constituted by a person or persons representing Australia and a person or persons representing a country or countries other than Australia.

6 Privileges and immunities of certain international organisations and persons connected therewith

- (1) Subject to this section, the regulations may, either without restriction or to the extent or subject to the conditions prescribed by the regulations:
 - (a) confer upon an international organisation to which this Act applies:
 - (i) juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organisation; and

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- (ii) all or any of the privileges and immunities specified in the First Schedule; or
- (b) confer:
 - (i) upon a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organisation to which this Act applies all or any of the privileges and immunities specified in Part I of the Second Schedule; and
 - (ii) upon a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II of the Second Schedule; or
- (c) confer:
 - (i) upon a person who is accredited to, or is in attendance at an international conference convened by, an international organisation to which this Act applies as a representative of:
 - (A) a country other than Australia;
 - (B) another international organisation to which this Act applies; or
 - (C) an overseas organisation to which this Act applies;all or any of the privileges and immunities specified in Part I of the Third Schedule; and
 - (ii) upon a person who has ceased to be accredited to such an organisation, or has attended such a conference, as such a representative the immunities specified in Part II of the Third Schedule; or
- (d) confer:
 - (i) upon a person who holds an office in an international organisation to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I of the Fourth Schedule; and
 - (ii) upon a person who has ceased to hold such an office the immunities specified in Part II of the Fourth Schedule; or

- (e) confer:
 - (i) upon a person who is serving on a committee, or is participating in the work, of an international organisation to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organisation all or any of the privileges and immunities specified in Part I of the Fifth Schedule; and
 - (ii) upon a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II of the Fifth Schedule; or
 - (f) confer:
 - (i) upon a person connected in a specified way with an international organisation to which this Act applies all or any of the privileges and immunities specified in Part I of the Second Schedule, Part I of the Third Schedule, Part I of the Fourth Schedule or Part I of the Fifth Schedule; and
 - (ii) upon a person who has ceased to be connected with such an organisation in that way the immunities specified in Part II of the Second Schedule, Part II of the Third Schedule, Part II of the Fourth Schedule or Part II of the Fifth Schedule.
- (2) Regulations made for the purposes of this section may be of general application or may relate to:
- (a) particular international organisations to which this Act applies; or
 - (b) particular offices or classes of offices; or
 - (c) particular conferences, committees or missions or classes of conferences, committees or missions; or
 - (d) representatives of particular countries, of particular international organisations to which this Act applies or of particular overseas organisations to which this Act applies; or
 - (e) particular classes of persons.

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- (2A) Without limiting this section, regulations made for the purposes of this section may prescribe a matter by reference to:
- (a) a legislative instrument made by the Minister; or
 - (b) Australia's international obligations; or
 - (c) an agreement to which Australia and one or more other countries, or 2 or more countries other than Australia, are parties (including by reference to kinds of persons referred to in such an agreement).
- (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 organisation to which this Act applies as a representative of:
- (a) a country other than Australia;
 - (b) another international organisation to which this Act applies; or
 - (c) an overseas organisation to which this Act applies;
- that person is entitled to the same privileges and immunities while travelling to a place for the purpose of presenting his or her credentials or of attending the conference or while returning from a place after ceasing to be so accredited or after attending the conference.
- (4) Where by the regulations any privileges or immunities are conferred upon a person who is serving on a committee, or participating in the work, of an international organisation to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organisation, that person is entitled to the same privileges and immunities while travelling to a place for the purpose of serving on the committee or participating in that work or performing the mission or while returning from a place after serving on the committee or participating in that work or performing the mission.
- (5) Subject to subsection (6), where by the regulations or by subsection (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 organisation to which this Act applies as a representative of:

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

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

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

or a member of the official staff of such a representative during the period when he or she 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 or her capacity as such a representative or member.

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

(1) Where:

- (a) an international conference is, or is to be, held in Australia or in a Territory of the Commonwealth; or
- (b) a mission is, or is to be, sent by:
 - (i) a country other than Australia; or
 - (ii) an international organisation to which this Act applies or an overseas organisation to which this Act applies; or
 - (iii) an organisation (other than an organisation referred to in subparagraph (ii)) upon which privileges and immunities have been conferred by regulations made for the purposes of this Act;

to Australia or to a Territory of the Commonwealth;
and it appears to the Governor-General that the provisions of this Act other than this section do not, or may not, apply in relation to that conference or mission but it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

- (2) Subject to subsection (3), where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies:
- (a) a person who is, or has been, a representative of:
 - (i) a country other than Australia; or
 - (ii) an international organisation to which this Act applies or an overseas organisation to which this Act applies; or
 - (iii) an organisation (other than an organisation referred to in subparagraph (ii)) upon which privileges and immunities have been conferred by regulations made for the purposes of this Act;
at the conference or on the mission is, in respect of the period in which he or she is, or has been, such a representative, entitled to the privileges and immunities accorded to a diplomatic agent;
 - (b) a person who is, or has been, a member of the official staff of a person referred to in paragraph (a) during the whole or any part of the period referred to in that paragraph is entitled to the privileges and immunities accorded to a member of the administrative and technical staff of a diplomatic mission in respect of that period or that part of that period, as the case may be; and
 - (c) in the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his or her capacity as such a member.

- (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 organisation to which this Act applies or an overseas organisation to which this Act applies; or
 - (c) an organisation (other than an organisation referred to in paragraph (b)) upon which privileges and immunities have been conferred by regulations made for the purposes of this Act;

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

- (4) If:
- (a) regulations are made for the purposes of subsection (1) after the commencement of this subsection; and
 - (b) those regulations are in force immediately before the end of the period of 12 months after they came into effect;

those regulations cease to be in force at the end of that 12-month period.

- (5) If:
- (a) regulations were made for the purposes of subsection (1) before the commencement of this subsection; and
 - (b) those regulations are in force immediately before the end of the period of 12 months after the commencement of this subsection;

those regulations cease to be in force at the end of that 12-month period.

8 Withdrawal of privileges and immunities of representatives of countries not according reciprocal treatment

- (1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Australia at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Australia by this Act or the regulations upon persons, or upon members of the official staffs of persons, representing that country, the Minister may, by instrument in writing, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country all or any of those privileges and immunities.
- (2) The Minister shall cause any such instrument to be published in the *Gazette*.

9 Privileges and immunities of judges and officials of, and persons engaged in business before, the International Court of Justice

The regulations may confer upon:

- (a) the judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations;
- (b) persons engaged on missions by order of that Court;
- (c) the agents, advocates and counsel of countries that are parties in cases before that Court; and
- (d) witnesses in cases before that Court;

such privileges and immunities as are required to give effect to the Statute of that Court and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connexion with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

9A Privileges and immunities in respect of certain proceedings under the Investment Convention

- (1) The regulations may confer upon:
 - (a) conciliators appointed to a Conciliation Commission; and
 - (b) arbitrators appointed to an Arbitral Tribunal; and
 - (c) arbitrators appointed to an *ad hoc* Committee of 3 persons under Article 52;the privileges and immunities required to give effect to Article 21 and paragraph (3) of Article 24.
- (2) The regulations may confer upon parties, agents, counsel, advocates, witnesses and experts in proceedings under the Investment Convention the privileges and immunities required to give effect to Article 22.
- (3) This section is not to be read as limiting any other provision of this Act, including the power to prescribe an organisation as an international organisation to which this Act applies.
- (4) A word or expression used in this section and in the Investment Convention (whether or not a particular meaning is given to it by the Investment Convention) has, in this section, the same meaning as it has in the Investment Convention.
- (5) A reference in this section to a numbered Article is a reference to the Article so numbered in the Investment Convention.

9B Privileges and immunities of members of other international tribunals

- (1) The regulations may confer upon:
 - (a) a specified international tribunal; and
 - (b) the members and officials of a specified international tribunal; and
 - (c) experts and other persons engaged on missions by order of a specified international tribunal; and

- (d) the agents, advocates and counsel of parties in cases before a specified international tribunal; and
 - (e) witnesses in cases before a specified international tribunal;
- such privileges and immunities as are required to give effect to:
- (f) if the instrument by which the international tribunal is established relates to the privileges and immunities at the international tribunal—that instrument; or
 - (g) if an agreement to which Australia and one or more other countries are parties relates to the privileges and immunities of the international tribunal—that agreement.
- (2) This section and section 6 do not limit each other.
- (3) In this section:

international tribunal means an international tribunal (however described) that:

- (a) has a judicial or quasi-judicial character; and
- (b) is established by or under an agreement to which Australia and one or more other countries are parties;

but does not include:

- (c) the International Court of Justice established by the Charter of the United Nations; or
- (d) the International Criminal Court.

9C Privileges and immunities in respect of the International Criminal Court

- (1) The regulations may confer upon:
- (a) the International Criminal Court; and
 - (b) persons of a kind referred to in the Agreement on the Privileges and Immunities of the International Criminal Court, done at New York on 9 September 2002;
- such privileges and immunities as are required to give effect to that Agreement.

Note 1: In 2013, the text of the Agreement was accessible through the website of the International Criminal Court (www.icc-cpi.int).

Note 2: The regulations may also confer upon the International Criminal Court juridical personality and such legal capacities as are necessary for the exercise of the Court's functions and the fulfilment of its purposes (see section 12A).

- (2) This section and section 6 do not limit each other.

9D Privileges and immunities in respect of the International Committee of the Red Cross

- (1) The regulations may confer upon:
- (a) the International Committee of the Red Cross; and
 - (b) persons of a kind referred to in the ICRC Arrangement;
- such privileges and immunities as are required to give effect to that Arrangement.
- (2) The regulations may confer upon the International Committee of the Red Cross juridical personality and such legal capacities as are necessary for the exercise of its powers and the performance of its functions.

10 Waiver

The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organisation or a person is entitled by virtue of this Act or the regulations.

11 Certificates by Minister

- (1) The Minister may give a certificate in writing certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled, by virtue of this Act or the regulations, to any privileges or immunities.
- (2) In any proceedings, a certificate given under this section is prima facie evidence of the facts certified.

11B Preservation of exemption from duties on importations

Despite:

- (a) section 177-5 of the GST Act; and
- (b) section 21-5 of the Luxury Car Tax Act; and
- (c) section 27-25 of the Wine Equalisation Tax Act;

indirect tax that would be payable on an importation under one of those Acts is not payable on an importation covered by an immunity from taxation (including customs duties) conferred by the regulations.

11C Indirect tax concession scheme

(1) If:

- (a) an acquisition covered by regulations made for the purposes of this section is made:
 - (i) by or on behalf of an organisation upon which the regulations have conferred an exemption (to some extent) from taxation; or
 - (ii) by or on behalf of a person (the *person*) upon whom the regulations have conferred an exemption (to some extent) from taxation; and
- (b) at the time of the acquisition, it was intended for:
 - (i) the official use of the organisation or the person; or
 - (ii) a use covered by regulations made for the purposes of this section;

the Commissioner must, on behalf of the Commonwealth and subject to subsection (3), pay to the organisation (or a person in a class of persons determined by the Minister), or the person, an amount equal to the amount of indirect tax payable (if any) in respect of the supply of that acquisition.

- (2) A claim for an amount covered by subsection (1) must be in the approved form.
- (3) The amount is payable:
 - (a) in accordance with the conditions and limitations; and

- (b) within the period and in the manner;
set out in regulations made for the purposes of this section.
- (4) Regulations made for the purposes of subsection (3) may permit the Commissioner to determine the period within which, and the manner in which, the amount is payable.
- (5) A determination under subsection (1) is a legislative instrument.

12 Protection of names etc. of international organisations

- (1) Except with the consent in writing of the Minister, a person (including a body corporate) shall not:
 - (a) use the name or an abbreviation of the name of an international organisation to which this Act applies in connexion with a trade, business, profession, calling or occupation; or
 - (b) use:
 - (i) a seal, emblem or device that is identical with the official seal or emblem of an international organisation to which this Act applies;
 - (ii) a seal, emblem or device so nearly resembling the official seal or emblem of such an organisation as to be capable of being mistaken for that seal or emblem; or
 - (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organisation.

Penalty: 10 penalty units.

Note: This section does not apply in relation to the International Committee of the Red Cross (as it is not an international organisation to which this Act applies, as defined in subsection 3(1) of this Act). The use of the emblem and designation “Red Cross” is dealt with by section 15 of the *Geneva Conventions Act 1957*.

- (2) Where, without the consent in writing of the Minister, the name or an abbreviation of the name of an international organisation to which this Act applies, or a seal, emblem or device referred to in paragraph (1)(b):

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- (a) is used as, or as part of, the name, seal or emblem of an association;
- (b) is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or
- (c) is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organisation;

then:

- (d) if the association is a body corporate—the association; or
- (e) if the association is not a body corporate—every member of the governing body of the association;

commits an offence against this section and is punishable upon conviction by a fine not exceeding 10 penalty units.

- (2A) An offence under subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organisation to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organisation, unless the prosecution proves that the use was intended to imply such a connexion.
- (4) The conviction of a person of an offence under this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the first-mentioned conviction.
- (5) For the purposes of this section:
 - (a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organisation to which this Act applies shall be deemed to be an abbreviation of the name of that organisation; and

- (b) if a seal or emblem is declared by the regulations to be the official seal or emblem of an international organisation to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organisation.
- (6) Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.

12A Conferral of juridical personality and legal capacities

- (1) This section applies to an organisation if:
 - (a) either:
 - (i) the organisation is established by an instrument to which 2 or more countries are parties; or
 - (ii) an instrument to which Australia and one or more other countries are parties recognises the organisation as having international legal personality; and
 - (b) it appears to the Minister that the provisions of this Act other than this section do not, or may not, apply in relation to the organisation, but that it is desirable that juridical personality and one or more legal capacities should be conferred on the organisation.
- (2) The regulations may confer upon a specified organisation juridical personality and such legal capacities as are necessary for the exercise of the powers, and the performance of the functions, of the organisation.

12B No registration under the GST Act

For the purposes of the GST Act, an organisation or person upon which or whom the regulations have conferred privileges and immunities is treated as not carrying on an enterprise when acting in the capacity in respect of which the organisation or person was granted those privileges and immunities.

Note: This means that the organisation or person cannot be registered under Division 23 of the GST Act in that capacity.

12C Organisations that are bodies corporate are not Commonwealth entities

If the regulations provide that an organisation is a body corporate, then, despite paragraph 10(1)(d) of the *Public Governance, Performance and Accountability Act 2013*, the organisation is not a Commonwealth entity for the purposes of that Act.

13 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Regulations under this Act may be expressed to commence from a day specified in a written determination made by the Minister under this subsection for the purposes of the commencement of those regulations. If the purpose or object underlying those regulations is to implement an international instrument (whether or not that purpose is expressly stated in those regulations), the day must not be earlier than the day on which the instrument becomes effective for Australia.
- (3) Subsection (2) has effect despite anything in the *Legislation Act 2003*.
- (4) A determination under subsection (2) is a legislative instrument.

The Schedules

First Schedule

Section 6

Privileges and Immunities of International Organisation

1. Immunity of the organisation, and of the property and assets of, or in the custody of, or administered by, the organisation, from suit and from other legal process.
2. Inviolability of property and assets of, or in the custody of, or administered by, the organisation and of premises of, or occupied by, the organisation.
3. Exemption of property and assets of, or in the custody of, or administered by, the organisation from restrictions and controls.
4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of—
 - (a) goods imported or exported by the organisation for its official use; and
 - (b) publications of the organisation imported or exported by it.
7. Exemption of the organisation from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organisation from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organisation and of interest and dividends on such obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of—
 - (a) goods imported or exported by the organisation for its official use; and
 - (b) publications of the organisation imported or exported by it.

10. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Australia), of any reduced rates applicable in relation to telegraphic communications by the press.
11. Absence of censorship for official correspondence and other official communications.
12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

Second Schedule

Section 6

Part I

Privileges and Immunities of High Officer of International Organisation

The like privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of twenty-one years) as are accorded to a diplomatic agent.

Part II

Immunities of Former High Officer of International Organisation

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

Third Schedule

Section 6

Part I

Privileges and Immunities of Representative accredited to, or attending Conference convened by, International Organisation

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
3. Inviolability of papers and documents.
4. The right to use codes and send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption (including exemption of the spouse of the representative) from immigration restrictions, alien registration and the obligation to perform national service.
6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
7. The like privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to a diplomatic agent, other than exemption from—
 - (a) excise duties; and
 - (c) duties on the importation or exportation of goods not forming part of personal baggage.

Part II

Immunities of Former Representative accredited to, or attending Conference convened by, International Organisation

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

Fourth Schedule

Section 6

Part I

*Privileges and Immunities of Officer (other than High Officer) of
International Organisation*

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organisation.
3. Exemption (including exemption of a spouse and any dependent relatives) from immigration restrictions and alien registration.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The like repatriation facilities (including repatriation facilities for a spouse and any dependent relatives) in time of international crisis as are accorded to a diplomatic agent.
7. The right to import furniture and effects free of duties when first taking up a post in Australia and to export furniture and effects free of duties when leaving Australia on the termination of his functions.

Part II

*Immunities of Former Officer (other than High Officer) of
International Organisation*

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

Fifth Schedule

Section 6

Part I

Privileges and Immunities of Person serving on Committee or participating in Work of, or performing Mission on behalf of, International Organisation

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
- 2A. Exemption from taxation on salaries and emoluments received from the organisation.
3. Inviolability of papers and documents.
4. The right, for the purpose of communicating with the organisation, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
6. The like privileges and immunities in respect of personal baggage as are accorded to a diplomatic agent.

Part II

Immunities of Person who has served on Committee or participated in Work of, or performed Mission on behalf of, International Organisation

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnotes

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
International Organizations (Privileges and Immunities) Act 1963	50, 1963	18 Oct 1963	15 Nov 1963	
Statute Law Revision (Decimal Currency) Act 1966	93, 1966	29 Oct 1966	First Sch and Second Sch: 1 Dec 1966 (s 2(1))	—
International Organizations (Privileges and Immunities) Amendment Act 1982	4, 1982	22 Mar 1982	19 Apr 1982	—
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s 5(1) and Sch 1: 18 Dec 1987 (s 2(1))	s 5(1)
ICSID Implementation Act 1990	107, 1990	18 Dec 1990	s 6–8 and Sch: 1 June 1991 (s 2(2) and gaz 1991, No. S98)	—
Foreign Affairs and Trade Legislation Amendment Act 1997	150, 1997	17 Oct 1997	Sch 1 (items 7–14): 17 Oct 1997 (s 2(1))	Sch 1 (item 14)
A New Tax System (Indirect Tax and Consequential Amendments) Act (No. 2) 1999	177, 1999	22 Dec 1999	Sch 7 (items 19–28): 1 July 2000 (s 2(9))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Act 2001	35, 2001	28 Apr 2001	s 4 and Sch 1 (items 16, 17): 26 May 2001 (s 2(a))	s 4
Petroleum (Timor Sea Treaty) (Consequential Amendments) Act 2003	10, 2003	2 Apr 2003	Sch 1 (item 53): 2 Apr 2003 (s 2(1) item 3)	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	s 4 and Sch 1 (item 28): 1 Jan 2005 (s 2(1) items 2, 3)	s 4
Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006	101, 2006	14 Sept 2006	Sch 5 (items 127–129) and Sch 6 (items 5–11): 14 Sept 2006 (s 2(1) item 4)	Sch 6 (items 5–11)
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 352–359): 4 July 2008 (s 2(1) item 64)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (items 115, 343): 29 June 2013 (s 2(1) item 16)	Sch 3 (item 343)
International Organisations (Privileges and Immunities) Amendment Act 2013	127, 2013	1 July 2013	Sch 1: 8 Nov 2013 (s 2(1) item 2) Remainder: 1 July 2013 (s 2(1) item 1)	—
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 6 (item 27) and Sch 7: 14 Apr 2015 (s 2)	Sch 7

International Organisations (Privileges and Immunities) Act 1963

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Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 316–318): 5 Mar 2016 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 4 (items 1, 204): 10 Mar 2016 (s 2(1) item 6)	—
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 304, 305) and Sch 3 (item 27): 21 Oct 2016 (s 2(1) item 1)	—
Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019	57, 2019	7 Aug 2019	Sch 1 (item 74): 30 Aug 2019 (s 2(1) item 2)	—
International Organisations (Privileges and Immunities) Amendment Act 2023	78, 2023	20 Sept 2023	20 Sept 2023 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 150, 1997
s 1	am No 150, 1997
s 2	am No 4, 1982 rep No 44, 1987
s 3	am No 4, 1982; No 141, 1987; No 107, 1990; No 150, 1997; No 177, 1999; No 73, 2008; No 127, 2013; No 78, 2023
s 4A.....	ad No 35, 2001
s 5	am No 150, 1997; No 78, 2023
s 5A.....	ad No 4, 1982 am No 150, 1997
s 5B.....	ad No 10, 2003 rep No 57, 2019
s 6	am No 4, 1982; No 150, 1997; No 73, 2008; No 78, 2023
s 7	am No 4, 1982; No 141, 1987; No 150, 1997; No 73, 2008; No 127, 2013
s 9A.....	ad No 107, 1990 am No 150, 1997
s 9B.....	ad No 150, 1997 am No 127, 2013
s 9C.....	ad No 127, 2013
s 9D.....	ad No 127, 2013
s 10	am No 150, 1997
s 11	am No 61, 2016
s 11A.....	ad No 150, 1997 rep No 101, 2006
s 11B.....	ad No 177, 1999
s 11C.....	ad No 177, 1999 am No 103, 2013
s 12	am No 93, 1966; No 4, 1982; No 141, 1987; No 150, 1997; No 35, 2001; No 127, 2013; No 4, 2016; No 61, 2016

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 12A.....	ad No 150, 1997
s 12B.....	ad No 177, 1999
s 12C.....	ad No 36, 2015
s 13	am No 150, 1997; No 140, 2003; No 126, 2015
First Schedule	
First Schedule	am No 150, 1997
Second Schedule	
Second Schedule	am No 141, 1987; No 150, 1997
Third Schedule	
Third Schedule.....	am No 141, 1987; No 150, 1997; No 101, 2006; No 78, 2023
Fourth Schedule	
Fourth Schedule.....	am No 141, 1987; No 150, 1997; No 78, 2023
Fifth Schedule	
Fifth Schedule.....	am No 4, 1982; No 141, 1987; No 150, 1997
