



# **International Organisations (Privileges and Immunities) Amendment Act 2023**

**No. 78, 2023**

**An Act to amend the *International Organisations (Privileges and Immunities) Act 1963*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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No. 78, 2023

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## An Act to amend the *International Organisations (Privileges and Immunities) Act 1963*, and for related purposes

[Assented to 20 September 2023]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *International Organisations (Privileges and Immunities) Amendment Act 2023*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day this Act receives the Royal Assent.	20 September 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Organisations to which Act applies

### *International Organisations (Privileges and Immunities) Act 1963*

#### **1 Subsection 3(1) (definition of *international organisation to which this Act applies*)**

Repeal the definition, substitute:

*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).

#### **2 Subsection 3(1) (definition of *overseas organisation to which this Act applies*)**

Repeal the definition, substitute:

*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.

#### **3 After subsection 3(2)**

Insert:

- (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.

#### **4 At the end of paragraph 5(1)(b)**

Add “or”.

#### **5 After paragraph 5(1)(b)**

Insert:

- (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;

#### **6 Subsection 5(2)**

After “paragraph (1)(b)”, insert “or (d)”.

#### **7 Paragraphs 5(3)(a) and (b)**

Repeal the paragraphs, substitute:

- (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:
  - (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.

#### **8 Paragraph 5(6)(b)**

Omit “or (b)”, substitute “, (b), (c) or (d)”.

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## **Schedule 2—Persons who are eligible for privileges and immunities**

### ***International Organisations (Privileges and Immunities) Act 1963***

#### **1 At the end of subparagraphs 6(1)(a)(ii), (b)(ii) and (c)(ii)**

Add “or”.

#### **2 Subparagraph 6(1)(d)(ii)**

Omit “and”, substitute “or”.

#### **3 At the end of subsection 6(1)**

Add:

; 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.

#### **4 At the end of paragraphs 6(2)(a) and (b)**

Add “or”.

#### **5 At the end of subsection 6(2)**

Add:

; or (e) particular classes of persons.

#### **6 After subsection 6(2)**

Insert:

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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).

## **Schedule 3—Privileges and immunities relating to immigration**

### ***International Organisations (Privileges and Immunities) Act 1963***

#### **1 Item 5 of Part I of the Third Schedule**

Omit “the application of laws relating to immigration, the registration of aliens”, substitute “immigration restrictions, alien registration”.

#### **2 Item 3 of Part I of the Fourth Schedule**

Omit “the application of laws relating to immigration and the registration of aliens”, substitute “immigration restrictions and alien registration”.

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*[Minister’s second reading speech made in—  
Senate on 21 June 2023  
House of Representatives on 11 September 2023]*

(86/23)

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