

2004-2005

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Consular Privileges and Immunities
Amendment Bill 2005**

No. , 2005

(Foreign Affairs)

**A Bill for an Act to amend the *Consular Privileges
and Immunities Act 1972*, and for related purposes**

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s).....	2

Schedule 1—Amendment of the Consular Privileges and Immunities Act 1972	3
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1 **A Bill for an Act to amend the *Consular Privileges***
2 ***and Immunities Act 1972, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Consular Privileges and Immunities*
6 *Amendment Act 2005*.

7 **2 Commencement**

8 This Act commences on the day on which it receives the Royal
9 Assent.

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3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1
2 **Schedule 1—Amendment of the Consular**
3 **Privileges and Immunities Act 1972**
4

5 **1 After section 10**

6 Insert:

7 **10AA Additional privileges or immunities granted by agreement,**
8 **arrangement or understanding**

9 (1) If:

10 (a) Australia, in writing, enters into an agreement, arrangement or
11 understanding (the *reciprocal instrument*) with an overseas
12 country (the *reciprocating country*); and

13 (b) either:

14 (i) at the time Australia enters into the reciprocal
15 instrument, a determination under subsection (2) that the
16 reciprocating country is one to which this section applies
17 is in force; or

18 (ii) at any later time, a determination under subsection (2)
19 that the reciprocating country is one to which this section
20 applies comes into force; and

21 (c) the reciprocal instrument grants:

22 (i) privileges or immunities, or both, to consular officers of
23 Australia in the reciprocating country; and

24 (ii) the same, or equivalent, privileges or immunities, or
25 both, to consular officers of the reciprocating country in
26 Australia; and

27 (d) the privileges or immunities, or both, mentioned in
28 paragraph (c) supplement, extend or amplify those granted by
29 the Convention;

30 then, for so long as the reciprocal instrument continues to grant the
31 privileges or immunities, or both, and the determination remains in
32 force, the privileges or immunities, or both, are granted as
33 mentioned in subparagraph (c)(ii).

- 1 (2) The Minister may, by legislative instrument, determine an overseas
2 country to be an overseas country to which this section applies. The
3 Minister may, by legislative instrument, revoke the determination.