Organisation for Economic Co-operation and Development (Privileges and Immunities) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the International Organizations (Privileges and Immunities) Act 1963.

Dated 27 January 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

(Sgd) Tan Sinclair
Minister of State for Defence,
acting for and on behalf of the
Minister of State for Foreign Affairs

Citation
1. These Regulations may be cited as the Organisation for Economic Co-operation and Development (Privileges and Immunities) Regulations.

Interpretation
2. In these Regulations, unless the contrary intention appears—
   “the Act” means the International Organizations (Privileges and Immunities) Act 1963;
   “the Organisation” means the Organisation for Economic Co-operation and Development.

Act to apply to the Organisation
3. The Organisation is declared to be an international organization to which the Act applies.
Organisation to have juridical personality and legal capacities

4. The Organisation—
   (a) is a body corporate with perpetual succession; and
   (b) has the capacity to contract; and
   (c) is capable, in its corporate name, of acquiring, holding and disposing of
       real and personal property and of instituting legal proceedings.

Privileges and immunities of the Organisation

5. (1) Subject to sub-regulations (2) and (3), the Organisation has the
       privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11
       of the First Schedule to the Act.

       (2) The Organisation is not, by virtue of sub-regulation (1), exempt from
           such national, regional or municipal dues and taxes in respect of the premises of
           the Organisation, whether owned or leased, as represent payment for specific
           services rendered.

       (3) Where goods (not being publications of the Organisation) are
           imported, manufactured or purchased by the Organisation for sale by it, sub-regulation
           (1) does not operate to prevent sales tax being payable by the
           Organisation or by any other person upon the sale value of the goods.

Privileges and immunities of the Secretary-General of the Organisation

6. (1) The office of Secretary-General of the Organisation is a high office
       in the Organisation.

       (2) A person who holds, or is performing the duties of, the office of
           Secretary-General of the Organisation has the privileges and immunities
           specified in Part I of the Second Schedule to the Act.

       (3) A person who has ceased to hold, or perform the duties of, the office of
           Secretary-General of the Organisation has the immunities specified in Part II of
           the Second Schedule to the Act.

Privileges and immunities of a Deputy Secretary-General of the Organisation

7. (1) The office of Deputy Secretary-General of the Organisation is a high
       office in the Organisation.

       (2) A person who holds, or is performing the duties of, the office of Deputy
           Secretary-General of the Organisation has the privileges and immunities
           specified in Part I of the Second Schedule to the Act to the extent that those
           privileges and immunities are accorded to a member of the diplomatic staff of a
           diplomatic mission, being a member of comparable diplomatic rank.

       (3) A person who has ceased to hold, or perform the duties of, the office of
           Deputy Secretary-General of the Organisation has the immunities specified in
           Part II of the Second Schedule to the Act.
Privileges and immunities of representatives to the Organisation

8. (1) A person who is accredited to, or is in attendance at an international conference convened by, the Organisation as a representative of—
   (a) a country other than Australia;
   (b) another international organization to which the Act applies; or
   (c) an overseas organization to which the Act applies, has, while exercising his functions as such a representative, the privileges and immunities specified in paragraphs 1, 2, 3, 5, 6 and 7 of Part I of the Third Schedule to the Act.

   (2) A person who has ceased to be accredited to, or has attended an international conference convened by, the Organisation as a representative of—
   (a) a country other than Australia;
   (b) another international organization to which the Act applies; or
   (c) an overseas organization to which the Act applies, has the immunities specified in Part II of the Third Schedule to the Act.

Privileges and immunities of officers (other than high officers) of the Organisation

9. (1) Subject to sub-regulations (2) and (3), a person who holds an office in the Organisation, other than a person who holds, or is performing the duties of, an office specified in sub-regulation 6 (1) or 7 (1), has the privileges and immunities specified in paragraphs 1, 2, 3, 5, 6 and 7 of Part I of the Fourth Schedule to the Act.

   (2) The salary and emoluments received from the Organisation by a person on whom privileges and immunities are conferred by sub-regulation (1), being a resident of Australia within the meaning of the Income Tax Assessment Act 1936, are not, to the extent to which they are for services rendered in Australia, exempt from taxation unless the person is not an Australian citizen and came to Australia solely for the purpose of performing duties of the office in the Organisation held by him.

   (3) A person to whom sub-regulation (1) applies and who is an Australian citizen does not have the privileges and immunities specified in paragraph 7 of Part I of the Fourth Schedule to the Act.

   (4) A person who has ceased to hold an office in the Organisation, other than an office specified in sub-regulation 6 (1) or 7 (1), has the immunities specified in Part II of the Fourth Schedule to the Act.

Privileges and immunities of persons performing missions for the Organisation

10. (1) Subject to sub-regulations (2) and (3), a person who is performing, whether alone or jointly with other persons, a mission on behalf of the Organisation has the privileges and immunities specified in paragraphs 1, 2, 3, 4 and 5 of Part I of the Fifth Schedule to the Act.
(2) The privileges and immunities specified in paragraph 3 of Part I of the Fifth Schedule to the Act extend, in relation to a person, to papers and documents that relate to the mission that he is performing on behalf of the Organisation, but not to any other papers and documents.

(3) A person who has performed a mission on behalf of the Organisation has the immunities specified in Part II of the Fifth Schedule to the Act.

Waiver of privileges and immunities

11. (1) The Council of the Organisation may waive any privileges and immunities to which—
   (a) the Organisation; or
   (b) a person upon whom privileges and immunities are conferred by regulation 6 or 7,
   is entitled by virtue of the Act or these Regulations.

(2) The Secretary-General of the Organisation may waive any privileges and immunities to which—
   (a) a person upon whom privileges and immunities are conferred by regulation 9; or
   (b) a person upon whom privileges and immunities are conferred by regulation 10,
   is entitled by virtue of the Act or these Regulations.

(3) The government of a country may waive any privileges and immunities to which a person upon whom privileges and immunities are conferred by regulation 8 is entitled by virtue of the Act or these Regulations.

Privileges and immunities subject to quarantine laws, &c.

12. Nothing in these Regulations affects the application of any law of the Commonwealth or of a Territory relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Australia or that Territory, as the case may be, of any animals, plants or goods, but this regulation does not prejudice the immunity from suit or from other legal process conferred by these Regulations.

NOTE

1. Notified in the Commonwealth of Australia Gazette on 1983. 4 February