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Statutory Rules 1991 No. ¹

457

International Organization for Migration (Privileges and Immunities) Regulations

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

Dated 1991.

BILL HAYDEN

Governor-General

By His Excellency's Command,

GARETH EVANS.

Minister of State for Foreign Affairs and Trade

Citation

1. These Regulations may be cited as the International
Organization for Migration (Privileges and Immunities) Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*,
s. 48]

Interpretation

2. In these Regulations:

“**Organisation**” means the organisation, now called the International Organization for Migration, that:

- (a) was established at Venice on 19 October 1953 under the name of the Intergovernmental Committee for European Migration; and
- (b) in 1980 changed its name to the Intergovernmental Committee for Migration; and
- (c) in 1989 further changed its name to the International Organization for Migration;

“**the Act**” means the *International Organizations (Privileges and Immunities) Act 1963*.

Act applies to the Organisation

3. The Organisation is declared to be an organisation to which the Act applies.

Organisation to have juridical personality and legal capacity

4. The Organisation:

- (a) is a body corporate; and
- (b) may sue and, subject to regulation 5, be sued in its corporate name; and
- (c) has the capacity, in its corporate name:
 - (i) to contract; and
 - (ii) to acquire, hold and dispose of real and personal property.

Privileges and immunities of Organisation

5. The Organisation has the privileges and immunities specified paragraphs 1, 2, 3, 4, 5, 7, 11 and 12 of the First Schedule to the Act.

Privileges and immunities of officers of Organisation

6. (1) A person who is an officer of the Organisation has, subject to subregulation (2), the privileges and immunities specified:

- (a) in items 1, 2, 3, 4, 5 and 6 of Part I; and

(b) in Part II;
of the Fourth Schedule to the Act.

(2) A person who is a resident of Australia within the meaning of the *Income Tax Assessment Act 1936* is exempt from taxation on salary and emoluments received from the Organisation for services performed in Australia only if the person:

- (a) is not an Australian citizen; and
- (b) performed the services while in Australia solely for the purpose of performing services for the Organisation.

Waiver of privileges and immunities

7. A privilege or immunity stated or referred to in these Regulations may be waived by the Organisation.

Repeal

8. Statutory Rules 1986 No. 69 and 1990 No. 143 are repealed.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

h 1991. 19 December