

International Sea-Bed Authority (Privileges and Immunities) Regulations 1996 No. 229

EXPLANATORY STATEMENT

Statutory Rules 1996 No. 229

Issued by the Authority of the Minister for Foreign Affairs

International Organizations (Privileges and Immunities) Act 1963

International Sea-Bed Authority (Privileges and Immunities) Regulations

Section 13 of the *International Organizations (Privileges and Immunities) Act 1963* ("the Act") provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

The International Sea-Bed Authority ("the Authority") was established as an international organisation by the United Nations Convention on the Law of the Sea (UNCLOS), which entered into force generally and for Australia on 16 November 1994.

In accordance with UNCLOS, the regulations made under the Act declare the Authority to be an international organisation to which the Act applies, and confer upon the Authority, and persons associated with it, privileges and immunities pursuant to section 6 of the Act.

The Regulations confer upon the Authority legal personality and capacity to enable it to exercise its powers and to perform its functions in Australia. They also confer various privileges and immunities on the Authority including immunity from suit, exemption from taxation and exemption from customs and excise duties on goods imported or exported for official use. The Authority is not made exempt, however, from any taxes on securities issued or guaranteed by it, or on dividends or interest on such securities. The Authority is also not exempt from currency and exchange restrictions or from prohibition or restriction of imports and exports of goods or its own official use.

The Regulations further provide officeholders (including the Secretary-General) and other staff members of the Authority with limited privileges and immunities, including immunity from suit in respect of official acts. They also provide for such persons to be exempt from certain forms of taxation and from currency and exchange restrictions. Certain of these privileges and immunities do not extend, however, to Australian citizens or residents employed by the Authority.

The Regulations also provide privileges and immunities similar to those accorded to diplomatic agents in Australia under the *Diplomatic Privileges and Immunities Act 1967* to representatives of other countries attending conferences in Australia convened by the Authority. Experts employed by the Authority on shortterm missions are given no privileges and enjoy immunity from suit only in respect of acts performed on behalf of the Authority.

Details of the proposed Regulations are as follows:

Regulation 1 is a citation clause.

Regulation 2 is an interpretation provision.

Regulation 3 declares the Authority to be an international organisation to which the Act applies.

Regulation 4 gives the Authority juridical personality and legal capacities.

Regulation 5 gives the Authority certain privileges and immunities listed in the Act.

Regulation 6 excludes immunity in relation to, among other things, motor vehicle accidents and offences; contracts entered into by the Authority for the supply of goods or services; and loans, guarantees, indemnities and other financial transactions of the Authority.

Regulation 7 gives representatives of other countries attending conferences convened by the Authority certain privileges and immunities, listed in the Act, excluding immunity in relation to motor vehicle accidents and offences.

Regulation 8 gives officers of the Authority, including the Secretary-General, certain privileges and immunities listed in the Act, excluding immunity in relation to motor vehicle accidents and offences. A number of additional privileges and immunities are given to those officers who are not Australian citizens or residents of Australia.

Regulation 9 gives experts working with the Authority immunity from suit in respect of acts committed in the course of the Authority's business.

Regulation 10 allows the privileges and immunities given by other regulations to be waived by the Authority, the Secretary-General or certain foreign governments and international organisations.

Regulation 11 provides that the privileges and immunities given by other regulations is subject to Australian quarantine, import and export and public order laws.

The Regulations commence on Gazettal.