

EXPLANATORY STATEMENT

INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963 - COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (PRIVILEGES AND IMMUNITIES) REGULATIONS

Statutory Rules 1983 No. 22 Issued by Authority of the Minister of State for Foreign Affairs

The purpose of these Regulations is to accord certain privileges and immunities to the Commission for the Conservation of Antarctic Marine Living Resources (the Commission) and to the officials of that organization.

The Commission is the first intergovernmental organization to have its headquarters in Australia. It commenced its operations in Hobart in August 1982.

It is the Government's intention, in accordance with international practice, that an agreement between the Commission and the Government be finalized to settle the conditions under which the Commission conducts its operations in Australia (usually known as a Headquarters Agreement).

During negotiations for such an agreement, several members of the Commission sought extensive privileges and immunities for representatives of Commission members attending Commission meetings, and for officials of the Commission. This was not wholly acceptable to the Government, or to other Commission members. Because of this, it has not yet been possible to reach consensus on a comprehensive Headquarters Agreement.

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However, at the first Commission meeting an Interim Headquarters Agreement was concluded. The Prime Minister, the Treasurer, the Minister for Industry and Commerce, the Attorney-General and the Ministers for Administrative Services, Communications and Health have agreed that the Interim Agreement should be signed. The Interim Agreement cannot, however, be signed until all necessary steps have been taken to give effect to it in Australian law. It is the purpose of these Regulations to give it that effect.

These Regulations will give the Commission juridical personality and legal capacities, and will accord the Commission the privileges and immunities which were negotiated in the Interim Agreement. The Commission will, by these Regulations, enjoy limited immunity from suit and legal process, inviolability of premises, exemption from administrative and judicial restrictions and controls, inviolability of archives, exemption from all forms of taxation, exemption from customs and excise duties, exemption from currency and exchange restrictions, and communications privileges. These are all in accordance with international practice.

The Interim Agreement accords privileges and immunities only to the Commission, and not to any person associated with it. However, at the first Commission meeting, Australia also undertook to do its utmost to ensure that appropriate privileges and immunities are accorded as soon as

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possible to officials of the Commission. These Regulations accord privileges and immunities to the officials of the Commission in accordance with that undertaking and with international practice.

Privileges and immunities which officials of the Commission are to enjoy include limited immunity from suit and other legal process, exemption from income tax, exemption from immigration laws, exemption from national service obligations, exemption from currency and exchange restrictions, and first entry import privileges in relation to personal goods. Australian citizens and permanent residents and all former officials are to enjoy only immunity from suit and legal process.

In accordance with Australian taxation policy, the exemptions from taxation accorded to the Commission and its officials are dependent on all other Members of the Commission also according the Commission and its officials such exemptions.

The Regulations provide that all privileges and immunities accorded by them may be waived, and that there will be no exemptions from quarantine laws.

Statutory Rules No. 16/83