



(Statutory Rules and
Administering Departm
documents sent to I
related in connection



F.R.L.I.
1997B01744
Ex. Co. Secretariat please complete this copy by
insertion of signatures and date of making, and send
to: Instruments & Services Section,
Commercial & Drafting Division, Attorney-General's
Department.

Statutory Rules 1985 No. 1

327/

Commission for the Conservation of Antarctic Marine Living Resources (Privileges and Immunities) Regulations² (Amendment)

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 ~~28 November~~ 1985.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

BILL HAYDEN

Minister of State for Foreign Affairs

Principal Regulations

1. In these Regulations, "Principal Regulations" means the Commission
for the Conservation of Antarctic Marine Living Resources (Privileges and
Immunities) Regulations.

Interpretation

2. Regulation 2 of the Principal Regulations is amended by inserting
after the definition of "Commission" the following definition:

"'Executive Secretary' means the Executive Secretary of the Com-
mission;"

3. After regulation 9 of the Principal Regulations the following regulation
is inserted:

Privileges and immunities of Executive Secretary

"9A. (1) The office of Executive Secretary is a high office in the
Commission.

(S.R. 314/85) Cat. No.

10/24.10.1985

“(2) Subject to sub-regulations (4) and (5), a person who holds, or is performing the duties of, the office of Executive Secretary has the privileges and immunities specified in Part I of the Second Schedule to the Act.

“(3) Subject to sub-regulation (5), a person who has ceased to hold, or perform the duties of, the office of Executive Secretary has the immunities specified in Part II of the Second Schedule to the Act.

“(4) The privileges and immunities conferred on a person under sub-regulation (2) do not apply in respect of a child of such a person where that child has attained the age of 18 years.

“(5) The privileges and immunities conferred on a person by sub-regulation (2), or the immunities conferred on a person by sub-regulation (3), do not extend to a person who is an Australian citizen or a permanent resident of Australia.”.

Privileges and immunities of officers of the Commission

4. Regulation 10 of the Principal Regulations is amended—

- (a) by omitting from sub-regulation (1) “(2) and (5)” and substituting “(2), (5) and (6)”;
- (b) by omitting from sub-regulation (3) “5 and 7” and substituting “5, 6 and 7”;
- (c) by inserting after sub-regulation (3) the following sub-regulation:
 - “(3A) A person who holds an office in the Commission and is—
 - (a) an Australian citizen; or
 - (b) a person permanently resident in Australia,
 has, where the name of that person is included in a list that, for the purposes of this provision, has been—
 - (c) drawn up by the Executive Secretary; and
 - (d) approved by the Minister by instrument in writing,
 the privilege specified in paragraph 4 of Part I of the Fourth Schedule to the Act.”; and
- (d) by adding at the end the following sub-regulation:

“(6) The privilege specified in paragraph 3 of Part I of the Fourth Schedule to the Act, being a privilege conferred under sub-regulation (1) on a person who holds an office in the Commission, does not apply in respect of a child of such a person where that child has attained the age of 18 years.”.

Privileges and immunities of representatives attending conferences convened by Commission

5. Regulation 10A of the Principal Regulations is amended

- (a) by omitting from sub-regulation (1) “A person” and substituting “Subject to sub-regulations (3) and (4), a person”;

- (b) by omitting from sub-regulation (2) "A person" and substituting "Subject to sub-regulation (4), a person"; and
- (c) by adding at the end the following sub-regulations:

"(3) The immunities conferred on a person by sub-regulation (1) do not extend to immunity from personal arrest and detention where such a person is found committing, attempting to commit or just having committed a serious offence.

"(4) The immunities conferred on a person by sub-regulation (1) or (2), as the case requires, do not extend to immunity from a suit or other legal process---

- (a) for the recovery of damages in respect of any damage, injury or death resulting from an accident in which a motor vehicle owned or driven by the person was involved; or
- (b) with respect to the commission of an offence under a provision of a law of the Commonwealth, of a State or of a Territory, being a provision with respect to motor traffic, motor vehicles or the use of a motor vehicle.

"(5) In sub-regulation (3), 'serious offence' means an offence under any law of the Commonwealth or of a State or Territory in respect of which, if the offence had been committed in the Australian Capital Territory, a person would be liable, on first conviction, to imprisonment for a period of not less than 5 years."

6. After regulation 10A of the Principal Regulations the following regulation is inserted:

Privileges and immunities of experts working with the Commission

"10B. (1) Subject to sub-regulations (4) and (5), a person who is serving on a committee, or is participating in the work, of the Commission or is performing, whether alone or jointly with other persons, a mission on behalf of the Commission has the privileges and immunities specified in paragraphs 2 and 3 of Part I of the Fifth Schedule to the Act.

"(2) Subject to sub-regulation (5), a person who has served on a committee, or participated in the work, of the Commission or performed a mission on behalf of the Commission has the immunities specified in Part II of the Fifth Schedule to the Act.

"(3) Where a person referred to in sub-regulation (1) is not---

- (a) an Australian citizen; or
- (b) a person permanently resident in Australia, that person has, in addition to the privileges and immunities referred to in that sub-regulation, the privileges and immunities specified in paragraphs 1, 5 and 6 of Part I of the Fifth Schedule to the Act.

"(4) The immunities conferred on a person by sub-regulation (1) do not extend to immunity from personal arrest and detention where such a person

4 *Commission for the Conservation of Antarctic Marine
Living Resources (Privileges and Immunities) 1985 No. 4*

327/

is found committing, attempting to commit or just having committed a serious offence.

“(5) The immunities conferred on a person by sub-regulation (1) or (2) do not extend to immunity from a suit or other legal process—

- (a) for the recovery of damages in respect of any damage, injury or death resulting from an accident in which a motor vehicle owned or driven by the person was involved; or
- (b) with respect to the commission of an offence under a provision of a law of the Commonwealth, of a State or of a Territory, being a provision with respect to motor traffic, motor vehicles or the use of a motor vehicle.

“(6) In sub-regulation (4), ‘serious offence’ means an offence under any law of the Commonwealth or of a State or Territory in respect of which, if the offence had been committed in the Australian Capital Territory, a person would be liable, on first conviction, to imprisonment for a period of not less than 5 years.”.

**Repeal of Antarctic Marine Living Resources Preparatory Meeting
(Privileges and Immunities) Regulations**

7. Statutory Rules 1981 No. 261 are repealed.

**Repeal of Commission for the Conservation of Antarctic Marine Living
Resources (First Meeting) (Privileges and Immunities) Regulations**

8. Statutory Rules 1982 No. 111 are repealed.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 4 1985.
- 2. Statutory Rules 1983 No. 22 as amended by 1983 No. 145; 1984 No. 216.

5 December/