



Statutory Rules 1986 No. 1

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United Nations (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 17 APRIL 1986.

Governor-General

By His Excellency's Command,

BILL HAYDEN
Minister of State for Foreign Affairs

Citation

1. These Regulations may be cited as the United Nations (Privileges and Immunities) Regulations.

Interpretation

2. In these Regulations, "the Act" means the *International Organizations (Privileges and Immunities) Act 1963*.

Act to apply to the United Nations

3. The United Nations is declared to be an international organization to which the Act applies.

United Nations to have juridical personality and legal capacities

4. The United Nations—

- (a) is a body corporate with perpetual succession;
- (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 United Nations

5. (1) Subject to sub-regulations (2) and (3), the United Nations has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of the First Schedule to the Act.

(2) The United Nations 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 United Nations, whether owned or leased, as represent payment for specific services rendered.

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

Privileges and immunities of the Secretary-General of the United Nations

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

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

Privileges and immunities of an Under Secretary-General of the United Nations

7. (1) The office of Under Secretary-General of the United Nations is a high office in the United Nations.

(2) A person who holds, or is performing the duties of, the office of Under Secretary-General of the United Nations 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 Under Secretary-General of the United Nations has the immunities specified in Part II of the Second Schedule to the Act.

Privileges and immunities of an Assistant Secretary-General of the United Nations

8. (1) The office of Assistant Secretary-General of the United Nations is a high office in the United Nations.

(2) A person who holds, or is performing the duties of, the office of Assistant Secretary-General of the United Nations 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 Assistant Secretary-General of the United Nations has the immunities specified in Part II of the Second Schedule to the Act.

Privileges and immunities of representatives to the United Nations

9. (1) A person who is accredited to, or is in attendance at an international conference convened by, the United Nations as a representative of a country (other than Australia) has the privileges and immunities specified in 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 United Nations as a representative of a country (other than Australia) 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 United Nations

10. (1) Subject to sub-regulation (2), a person who holds an office in the United Nations, other than a person who holds, or is performing the duties of, an office specified in sub-regulation 6 (1), 7 (1) or 8 (1), has the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

(2) A person to whom sub-regulation (1) applies does not have the right to export furniture and effects free of duties when leaving Australia on the termination of his or her functions.

(3) A person who has ceased to hold an office in the United Nations, other than an office specified in sub-regulation 6 (1), 7 (1) or 8 (1), has the immunities specified in Part II of the Fourth Schedule to the Act.

Privileges and immunities of persons performing missions for the United Nations

11. (1) A person who is performing, whether alone or jointly with other persons, a mission on behalf of the United Nations has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5 and 6 of Part I of the Fifth Schedule to the Act.

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

Waiver of privileges and immunities

12. (1) The Security Council of the United Nations may waive any privileges and immunities to which—

(a) the United Nations; or

(b) a person upon whom privileges and immunities are conferred by regulation 6,

is entitled by virtue of the Act or these Regulations.

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(2) The Secretary-General of the United Nations may waive any privileges and immunities to which a person upon whom privileges and immunities are conferred by regulation 7, 8, 10 or 11 is entitled by virtue of the Act or these Regulations.

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

NOTE

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

1986. 24 April