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Statutory Rules 1997 No. 1

329/

## Energy Charter Conference (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 Organisations (Privileges and Immunities) Act 1963*.

Dated

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1997.

26 November/

WILLIAM DEANE/

Governor-General

By His Excellency's Command,

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ALEXANDER DOWNER/

Minister for Foreign Affairs

### Citation

1. These Regulations may be cited as the Energy Charter Conference (Privileges and Immunities) Regulations.

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

**Interpretation****2. In these Regulations:**

**“Charter Conference”** means the Energy Charter Conference that was established by the Energy Charter Treaty done at Lisbon on 17 December 1994 and includes the provisional Charter Conference;

**“office”** means an office in the Charter Conference;

**“Secretary-General”** means the Secretary-General of the Charter Conference;

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

**Application of the Act to the Charter Conference**

**3.** The Charter Conference is an international organisation to which the Act applies.

**Charter Conference has legal personality and capacity****4. The Charter Conference:**

- (a) is a body corporate with perpetual succession; and
- (b) is capable, in its corporate name:
  - (i) of entering into contracts; and
  - (ii) of acquiring, holding and disposing of real and personal property; and
  - (iii) of suing and being sued.

**Privileges and immunities of the Charter Conference**

**5. (1)** The Charter Conference 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 Charter Conference is not exempt under subregulation (1) from any Commonwealth, State, Territory or municipal dues and taxes that constitute payment for specific services for premises owned, leased or occupied by the Charter Conference.

**(3)** Subregulation (1) does not affect the liability of the Charter Conference or any other person to pay sales tax on the

taxable value of goods that are not publications of the Charter Conference.

### **Privileges and immunities of Secretary-General**

6. (1) The office of Secretary-General is a high office in the Charter Conference for subparagraph 6 (1) (b) (i) of the Act.

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

### **Privileges and immunities of certain representatives at conferences convened by the Charter Conference**

7. (1) A person who is accredited to or attends a meeting convened by the Charter Conference as representative of a country other than Australia has the privileges and immunities stated in Part I of the Third Schedule to the Act.

(2) A person who has ceased to be accredited to, or who has attended, a meeting convened by the Charter Conference as a representative of a country other than Australia has the immunities stated in Part II of the Third Schedule to the Act.

### **Privileges and immunities of certain Charter Conference officers**

8. (1) A person who holds, or is performing the duties of, an office (other than the office of Secretary-General) has the privileges and immunities stated in items 1, 2, 3, 5, 6 and 7 in Part I of the Fourth Schedule to the Act.

(2) The salary and allowances received from the Charter Conference for services performed in Australia for the Charter Conference by a person:

- (a) to whom subregulation (1) applies; and
- (b) who is a resident of Australia, within the meaning of the *Income Tax Assessment Act 1936*;

are exempt from taxation only if the person is not an Australian citizen and performed the services while in Australia solely for the purpose of performing services for the Charter Conference.

(3) A person to whom subregulation (1) applies does not have the privilege stated in item 7 in Part I of the Fourth Schedule to the Act if he or she is an Australian citizen.

(4) A person who has ceased to hold an office (other than the office of Secretary-General) has the immunity stated in Part II of the Fourth Schedule to the Act.

### **Immunities of other staff members**

9. (1) A member of the staff of the Charter Conference, other than a person who holds an office in the Charter Conference, has the immunities stated in items 1, 2, 3, 5 and 6 in Part I of the Fifth Schedule to the Act.

(2) A person who:

(a) has ceased to be a member of the staff of the Charter Conference; and

(b) has not held an office in the Charter Conference;

has the immunity stated in Part II of the Fifth Schedule to the Act.

### **Waiver of privileges and immunities**

10. (1) The Charter Conference may waive a privilege or immunity conferred by the Act or these Regulations on:

(a) the Charter Conference; or

(b) a person who holds, or who has ceased to hold, an office; or

(c) a person who is, or who has ceased to be, a member of the staff of the Charter Conference.

(2) The government of a country may waive a privilege or immunity conferred by the Act or these Regulations on a person who, as a representative of that country:

- (a) is accredited to, or attends, a Charter Conference meeting; or
- (b) has ceased to be accredited to, or has attended, a meeting of that kind.

**Application of laws about quarantine, importation and exportation**

**11. (1)** These Regulations do not affect the application of any law of the Commonwealth, a State or a Territory relating to:

- (a) quarantine; or
- (b) the prohibition or restriction of imports into, or exports from, Australia or an External Territory of any animals, plants or goods; or
- (c) public order.

(2) Subregulation (1) does not prejudice the immunity from suit or other legal process conferred by these Regulations.

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**NOTE**

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

3 December /  
1997.