

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Foreign Affairs

International Organisations (Privileges and Immunities) Act 1963

Specialized Agencies (Privileges and Immunities) Amendment Regulation 2016 (No.1)

The *International Organisations (Privileges and Immunities) Act 1963* (the Act) allows privileges and immunities to be conferred on ‘international organisations’ and ‘overseas organisations’, including persons connected to the organisations. The ‘international organisations’ and ‘overseas organisations’ are declared by regulations under the Act.

Section 13 of 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 carrying out or giving effect to the Act.

The *Specialized Agencies (Privileges and Immunities) Amendment Regulation 2016 (No.1)* (the Regulation) removes all reference to the United Nations World Tourism Organization (UNWTO), thereby giving effect to Australia’s withdrawal from the Statutes of the UNWTO, as approved by the Federal Executive Council on 6 August 2015.

Withdrawal follows a comprehensive review of the benefits of Australia’s membership, which included extensive consultation with key industry stakeholders. Industry also had the opportunity to input into DFAT’s draft national interest analysis submitted to the JSCOT. The review process concluded that Australia was not receiving adequate value from its investment in membership of the UNWTO.

On 19 August 2015, the Australian Government lodged the official Instrument of Withdrawal with the Spanish Foreign Ministry, as the Depositary Government for the Statutes of the UNWTO. From this date, Australia is serving a 12-month withdrawal notification period, as required under the Statutes. Australia will remain a fee-paying member of the UNWTO until 18 August 2016, when membership will officially cease.

The Regulation commences on 19 August 2016.

The Act specifies no conditions that need to be satisfied before the power to make the Regulation be exercised.

Details of the Regulation are set out in the [Attachment](#).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Specialized Agencies (Privileges and Immunities) Amendment Regulation 2016 (No.1)

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

The *Specialized Agencies (Privileges and Immunities) Amendment Regulation 2016 (No.1)* (the Disallowable Legislative Instrument) removes all reference to the United Nations World Tourism Organization (UNWTO), thereby giving effect to Australia's withdrawal from the Statutes of the UNWTO, as approved by the Federal Executive Council on 6 August 2015.

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Human rights implications

This Disallowable Legislative Instrument does not engage or limit any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not cover any human rights-related issues.

ATTACHMENT

Details of the *Specialized Agencies (Privileges and Immunities) Amendment Regulation 2016 (No.1)*

Schedule 1 – Amendments

Schedule 1 makes the following amendments to the *Specialized Agencies (Privileges and Immunities) Regulations 1986*:

1 Subregulation 9(6)

Repeal the subregulation, substitute:

(6) Subregulation (5) applies to the United Nations Educational, Scientific and Cultural Organization.

2 Paragraph 9(8)(i)

Omit “Organization;”, substitute “Organization.”.

3 Paragraph 9(8)(j)

Repeal the paragraph.

4 Subregulation 9A(1)

Omit “(other than the World Tourism Organization)”.

5 Subregulation 9A(4)

Omit “(other than an office in the World Tourism Organization)”.

6 Subregulation 9A(7)

Omit “or a person who holds an office in the World Tourism Organization”.

7 Schedule (item 17)

Repeal the item.