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Statutory Rules 1983 No. 41

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Commission for the Conservation of Antarctic Marine Living Resources (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 23 February 1983.

N. M. STEPIEN
Governor-General

By His Excellency's Command,

(Sgd) A. A. Street

Minister of State for Foreign Affairs

Citation

1. These Regulations may be cited as the Commission for the Conservation of Antarctic Marine Living Resources (Privileges and Immunities) Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears—

“Commission” means the Commission for the Conservation of Antarctic Marine Living Resources;

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

Act to apply to Commission

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

Commission to have juridical personality and legal capacities

4. The Commission—

- (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 Commission

5. Subject to regulations 6, 7, 8 and 9, the Commission has the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10 and 12 of the First Schedule to the Act.

Limitation on immunity from suit, &c.

6. The immunity from suit and from other legal process conferred by regulation 5 on the Commission does 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 by, or operated on behalf of, the Commission was involved;
- (b) in relation to—
 - (i) any contract entered into by the Commission for the supply of goods or services;
 - (ii) any loan, or other transaction for the provision of finance, by or to the Commission; or
 - (iii) any contract of guarantee or indemnity to which the Commission is a party;
- (c) by way of, or in relation to, a counter-claim made against the Commission by a party to proceedings instituted by the Commission; or
- (d) in respect of the attachment, in accordance with a final order of a Court, of any amount payable as salary, wages or other remuneration by the Commission to any person who holds an office in the Commission or any expert assisting the Commission.

Limitations on inviolability of premises

7. (1) Where, in the event of a fire or other emergency, immediate entry to any premises of, or occupied by, the Commission is necessary for the purpose of protecting life or property or bringing the fire or other emergency under control, regulation 5 does not operate to affect the application, in relation to those premises, of any law of the Commonwealth, of a State or of a Territory that authorizes a person, in such an event, to enter premises (without the

consent of the owner or occupier of the premises, if necessary) for the purpose of exercising any of his powers or performing any of his duties under that law.

(2) Sub-regulation (1) does not prejudice any immunity from suit or from other legal process conferred by these Regulations.

Limitation on exemption of property, &c., of Commission from restrictions and controls

8. The exemption conferred by regulation 5 in respect of the property and assets of the Commission ceases to apply to any such property or assets where that property has, or those assets have, been abandoned by the Commission for a period exceeding 12 months.

Limitation on exemption from taxes, &c.

9. (1) The Commission is not, by virtue of regulation 5, exempt from such national, regional or municipal dues and taxes in respect of the premises of the Commission, whether owned or leased, as represent payment for specific services rendered.

(2) The Commission is not, by virtue of regulation 5, exempt from liability to pay taxes on the income of the Commission unless the Commission is in like manner exempted from that liability under the law of each country other than Australia that is a member of the Commission.

(3) The exemption conferred by regulation 5 on the Commission from duties and taxes in respect of—

(a) goods imported by the Commission into Australia; or

(b) goods purchased or manufactured by the Commission in Australia,

ceases to apply in relation to any goods so imported, manufactured or purchased where those goods are donated, sold, lent, or otherwise disposed of, in Australia, by the Commission otherwise than in accordance with conditions agreed upon in advance between the Commission and the Commonwealth of Australia.

Privileges and immunities of officers of Commission

10. (1) Subject to sub-regulations (2) and (5), a person who holds an office in the Commission has the privileges and immunities specified in paragraphs 1, 2 and 3 of Part I of the Fourth Schedule to the Act.

(2) The salary and emoluments received from the Commission by a person who holds an office in the Commission, being a resident of Australia within the meaning of the *Income Tax Assessment Act 1936*, are not, to the extent to which they are for services rendered in Australia, exempt from taxation unless the person is not an Australian citizen and came to Australia solely for the purpose of performing duties of the office in the Commission held by him.

(3) A person who holds an office in the Commission and is not—

(a) an Australian citizen; or

(b) a person permanently resident in Australia,
has, in addition to the privileges and immunities referred to in sub-regulation (1), the privileges and immunities specified in paragraphs 4, 5 and 7 of Part I of the Fourth Schedule to the Act.

(4) Subject to sub-regulation (5), a person who has ceased to hold an office in the Commission has the immunities specified in Part II of the Fourth Schedule to the Act.

(5) The immunities conferred on a person by sub-regulation (1) or (4) 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.

Waiver of privileges and immunities

11. (1) The Commission may waive any privileges and immunities to which—

- (a) the Commission; or
- (b) a person who holds, or has ceased to hold, the office of Executive Secretary of the Commission,

is entitled by virtue of these Regulations.

(2) The Executive Secretary to the Commission may waive any privileges and immunities to which a person (other than the Executive Secretary to the Commission) is entitled by virtue of regulation 10.

Privileges and immunities subject to quarantine laws, &c.

12. Nothing in these Regulations affects the application of any law of the Commonwealth, of a State or of a Territory relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Australia, that State or that Territory, as the case may be, of any animals, plants or goods, but this regulation does not prejudice the immunity from suit or from other legal process conferred by these Regulations.

NOTE

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

h 1983.

28 February