

STATUTORY RULES

1967 No.

REGULATIONS UNDER THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963-1966.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, I, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *International Organizations (Privileges and Immunities) Act 1963-1966*.

Dated this *sixteenth*
day of *June*, 1967.

CASEY

Governor-General.

By His Excellency's Command,

(Signed) Paul Hasluck.

Minister of State for External Affairs.

INTERNATIONAL COURT OF JUSTICE (PRIVILEGES AND IMMUNITIES) REGULATIONS

1. These Regulations may be cited as the International Court of Justice (Privileges and Immunities) Regulations.

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

“the Act” means the *International Organizations (Privileges and Immunities) Act 1963-1966*;

“the Court” means the International Court of Justice established by the Charter of the United Nations;

“the Registrar” means the Registrar of the Court.

3.—(1.) A member of the Court has—

(a) when engaged on the business of the Court;

(b) when on a journey in connexion with the exercise of his functions as a member of the Court; or

(c) if he is not an Australian citizen, when residing in Australia for the purpose of holding himself permanently at the disposal of the Court, the privileges and immunities specified in Part I. of the Second Schedule to the Act.

Privileges and
immunities of
members of
Court.

(2.) A person who has ceased to be a member of the Court—

(a) has the immunities specified in Part II. of the Second Schedule to the Act; and

(b) is exempted from taxation in respect of any salary, allowances or compensation received from the Court.

4.—(1.) A person who holds the office of Registrar, or is performing the duties of that office, has, while on the business of the Court or while on a journey in connexion with the exercise of the functions of that office, the privileges and immunities specified in Part I. of the Second Schedule to the Act.

Privileges and
immunities of
Registrar.

(2.) A person who has ceased to hold, or perform the duties of, the office of Registrar has the immunities specified in Part II. of the Second Schedule to the Act.

5.—(1.) A person who holds an office in the Court, other than the office of Registrar, has, while on the business of the Court or while on a journey in connexion with the performance of the functions of his office—

Privileges and
immunities of
officers of Court
other than the
Registrar.

(a) the privileges and immunities specified in paragraphs 1 to 5 (inclusive) of Part I. of the Fourth Schedule to the Act; and

(b) the following privileges, namely, the like repatriation facilities (including repatriation facilities for a spouse and any dependent relatives) in time of international crisis as are accorded to an official of comparable rank forming part of a diplomatic mission.

(2.) The salary and emoluments received from the Court by a person to whom the last preceding sub-regulation applies, being a resident of Australia within the meaning of the *Income Tax Assessment Act* 1936-1967, 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 Court held by him.

(3.) The salary and emoluments received from the Court by a person to whom sub-regulation (1.) of this regulation applies, being a resident of the Territory of Papua and New Guinea within the meaning of the *Income Tax Ordinance* 1959-1966 of that Territory, are not, to the extent to which they are for services rendered in that Territory, exempt from taxation unless the person is not an Australian citizen or an Australian protected person and unless the person came to that Territory solely for the purpose of performing duties of the office in the Court held by him.

(4.) In the last preceding sub-regulation, "Australian protected person" means a person declared by the regulations under the *Nationality and Citizenship Act* 1948-1967 to be, for the purposes of that Act, under the protection of the Australian Government.

(5.) Subject to the next succeeding sub-regulation, a person who holds an office in the Court, other than the office of Registrar, has the privileges and immunities specified in paragraph 7 of Part I. of the Fourth Schedule to the Act.

(6.) The last preceding sub-regulation does not apply to or in relation to a person who is an Australian citizen.

(7.) A person who has ceased to hold an office in the Court, other than the office of Registrar, has the immunities specified in Part II. of the Fourth Schedule to the Act.

6.—(1.) A person, not being an Australian citizen or a person acting on behalf of the Government of Australia, has—

Privileges and
immunities of
agents, counsel
and advocates
of Court.

(a) while appearing before the Court as agent, counsel or advocate; or

(b) while proceeding on a journey in connexion with such an appearance, the privileges and immunities specified in paragraphs 1 to 6 (inclusive) of Part I. of the Third Schedule to the Act.

(2.) A person, not being an Australian citizen or a person acting on behalf of the Government of Australia, who has concluded his appearance before the Court as agent, counsel or advocate has the immunities specified in Part II. of the Third Schedule to the Act.

(3.) For the purposes of this regulation, the Third Schedule to the Act has effect in relation to a person as if the words "in his capacity as agent, counsel or advocate before the Court" were substituted for the words "in his capacity

as such a representative" in paragraph 2 of Part I. and in Part II. of that Schedule.

7.—(1.) A person has—

- (a) while acting as an assessor of the Court;
- (b) while appearing as a witness or an expert before the Court; or
- (c) while performing a mission by order of the Court,

Privileges and
immunities of
assessors,
witnesses,
experts, &c.

and while on a journey in connexion with such a duty, the privileges and immunities specified in paragraphs 1 to 5 (inclusive) of Part I. of the Fifth Schedule to the Act.

(2.) A person referred to in the last preceding sub-regulation who has ceased to perform the duties referred to in that sub-regulation has the immunities specified in Part II. of the Fifth Schedule to the Act.

(3.) For the purposes of this regulation, the Fifth Schedule to the Act has effect in relation to a person—

- (a) as if the words "while acting as an assessor of the Court, while appearing as a witness or an expert before the Court or while performing a mission by order of the Court" were substituted for the words "in serving on the committee, participating in the work or performing the mission" in paragraph 2 of Part I. and in Part II. of that Schedule; and
- (b) as if the word "Court" were substituted for the word "organization" in paragraph 4 of Part I. of that Schedule.

8.—(1.) In this regulation, "the appropriate authority" means—

- (a) in relation to the Registrar—the Court;
- (b) in relation to an official of the Court other than the Registrar—the Registrar acting with the approval of the President of the Court;
- (c) in relation to an agent, counsel or advocate—the government of the country on behalf of which he is, or was, appearing before the Court; and
- (d) in relation to any other person, not being a member of the Court, referred to in these Regulations—the Court, or, if the Court is not then sitting, the President of the Court.

Waiver of
privileges and
immunities.

(2.) The appropriate authority in relation to a particular person may waive any privileges or immunities to which that person is entitled by virtue of the Act or these Regulations.

9. Nothing in these Regulations affects the application of any law of the Commonwealth or a Territory of the Commonwealth, including the Territory of Nauru, relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Australia 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 civil or criminal process conferred by these Regulations.

Privileges and
immunities
subject to
quarantine
laws.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra