

EXPLANATORY STATEMENT

Subject: **INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES)
ACT 1963**

SOUTH PACIFIC NUCLEAR FREE ZONE CONSULTATIVE COMMITTEE (PRIVILEGES AND IMMUNITIES) REGULATIONS 1986 No 359

Section 13 of the International Organizations (Privileges and Immunities) Act 1963 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

2. The South Pacific Nuclear Free Zone Treaty was drawn up and opened for signature at Rarotonga on 6 August 1985, on which date it was signed for Australia. The Treaty expresses the strong community of interests which members of the South Pacific Forum share in environmental and security matters and reflects the deeply felt and long-standing concerns in the region about nuclear testing, the ocean dumping of nuclear waste, and the horizontal proliferation of nuclear weapons. It commits the parties to important obligations in those areas.

3. The proposed South Pacific Nuclear Free Zone Consultative Committee (Privileges and Immunities) Regulations are necessary to implement certain provisions of the Treaty before Australia proceeds to ratification. The Consultative Committee is established by Annex 3 of the Treaty which also requires that inspectors appointed by the Committee should enjoy certain privileges and immunities to ensure their independence and the effective discharge of their obligations.

4. Details of the proposed regulations are set out below:

- . Regulations 1 and 2 relate to citation and interpretation.
- . Regulation 3 provides for the Act to apply to the Committee.
- . Regulation 4 confers juridical personality and legal capacities on the Committee.
- . Regulation 5 confers certain privileges and immunities on persons performing missions for

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the Committee. These are set out in Parts I and II of the Fifth Schedule to the Act, and include immunity from personal arrest or detention, inviolability of papers and documents, and immunity from suit and from other legal process in respect of acts and things done in participating in the work of the mission.

- . Regulation 6 provides for the waiver of any of the privileges and immunities granted by the Act or regulations.

Statutory Rules 1986 No.