

Statutory Rules

1979 No. 72

REGULATIONS UNDER THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963¹

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 this tenth day of May 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

ANDREW PEACOCK
Minister of State for Foreign Affairs

CUSTOMS CO-OPERATION COUNCIL (PRIVILEGES AND IMMUNITIES) REGULATIONS

1. These Regulations may be cited as the Customs Co-operation Council (Privileges and Immunities) Regulations. Citation

2. In these Regulations, unless the contrary intention appears— Interpretation
“ Council ” means the Customs Co-operation Council;
“ the Act ” means the *International Organizations (Privileges and Immunities) Act 1963*.

3. The Council is declared to be an international organization to which the Act applies. Application of Act to Council

4. The Council— Juridical personality and capacities
(a) is a body corporate with perpetual succession;
(b) has the capacity, in its corporate name, to—
(i) contract;
(ii) acquire, hold and dispose of real and personal property; and
(iii) institute legal proceedings.

Privileges and immunities of the Council

5. (1) Subject to sub-regulations (2) and (3), the Council 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 Council is not, by virtue of sub-regulation (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Council, whether owned or leased, as represent payment for specific services rendered.

(3) Where goods (not being publications of the Council) are imported, manufactured or purchased by the Council for sale by it, sub-regulation (1) does not operate to prevent sales tax being payable by the Council or by any other person upon the sale value of the goods.

Privileges and immunities of the Secretary General of the Council

6. (1) The office of Secretary General of the Council is a high office in the Council.

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

Privileges and immunities of the Deputy Secretary General of the Council

7. (1) The office of Deputy Secretary General of the Council is a high office in the Council.

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

Privileges and immunities of representatives to the Council

8. (1) A person who is accredited to, or is in attendance at an international conference convened by, the Council as a representative of a country other than Australia has, while exercising his functions as such a representative, the privileges and immunities specified in Part I of the Third Schedule to the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the Council as a representative of a country other than Australia has the immunities specified in Part II of the Third Schedule to the Act.

9. (1) Subject to sub-regulation (2), a person who holds an office in the Council (not being the office of Secretary General or Deputy Secretary General of the Council) has the privileges and immunities specified in Part I of the Fourth Schedule to the Act.

Privileges and immunities of other officials of the Council

(2) The salary and emoluments received from the Council by a person on whom privileges and immunities are conferred by sub-regulation (1), 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 Council held by him.

(3) A person who has ceased to hold an office in the Council (not being the office of Secretary General or Deputy Secretary General of the Council) has the immunities specified in Part II of the Fourth Schedule to the Act.

10. (1) A person who is serving on a committee, or is participating in the work, of the Council or is performing, whether alone or jointly with other persons, a mission on behalf of the Council has the privileges and immunities specified in Part I of the Fifth Schedule to the Act.

Privileges and immunities of persons performing missions for Council

(2) A person who has served on a committee, or participated in the work, of the Council or has performed a mission on behalf of the Council has the immunities specified in Part II of the Fifth Schedule to the Act.

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

Waiver of privileges and immunities

(a) the Council; or

(b) a person who holds or is performing the duties of, or has ceased to hold or perform the duties of, the office of Secretary General of the Council,

is entitled by virtue of the Act or these Regulations.

(2) The Secretary General to the Council may waive any privileges and immunities to which—

(a) the Deputy Secretary General of the Council; or

(b) a person upon whom privileges and immunities are conferred by sub-regulation 9 (1) or (3) or sub-regulation 10 (1) or (2),

is entitled by virtue of the Act or these Regulations.

(3) The government of a country may waive any privileges and immunities to which a person who is accredited to, or is in attendance at an international conference convened by, the Council as a representative of that country, or who has ceased to be accredited to the Council, or has

attended such a conference, as a representative of that country, is entitled by virtue of the Act or these Regulations.

Privileges
and
immunities
subject to
quarantine
laws, &c.

12. Nothing in these Regulations affects the application of any law of the Commonwealth or of a Territory 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 other legal process conferred by these Regulations.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 17 May 1979.