

2010-2011-2012-2013

The Parliament of the  
Commonwealth of Australia

THE SENATE

*Presented and read a first time*

**International Organisations (Privileges  
and Immunities) Amendment Bill 2013**

**No.     , 2013**

*(Foreign Affairs)*

**A Bill for an Act to amend the *International  
Organisations (Privileges and Immunities) Act 1963*,  
and for related purposes**



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1     **A Bill for an Act to amend the *International***  
2     ***Organisations (Privileges and Immunities) Act 1963,***  
3     **and for related purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *International Organisations*  
7                     *(Privileges and Immunities) Amendment Act 2013.*

8     **2 Commencement**

9                     (1) Each provision of this Act specified in column 1 of the table  
10                     commences, or is taken to have commenced, in accordance with  
11                     column 2 of the table. Any other statement in column 2 has effect  
12                     according to its terms.

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**Commencement information**

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| <b>Column 1</b>   | <b>Column 2</b>  | <b>Column 3</b>     |
|---|--|---------------------|
| <b>Provision(s)</b>   | <b>Commencement</b>  | <b>Date/Details</b> |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent.  |                     |
| 2. Schedule 1   | A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period. |                     |

1 Note: This table relates only to the provisions of this Act as originally  
2 enacted. It will not be amended to deal with any later amendments of  
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.  
5 Information may be inserted in this column, or information in it  
6 may be edited, in any published version of this Act.

### 7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or  
9 repealed as set out in the applicable items in the Schedule  
10 concerned, and any other item in a Schedule to this Act has effect  
11 according to its terms.

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## Schedule 1—Amendments

### *International Organisations (Privileges and Immunities) Act 1963*

#### **1 Subsection 3(1)**

Insert:

*ICRC Arrangement* means the Arrangement Between The Government of Australia and The International Committee of the Red Cross (“ICRC”) On a Regional Headquarters in Australia, done at Canberra on 24 November 2005 (a copy of the text of which is set out in the regulations).

#### **2 Subsection 3(1) (at the end of paragraph (b) of the definition of *international conference*)**

Add “or”.

#### **3 Subsection 3(1) (after paragraph (b) of the definition of *international conference*)**

Insert:

- (c) a person representing an organisation (other than an organisation referred to in paragraph (b)) upon which privileges and immunities have been conferred by regulations made for the purposes of this Act;

#### **4 Subsection 3(1)**

Insert:

*International Criminal Court* means the International Criminal Court established under the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998.

Note: The text of the Rome Statute is set out in Australian Treaty Series 2002 No. 15 ([2002] ATS 15). In 2013, the text of a Statute in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

#### **5 At the end of subparagraph 7(1)(b)(ii)**

Add “or”.

1 **6 After subparagraph 7(1)(b)(ii)**

2 Insert:

- 3 (iii) an organisation (other than an organisation referred to in  
4 subparagraph (ii)) upon which privileges and  
5 immunities have been conferred by regulations made for  
6 the purposes of this Act;

7 **7 At the end of subparagraph 7(2)(a)(ii)**

8 Add “or”.

9 **8 After subparagraph 7(2)(a)(ii)**

10 Insert:

- 11 (iii) an organisation (other than an organisation referred to in  
12 subparagraph (ii)) upon which privileges and  
13 immunities have been conferred by regulations made for  
14 the purposes of this Act;

15 **9 At the end of paragraph 7(3)(b)**

16 Add “or”.

17 **10 After paragraph 7(3)(b)**

18 Insert:

- 19 (c) an organisation (other than an organisation referred to in  
20 paragraph (b)) upon which privileges and immunities have  
21 been conferred by regulations made for the purposes of this  
22 Act;

23 **11 Subsection 9B(3) (definition of *international tribunal*)**

24 Omit all the words after paragraph (b), substitute:

25 but does not include:

- 26 (c) the International Court of Justice established by the Charter  
27 of the United Nations; or  
28 (d) the International Criminal Court.

29 **12 After section 9B**

30 Insert:

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**9C Privileges and immunities in respect of the International Criminal Court**

- (1) The regulations may confer upon:
- (a) the International Criminal Court; and
  - (b) persons of a kind referred to in the Agreement on the Privileges and Immunities of the International Criminal Court, done at New York on 9 September 2002;
- such privileges and immunities as are required to give effect to that Agreement.

Note 1: In 2013, the text of the Agreement was accessible through the website of the International Criminal Court ([www.icc-cpi.int](http://www.icc-cpi.int)).

Note 2: The regulations may also confer upon the International Criminal Court juridical personality and such legal capacities as are necessary for the exercise of the Court's functions and the fulfilment of its purposes (see section 12A).

- (2) This section and section 6 do not limit each other.

**9D Privileges and immunities in respect of the International Committee of the Red Cross**

- (1) The regulations may confer upon:
- (a) the International Committee of the Red Cross; and
  - (b) persons of a kind referred to in the ICRC Arrangement;
- such privileges and immunities as are required to give effect to that Arrangement.
- (2) The regulations may confer upon the International Committee of the Red Cross juridical personality and such legal capacities as are necessary for the exercise of its powers and the performance of its functions.

**13 At the end of subsection 12(1)**

Add:

Note: This section does not apply in relation to the International Committee of the Red Cross (as it is not an international organisation to which this Act applies, as defined in subsection 3(1) of this Act). The use of the emblem and designation "Red Cross" is dealt with by section 15 of the *Geneva Conventions Act 1957*.