

# Diplomatic Privileges and Immunities

No. 69 of 1972

An Act to amend the *Diplomatic Privileges and Immunities Act 1967*.

[Assented to 31 August 1972]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Diplomatic Privileges and Immunities Act 1972*.

(2.) The *Diplomatic Privileges and Immunities Act 1967*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Diplomatic Privileges and Immunities Act 1967–1972*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation.

3. Section 4 of the Principal Act is amended—

(a) by inserting in sub-section (1.), before the definition of “mission”, the following definition:—

“ ‘Australian citizen’ includes a person who, by virtue of regulations in force under the *Citizenship Act 1948–1969*, is, for the purposes of that Act, under the protection of the Australian Government; ” ; and

(b) by omitting from sub-section (1.) the definition of “Territory of the Commonwealth”.

Vienna Convention on Diplomatic Relations to have force of law.

4. Section 7 of the Principal Act is amended by omitting from paragraph (h) of sub-section (2.) the words “Department of External Affairs” and inserting in their stead the words “Department of Foreign Affairs”.

Limitation on exemption from customs duties.

5. Section 8 of the Principal Act is amended by omitting paragraph (a) of sub-section (3.) and inserting in its stead the following paragraph:—

“(a) the person for whose use the articles are intended, or, if the articles are intended for the use of a mission, the head of the mission, agrees that, if the articles are sold or otherwise disposed of in Australia or in a Territory of the Commonwealth not forming part of the Commonwealth within two years after the

\*Act No. 16, 1967.

date of entry of the articles for home consumption under the *Customs Act 1901-1971*, he will pay to the Commonwealth an amount equal to so much (if any) as the Minister of State for Customs and Excise determines of the customs duties, taxes and related charges that, but for paragraph 1 of Article 36, or paragraph 1 or paragraph 2 of Article 37, of the Convention, as the case may be, would have been payable in respect of the articles; and ”.

**6.** Section 9 of the Principal Act is amended by omitting paragraph (a) of sub-section (3.) and inserting in its stead the following paragraph:—

Exemption from excise duty.

“ (a) the person for whose use the goods are intended, or, if the goods are intended for the use of a mission, the head of the mission, agrees that, if the goods are sold or otherwise disposed of in Australia or in a Territory of the Commonwealth not forming part of the Commonwealth within two years after the date of entry of the goods for home consumption under an Act relating to duties of excise, he will, unless the Minister of State for Customs and Excise otherwise determines, pay to the Commonwealth an amount equal to the duties of excise that, but for this section, would have been payable in respect of the goods; and ”.

**7.** Section 10 of the Principal Act is amended by omitting paragraph (a) of sub-section (3.) and inserting in its stead the following paragraph:—

Exemption from sales tax on excisable goods.

“ (a) the person for whose use the goods are intended, or, if the goods are intended for the use of a mission, the head of the mission, agrees that, if the goods are sold or otherwise disposed of in Australia or in a Territory of the Commonwealth not forming part of the Commonwealth within two years after the date of entry of the goods for home consumption under an Act relating to duties of excise, he will, unless the Treasurer otherwise determines, pay to the Commonwealth an amount equal to the sales tax that, but for this section, would have been payable in respect of the goods; and ”.

**8.** Section 11 of the Principal Act is amended—

(a) by adding at the end of paragraph (a) the word “ and ”; and

(b) by omitting paragraphs (b) and (c) and inserting in their stead the following paragraph:—

“ (b) private servants of members of such a mission,”.

Privileges and immunities of certain members of the staff of a mission and of private servants of members of a mission.

**9.** Section 13 of the Principal Act is repealed.

Regulations may grant consular immunity to certain persons.