

International Organisations (Privileges and Immunities) Amendment Bill 2013

Introduced into the Senate on 13 March 2013

Portfolio: Foreign Affairs

PJCHR comments: [Report 4/13](#), tabled on 20 March 2013

Response received: 29 April 2013

Summary of committee view

3.1 The committee thanks the Minister for his response but notes that the response has not addressed the specific questions raised by the committee.

Background

3.2 This bill proposes amendments to the *International Organisations (Privileges and Immunities) Act 1963* to provide a legislative basis for extending certain privileges and immunities on the International Committee of the Red Cross (ICRC) and the International Criminal Court (ICC).

3.3 The committee sought clarification as to whether the government considered that Australia may not grant immunity to a former official of an international organisation or foreign state in relation to criminal proceedings concerning alleged acts of torture and if so, whether any legislative amendments were proposed to reflect this position.

3.4 In order to facilitate its consideration of the bill the committee also requested the text of the Arrangement between the Government of Australia and the International Committee for the Red Cross on a Regional Headquarters in Australia, to which effect was to be given by regulations made following the passage of the bill.

3.5 The Minister's response is attached.¹

1 The Minister's response included the following attachments: a) *Arrangement Between The Government of Australia And The International Committee of the Red Cross On a Regional Headquarters in Australia* which is reprinted here with the Minister's response and b) *Agreement on the Privileges and Immunities of the International Criminal Court*, United Nations 2002, which is available at: [http://untreaty.un.org/cod/icc/apic/apic\(e\).pdf](http://untreaty.un.org/cod/icc/apic/apic(e).pdf)

Committee response

Availability of texts of instruments of less than treaty status

3.6 The committee thanks the Minister for providing it with a copy of the agreement and reiterates its recommendation that instruments of 'less than treaty status' such as this agreement and memoranda of understanding with other states and international bodies should be included as part of the Australian Treaties Library in AUSTLII in a separate section, in order to contribute to transparency in Australia's conduct of its international relations.

Obligations under the Convention against Torture in relation to former officials

3.7 The purpose of the bill was establishment of a legal basis for extending certain privileges and immunities to the ICRC and ICC under the Act. However, the committee took the opportunity to raise issues about the human rights compatibility of that Act and of three other Acts which confer privileges and immunities on other persons or entities, namely the *Foreign States Immunities Act 1985*, the *Diplomatic Privileges and Immunities Act 1967*, and the *Consular Privileges and Immunities Act 1972*.

3.8 The specific matter on which the committee sought clarification from the Minister was in relation to Australia's obligations under the Convention against Torture and Other Forms of Cruel or Inhuman Treatment or Punishment (CAT) and in particular:

- (a) whether the government shared the view of the UN Committee against Torture and the House of Lords in the *Pinochet* case that its obligations under the CAT requiring it to investigate and either prosecute or extradite any person alleged to have committed torture who is found within Australia, applied to a person who may have enjoyed immunity as a high-level foreign official and, by analogy a former diplomatic or consular official, all of whom would have enjoyed immunity from criminal prosecution while in office; and
- (b) if this obligation is not already given effect to under Australian law, what steps are proposed to bring Australian law into conformity with Australia's obligations under the CAT.

3.9 The response provided by the Minister does not address this question. Instead, the response states that it is highly unlikely that anyone employed by the ICRC or the ICC would have been in a position in which the person could have

engaged in torture as defined in article 1 of the CAT.² The committee's question, however, was expressed to extend beyond the case of these two organisations, to include the former officials of all States who would benefit from the provisions of the *Foreign States Immunities Act 1985*, the *Diplomatic Privileges and Immunities Act 1967*, and the *Consular Privileges and Immunities Act 1972*. This reflects the committee's mandate under the *Human Rights (Parliamentary Scrutiny) Act 2011* to consider Acts for their compatibility with the relevant human rights treaties, including the CAT. The response prepared by the Department, however, states in a footnote that:

As the Bill in question and the Act which it seeks to amend concern only the privileges and immunities of international organisations, this response is confined to international organisations and does not address the separate issue of the privileges and immunities of foreign states and foreign state officials under customary international law, nor does it address separate legislation relating to the immunities of foreign states and state foreign officials.

3.10 The group covered by the four privileges and immunities Acts and associated subordinate legislation is a significantly larger group than potential former employees of the ICRC or ICC, and the Pinochet and Habré cases (among others) show that the issue is not a purely hypothetical one. Such allegations are not unknown in the Australian context.

3.11 The response further notes that, if such a case were to arise, it would be open to the Australian government to request a waiver of any immunity. Of course, such a waiver would not have to be granted and in any event the issue is whether Australia is under an obligation to have in place legislation which would allow that jurisdiction to be asserted without a discretionary waiver by an international organisation or foreign State. The Committee against Torture has stated as much,³

2 Article 1(1) of the CAT provides: For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

3 *Guengueng v Senegal*, Communication No 181/2001, UN Doc A/61/44, at 160 (2006).

and the International Court of Justice appears to be of a similar view.⁴ The response specifically notes that the *Pinochet case* 'has not determined the question as a matter of international law,'⁵ which may suggest that the government does not agree with the relevant findings in that case as to the scope of the obligations under the CAT, or with the authoritative statements to similar effect of the Committee against Torture and the International Court of Justice on the issue.

3.12 The response states that if there were an assertion of immunity in such cases, then it would be for the Australian courts to determine and it 'would not be appropriate to speculate how the Australian courts would approach this issue should it arise for determination.'

3.13 However, the issue has been addressed in the analogous context of civil suits alleging torture against foreign officials. For example in *Zhang v Zemin [sic]*⁶ a civil claim was brought in the Supreme Court of New South Wales against Jiang Zemin, the former President of the People's Republic of China (and another), claiming damages for alleged acts of torture. The committee notes that the Attorney-General for the Commonwealth appeared as an intervener in that case and argued 'there is no exception to immunity provided by the [Foreign States Immunities] Act, or by international law, for acts of torture carried out in an official capacity, and that the acts alleged against the defendants clearly were of an official nature.'⁷ The court held that it had not been shown that the acts alleged against the defendants had not been carried out in their official capacity (within the meaning of article 1 of CAT), that the action had been carried out as part of official policy, and that therefore the defendants were immune from suit.

3.14 On appeal by the unsuccessful plaintiffs (to which the Commonwealth Attorney-General was a respondent) the NSW Court of Appeal unanimously

4 International Court of Justice, *Questions Concerning the Obligation to Prosecute or Extradite (Belgium v Senegal)*, Judgment of 20 July 2012.

5 Response, p 2-3, n 4.

6 [2008] NSWSC 1296.

7 [2008] NSWSC 1296, [13].

dismissed the appeal, holding that the statute was clear and that the acts alleged were those of a foreign governmental official committed in an official capacity.⁸

3.15 The upshot of this reasoning would presumably be that a former official or diplomatic or consular official would enjoy immunity in relation to actions performed in an official capacity. Accordingly, Australian law would appear to bar prosecution for alleged torture committed by someone who enjoys immunity *ratione materiae* under the various statutes.

3.16 The committee notes that:

- (a) under the Convention against Torture Australia has accepted an obligation to have in place laws which permit the investigation and prosecution or extradition of persons alleged to have committed torture, including persons who may enjoy immunity *ratione materiae* (that is in relation to acts performed as part of their official functions) because of their former status as a high level foreign official, diplomat or consular official; and
- (b) the Australian case law in relation to civil suits involving allegations of torture and the Australian government's position put before the court on behalf of the Commonwealth Attorney-General in the *Zhang case* suggests indicates that under current Australian law such an investigation and prosecution would most likely be barred, especially as a prosecution for the offence of torture is subject to the Attorney-General's consent.

8 *Zhang v Zemin* [sic] [2010] NSWCA 255;(2010) 243 FLR 299; (2010) 79 NSWLR 513. See also *Li v Zhou* [2013] NSWSC 12 (25 January 2013) (holding article 14 of the CAT did not involve a waiver of immunity in civil proceedings before the courts of another country).



SENATOR THE HON BOB CARR

MINISTER FOR FOREIGN AFFAIRS
CANBERRA

25 APR 2013

Mr Harry Jenkins
Chair
Parliamentary Joint Committee on Human Rights
S1.111
Parliament House
Canberra ACT 2600

Dear Mr Jenkins

I refer to your letter of 20 March concerning the Committee's examination of the International Organisations (Privileges and Immunities) Amendment Bill 2013, and inviting further clarification in relation to the matters raised in the Committee's 'Fourth Report of 2013', providing its views on bills introduced into Parliament in the period 12-14 March 2013.

I attach for the Committee's information a response prepared by my Department, which provides clarification on the points raised by the Committee. I trust that this information will be of assistance to the Committee in completing its review of the Bill.

I take this opportunity to commend the Bill to the Committee.

Yours sincerely

Bob Carr

**Response to the Parliamentary Joint Committee on Human Rights on its request
for further information concerning the International Organisations (Privileges
and Immunities) Amendment Bill 2013**

1. The International Organisations (Privileges and Immunities) Amendment Bill 2013 ('the Bill') proposes to amend the *International Organisations (Privileges and Immunities) Act 1963* (Cth) ('the Act') to establish a legislative basis for enacting regulations conferring relevant privileges and immunities on the International Committee of the Red Cross (ICRC) and the International Criminal Court (ICC).
2. These amendments would enable the Government to implement its 2005 Memorandum of Understanding with the ICRC (attached), and would place Australia in a position to take steps to accede to the *Agreement on Privileges and Immunities of the International Criminal Court* (attached). The Bill does not propose to modify the broader regime established under the Act.
3. Sir Ian Brownlie comments that it is a widely accepted feature of the international system that "in order to function effectively, international organisations require a certain minimum of freedom and legal security for their assets, headquarters and other establishments and for their personnel and representatives of member states accredited to the organisations".¹ This point is also recognised by the Committee at Paragraph 1.67 of its report where it notes that "the granting of privileges and immunities to international organisations, such as the ICC, is commonly accepted practice in international law".
4. In many instances, conferring privileges and immunities, such as immunity from legal process including the giving of evidence, serves the important function of protecting the confidential work and communications of the organisation in question. The protection of confidentiality can be instrumental to an international organisation's ability to perform its mandate, including by ensuring the access required to perform its functions and ensuring the security of its personnel.
5. The importance of immunities to the ability of international organisations in the independent exercise of their functions and the fulfilment of their purposes, free from undue interference, was clearly demonstrated by Libya's failure in 2012 to extend privileges and immunities to an ICC delegation comprising Australian citizen Melinda Taylor and three of her colleagues.
6. At paragraph 1.59 of its report, the Committee notes that "the Bill will provide a basis for enhanced cooperation with the ICRC and ICC, both of which play significant roles in, among other things, promoting and implementing respect for human rights and the rule of law. To this extent the Bill should contribute to the advancement of human rights." The Department of Foreign Affairs and Trade fully concurs with the Committee in this regard.

¹ Ian Brownlie, *Principles of Public International Law*, Seventh Ed, p.680. For illustration, this principle is reflected in Article 105 of the Charter of the United Nations which provides that 'the Organisation shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes' and that 'representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation'.

7. The Committee, however, also seeks further clarification at Paragraph 1.55 of its report regarding **“whether the government considers that Australia may not grant immunity to a former official of an international organisation or foreign state² in relation to criminal proceedings concerning alleged acts of torture and if so, whether any legislative amendments are proposed to reflect this position”**.
8. Specifically, the Committee draws attention at Paragraph 1.74 of its report to Australia’s obligations under the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) to the “obligation to investigate and prosecute such cases of torture as defined in the Convention if an alleged torturer is found in Australia”.
9. Australia strongly opposes the use of torture by any person in any circumstances. With respect to Australia’s international obligations, we note that torture, as defined in Article 1 of the CAT, requires the involvement of a “public official” or “other person acting in an official capacity”. In their leading commentary on the CAT, commentators Nowak and McArthur note that “acting in an official capacity” goes beyond public officials to encompass “rebel, guerrilla or insurgent groups who exercise de facto authority in certain regions or of warring factions in so-called ‘failing states’”.³ Short of a person who formerly exercised a public function or belonged to such a group being employed by the ICC or ICRC, or otherwise enjoying immunities under the relevant instruments, it is therefore very difficult to conceive of a situation in which Australia’s obligations under the CAT would be in tension with the conferral of privileges and immunities on these organisations or such individuals.
10. This is not to say that the relationship between these areas of law is not a matter of ongoing debate in international law. The Committee rightly notes at Paragraph 1.70 of its report that although some arguments have been made regarding a “human rights exception” to the granting of immunity, “the law continues to evolve and it cannot be said that a ‘human rights exception’ has become part of international law”. The Committee goes on to note its view that former state officials enjoy a more limited immunity after leaving public office than when in office, which extends only to acts undertaken in an official capacity. The Committee notes at Paragraph 1.71 that “it is a matter of some debate whether this immunity does (or should) extend to human rights violations undertaken as a state policy”.
11. The question of the application of immunities to serious international crimes remains unsettled under international law. There has been limited jurisprudence on point and such jurisprudence as there has been is not determinative.⁴ For this reason, it would

² As the Bill in question and the Act which it seeks to amend concern only the privileges and immunities of international organisations, this response is confined to international organisations and does not address the separate issue of the privileges and immunities of foreign states and foreign state officials under customary international law, nor does it address separate legislation relating to the immunities of foreign states and state foreign officials.

³ Manfred Nowak and Elizabeth McArthur, *The United Nations Convention Against Torture: A Commentary*, Oxford, 2008, p.78-9.

⁴ The decision of the International Court of Justice in the Arrest Warrants Case did not expressly address the live question whether certain international crimes can or cannot be committed in an official capacity for the purposes of immunity, or whether there is a specific exception from immunity in relation to such crimes. Similarly the UK House of Lords decision in *R v. Bow Street Metropolitan*

be premature at this point to propose further legislative amendments addressing this issue in the context of the Act.

12. For practical purposes, in the very unlikely event that a situation were to arise involving ICC or ICRC personnel who were accused of committing serious international crimes, it is important to underscore that it would be open to the Australian Government to request that the organisation in question waive the immunity of the individual concerned.
13. In this regard it is worth recalling that privileges and immunities are conferred on an international organisation to support it in the performance of its functions and the fulfilment of its mandate and not for the personal benefit of an individual and is certainly not aimed at shielding them from criminal accountability.
14. Given the mandates of these ICC and ICRC include, respectively, accountability for the most serious crimes of international concern and the promotion of international humanitarian law, we assess that these organisations would be favourably disposed to acceding to such a request in appropriate circumstances.
15. If, however, immunity were asserted, the application of any immunity claimed would be a matter for the Australian courts to determine (as was the case with the UK courts in the *Pinochet* case, to which the Committee has referred).⁵ It would not be appropriate to speculate how the Australian courts would approach this issue should it arise for determination.
16. Although the Committee has not expressly sought clarification on these points, we note that Paragraphs 1.61 and 1.70 raise the relationship of the Bill and the Act with the right to a fair trial and any so-called right of access to courts. There is no legal basis on which to assert that the conferral of privileges and immunities on an international organisation would breach any rights under the ICCPR.

Stipendiary Magistrate, ex parte Pinochet Ugarte (No 3) [2000] 1 AC 147 has not determined this question as a matter of international law.

⁵ *R v. Bow Street Metropolitan Stipendiary Magistrate, ex parte Pinochet Ugarte* (No 3) [2000] 1 AC 147.

**Arrangement
Between
The Government of Australia
And
The International Committee of the Red Cross ("ICRC")
On a Regional Headquarters in Australia**

The Government of Australia and the International Committee of the Red Cross ("the Parties")

Considering the work done by the ICRC in providing, without discrimination, protection and assistance with a view to relieving human suffering,

Bearing in mind the wish expressed by the ICRC to establish a delegation to carry out the humanitarian tasks entrusted to it under the 1949 Geneva Conventions and the 1977 Additional Protocols, to which Australia is a party, and the Statutes of the International Red Cross and Red Crescent Movement,

Have reached the following understandings:

1. Status of the ICRC

The status of the ICRC in Australia will be comparable to that of an intergovernmental organisation.

2. Juridical Personality

The Government of Australia will confer upon the ICRC juridical personality and such legal capacities as are necessary for the exercise of the powers, and the performance of the functions, of the organisation.

3. Immunity of the ICRC, its Property and Assets

1. The ICRC, its property and assets, wherever located and by whomsoever held, will enjoy immunity from every form of legal process, except insofar as in any particular case the ICRC has expressly waived its immunity.

2. The immunity from suit and from other legal process conferred by paragraph 3.1 on the ICRC does not extend to immunity from a suit or other legal process:

(a) for the recovery of damages in respect of any damage, injury or death resulting from an accident in which a motor vehicle owned by, or operated on behalf of, the ICRC was involved;

(b) in relation to:

- (i) any contract entered into by the ICRC for the supply of goods or services;
- (ii) any loan, or other transaction for the provision of finance, by or to the ICRC; or
- (iii) any contract of guarantee or indemnity to which the ICRC is a party;

(c) by way of, or in relation to, a counter-claim made against the ICRC by a party to proceedings instituted by the ICRC; or

(d) in respect of the attachment, in accordance with a final order of a Court, of any amount payable as salary, wages or other remuneration by the ICRC to any person who holds an office in the ICRC or any expert assisting the ICRC.

4. Inviolability of ICRC Premises, Property and Assets

1. The premises of the ICRC will be inviolable. The property and assets of the ICRC, wherever located and by whomsoever held, will be immune from search, requisition, confiscation, or expropriation.
2. No authorities of the Government of Australia will enter the premises of the ICRC to perform any duties therein without the consent of, and under conditions agreed to by, the ICRC. Such consent will however be deemed to have been provided in the case of fire or other emergency requiring immediate protective action.

5. Inviolability of ICRC Archives

The ICRC's archives and, in general, all documents belonging to it or held by it, will be inviolable, wherever located.

6. Communications

1. The ICRC will enjoy in Australia for its official communications treatment not less favourable than that accorded by the Government to any other international organisation or diplomatic mission, in the matter of priorities, rates and surcharges, taxes, fees and surcharges on mail, cables, telegrams, telexes, radiograms, telefax, telephone and other means of communications, apparatus licence taxes and charges, and press rates for information to the press and radio.
2. All official correspondence and other official communications to and from the ICRC premises by whatever means or in whatever form transmitted will be immune from censorship.
3. The ICRC will have the right in Australia to use codes and to dispatch and receive correspondence and other communications either by courier or in sealed bags which will

have immunities and privileges not less favourable than those accorded to diplomatic couriers and bags.

4. Subject to compliance with applicable Australian laws and regulations, the ICRC may operate a corporate network between its offices within and outside Australia for voice and data services and may install and operate in Australia point-to-point telecommunication facilities and other communication and transmission facilities as may be necessary to facilitate communications with the ICRC's premises both from within and outside Australia.

7. Financial Resources of the ICRC

1. The ICRC may hold national or foreign currency and other financial assets, and operate accounts in any currency, without being subject to the laws and regulations governing exchange control and related matters.

2. The ICRC may freely transfer funds in national or foreign currency to, from and within the country, and convert such assets freely into other currencies.

8. Exemption from Customs Duties

1. The ICRC will be exempt from customs duties or any equivalent charge and from restrictions and prohibitions on the import, export or transit through Australia of articles (including ICRC publications and audio-visual materials) for official use and of articles intended for ICRC assistance programmes within Australia or in another country.

2. Nothing in this Arrangement affects the application of any law of the Commonwealth or of a Territory of the Commonwealth 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 paragraph does not prejudice the immunity from suit or from civil or criminal process conferred by this Arrangement.

9. Status of Delegates of the ICRC

1. In respect of acts and things done in his or her capacity as a Delegate of the ICRC, a Delegate will be immune from suit and from other legal process and, for the avoidance of doubt, may not be called as witness in respect of acts and things done in his or her capacity as a Delegate, even after he or she has left the services of the delegation.

2. Delegates of the ICRC and their families will be exempt for the application of laws relating to national service obligations. Such exemption will not, however, apply to nationals of Australia. Should Delegates who are nationals of Australia be called for national service, the Government will endeavour to grant deferment when, in the opinion of the ICRC, serious disruption to essential ICRC operations may occur.

3. The ICRC will inform the competent authorities of arrivals in and departures from the country, and of the titles and functions of staff working in Australia.
4. When first taking up a post in Australia, Delegates of the ICRC will have the right to import their personal effects duty free, and to export their personal effects duty free when leaving Australia on the termination of their function.
5. In the event of an international crisis, the Delegates of the ICRC will be granted repatriation facilities like those accorded to a diplomatic agent.
6. Delegates of the ICRC will benefit from the same privileges in respect of exchange facilities as are accorded to the members, of comparable rank, of diplomatic missions.
7. Delegates of the ICRC will be exempted from taxation on salaries and emoluments received from the ICRC. However, Australian citizens and permanent residents of Australia who are employed by the ICRC in Australia will not be exempted from taxation on salaries and emoluments received from the ICRC.
8. The ICRC and its personnel will respect the laws and regulations in force in Australia, as may be relevant before they enter, and from the moment they arrive in the country and may benefit from their protection.
9. The privileges, immunities, exemptions and facilities accorded in this Arrangement are granted in the interest of the ICRC and not for the personal benefit of the individuals themselves. Persons accorded privileges and immunities by way of this Arrangement are under a duty to obey the laws and regulations of Australia. The ICRC will waive the immunity accorded to any person if, in its opinion, such immunity would impede the course of justice and the waiver would not prejudice the purposes for which the immunities are accorded.
10. The ICRC will take every measure to ensure that the privileges, immunities, exemptions and facilities conferred by this Arrangement are not abused and for this purpose will establish such rules and regulations as it may deem necessary and expedient. There will be consultation between the Government and the ICRC, should the Government consider that an abuse has occurred.

10. ICRC Representatives on Temporary Mission

Representatives of the ICRC on temporary mission in Australia will, in respect of acts and things done in their capacity as such a representative, enjoy the same privileges and immunities as outlined in sub-paragraphs (1), (2), (5) and (6) of paragraph 9 of this Arrangement.

11. Confidentiality of ICRC Communications

The Government of Australia undertakes to respect the confidentiality of ICRC reports, correspondence and other communications. This includes an undertaking not to divulge their contents to persons and/or organisations other than the designated recipients and not using them in the course of legal proceedings without prior written authorisation from the ICRC.

12. Identity Document and Commission

1. Delegates of the ICRC and ICRC representatives on temporary mission will hold a document called "Identity document and commission", attesting to the bearer's status as an ICRC staff member.
2. The possession of such a document, however, will not remove the need for Delegates of the ICRC and ICRC representatives on temporary missions to hold an official or personal passport issued from their national authority as evidence of identity.
3. Delegates of the ICRC and ICRC representatives on temporary missions will be required to hold valid visas in order to travel to, enter and remain in Australia and will be required to comply with any visa restrictions or conditions.

13. Co-operation with the Host Country

1. The ICRC will co-operate with the authorities at all times with a view to preventing any form of abuse of the privileges, immunities and facilities provided for in this Arrangement.
2. The ICRC may waive the immunity granted to one of its Delegates in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the ICRC.

14. Interpretation

This Arrangement will be interpreted in the light of its primary objectives, which are to enable the ICRC to assume its responsibilities, to discharge its duties and to carry out its programmes fully and efficiently.

15. Settlement of Disputes by Negotiation

1. Any dispute between the Parties arising out of the interpretation or application of this Arrangement will be settled by negotiation between the Parties.
2. The Parties will bear in mind the national interests of Australia and the interests of the ICRC related to its activities. They will do everything possible to see that disputes are

settled in good faith and equitably, and with the discretion essential to continued good relations between the Parties.

16. Amendments

This Arrangement may be amended at any time by the mutual written consent of the Parties.

17. Commencement

This Arrangement will come into effect on the date on which the Government of Australia notifies the ICRC that legislation giving effect to the relevant provisions of this Arrangement has commenced.

18. Termination

Either Party may terminate this Arrangement by providing the other Party with a minimum of six months' written notice.

SIGNED AT CANBERRA ON THURSDAY 24 NOVEMBER 2005 IN TWO ORIGINALS IN ENGLISH.

FOR THE GOVERNMENT OF
AUSTRALIA



Michael L'Estrange
Secretary
Department of Foreign Affairs & Trade

FOR THE INTERNATIONAL
COMMITTEE OF THE RED CROSS



Reto Meister
Delegate General for Asia and Pacific

Annex A

In addition to the privileges and immunities granted to the ICRC in this Arrangement, the Parties note that the Government of New South Wales has given its approval for the ICRC to be exempt from the following:

Duty on insurance taken out by or on behalf of the ICRC, not being a policy of life insurance under the *Duties Act 1997* (NSW);

Duty in respect of an application to register a motor vehicle in New South Wales, under the *Duties Act 1997* (NSW);

Pay-roll tax on the wages paid to employees engaged in the work of the ICRC.