DIPLOMATIC AND CONSULAR MISSIONS BILL 1978

Date Introduced: 31 May 1978
House: House of Representatives
Presented by: Rt. Hon. I.M. Sinclair, Minister for Primary Industry

Purpose

The Bill will prevent the establishment of spurious Embassies in Australia and the making of false claims to diplomatic or consular status. It will therefore prevent interference with the work of accredited diplomatic or consular missions, which are protected by the Vienna Conventions of 1961 and 1963.

Main Provisions

Clause 4 of the Bill enables the Federal Court of Australia, on the application of the Attorney-General, to grant an injunction preventing a person from displaying on any premises a sign, flag or insignia implying that the premises contain an accredited diplomatic or consular mission, when they do not in fact contain such a mission.

The injunction may also prevent the publication of anything implying that there is anywhere in Australia an accredited mission, which is not in fact the accredited mission, or that there are in Australia accredited diplomatic or consular officials, who are not in fact such people.

Clause 5 enables the Federal Court of Australia, on the application of the Attorney-General, to issue a warrant for the removal of any sign, flag or insignia, which the Court has found to be displayed as described in clause 4.

The warrant may authorize entry by force, if necessary, and it may remain valid for specified periods up to 6 months. However, the Court may revoke the warrant at any time.

Anyone obstructing or hindering action approved by the warrant is liable to a fine of $200.

Clause 6 enables the Minister for Foreign Affairs to certify the diplomatic or consular status, or lack of such status, of specified premises.
Clause 7 confers the necessary relevant jurisdiction on the Federal Court of Australia.

Background

On 29 November 1977 a self-styled "Croatian Embassy" was established at 34 Canberra Avenue in Canberra. Mr. Mario S. Despoja was its "charge d'affairs".

This development seems to have been the first of its kind in Australia and it affected the work of the Embassy of Yugoslavia.

Questions were asked in Parliament and on 23 December 1977 Mr. Peacock, Minister for Foreign Affairs, made a statement expressing the government's concern.

On 5 April 1978 Mr. Peacock made another, longer statement. He pointed out that article 22 of the Vienna Convention on Diplomatic Relations, which had the force of law in Australia, imposed on Australia a special duty to protect accredited missions.

This obligation would not apply, he said, against "such establishments as the so-called Aboriginal Embassy" because they did not impinge upon the interests of other countries.

In the past legislative action had not been necessary. Now, with the establishment of the "Croatian Embassy", the situation had changed.

The change had affected Australia's long-standing relations with Yugoslavia. So there had to be "an end to this anomaly" and no recurrence.

Mr. Peacock called on "the authors of this enterprise" to abandon it forthwith. He announced that the government would, in any case, introduce legislation.

He said "We respect Yugoslavia's sovereignty. The Government cannot therefore view with indifference an attempt to establish and maintain on Australian territory any organisation which not only is openly dedicated to the destruction of a State in friendly relations with Australia but which also arrogates to itself an unacceptable title and status which could in time disrupt the orderly conduct of Australia's relations with another universally recognised member of the international community".

Mr. Peacock said the government was "deeply concerned lest other minority groups may be inspired by the continued existence of the self-styled 'Croatian Embassy' to believe that they, too, may similarly interfere in and jeopardise Australia's relations with sovereign States".
Australian governments had long opposed the importation of alien political and racial feuds. The Government was also concerned about the aggravation of tension between certain ethnic groups.

But the Government did not want to discriminate against the Croatian community or stop or hinder the formation of its own groups and clubs.

However, "the proper international representative of the interests of Australians of Croatian, as of other origins, is the Australian Government and no one else".

On 31 May 1978, introducing the Bill, Mr. Sinclair said it had been occasioned by the establishment of a "Croatian Embassy" but it did not single out or discriminate in any way against the Croatian people or their spokesmen in Australia, the overwhelming majority of whom had demonstrated a strong commitment to their new homeland.