

General Convention on Privileges and Immunities of the United Nations in 1946, has been adopted, with more or less minor variations, to define the privileges and immunities of practically all important international organizations. Certain departures have, however, been made from the precedents in order to meet the particular requirements of NATO.

Part I contains certain general provisions. In particular it defines those subsidiary bodies of the organization to which the agreement applies. These include any organ, committee or service established by the council or under its authority (article 1 (c), except military headquarters — for instance, SHAPE — and, unless the council decides otherwise, any other military body.

Part II deals with the status of the organization itself. Article 4 gives it judicial personality. This means that when subsidiary bodies to which the agreement applies wish to conclude contracts, to acquire and dispose of movable and immovable property, and to institute legal proceedings, they shall do so in the name of the organization.

The immunities and privileges provided for in articles 5 to 11 are those which by agreements of this type are normally accorded to international organizations. An article generally found in such agreements concerning the treatment of official communications in the matters of priorities, rates and taxes, has been omitted. A number of governments object to it, either as being impracticable in their territories or contrary to their national policy; and the International Telecommunications Union has raised objection to provisions of this kind as being contrary to the International Telecommunications Convention.

Part III covers national representatives and their official staffs, and follows approximately the pattern established for the United Nations in New York. In general, those officials, down to the equivalent of third secretary level, permanently stationed in another member state, will enjoy the immunities and privileges accorded to diplomatic representatives and their official staffs of comparable rank (article 12); those temporarily in another member state for NATO purposes will receive a somewhat lower but nevertheless adequate scale of privileges and immunities accorded to similar personnel under the agreements relating to other international organizations (article 13); and the official clerical staff not otherwise covered will receive a slightly lower scale (article 14). In article 19, dealing with taxation, a formula has been evolved and very carefully drawn to provide exemption for members of the staff who are paid directly by the organization at the normal rates, but to enable those states which arrange to pay

their nationals employed on the staff at higher rates out of their own budgets to charge income tax on the salaries and emoluments so paid.

Part V concerns the settlement of disputes. Parts VI and VII contain final provisions.

The agreement is subject to ratification, and will come into force when six states have ratified it. It may be denounced by giving one year's notice.

May I add, honourable senators, that this bill has been before the other house in the last hour or two, and reaches us in the form in which it was originally presented to that house. As it is highly unlikely that in the immediate future NATO will have its headquarters or operations here, it is more a case of the other countries involved extending in one way or another these immunities to our nationals. For that reason, and because the bill is entirely in keeping with our undertakings under the general convention, I ask the house to give it favourable consideration.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Robertson: I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

PUBLIC WORKS BILL

SECOND READING

Hon. Wishart McL. Robertson moved the second reading of Bill 26, an Act to amend the Public Works Act.

He said: Honourable senators, this bill, unlike the other two which I have just explained, was in its original form the subject of a good deal of contention in the other place. As at first presented, it was intended to amend the Public Works Act in consequence of a change in the Financial Administration Act which was approved earlier this session, whereby provision was made for the control of tenders for not only the Department of Public Works but all other departments. Section 39 of the Financial Administration Act this year reads as follows:

The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act, (a) may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury Board, and (b) may make regulations