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THE IMMUNITY OF LEADERS OF CONSTITUENT TERRITORIES: THE GENEROSITY OF THE AUSTRALIAN POSITION

Lucas Bastin

Under most systems of domestic law, it is well-established that foreign heads of states, heads of governments and foreign ministers receive immunity *ratione personae* from local suit. Australian law is no exception. However, there are some areas of the law of immunities in respect of which domestic legal systems diverge, and Australian law carves out its own approach. One such area concerns the appropriate scope of immunity which should be afforded to foreign officials who are not leaders of recognised states, but rather are leaders of the constituent territories of those states. This article compares the approaches to the grant of immunity from local suit to the leaders of constituent territories of foreign states adopted in two jurisdictions which were at the forefront of immunity legislation in the 1970s – namely, the United Kingdom and the United States – with our own approach to the issue in Australia. It concludes that Australian law is comparatively generous in respect of the immunity which it extends to such leaders. 259

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