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elects to advance a proposal that does not reflect existing law, that proposal be clearly identified as such. Australia regrets that this has not always occurred in the Committee's

work on this topic.

Australia also emphasises the procedural nature of immunity *ratione materiae* and underscores the need for immunity not to be equated with impunity. Immunity *ratione materiae* operates to prevent the prosecution of State officials for international crimes in some, but not all, circumstances in some, but not all, forums. This does not mean that State officials enjoy impunity. State officials accused of international crimes may be prosecuted in their own State, before an international court with jurisdiction, or in the courts of a third party State after waiver of immunity.

that State officials who commit international crimes are held to account. Australia does