

Commission for the Conservation of Southern Bluefin Tuna (Privileges and Immunities) Regulations (Amendment) 1997 No. 352

EXPLANATORY STATEMENT

Statutory Rules 1997 No. 352

Issued by the Authority of the Minister for Foreign Affairs

International Organisations (Privileges and Immunities) Act 1963

Commission for the Conservation of Southern Bluefin Tuna (Privileges and Immunities)
Regulations (Amendment)

Section 13 of the *International Organisations (Privileges and Immunities) Act 1963* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

The Commission for the Conservation of Southern Bluefin Tuna ("the Commission") was established by an agreement concluded at Canberra on 10 May 1993 and which entered into force on 20 May 1994, and Australia has negotiated a Headquarters Agreement with the Commission ("the Headquarters Agreement") giving effect to the decision, of the Commission to establish its Secretariat and headquarters in Canberra. The Commission for the Conservation of Southern Bluefin Tuna ("the Commission") was established by an agreement concluded at Canberra on 10 May 1993 and which entered into force on 20 May 1994.

The purpose of the Regulations is to give effect to an outstanding provision in the Headquarters Agreement not included in Regulations made under the Act in April 1996 - the Commission for the Conservation of Southern Bluefin Tuna (Privileges and Immunities) Regulations ("the principal Regulations") - to enact all but that one provision of the draft (as it then was) Headquarters Agreement into Australian law. The Act did not until recently permit the exemption from sales tax of goods purchased by international organisations such as the Commission. The *Foreign Affairs and Trade Legislation Amendment Act 1997*, which received the Royal Assent on 17 October 1997, inserted into the Act a new section 11 A, subsection (1) of which permits regulations to be made providing for sales tax not to be payable in respect of goods sold to an international organisation with its headquarters in Australia, if the goods purchased by the organisation are necessary for its official use.

The Regulations give effect in Australian law to this remaining provision of the Headquarters Agreement by exempting goods sold to the Commission from liability to sales tax, if the goods purchased by the Commission are necessary for its official use. They also effect a number of minor technical amendments.

Details of the Regulations are as follows:

Regulation 1 provides for the principal Regulations to be amended by these Regulations.

Regulation 2 updates the interpretation provision of the principal Regulations to reflect an orthographical change in the name of the Act brought about by the *Foreign Affairs and Trade Legislation Amendment Act 1997*.

Regulation 3 is a consequential amendment to Regulation 4, amending existing regulation 5 (hitherto the source of all the Commission's privileges and immunities) to make clear that newly inserted regulation 9A is now also to be such a source.

Regulation 4 inserts into the principal Regulations a new regulation 9A exempting from liability to sales tax goods purchased by the Commission for its official use that are necessary for the conduct of its business.

Regulation 5 rectifies a drafting error in the principal Regulations.

The Regulations commence on Gazettal.