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Timor Sea Treaty Designated Authority (Privileges and Immunities) Regulations 2003

Statutory Rules 2003 No. 45

45

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *International Organisations (Privileges and Immunities) Act 1963*.

Dated - 7 APR 2003 2003

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs

1 Name of Regulations

These Regulations are the *Timor Sea Treaty Designated Authority (Privileges and Immunities) Regulations 2003*.

2 Commencement

These Regulations are taken to have commenced on the commencement of section 5B of the *International Organisations (Privileges and Immunities) Act 1963*.

3 Australia-Indonesia Zone of Cooperation (Privileges and Immunities) Regulations — repeal

The following Statutory Rules are repealed:

- 1990 No. 228
- 1991 No. 444.

4 Definitions

In these Regulations:

Act means the *International Organisations (Privileges and Immunities) Act 1963*.

Treaty has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003*.

Note For the meaning of *Designated Authority*, see section 5B of the Act.

5 Designated Authority to have juridical personality and legal capacities

The Designated Authority:

- (a) is a body corporate; and
- (b) is capable, in its corporate name:
 - (i) of entering into contracts; and
 - (ii) of acquiring, holding and disposing of real and personal property; and
 - (iii) of suing and being sued.

6 Privileges and immunities of the Designated Authority

The Designated Authority has the privileges and immunities specified in paragraph 7 of the First Schedule to the Act in relation to:

- (a) income tax within the meaning of the *Income Tax Assessment Act 1936*; and
- (b) income tax within the meaning of the *Income Tax Assessment Act 1997*; and
- (c) fringe benefits tax within the meaning of the *Fringe Benefits Tax Assessment Act 1986*.

7 Privileges of officers of the Designated Authority

- (1) Subject to subregulation (2), a person who holds an office in the Designated Authority and is not:
 - (a) a resident of Australia within the meaning of the *Income Tax Assessment Act 1936*; or
 - (b) an Australian resident within the meaning of the *Income Tax Assessment Act 1997*;
 has the privileges and immunities specified in paragraphs 2 and 7 of Part I of the Fourth Schedule to the Act.
- (2) In relation to the importation of furniture and effects, the privileges and immunities specified in paragraph 7 of Part I of the Fourth Schedule to the Act apply for a period of 6 months, or such further time as in exceptional circumstances is allowed by the Minister, from a person's first entry into Australia for the purpose of taking up a post with the Designated Authority.
- (3) However, the privileges and immunities specified in paragraph 7 of Part I of the Fourth Schedule to the Act cease to apply to imported goods that are sold, donated or otherwise disposed of in Australia:
 - (a) within 2 years after the goods were imported; and
 - (b) otherwise than in accordance with an agreement between the officer of the Designated Authority and the Commonwealth.

Note

1. Notified in the *Commonwealth of Australia Gazette* on *L* 2003. *7 April*