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

Statutory Rules 2003 No. 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 April 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The following Statutory Rules are repealed: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