



International Interests in Mobile Equipment (Cape Town Convention) Act 2013

No. 91, 2013

**An Act to give effect to the Convention on
International Interests in Mobile Equipment as
applied to aircraft, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to give effect to the Convention on
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applied to aircraft, and for related purposes**

[Assented to 28 June 2013]

The Parliament of Australia enacts:

International Interests in Mobile Equipment (Cape Town Convention) Act 2013 *No. 91, 2013*

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Section 1

1 Short title

This Act may be cited as the *International Interests in Mobile Equipment (Cape Town Convention) Act 2013*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	28 June 2013
2. Sections 3 to 10	A single day to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day the Convention on International Interests in Mobile Equipment, done at Cape Town on 16 November 2001, comes into force for Australia. However, if the provision(s) do not commence within the period of 6 months beginning on the day the Convention comes into force for Australia, they commence on the day after the end of that period. If the provision(s) commence in this way, the Minister must announce by notice in the <i>Gazette</i> the day the provision(s) commenced. The notice is not a legislative instrument.	1 September 2015 (F2015L01248)
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Definitions

In this Act:

Convention means the Convention on International Interests in Mobile Equipment, done at Cape Town on 16 November 2001, as amended and in force for Australia from time to time.

Note: In 2013, the text of the Convention was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Protocol means the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, done at Cape Town on 16 November 2001, as amended and in force for Australia from time to time.

Note: In 2013, the text of the Protocol was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

4 Crown to be bound

This Act binds the Crown in each of its capacities.

5 Extension to external Territories

This Act extends to every external Territory.

6 Extraterritorial application

This Act applies within and outside Australia.

7 Convention and Protocol to have force of law

The Convention and the Protocol have the force of law as part of the law of the Commonwealth, so far as they relate to Australia.

8 Convention and Protocol to prevail

The provisions of the Convention and the Protocol prevail over any law of the Commonwealth (other than this Act), and any law of a State or Territory, to the extent of any inconsistency.

9 Jurisdiction of courts

- (1) Jurisdiction is conferred on the Federal Court of Australia and the Supreme Courts of the States and Territories in relation to matters arising under this Act or rules made under this Act.
- (2) The jurisdiction conferred by subsection (1) on the Supreme Courts of the Territories is conferred to the extent that the Constitution permits.
- (3) A declaration under Article 53 of the Convention must not be inconsistent with this section.
- (4) For the purposes of section 38 of the *Judiciary Act 1903*, a matter arising under the Convention, or the Protocol, as having the force of law because of section 7 of this Act is taken not to be a matter arising directly under a treaty.

10 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act; or
 - (c) for the purpose of carrying out and giving effect to the provisions of the Convention or the Protocol.
- (2) The rules may prescribe fees for the purposes of this Act and prescribe the circumstances and ways in which fees may be refunded, waived or reduced.
- (3) A fee prescribed under subsection (2) must not be such as to amount to taxation.

*[Minister's second reading speech made in—
House of Representatives on 29 May 2013
Senate on 17 June 2013]*

(148/13)

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