

EXPLANATORY STATEMENT

INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT 1963

INTERNATIONAL MARITIME SATELLITE ORGANIZATION (PRIVILEGES AND IMMUNITIES) REGULATIONS

STATUTORY RULES 1982 NO. 210 ISSUED BY THE AUTHORITY OF THE MINISTER OF STATE FOR FOREIGN AFFAIRS

Articles 25 and 26 of the Convention on the International Maritime Satellite Organization, to which Australia is a party, require parties to accord certain privileges and immunities to the Organization.

In Australia, privileges and immunities may be accorded to international organizations by regulations made under the International Organizations (Privileges and Immunities) Act 1963 (the Act).

Section 13 of the Act provides that the Governor-General may make regulations not inconsistent with the Act for matters for carrying out or giving effect to the Act. Section 5 of the Act provides that regulations may declare an organization to be an international organization to which the Act applies. Sub-paragraph 6(1)(a)(i) provides that regulations may confer upon an organization to which the Act applies juridical personality and such legal capacity as is necessary for the exercise of its powers and the performance of its functions. Sub-paragraph 6(i)(a)(ii) provides that regulations may confer all or any of the privileges and immunities specified in the First Schedule to the Act.

The International Maritime Satellite Organization (Privileges and Immunities) Regulations declare that Organization to be an organization to which the Act applies and confer upon it juridical personality and such legal capacity as is necessary for the exercise of its powers and the performance of its functions. The regulations also accord the Organization the privileges and immunities specified in paragraphs 6 and 7 of the First Schedule to the Act. Paragraphs 6 and 7 read as follows:

"6. Exemption from duties on the importation or exportation of -

- (a) goods imported or exported by the organization for its official use; and
- (b) publications of the organization imported or exported by it.

7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes."

Statutory Rules 1982 No. 202/81