

International Maritime Satellite Organization (Privileges and Immunities) Amendment Regulations 2001 (No. 1) 2001 No. 310

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 310

Issued by the authority of the Minister for Foreign Affairs

International Organisations (Privileges and Immunities) Act 1963

International Maritime Satellite Organization (Privileges and Immunities) Amendment Regulations 2001 (No. 1)

Subsection 13(1) of the *International Organisations (Privileges and Immunities) Act 1963* provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to amend the *International Maritime Satellite Organization (Privileges and Immunities) Regulations 1982* to effect a name change for the organisation.

The 1976 Convention to the International Maritime Satellite Organization (Inmarsat) originally established a global mobile satellite communications system for maritime communications, including those relating to distress and safety of life at sea, and an organisation to administer and deliver its services. Australia became a party to the Convention in 1979.

Amendments to the Convention made in 1998 provided for the Inmarsat satellite system to be operated through an outside corporate entity or entities (the company), rather than by Inmarsat itself, to preserve its commercial viability and the provision of services. As part of the amending framework a new organisation was required to be established, the International Mobile Satellite Organisation, to oversee the company and to develop a services agreement to ensure the continuation of services required under the Convention.

The amendments to the *International Maritime Satellite Organization (Privileges and Immunities) Regulations 1982* are a consequence of the entry into force of the 1998 amendments to the Convention on 31 July 2001. The Regulations are taken to have commenced on 31 July 2001. Subsection 48(2) of the *Acts Interpretation Act 1901* provides that regulations shall not commence retrospectively if they negatively affect the rights of a person other than the Commonwealth, or impose liabilities upon a person other than the Commonwealth. Retrospective commencement of the Regulations does not breach subsection 48(2).

Details of the Regulations are set out in the Attachment.

ATTACHMENT

DETAILS OF THE PROPOSED INTERNATIONAL MARITIME SATELLITE ORGANIZATION (PRIVILEGES AND IMMUNITIES) AMENDMENT REGULATIONS 2001 (No. 1)

Regulation 1 names the Regulations.

Regulation 2 provides that the regulations are taken to have commenced on 31 July 2001.

Regulation 3 provides that Schedule 1 amends the International Maritime Satellite Organization (Privileges and Immunities) Regulations 1982 by deleting the previous name of the organisation in the title of the regulations and replacing it with the "International Mobile Satellite Organization (Privileges and Immunities) Regulations 1982". The schedule also amends the name of the organisation in the definitions section to the "International Mobile Satellite Organisation".