INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES)
AMENDMENT BILL 1981

Date Introduced: 29 October 1981
House: House of Representatives
Presented by: The Hon. A.A. Street, Minister for
Foreign Affairs

Short Digest of Bill

Purpose

To enable the privileges and immunities available under the International Organizations (Privileges and Immunities) Act 1963 to be accorded to representatives of international organizations attending conferences of the Commission for the Conservation of Antarctic Marine Living Resource ("the Commission") held in Australia. Also the Bill seeks to enable the granting of exemption from Australian income tax to foreign experts and committee members of organizations, such as the Common Fund for Commodities and the Asian Development Bank, when visiting or working in Australia.

Background

Under the International Organizations (Privileges and Immunities) Act 1963 regulations may be made according privileges and immunities to persons attending conferences of international organizations in Australia as representatives of a member country. When the 1963 Act was drafted it was not contemplated that international organizations, as well as countries, would become members of other international organizations. However, Australia has now ratified the Convention on the Conservation of Antarctic Marine Living Resources to which some regional economic integration organizations may also become parties. The Convention establishes the Commission and other organs which will have their seat in Australia and representatives of regional organizations, and other international organizations in which Australia participates, may be expected to attend meetings of those organs in Australia.

The income tax exemption amendments have been introduced to enable Australia to implement a taxation obligation under two specific international agreements, one of which establishes the Common Fund for Commodities and the other establishes the Asian Development Bank. At present
Australia is not a party to any other agreement under which a similar concession could be made and in his Second Reading Speech the Minister advised that the measure should not be significant in terms of revenue foregone as the exemption is likely to be available in respect of few organizations in the future and the total number of persons involved should be small.

Main Provisions

Clause 2 amends the interpretation provisions of section 3 of the Act by expanding the definition of "international conference" to include meetings attended by Australia and prescribed organizations, the latter including "international organizations" as already defined by the Act and "overseas organizations" which by virtue of a new section 5A, inserted by clause 3, may be organizations of countries in a particular geographical region of which Australia is not a member.

The provisions of clause 2(c) and (d) and clauses 4 and 5 amend Sections 3(3), 3(4)(a), 6 and 7 respectively so that all references to representatives of countries will include references to representatives of international organizations and of overseas organizations.

The Fifth Schedule to the Act is amended by clause 6 enabling the making of regulations to exempt from taxation salaries and emoluments received by experts and other classes of people participating in the work of prescribed organizations.

For further information, if required, contact:

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