



International Tax Agreements Amendment Act 2014

No. 105, 2014

**An Act to amend the law relating to taxation, and
for related purposes**

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

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2
Schedule 1—Amendments		3
Part 1—Convention with Switzerland		3
	<i>International Tax Agreements Act 1953</i>	3
Part 2—Other amendments		5
	<i>International Tax Agreements Act 1953</i>	5



International Tax Agreements Amendment Act 2014

No. 105, 2014

An Act to amend the law relating to taxation, and for related purposes

[Assented to 24 September 2014]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *International Tax Agreements
Amendment Act 2014*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Convention with Switzerland

International Tax Agreements Act 1953

1 Subsection 3AAA(1) (definition of *Swiss agreement*)

Repeal the definition.

2 Subsection 3AAA(1)

Insert:

Swiss convention means:

- (a) the Convention between Australia and the Swiss Confederation for the Avoidance of Double Taxation with respect to Taxes on Income; and
 - (b) the protocol to that convention;
- each done at Sydney on 30 July 2013.

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

3 Subsection 3AAB(1)

Insert:

Swiss 1980 agreement means:

- (a) the Agreement between Australia and Switzerland for the avoidance of double taxation with respect to taxes on income; and
 - (b) the protocol to that agreement;
- each done at Canberra on 28 February 1980.

Note 1: The text of this agreement and protocol is set out in Australian Treaty Series 1981 No. 5 ([1981] ATS 5).

Note 2: Section 11E continues to give this agreement and protocol the force of law in respect of certain income or fringe benefits.

4 Subsection 5(1) (after table item dealing with Sri Lankan agreement)

Insert:

Schedule 1 Amendments
Part 1 Convention with Switzerland

Swiss convention	nil
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5 Section 5A

Before the table, insert:

Note: Some earlier agreements continue to have the force of law by other provisions of this Act.

6 Section 11E (heading)

Repeal the heading, substitute:

11E Earlier agreement with Switzerland

7 Section 11E

Omit “Subject to this Act, on and after the date of entry into force of the Swiss agreement, the provisions of the agreement, so far as those provisions affect Australian tax, have, and shall be deemed to have had,”, substitute “Subject to this Act, the provisions of the Swiss 1980 agreement, so far as those provisions affect Australian tax, continue to have”.

Part 2—Other amendments

International Tax Agreements Act 1953

8 After subsection 3(4)

Insert:

- (5) To the extent that an agreement provides that the expression *immovable property* has the meaning it has under the law of Australia, that expression, for the purposes of that agreement, includes real property.

9 Subsection 3AAA(1) (note at the end of the definition of *Chilean convention*)

Repeal the note, substitute:

Note: The text of this convention is set out in Australian Treaty Series 2013 No. 7 ([2013] ATS 7).

10 Subsection 3AAA(1) (note at the end of the definition of *Indian protocol (No. 1)*)

Repeal the note, substitute:

Note: The text of this protocol is set out in Australian Treaty Series 2013 No. 22 ([2013] ATS 22).

11 Subsection 3AAA(1) (note at the end of the definition of *Mauritius agreement*)

Repeal the note, substitute:

Note: The text of this agreement is set out in Australian Treaty Series 2013 No. 18 ([2013] ATS 18).

12 Subsection 3AAA(1) (note at the end of the definition of *Turkish convention*)

Repeal the note, substitute:

Note: The text of this convention is set out in Australian Treaty Series 2013 No. 19 ([2013] ATS 19).

*[Minister's second reading speech made in—
House of Representatives on 17 July 2014
Senate on 4 September 2014]*

(165/14)
