

**No. 10802**

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**FRANCE  
and  
AUSTRALIA**

**Agreement for the avoidance of double taxation of income  
derived from international air transport. Signed at Can-  
berra on 27 March 1969**

*Authentic texts: French and English.*

*Registered by France on 26 October 1970.*

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**FRANCE  
et  
AUSTRALIE**

**Accord en vue d'éviter la double imposition des revenus tirés  
du transport aérien international. Signé à Canberra le  
27 mars 1969**

*Textes authentiques: français et anglais.*

*Enregistré par la France le 26 octobre 1970.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE  
FRENCH REPUBLIC AND THE GOVERNMENT OF THE  
COMMONWEALTH OF AUSTRALIA FOR THE AVOID-  
ANCE OF DOUBLE TAXATION OF INCOME DERIVED  
FROM INTERNATIONAL AIR TRANSPORT

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The Government of the French Republic and the Government of the Commonwealth of Australia desiring to conclude an Agreement for avoidance of double taxation of income derived from international air transport.

Have agreed as follows:

*Article 1*

(1) The taxes which are the subject of this Agreement are:

- (a) in Australia: the Commonwealth income tax, including the additional tax upon the undistributed amount of the distributable income of a private company (hereinafter referred to as “Australian tax”);
- (b) in France: personal income tax (impôt sur le revenu des personnes physiques); complementary income tax (taxe complémentaire); company income tax (impôt sur les bénéfices des sociétés et autres personnes morales); the withholding tax on income from movable capital (retenue à la source sur les revenus de capitaux mobiliers); and the identical or substantially similar taxes on income and profits imposed on behalf of the French Overseas Territories (hereinafter referred to as “French tax”).

(2) This Agreement shall also apply to any other taxes of a substantially similar character imposed by either the French Republic or the Commonwealth of Australia subsequently to the date of signature of this Agreement.

*Article 2*

In this Agreement:

- (a) the term “Australia” means the whole of the Commonwealth of Australia and includes
  - (i) the Territory of Norfolk Island;

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<sup>1</sup> Came into force on 9 July 1970, the date of the last of the notifications by which the Contracting Parties informed each other that the legislative or other provisions had been made for giving the Agreement the force of law in their respective territories according to their respective constitutional processes, in accordance with article 4 (1).

- (ii) the Territory of Christmas Island;
- (iii) the Territory of Cocos (Keeling) Islands; and
- (iv) the Territory of Ashmore and Cartier Islands;

(b) the term “France” means the European and Overseas Departments and the Overseas Territories of the French Republic;

(c) the term “person” includes an individual, a company and any other body of persons;

(d) the term “Australian enterprise” means a person who is a resident of Australia for the purposes of Australian tax and is not domiciled in France for the purposes of French tax;

(e) the term “French enterprise” means a person who is domiciled in France for the purposes of French tax and is not a resident of Australia for the purposes of Australian tax;

(f) the term “income from the operation of aircraft in international traffic” means income and profits from the carriage by air of passengers, cargo or mail between

- (i) Australia and France;
- (ii) Australia and any other country;
- (iii) France and any other country; or
- (iv) countries other than Australia or France or places in any such country,

and includes income and profits derived by a person engaged in such carriage from the sale of tickets on behalf of other persons for such carriage.

### Article 3

(1) A French enterprise shall be exempt from Australian tax on

- (a) income from the operation of aircraft in international traffic; and
- (b) income and profits from the carriage by air of passengers, cargo or mail between places in France.

(2) An Australian enterprise shall be exempt from French tax on

- (a) income from the operation of aircraft in international traffic; and

(b) income and profits from the carriage by air of passengers, cargo or mail between places in Australia.

(3) For the purposes of paragraph (1) of this Article income from the operation of aircraft in international traffic does not include income and profits arising from carriage by air of passengers, cargo or mail from a place in Australia to a place in the Territory of Papua or the Trust Territory of New Guinea.

#### *Article 4*

(1) Each Contracting Party shall notify the other of the date on which legislative or other provision has been made for giving the Agreement the force of law in its territory in accordance with its constitutional processes. The Agreement will enter into force on the date on which the later of these two notifications is received by the other Contracting Party. The provisions of the Agreement shall have effect

- (a) as regards Australian tax, for the year of income beginning on the first day of July 1966 and subsequent years of income; and
- (b) as regards French tax, for the income derived during the year 1967 or accounting period ending in the course of that year, and subsequent years.

(2) This Agreement shall continue in effect indefinitely but either Contracting Party may, on or after the first day of January 1972 but on or before the thirtieth day of June in any calendar year, give to the other Contracting Party notice of termination and, in that event, this Agreement shall cease to be effective

- (a) as regards Australian tax, for the year of income beginning in the calendar year next following that in which the notice of termination is given and subsequent years of income; and
- (b) as regards French tax, for the income derived during the year following the calendar year in which the notice of termination is given, or the accounting period beginning in the course of the calendar year following such notice, and subsequent years.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DONE in duplicate at Canberra on the twenty-seventh day of March, one thousand nine hundred and sixty-nine, in the French and English languages, both texts being equally authoritative.

For the Government  
of the French Republic:

[Signed — Signé] <sup>1</sup>

For the Government  
of the Commonwealth of Australia:

[Signed — Signé] <sup>2</sup>

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<sup>1</sup> Signed by André Favereau — Signé par André Favereau.

<sup>2</sup> Signed by William McMahon — Signé par William McMahon.