

## New Zealand



### ANALYSIS

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### 1943, No. 5

**Title.** AN ACT to make Better Provision for the Administration of External Affairs. [11th June, 1943

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

**Short Title.** 1. This Act may be cited as the External Affairs Act, 1943.

**Interpretation.** 2. In this Act, unless the context otherwise requires,—

“ Minister ” means the Minister of External Affairs appointed under this Act:

“ Overseas representative ” means a diplomatic representative for New Zealand or a representative of the Government of New Zealand in any other country, and includes a High Commissioner for New Zealand in any other country:

“ Secretary ” means the Secretary of External Affairs appointed under this Act.

3. The Governor-General may appoint a member of the Executive Council to hold office during his pleasure as the Minister of External Affairs.

Minister of External Affairs.

4. The Minister shall be charged with the administration of this Act and generally with the administration of the external and foreign affairs of New Zealand, including relations with other countries, communications between the Government of New Zealand and other Governments, the representation of New Zealand in other countries, and the representation of other countries in New Zealand.

Functions of Minister.

5. (1) There shall from time to time be appointed as an officer of the Public Service a Secretary of External Affairs, who shall, under the control of the Minister, exercise and perform such secretarial and other functions relative to the Ministry of External Affairs as the Minister may determine.

Secretary of External Affairs and other officers.

(2) There may also be appointed such other officers of the Public Service as may be deemed necessary to assist the Secretary in the execution of his office.

6. (1) The Governor-General in Council may from time to time appoint any person to be the High Commissioner for New Zealand in any other country.

Appointment of High Commissioners for New Zealand in other countries.

(2) Any High Commissioner may be appointed for any term not exceeding three years, and may from time to time be reappointed, or may be at any time removed from office by the Governor-General in Council for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(3) The persons holding office on the commencement of this Act as the High Commissioner for New Zealand in the United Kingdom and as the High Commissioner for New Zealand in Australia shall be deemed to have been appointed under this Act.

7. (1) A High Commissioner for New Zealand in any other country—

Duties of High Commissioners.

(a) Shall act as the representative of New Zealand in that other country and as a channel of communication between the Governments of New Zealand and of that other country:

(b) Shall carry out such instructions as he receives from the Government in relation to the political, economic, and general interests of New Zealand in that other country:

(c) Shall exercise such powers and perform such other duties as are conferred upon or assigned to him by the Minister.

(2) No High Commissioner shall be a member of the directorate or advisory board of any public company or trading corporation, whether registered or not.

Appointment  
of officers  
to assist  
overseas  
representatives.

**8.** (1) The Minister may from time to time appoint such officers as may be deemed necessary to assist any overseas representative.

(2) Any overseas representative may from time to time employ such persons as he thinks fit as temporary officers. The employment of any officer so appointed may be terminated at any time by the Minister or by the overseas representative.

(3) As soon as practicable after any temporary officer is employed under the last preceding subsection, the overseas representative shall advise the Minister of the name of the officer, the period during which he is employed or during which it is proposed to employ him, and the remuneration paid or payable to him.

(4) All officers employed on the commencement of this Act to assist any overseas representative shall be deemed to have been appointed under this section.

Salaries and  
allowances.

**9.** The salaries and allowances of all overseas representatives and of all officers appointed under section eight of this Act shall be paid out of moneys appropriated by Parliament for the purpose.

Public Service  
Act not to  
apply to  
overseas  
representatives  
or their  
officers.

**10.** The provisions of the Public Service Act, 1912, shall not apply or be deemed to have at any time applied with respect to any overseas representative or with respect to any officer appointed under section eight of this Act.

See Reprint  
of Statutes,  
Vol. VII, p. 522

Application of  
Public Service  
Superannuation  
Act.

**11.** (1) The legation or office of every overseas representative shall be deemed to be and to have always been included in the Public Service within the meaning of Part I of the Public Service Superannuation Act, 1927.

Ibid., p. 559

(2) No overseas representative shall be deemed for the purposes of the Public Service Superannuation Act, 1927, to be or to have at any time been permanently

employed in the Public Service unless he was permanently employed therein at the time of his appointment as an overseas representative.

(3) For the purposes of section one hundred and fifteen of the Public Service Superannuation Act, 1927, the annual value of any benefits received as mentioned in that section by any overseas representative or by any officer appointed under section eight of this Act shall be determined from time to time by a committee consisting of the Secretary to the Treasury, the Public Service Commissioner, and the Secretary of External Affairs:

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Provided that if the committee determines that the value of any benefit so received by any such overseas representative or officer shall not be deemed to form part of his salary, the said section one hundred and fifteen shall not apply with respect to that benefit.

(4) The Public Service Superannuation Act, 1927, is hereby amended as follows:—

(a) By omitting from the definition of the term “Public Service” in section two the words “the High Commissioner’s Office”:

(b) By repealing paragraph (c) of section fifty-four.

12. (1) The enactments specified in the Schedule to this Act are hereby repealed.

Consequential  
repeals and  
amendment.

(2) All acts of authority that originated under any enactment hereby repealed and are subsisting or in force on the commencement of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) Section seventy-eight of the Public Revenues Act, 1926, is hereby amended by omitting the words “under the High Commissioner Act, 1908”.

See Reprint  
of Statutes.  
Vol. VII, p. 40

## Schedule.

## SCHEDULE

## ENACTMENTS REPEALED

1908, No. 76—

The High Commissioner Act, 1908 (Reprint of Statutes, Vol. III, p. 686).

1919, No. 21—

The External Affairs Act, 1919 (Reprint of Statutes, Vol. I, p. 1032).

1923, No. 27—

The Finance Act, 1923: Section 14.

1932, No. 11—

The Finance Act, 1932: So much of the First Schedule as relates to the High Commissioner Act, 1908.

1935, No. 41—

The Finance Act (No. 2), 1935: Section 4.

1939, No. 39—

The Statutes Amendment Act, 1939: Section 30.