

Right Hon. Mr. Fraser

DIPLOMATIC PRIVILEGES EXTENSION

ANALYSIS

Title. 1. Short Title.	2. Privileges, immunities, and capacities of certain international organizations and their staffs. 3. Provisions as to Orders in Council. Schedules.
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A BILL INTITULED

AN ACT to make Provision as to the Immunities, Privileges, and Capacities of International Organizations and of their Officers. Title.

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

1. This Act may be cited as the Diplomatic Privileges Extension Act, 1945. Short Title.

10 2. (1) This section shall apply to any organization declared by the Governor-General by Order in Council to be an organization of which His Majesty's Government in New Zealand and the Government or Governments of one or more foreign sovereign Powers are 15 members. Privileges, immunities, and capacities of certain international organizations and their staffs.

(2) The Governor-General may from time to time, by Order in Council,—

(a) Provide that any organization to which this section applies (hereinafter referred to as the organization) shall, to such extent as may be specified in the Order, have the immunities and privileges set out in the *First* Schedule to this Act, and shall also have the legal capacities of a body corporate: 5

(b) Confer upon such persons as the Minister of External Affairs may from time to time determine, other than British subjects, who hold high offices in the organization or who are the representatives of their respective member governments on the governing body or any committee of the organization— 10 15

(i) The immunities and privileges set out in Part I of the *Second* Schedule to this Act, to such extent as may be determined by the Minister of External Affairs; and 20

(ii) The immunities and privileges set out in Part II of the *Second* Schedule to this Act, to such extent as may be determined by the Minister of Finance:

(c) Confer upon such other officers of the organization (including British subjects holding such high offices as aforesaid or representing any member government as aforesaid) as the Minister of External Affairs may from time to time determine— 25 30

(i) The immunities and privileges set out in Part I of the *Third* Schedule to this Act, to such extent as may be determined by the Minister of External Affairs; and

(ii) The immunities and privileges set out in Part II of the *Third* Schedule to this Act, to such extent as may be determined by the Minister of Finance: 35

Provided that no such Order in Council shall permit any exemption from taxes or rates to be conferred upon any person who is a British subject and whose usual place of abode is in New Zealand. 40

(3) Where immunities and privileges are conferred on any person under the authority of an Order in Council made under the *last preceding* subsection, the Minister of External Affairs—

- 5 (a) Shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection, and may compile a list of the persons entitled to immunities and privileges conferred under
- 10 paragraph (c) of that subsection:
- (b) Shall cause any list compiled under this subsection to be published in the *Gazette*:
- (c) Whenever any person ceases or begins to be entitled to the immunities and privileges
- 15 to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

- (4) Every list or notice published under the *last*
- 20 *preceding* subsection shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those
- 25 persons has been so published, be conclusively proved by producing the *Gazette* containing the list, or, as the case may be, the last list taking effect before that time, together with the *Gazettes* (if any) containing notices of the amendments taking effect before that time, and
- 30 by showing that the name of that person is or was at that time included or not included in the said list.

3. Every Order in Council made under subsection *one* or subsection *two* of the *last preceding* section shall be laid before Parliament within fourteen days after
- 35 the making thereof if Parliament is then in session, and, if not, within fourteen days after the commencement of the next ensuing session.

Provisions as
to Orders in
Council.

Schedules.

SCHEDULES

FIRST SCHEDULE**IMMUNITIES AND PRIVILEGES OF THE ORGANIZATION**

1. Immunity from suit and legal process.
 2. The like inviolability of official archives and premises occupied as offices as is accorded in New Zealand in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.
 3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
 4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in New Zealand or for exportation, such exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.
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SECOND SCHEDULE**IMMUNITIES AND PRIVILEGES OF HIGH OFFICERS AND GOVERNMENT REPRESENTATIVES****Part I**

1. The like immunity from suit and legal process as is accorded in New Zealand to an envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.

Part II

3. The like exemption or relief from taxes and rates as is accorded to such an envoy.
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THIRD SCHEDULE**IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS****Part I**

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

Part II

2. The following exemption or relief from taxes and rates:—

- (a) In the case of a British subject who is a national or citizen of, or belongs to, any part of His Majesty's dominions outside New Zealand and would, if he were not a British subject, be qualified to receive the immunities and privileges set out in the *Second* Schedule to this Act, the like exemption or relief from taxes and rates as is accorded in New Zealand to an envoy of a foreign sovereign Power accredited to His Majesty:
- (b) In any other case exemption from income-tax in respect of emoluments received as an officer or servant of the organization.