



Diplomatic Privileges (Pacific Islands Forum Secretariat) Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 15th day of October 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 9 of the Diplomatic Privileges and Immunities Act 1968, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Diplomatic Privileges (Pacific Islands Forum Secretariat) Order 2007.

2 Commencement

This order comes into force on 15 November 2007.

Secretariat, etc, defined

3 Interpretation

In this order, unless the context otherwise requires,—

Agreement means the Agreement Establishing the Pacific Islands Forum Secretariat, done at Tarawa on 30 October 2000

Secretariat means—

- (a) the Secretariat established by the Agreement; and
- (b) any agency in New Zealand of that Secretariat.

Declaration as to Secretariat

4 Secretariat declared to be organisation of which Governments of 2 or more States are members

The Secretariat is an organisation of which the Governments of 2 or more States are members.

*Body corporate***5 Body corporate**

The Secretariat has the legal capacities of a body corporate.

*Secretariat's privileges and immunities***6 Immunity from suit**

The Secretariat has immunity from suit and legal process, except in so far as in any particular case it has expressly waived its immunity.

7 Inviolability of premises and archives

The Secretariat has the like inviolability of official premises and archives as is accorded in respect of official premises and archives of a diplomatic mission.

8 Immunity of property

The Secretariat has immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

9 Exemption from taxes and rates

The Secretariat is exempt from taxes and rates other than—

- (a) taxes on the importation of goods; and
- (b) taxes and rates that are charges for public utility services; and
- (c) goods and services tax under the Goods and Services Tax Act 1985.

10 Exemption from taxes on importation of goods for official use

- (1) The Secretariat is exempt from taxes on the importation of goods directly imported by the Secretariat for its official use in New Zealand or for exportation, or on the importation of any publications of the Secretariat directly imported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.

11 Exemption from restrictions on importation or exportation of goods for official use

- (1) The Secretariat is exempt from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Secretariat for its official use, and in the case of any publications of the Secretariat directly imported or exported by it.
- (2) The exemption is subject to compliance with any conditions the Minister of Customs determines for the protection of public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

*Privileges and immunities of Secretariat staff***12 Secretary General and Deputy Secretaries General**

- (1) The Secretary General, and any Deputy Secretary General, of the Secretariat, enjoy—
 - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent;
 - (b) the like inviolability of residence, official premises, and official archives as is accorded to a diplomatic agent;
 - (c) the like exemption from taxes and rates as is accorded to a diplomatic agent.
- (2) The privileges and immunities conferred by this clause do not apply in so far as in any particular case any privilege or immunity is waived by the Secretariat.

13 Other Secretariat staff

- (1) All members of the Secretariat staff (other than the Secretary General, and any Deputy Secretary General, of the Secretariat) enjoy—
 - (a) immunity from suit and legal process in respect of things done or omitted to be done by them in the course of the performance of their official duties;
 - (b) exemption from income taxes in respect of emoluments received as members of the Secretariat staff for services performed solely for the Secretariat;
 - (c) exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand.

- (2) The exemption conferred by subclause (1)(b) does not apply to emoluments received for services performed in New Zealand by members of the Secretariat staff who are New Zealand citizens or permanent residents of New Zealand.
- (3) The exemption conferred by subclause (1)(c)—
 - (a) does not apply in relation to the importation of furniture and effects by members of the Secretariat staff who are New Zealand citizens or permanent residents of New Zealand; and
 - (b) is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.
- (4) The privileges and immunities conferred by subclause (1) do not apply in so far as in any particular case any immunity or privilege is waived by the Secretary General, or any Deputy Secretary General, of the Secretariat.

Miscellaneous provisions

14 Order not in force in Tokelau

This order is not in force in Tokelau.

15 Revocation

The Diplomatic Privileges (South Pacific Forum Secretariat) Order 1996 (SR 1996/97) is revoked.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 15 November 2007, is made under the Diplomatic Privileges and Immunities Act 1968 (the **Act**). This order revokes and replaces the Diplomatic Privileges (South Pacific Forum Secretariat) Order 1996. The South Pacific Forum has been renamed the Pacific Islands Forum. This order, which is not in force in Tokelau,—

- declares the Pacific Islands Forum Secretariat (the **Secretariat**) to be an organisation of which the Governments of 2 or more States are members; and
- provides that the Secretariat has the legal capacities of a body corporate.

This order also confers specified privileges and immunities on—

- the Secretariat; and
- the Secretary General, and any Deputy Secretary General, of the Secretariat (and so, because of section 9(2) and Schedule 5 of the Act, on the members of the families forming part of the household of those officers, who are the holders of those high offices in the organisation); and
- other members of the Secretariat staff.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 October 2007.

This order is administered by the Ministry of Foreign Affairs and Trade.
