

Serial Number 1951/301

**THE DIPLOMATIC PRIVILEGES (SOUTH PACIFIC COMMISSION)
ORDER 1951**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 19th day of
December 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Diplomatic Privileges Extension Act 1947, and to determinations thereunder by the Minister of External Affairs and the Minister of Finance, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Diplomatic Privileges (South Pacific Commission) Order 1951.
2. In this order, unless the context otherwise requires,—
 - “ The Act ” means the Diplomatic Privileges Extension Act 1947 ;
 - “ The Commission ” means the South Pacific Commission.

THE COMMISSION

3. The Commission is hereby declared to be an organization of which His Majesty's Government in New Zealand and the Governments of certain foreign sovereign Powers are members.

4. The Commission shall have the legal capacities of a body corporate and, except in so far as in any particular case it has expressly waived its immunity, immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.

5. The Commission shall have 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 :

Provided that the Commission shall not allow its premises to serve as a refuge for any person not entitled to immunity under this order against whom legal process has been issued by the competent New Zealand authorities.

6. The Commission shall have 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.

7. The Commission shall have exemption from taxes on the importation of goods directly imported by the Commission for its official use in New Zealand or for exportation, or on the importation of any publications of the Commission directly imported by it, that exemption to be subject to compliance with such conditions as the Minister of Customs may prescribe for the protection of the revenue.

8. The Commission shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Commission for its official use and in the case of any publications of the Commission directly imported or exported by it.

9. The Commission shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.

COMMISSIONERS AND MEMBERS OF THE RESEARCH COUNCIL

10. (1) Except in so far as any immunity or privilege is waived by the Government concerned, representatives of member Governments shall enjoy—

- (a) While exercising their functions as such, and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents :
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as such :
- (c) While exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, save that the relief allowed shall not include relief from Customs and excise duties or sales tax except in respect of goods imported as part of their personal baggage. They shall not, where the incidence of any form of taxation depends upon residence, be deemed to be resident in New Zealand during any period when they are present in New Zealand while exercising their functions and during their journey to and from the place of meeting. This paragraph shall not apply to British subjects whose usual place of abode is in New Zealand.

(2) For the purpose of the application of this order the expression "representatives of member Governments" shall be deemed to include all Commissioners, alternates, advisers, technical experts, secretaries of delegations and members of the Research Council, other than full-time members.

(3) This clause shall not confer any immunity or privilege upon any person as the representative of His Majesty's Government in New Zealand or as a member of the staff of such a representative.

HIGH OFFICERS

11. Except in so far as in any particular case any immunity or privilege is waived by the Commission, officers of the Commission holding the offices of Secretary-General and Deputy Secretary-General shall be accorded in respect of themselves, their spouses, and their children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence, and (except in the case of a British subject who is domiciled and employed in New Zealand) the like exemption or relief from taxes as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty, his spouse, and his children.

PERSONS EMPLOYED ON MISSIONS

12. Except in so far as in any particular case any immunity or privilege is waived by the Commission, persons employed on missions on behalf of the Commission shall enjoy—

- (a) While performing their missions and during time spent on journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the Commission :
- (b) Immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions.

OTHER OFFICIALS

13. Except in so far as in any particular case any immunity or privilege is waived by the Commission, all officials of the Commission (other than those referred to in clause 11 hereof) shall enjoy—

- (a) Immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties :
- (b) Exemption from income tax and social security charge in respect of emoluments received by them as officers or servants of the Commission. This paragraph shall not apply to any person who is a British subject and who is domiciled and employed in New Zealand.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

The purpose of this order is to provide immunities and privileges required by the South Pacific Commission.

The names of the persons to whom clauses 10, 11, and 12 of the order apply are to be set forth in a list compiled and published from time to time by the Minister of External Affairs under section 3 (4) of the Act, and that list is to show in regard to each person the date on which he began to be entitled to the immunity or privilege concerned and the date from which he ceased to be so entitled.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette* : 20th day of December 1951.

These regulations are administered in the Department of External Affairs.