



**THE DIPLOMATIC PRIVILEGES (SOUTH PACIFIC FORUM  
SECRETARIAT) ORDER 1996**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of May 1996

Present:

THE HON. JENNY SHIPLEY PRESIDING IN COUNCIL

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

ANALYSIS

1. Title and commencement
2. Declaration as to organisation

*Privileges and Immunities of the Secretariat*

3. Body corporate
4. Immunity from suit
5. Inviolability of premises and archives
6. Immunity of property
7. Exemption from taxes and rates

8. Exemption from taxes on importation of goods
9. Exemption from restrictions on importation or exportation of goods for official use

*Privileges and Immunities of Officers*

10. Privileges and immunities of Secretary General and Deputy Secretaries General
11. Privileges and immunities of other staff
12. Revocation

**ORDER**

**1. Title and commencement**—(1) This order may be cited as the Diplomatic Privileges (South Pacific Forum Secretariat) Order 1996.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

**2. Declaration as to organisation**—(1) The South Pacific Forum Secretariat (in this order called “the Secretariat”), is hereby declared to be an organisation of which the Governments of 2 or more States are members.

(2) Without limiting the generality of the foregoing, it is hereby declared that for the purposes of this order the Secretariat shall include any agency of the Secretariat in New Zealand.

*Privileges and Immunities of the Secretariat*

**3. Body corporate**—The Secretariat shall have the legal capacities of a body corporate.

**4. Immunity from suit**—Except in so far as in any particular case it has expressly waived its immunity, the Secretariat shall have immunity from suit and legal process.

**5. Inviolability of premises and archives**—The Secretariat shall have the like inviolability of official premises and official archives as is accorded in respect of official premises and official archives of a diplomatic mission.

**6. Immunity of property**—The Secretariat shall have immunity in relation to its property and assets from search, requisition, confiscation, expropriation, or any other form of interference.

**7. Exemption from taxes and rates**—The Secretariat shall have the like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign State.

**8. Exemption from taxes on importation of goods**—The Secretariat shall have exemption 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, subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

**9. Exemption from restrictions on importation or exportation of goods for official use**—The Secretariat shall have exemption 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, subject to compliance with such conditions as the Minister of Customs may determine for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

*Privileges and Immunities of Officers*

**10. Privileges and immunities of Secretary General and Deputy Secretaries General**—Except in so far as in any particular case any

immunity or privilege is waived by the Secretariat, the Secretary General and Deputy Secretaries General of the Secretariat shall be accorded—

- (a) Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties:
- (b) The like exemption from taxes and rates as is accorded to a diplomatic agent:
- (c) Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in New Zealand, that exemption to be subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

**11. Privileges and immunities of other staff**—(1) Except in so far as in any particular case any immunity or privilege is waived by the Secretariat, all members of the staff of the Secretariat (other than the Secretary General and Deputy Secretaries General referred to in clause 10 of this order) shall, subject to subclauses (2) and (3) of this clause, be accorded—

- (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 staff of the Secretariat 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, that exemption to be subject to compliance with such conditions as the Minister of Customs may determine for the protection of the revenue.

(2) The exemption conferred by subclause (1) (b) of this clause shall not apply to emoluments received for services performed in New Zealand by members of the staff of the Secretariat who are New Zealand citizens or permanent residents of New Zealand.

(3) The exemption conferred by subclause (1) (c) of this clause shall not apply in relation to the importation of furniture and effects by members of the staff of the Secretariat who are New Zealand citizens or permanent residents of New Zealand.

**12. Revocation**—The Diplomatic Privileges (South Pacific Bureau for Economic Cooperation) Order 1973\* is hereby revoked.

MARIE SHROFF,  
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 specifies the immunities and privileges that are conferred on the South Pacific Forum Secretariat, its Secretary General and Deputy Secretaries General, and other staff. This order revokes and replaces the Diplomatic Privileges (South Pacific Bureau for Economic Cooperation) Order 1973. The South Pacific Bureau for Economic Cooperation has been renamed the South Pacific Forum Secretariat.

In this order the Secretariat includes any agency of the Secretariat in New Zealand. *Clause 11 (1) (b)* provides for an exemption from income taxes in respect of emoluments received by a person as a member of the staff of the Secretariat. This exemption does not apply to staff members who are New Zealand citizens or permanent residents of New Zealand.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 16 May 1996.  
This order is administered in the Ministry of Foreign Affairs and Trade.