



# Diplomatic Privileges (OECD) Order 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 2nd day of October 2000

Present:

The Right Hon Helen Clark presiding 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 (OECD) Order 2000.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

### *Meaning of OECD*

### 3 Meaning of OECD

In this order, **OECD** means the Organisation for Economic Co-operation and Development, established by the Convention on the Organisation for Economic Co-operation and Development done at Paris on 14 December 1960.

### *Declaration as to OECD*

### 4 Declaration as to OECD

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

### *Body corporate*

### 5 Body corporate

The OECD has the legal capacities of a body corporate.

### *OECD's privileges and immunities*

### 6 Immunity from suit

The OECD 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 OECD 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 OECD 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 OECD is exempt from taxes and rates (other than taxes on the importation of goods), except for taxes and rates that are charges for public utility services.

**10 Exemption from taxes on importation of goods for official use**

- (1) The OECD is exempt from taxes on the importation of goods directly imported by the OECD for its official use in New Zealand or for exportation, or on the importation of any publications of the OECD 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 OECD is exempt from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the OECD for its official use, and in the case of any publications of the OECD 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.

**12 Facilities in respect of telegraphic communications**

The OECD has 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 dispatched from places outside New Zealand), of any reduced rates applicable for the corresponding service in the case of press telegrams.

*Privileges and immunities of representatives of member governments*

**13 Privileges and immunities of representatives of member governments**

- (1) All representatives of member governments, being representatives accredited to the OECD or at any conference convened by the OECD, enjoy, in the exercise of their functions and during their journey to and from the places of meeting—
  - (a) the like immunity from suit and legal process as is accorded to a diplomatic agent:
  - (b) the like inviolability of 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) In this clause, **representatives of member governments**—
  - (a) includes all delegates, alternates, advisers, technical experts, and secretaries, of delegations; but
  - (b) does not include any representatives of the Government of New Zealand, or any member of staff of any such representatives, or any New Zealand citizens.
- (3) 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 member government concerned.

*Officials' privileges and immunities*

**14 Officials' privileges and immunities**

- (1) Officials of the OECD 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 taxes in respect of salaries and emoluments received by them as officials of the OECD:
  - (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)(c)—
  - (a) does not apply in relation to the importation of furniture and effects by members of staff of the OECD who are New Zealand citizens:

- (b) is subject to compliance with any conditions the Minister of Customs determines for the protection of the revenue.
- (3) The privileges and immunities conferred by subclause (1) do not apply in so far as in any particular case any privilege or immunity is waived by the Secretary-General of the OECD.

*Privileges and immunities of Secretary-General and Deputy Secretaries-General*

**15 Privileges and immunities of Secretary-General and Deputy Secretaries-General**

- (1) The Secretary-General, and each Deputy Secretary-General, of the OECD, enjoys—
  - (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 Council of the OECD.

*Privileges and immunities of experts on missions*

**16 Privileges and immunities of experts on missions**

- (1) Experts (other than officials) employed on missions on behalf of the OECD enjoy, in the exercise of their functions and while travelling to a place for the purpose of performing the mission or while returning from a place after performing the mission—
  - (a) the like immunity from suit and legal process in respect of acts done or omitted to be done by them in the course of the performance of their mission as is accorded to a diplomatic agent:
  - (b) the like inviolability of official archives 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 Secretary-General of the OECD.

*Order not in force in Tokelau*

**17 Order not in force in Tokelau**

This order is not in force in Tokelau.

Marie Shroff,  
Clerk of the Executive Council.

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**Explanatory note**

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

This order relates to the Organisation for Economic Co-operation and Development (OECD). It—

- declares the OECD to be an organisation of which the Governments of 2 or more States are members:
- provides that the OECD has the legal capacities of a body corporate:
- confers certain privileges and immunities on the OECD, on certain representatives of Governments of States that are members of it, on its officials, on its Secretary-General and Deputy Secretaries-General, and on experts employed on missions on its behalf.

The order comes into force on the 28th day after the date of its notification in the *Gazette*, and is not in force in Tokelau.

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

Date of notification in *Gazette*: 5 October 2000.

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

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