

**AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND
AND THE GOVERNMENT OF THE REPUBLIC OF CHILE ON PAID
EMPLOYMENT OF DEPENDANTS OF PERSONNEL OF
DIPLOMATIC AND CONSULAR MISSIONS**

The Government of New Zealand and the Government of the Republic of Chile agree, on the basis of reciprocity, that the dependants of diplomatic, consular, administrative and technical personnel accredited to their respective Diplomatic and Consular Missions may undertake paid employment under the following conditions:

Article 1

The dependants of diplomatic, consular, administrative and technical personnel accredited to their respective Diplomatic and Consular Missions will be authorised to undertake paid employment in the receiving State in conformity with this Agreement and on the basis of reciprocity.

Article 2

For the purposes of this Agreement, the expression "dependants" means:

- (a) Spouse

- (b) Single dependent children under 21 years of age, or children under 23 years of age if they are full time tertiary students. However, the situation of dependent children between 23 and 25 years of age will be considered on a case-by-case basis at the discretion of the receiving State
- (c) Single children who are disabled and incapable of self support.

Article 3

Any dependant who wishes to undertake paid employment must request authorisation in writing, through diplomatic channels, from the Ceremonial and Protocol Division of the Ministry of External Relations of Chile or the Protocol Division of the Ministry of Foreign Affairs and Trade of New Zealand, as the case may be. The request must include information proving that the person in question is a dependant and a brief explanation of the employment which is proposed to be undertaken. The Protocol Division concerned will promptly inform the Embassy of the other party whether or not the dependant is authorised to undertake paid employment. Similarly, the dependant must inform the Protocol Division concerned of the termination of the paid employment undertaken and must submit a new request in the event of deciding to accept any new paid employment.

Article 4

Dependants authorised to undertake paid employment will not enjoy immunity from the local civil or administrative jurisdiction concerning actions brought against them in respect of acts directly related to the performance of such paid employment. The sending State will give serious attention to any request from the receiving State to waive the immunity of a dependant accused of committing a criminal offence in the course of paid employment. In the event that immunity is not waived and in the view of the receiving State the action is a serious one, the receiving State may request the withdrawal from the country of the person concerned.

Article 5

An essential condition for authorising a dependant to undertake paid employment or to change employment will be that the person on whom the person concerned is dependent is a member of a Diplomatic or Consular Mission in the receiving State.

Any contract of employment signed by a dependant, pursuant to this Agreement, must contain an anticipated termination clause, by means of which the employee can terminate the employment without prior notice on the grounds of termination of the assignment of the person on whom the person concerned is dependent.

Article 6

Authorisation of a dependant to undertake paid employment, in conformity with this Agreement, shall not give the person concerned the right to continue to undertake paid employment or to reside in the receiving State, once the assignment of the person on whom the person concerned is dependent has terminated.

Article 7

Nothing in this Agreement shall give the right to a dependant to undertake employment which, under the legislation of the receiving State, can only be undertaken by a national of that State.

Article 8

This Agreement will not imply automatic recognition of titles or degrees obtained abroad. Such recognition can only be granted in conformity with the standards in force which regulate these matters in the receiving State.

Article 9

- (a) Dependants who undertake paid activities must pay in the receiving State all taxes related to the income which they receive in the performance of their paid employment, according to the tax legislation of the receiving country, and having its source in that country.
- (b) Dependants who take up employment under this Agreement shall be subject to the social security legislation of the receiving State.



Article 10

This Agreement shall remain in force indefinitely, but may be terminated if either of the parties notifies the other in writing, through diplomatic channels, of its decision to terminate the Agreement. In that event, the Agreement shall cease to have effect six (6) months from the date of such notification.

Article 11

This Agreement shall enter into force on the date of the last communication by which one of the parties notifies the other that their respective legal and constitutional requirements for entry into force of the present Agreement have been complied with.

DONE AT Wellington, New Zealand, in duplicate, this fourteenth day of October
nineteen ninety-six, the two versions, in Spanish and English, being equally
authentic.



FOR THE GOVERNMENT OF
NEW ZEALAND

FOR THE GOVERNMENT OF THE
REPUBLIC OF CHILE