

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*International Organizations (Privileges and Immunities).*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Foreign Affairs and Trade at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

Reference in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Foreign Affairs and Trade;

“the Department”—should be read as references to the Department of Foreign Affairs and Trade.

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CHAPTER NO. 87.

*International Organizations (Privileges and Immunities) Act.*

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  - "envoy"
  - "international conference"
  - "international organization to which this Act applies"
  - "the regulations"
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3. Privileges and immunities of certain international organizations, etc.
4. Privileges and immunities of representatives on missions in Papua New Guinea.
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*International Organizations (Privileges and Immunities)  
Act.*

Being an Act relating to the privileges and immunities of certain international organizations and of persons connected with those organizations, and for related purposes.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“association” means an association or other body or group of persons, whether incorporated or not;

“envoy” means an envoy of a foreign sovereign power accredited to Papua New Guinea;

“international conference” means a conference that is attended by—

(a) a person or persons representing Papua New Guinea; and

(b) a person or persons representing a country or countries other than Papua New Guinea;

“international organization to which this Act applies” means an organization that is declared by the regulations to be an international organization to which this Act applies, and includes—

(a) an organ of, or an office within, an organization that is so declared; and

(b) a commission, council or other body established by such an organization or organ; and

(c) a committee, or a sub-committee of a committee, of such an organization, organ, commission, council or body;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

(2) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of a country shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(3) For the purposes of this Act—

(a) an alternate or deputy of, or a substitute for, a representative of a country; and

(b) an adviser to, or an expert assisting, such a representative,

shall each be deemed to be a member of the official staff of the representative.

(4) References in this Act to countries shall be read as including references to the governments of countries.

**2. International organizations to which Act applies.**

The regulations may declare an organization—

- (a) of which Papua New Guinea and a country or countries other than Papua New Guinea are members; or
- (b) that is constituted by a person or persons representing Papua New Guinea and a person or persons representing a country or countries other than Papua New Guinea,

to be an international organization to which this Act applies.

**3. Privileges and immunities of certain international organizations, etc.**

(1) Subject to this section, the regulations may, without restriction or to the extent or subject to the conditions prescribed by the regulations—

- (a) confer on an international organization to which this Act applies—
  - (i) juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and
  - (ii) all or any of the privileges and immunities specified in Schedule 1; and
- (b) confer on—
  - (i) a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organization to which this Act applies all or any of the privileges and immunities specified in Part I. of Schedule 2; and
  - (ii) a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II. of Schedule 2; and
- (c) confer on—
  - (i) a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Papua New Guinea all or any of the privileges and immunities specified in Part I. of Schedule 3; and
  - (ii) a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in Part II. of Schedule 3; and
- (d) confer on—
  - (i) a person who holds an office in an international organization to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I. of Schedule 4; and
  - (ii) a person who has ceased to hold such an office the immunities specified in Part II. of Schedule 4; and
- (e) confer on—
  - (i) a person who is serving on a committee, or is participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in Part I. of Schedule 5; and

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- (ii) a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II. of Schedule 5.

(2) Regulations made for the purposes of this section may be of general application or may relate to—

- (a) particular international organizations to which this Act applies; or
- (b) particular offices or classes of offices; or
- (c) particular conferences, committees or missions or classes of conferences, committees or missions; or
- (d) representatives of particular countries.

(3) Where by the regulations any privileges or immunities are conferred on a person who is accredited to, or is in attendance at, an international conference convened by an international organization to which this Act applies as a representative of a country other than Papua New Guinea, that person is entitled to the same privileges and immunities—

- (a) while travelling to a place for the purpose of—
  - (i) presenting his credentials; or
  - (ii) attending the conference; and
- (b) while returning from a place after—
  - (i) ceasing to be so accredited; or
  - (ii) attending the conference.

(4) Where by the regulations any privileges or immunities are conferred on a person who is—

- (a) serving on a committee or participating in the work of an international organization to which this Act applies; or
- (b) performing, whether alone or jointly with other persons, a mission on behalf of such an organization,

that person is entitled to the same privileges and immunities—

- (c) while travelling to a place for the purpose of—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission; and
- (d) while returning from a place after—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission.

(5) Subject to Subsection (6), where by the regulations or by Subsection (3) any privileges or immunities are conferred on a person who is or has been a person accredited to, or in attendance at, an international conference convened by an international organization to which this Act applies as a representative of a country other than Papua New Guinea, a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

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(6) A person who is, or has been, a representative of a country other than Papua New Guinea or a member of the official staff of such a representative during a period when he is or was a citizen of Papua New Guinea is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

**4. Privileges and immunities of representatives on missions in Papua New Guinea.**

(1) Where—

- (a) an international conference is, or is to be, held in Papua New Guinea; or
- (b) a mission is, or is to be, sent by a country other than Papua New Guinea to Papua New Guinea,

and it appears to the Head of State, acting on advice, that the provisions of this Act, other than this section, do not, or may not, apply in relation to that conference or mission but that it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

(2) Subject to Subsection (3), where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies—

- (a) a person who is, or has been, a representative of a country other than Papua New Guinea at the conference or on the mission is, in respect of the period during which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy; and
- (b) a person who is, or has been, a member of the official staff of a person referred to in Paragraph (a) during the whole or any part of the period specified in that paragraph is entitled to the privileges and immunities accorded to a member of the retinue of an envoy in respect of that period or that part of that period, as the case may be; and
- (c) in the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his capacity as such a member.

(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies, as a representative, or as a member of the official staff of a representative, of a country other than Papua New Guinea during a period when he is or was a citizen of Papua New Guinea is not entitled under Subsection (2) to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

**5. Withdrawal of privileges and immunities where no reciprocity.**

(1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Papua New Guinea at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Papua New Guinea by this Act on persons, or on members of the official staffs of persons, representing that country, the Minister may, by instrument, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country, all or any of those privileges and immunities.

(2) The Minister shall cause an instrument under Subsection (1) to be published in the National Gazette.



**6. Privileges and immunities of judges, etc., of the International Court of Justice.**

The regulations may confer on—

- (a) the judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations; and
- (b) persons engaged on missions by order of that Court; and
- (c) the agents, advocates and counsel of countries that are parties in cases before that Court; and
- (d) witnesses in cases before that Court,

such privileges and immunities as are required to give effect to the Statute of that Court, and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connexion with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

**7. Waiver.**

The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or person is entitled by virtue of this Act.

**8. Certificates by Minister.**

(1) The Minister may give a written certificate certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled to any privileges or immunities under this Act.

(2) In any proceedings, a certificate under this section is evidence of the facts certified.

**9. Protection of names, etc., of international organizations.**

(1) Except with the written consent of the Minister, a person who—

- (a) uses the name, or an abbreviation of the name, of an international organization to which this Act applies in connexion with a trade, business, profession, calling or occupation; or
- (b) uses—
  - (i) a seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies; or
  - (ii) a seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or
  - (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where, without the written consent of the Minister, the name, or an abbreviation of the name, of an international organization to which this Act applies, or a seal, emblem or device referred to in Subsection (1)(b)—

- (a) is used as, or as part of, the name, seal or emblem of an association; or
- (b) is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or

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(c) is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organization, then—

(d) if the association is a corporation—the association; or

(e) if the association is not a corporation—every member of the governing body of the association,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence against this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the conviction.

(5) For the purposes of this section—

(a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and

(b) if a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the written consent of the Minister <sup>1</sup>.

**10. Regulations.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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SCHEDULES.

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SCHEDULE 1.

Sec. 3.

**PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANISATION.**

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.

2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.

3. Exemption of property and assets of, or in the custody of, or administered by, the organization from restrictions and controls.

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<sup>1</sup> As at the effective date, the reference was to the Minister for Justice.

4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organization and of interest and dividends on those obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
10. 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 Papua New Guinea), of any reduced rates applicable in relation to telegraphic communications by the press.
11. Absence of censorship for official correspondence and other official communications.
12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

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SCHEDULE 2.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF HIGH OFFICER OF INTERNATIONAL ORGANIZATION.

The same privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of 21 years) as are accorded to an envoy.

PART II.

IMMUNITIES OF FORMER HIGH OFFICER OF INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

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SCHEDULE 3.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
3. Inviolability of papers and documents.
4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.

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6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.

7. The same privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to an envoy, other than exemption from—

- (a) excise duties; and
- (b) sales taxes; and
- (c) duties on the importation or exportation of goods not forming part of personal baggage.

PART II.

IMMUNITIES OF FORMER REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

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SCHEDULE 4.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organization.
3. Exemption (including exemption of a spouse and any dependent relatives) from the application of laws relating to immigration and the registration of aliens.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The same repatriation facilities (including repatriation facilities for a spouse and dependent relatives) in time of international crisis as are accorded to an envoy.
7. The right to import furniture and effects free of duties when first taking up a post in Papua New Guinea and to export furniture and effects free of duties when leaving Papua New Guinea on the termination of his functions.

PART II.

IMMUNITIES OF FORMER OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

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SCHEDULE 5.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF PERSON SERVING ON COMMITTEE OR PARTICIPATING IN WORK OF, OR PERFORMING MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION.

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
3. Inviolability of papers and documents.

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4. The right, for the purpose of communicating with the organization, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.
6. The same privileges and immunities in respect of personal baggage as are accorded to an envoy.

PART II.

IMMUNITIES OF PERSON WHO HAS SERVED ON COMMITTEE OR PARTICIPATED IN  
WORK OF, OR PERFORMED MISSION ON BEHALF OF, INTERNATIONAL  
ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.



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CHAPTER NO. 87.

*Asian Development Bank (Privileges and Immunities) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—  
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    "the Bank".
2. International Organizations (Privileges and Immunities) Act to apply to Bank.
3. Bank to have juridical personality and legal capacities.
4. Privileges and immunities of Bank.
5. Privileges and immunities of officers of Bank other than President.
6. Privileges and immunities of other persons connected with Bank.
7. Waiver of privileges and immunities.
8. Privileges and immunities subject to quarantine laws.
9. Official emblem of Bank.
10. Official seal of Bank.

SCHEDULES.

SCHEDULE 1.—Official Emblem of the Bank.

SCHEDULE 2.—Design of the Official Seal of the Bank.

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CHAPTER NO. 87.

***Asian Development Bank (Privileges and Immunities) Act.***

MADE under the *International Organizations (Privileges and Immunities) Act.*

**1. Interpretation.**

In this Regulation, unless the contrary intention appears—

“the Agreement” means the Agreement establishing the Asian Development Bank done at Manila on 4 December 1965;

“the Bank” means the Asian Development Bank.

**2. International Organizations (Privileges and Immunities) Act to apply to Bank.**

The Bank is declared to be an international organization to which the Act applies.

**3. Bank to have juridical personality and legal capacities.**

(1) The Bank—

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially in Papua New Guinea shall take judicial notice of the seal of the Bank affixed to a document and shall presume that it was duly affixed.

**4. Privileges and immunities of Bank.**

The Bank has such of the privileges and immunities specified in Schedule 1 to the Act as are required by the Agreement to be conferred on the Bank.

**5. Privileges and immunities of officers of Bank other than President.**

(1) Subject to Subsection (2), a person who holds an office in the Bank has such of the privileges and immunities specified in Items 1, 2, 3, 4, 5 and 6 of Part I of Schedule 4 to the Act as are required by the Agreement to be conferred on a person who holds that office.

(2) The salary and emoluments received from the Bank by a person to whom Subsection (1) applies, being a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a Papua New Guinea citizen; and

(b) came to Papua New Guinea solely for the purposes of performing duties of the office in the Bank held by him.

(3) A person who has ceased to hold an office in the Bank has the immunities specified in Part II. of Schedule 4 to the Act.

**6. Privileges and immunities of other persons connected with Bank.**

(1) A person who is serving on a committee, or is participating in the work of the Bank or is performing, whether alone or jointly with other persons, a mission on behalf of the



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Bank has the privileges and immunities specified in Items 2 and 5 of Part I of Schedule 5 to the Act.

(2) A person who has served on a committee or participated in any work or performed a mission referred to in Subsection (1) has the immunities specified in Part II. of Schedule 5 to the Act.

**7. Waiver of privileges and immunities.**

(1) The Bank may waive any privileges and immunities to which—

(a) the Bank; or

(b) a person who holds or has ceased to hold any office in the Bank; or

(c) a person who is serving on a committee or participating in the work, or has served on a committee or participated in the work, of the Bank or is performing or has performed, whether alone or jointly with other persons, a mission on behalf of the Bank,

is entitled by virtue of the Act or this Regulation.

**8. Privileges and immunities subject to quarantine laws.**

This Regulation does not affect the application of any law relating to quarantine, or prohibiting or restricting the importation into, or the exportation from Papua New Guinea of any animals, plants or goods, but this section does not prejudice the immunity from suit or from civil or criminal process conferred by this Regulation.

**9. Official emblem of Bank.**

For the purposes of Section 9 of the Act, the emblem in Schedule 1 is declared to be the official emblem of the Bank.

**10. Official seal of Bank.**

For the purposes of Section 9 of the Act, the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Bank.

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SCHEDULE 1.

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Reg., Sec. 9.

OFFICIAL EMBLEM OF THE BANK.



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SCHEDULE 2.

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Reg., Sec. 10.

DESIGN OF THE OFFICIAL SEAL OF THE BANK.



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*International Organizations (Privileges and Immunities) Regulation.*

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6. Privileges and immunities of high officers of the Commission.
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9. Privileges and immunities of other persons connected with the Commission.
10. Waiver of privileges and immunities.
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*International Organizations (Privileges and Immunities)  
Regulation.*

MADE under the *International Organizations (Privileges and Immunities) Act.*

PART I.—PRELIMINARY.

1. Application.

This Regulation does not affect the application of any law—

- (a) relating to quarantine; or
- (b) prohibiting or restricting the importation into, or the exportation from, Papua New Guinea of any animals, plants or goods,

but this section does not prejudice any immunity from suit or from civil or criminal process conferred by this Regulation.

2. International organizations to which the Act applies.

The following organizations are declared to be international organizations to which the Act applies—

- (a) the South Pacific Commission; and
- (b) the Commonwealth of Nations.

PART II.—THE SOUTH PACIFIC COMMISSION.

3. Interpretation of Part II.

(1) In this Part "high office in the South Pacific Commission" means an office in the South Pacific Commission that is, by virtue of Section 6(1), a high office in the Commission for the purposes of Section 3(1)(b)(i) of the Act.

(2) A reference in this Regulation to a person who holds a high office in the South Pacific Commission includes a reference to a person who is performing the duties of a high office in the Commission.

(3) In the application, by virtue of Subsection (2), of a provision of this Regulation to a person who is performing the duties of a high office in the South Pacific Commission, a reference in the provision to the high office held by a person shall be read as a reference to the high office the duties of which the person is so performing.

4. Incorporation of the South Pacific Commission.

(1) The South Pacific Commission—

- (a) is a corporation with perpetual succession; and
- (b) may enter into contracts; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

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(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the South Pacific Commission affixed to a document, and shall presume that it was duly affixed.

**5. Privileges and immunities of the Commission.**

(1) Subject to Subsection (2), the South Pacific Commission has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7, 9, 11 and 12 of Schedule 1 to the Act.

(2) The South Pacific Commission is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Commission, whether owned or leased, as represent payment for specific services rendered.

**6. Privileges and immunities of high officers of the Commission.**

(1) The offices of Secretary-General and Deputy Secretary-General of the South Pacific Commission are each a high office in the Commission for the purposes of Section 3(1)(b)(i) of the Act.

(2) A person who holds a high office in the South Pacific Commission has the privileges and immunities specified in Part I. of Schedule 2 to the Act.

(3) A person who has ceased to hold a high office in the South Pacific Commission has the immunities specified in Part II. of Schedule 2 to the Act.

**7. Privileges and immunities of representatives to the Commission.**

(1) A person who is accredited to, or who is in attendance at an international conference convened by, the South Pacific Commission as a representative of a country other than Papua New Guinea has, while exercising his functions as such a representative, the privileges and immunities specified in Part I. of Schedule 3 to the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the South Pacific Commission as a representative of a country other than Papua New Guinea has the immunities specified in Part II. of Schedule 3 to the Act.

**8. Privileges and immunities of other officers of the Commission.**

(1) Subject to Subsections (2) and (3), a person who holds an office in the South Pacific Commission, other than a person who holds a high office in the Commission has the privileges and immunities specified in Items 1, 2, 3, 5, 6 and 7 of Part I. of Schedule 4 to the Act.

(2) The salary and emoluments received from the South Pacific Commission by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a citizen of Papua New Guinea; and

(b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Commission held by him.

(3) A citizen of Papua New Guinea who holds an office in the South Pacific Commission, other than a person who holds a high office in the Commission, does not have the privilege specified in Item 7 of Part I. of Schedule 4 to the Act.

(4) A person who has ceased to hold an office in the South Pacific Commission, other than a high office in the Commission, has the immunities specified in Part II. of Schedule 4 to the Act.

**9. Privileges and immunities of other persons connected with the Commission.**

(1) Subject to Subsection (2), a person who—

(a) is serving on a committee, or is participating in the work, of the South Pacific Commission; or

(b) is performing, whether alone or jointly with other persons, a mission on behalf of the Commission,

has the privileges and immunities specified in Items 1, 2, 3 and 5 of Part I. of Schedule 5 to the Act, and also has immunity from seizure of personal baggage.

(2) The privileges and immunities specified in Item 3 in Part I. of Schedule 5 to the Act extend, in relation to a person, to papers and documents that relate to—

(a) the work of the committee of the South Pacific Commission on which he is serving; or

(b) the work of the Commission in which he is participating; or

(c) the mission that he is performing on behalf of the Commission,

as the case may be, but not to any other papers and documents.

(3) A person who has served on a committee, participated in work or performed a mission referred to in Subsection (2) has the immunities specified in Part II. of Schedule 5 to the Act.

**10. Waiver of privileges and immunities.**

(1) The South Pacific Commission may waive any privileges or immunities to which—

(a) the Commission; or

(b) a person who holds or has ceased to hold a high office in the Commission; or

(c) a person who holds or has ceased to hold any other office in the Commission; or

(d) a person who—

(i) is serving on a committee or participating in the work, or has served on a committee or participated in the work, of the Commission; or

(ii) is performing or has performed, whether alone or jointly with other persons, a mission on behalf of the Commission,

is entitled by virtue of the Act or this Regulation.

(2) The government of a country may waive any privileges or immunities to which a person who—

(a) is, or has ceased to be, accredited to; or

(b) is in attendance at, or has attended, a conference convened by,

the South Pacific Commission as a representative of that country is entitled by virtue of the Act or this Regulation.

**11. Official emblem and Seal of the Commission.**

For the purposes of Section 9 of the Act—

(a) the emblems, reproductions of which are set out in Schedule 1, are declared to be official emblems of the South Pacific Commission; and

(b) the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Commission.

PART III.—THE COMMONWEALTH OF NATIONS.

12. Interpretation of Part III.

(1) In this Part, unless the contrary intention appears—

“the Commonwealth Secretariat” means the organ of the Commonwealth of Nations established under the name “Commonwealth Secretariat” at a meeting of the Commonwealth Prime Ministers held in the year 1965;

“high office in the Commonwealth Secretariat” means office in the Commonwealth Secretariat that is, by virtue of Section 15, a high office in the Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(2) A reference in this Regulation to a person who holds a high office in the Commonwealth Secretariat includes a reference to a person who is performing the duties of a high office in the Secretariat.

(3) In the application, by virtue of Subsection (2) of a provision of this Regulation to a person who is performing the duties of a high office in the Commonwealth Secretariat, a reference in the provision to the high office held by a person shall be read as a reference to the high office the duties of which the person is so performing.

13. Incorporation of the Commonwealth Secretariat.

The Commonwealth Secretariat—

(a) is a corporation with perpetual succession; and

(b) may enter into contracts; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

14. Privileges and immunities of the Secretariat.

(1) Subject to Subsection (2), the Commonwealth Secretariat has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of Schedule 1 to the Act.

(2) The Commonwealth Secretariat is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Commonwealth Secretariat, whether owned or leased, as represent payment for specific services rendered.

15. Privileges and immunities of high officers of the Secretariat.

(1) The offices of—

(a) Secretary-General of the Commonwealth Secretariat; and

(b) Assistant Secretary-General of the Commonwealth Secretariat; and

(c) Managing Director of the Commonwealth Fund for Technical Co-operation,

are each a high office in the Commonwealth Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(2) Each office in the Commonwealth Secretariat of Deputy Secretary-General, Adviser, Director, Assistant Director and Special Assistant is a high office in the Commonwealth Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(3) Subject to Subsection (4), a person who holds a high office in the Commonwealth Secretariat has, while exercising the functions of the office that he holds, the privileges and immunities specified in Part I. of Schedule 2 to the Act.



(4) The salary and emoluments received from the Commonwealth Secretariat by a person who holds a high office in the Secretariat are not exempt from taxation unless the salary and emoluments are subject to tax in the United Kingdom.

(5) A person who has ceased to hold a high office in the Commonwealth Secretariat has the immunities specified in Part II. of Schedule 2 to the Act.

**16. Privileges and immunities of Commonwealth representatives.**

(1) A person who is accredited to, or is in attendance at an international conference convened by, the Commonwealth Secretariat as a representative of a country other than Papua New Guinea has, while exercising his functions as such a representative, the privileges and immunities specified in Part I. of Schedule 3 to the Act.

(2) A person who has ceased to be accredited to, or who has attended an international conference convened by, the Commonwealth Secretariat as a representative of a country other than Papua New Guinea has the immunities specified in Part II. of Schedule 3 to the Act.

**17. Privileges and immunities of other officers of the Secretariat.**

(1) Subject to Subsections (2), (3) and (5), a person who holds an office in the Commonwealth Secretariat, other than a person who holds a high office in the Secretariat, has the privilege and immunities specified in Items 1 and 2 of Part I of Schedule 4 to the Act.

(2) The salary and emoluments received from the Commonwealth Secretariat by a person to whom Subsection (1) applies are not exempt from taxation unless the salary and emoluments are subject to tax in the United Kingdom.

(3) The salary and emoluments received from the Commonwealth Secretariat by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a citizen of Papua New Guinea; and

(b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Secretariat held by him.

(4) Subject to Subsection (5), a person who has ceased to hold an office in the Commonwealth Secretariat, other than a high office in the Secretariat, has the immunities specified in Part II. of Schedule 4 to the Act.

(5) The immunities conferred by Subsections (1) and (4) do not extend to immunity from a suit or other legal process—

(a) seeking to recover damages in relation to the driving of a motor vehicle; or

(b) with respect to the commission of an offence under a law with respect to motor traffic, motor vehicles or the use of a motor vehicle.

**18. Waiver of privileges and immunities.**

(1) The Commonwealth Secretariat may waive any privileges or immunities to which—

(a) the Secretariat; or

(b) a person who holds or has ceased to hold a high office in the Secretariat; or

(c) a person who holds or has ceased to hold any other office in the Secretariat,

is entitled by virtue of the Act or this Regulation.

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(2) The government of a country may waive any privileges or immunities to which a person who—

(a) is, or has ceased to be, accredited to; or

(b) is in attendance at or has attended, an international conference convened by, the Commonwealth Secretariat as a representative of that country is entitled by virtue of the Act or this Regulation.

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SCHEDULES.

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SCHEDULE 1.

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Reg., Sec. 11(a).

OFFICIAL EMBLEMS OF THE SOUTH PACIFIC COMMISSION.



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SCHEDULE 2.

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Reg., Sec. 11(b).

OFFICIAL SEAL OF THE SOUTH PACIFIC COMMISSION.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*South Pacific Forum Fisheries Agency (Privileges and Immunities)  
Regulation.*

ARRANGEMENT OF SECTIONS.

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2. Application.
3. The Agency to have juridical personality and legal capacities.
4. Privileges and immunities of Agency.
5. Privileges and immunities of high officers in the Agency.
6. Privileges and immunities of representatives to Agency.
7. Privileges and immunities of officers of Agency other than high officers.
8. Waiver of privileges and immunities.
9. Privileges and immunities subject to quarantine laws, etc.
10. Official emblem of Agency.
11. Official seal of Agency.

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SCHEDULE 2.—Design of the Official Seal of the South Pacific Forum Fisheries Agency.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

***South Pacific Forum Fisheries Agency (Privileges and Immunities) Regulation.***

MADE under the *International Organizations (Privileges and Immunities) Act*.

**1. Interpretation.**

In this Regulation, unless the contrary intention appears "the Agency" means the South Pacific Forum Fisheries Agency.

**2. Application.**

The Agency is declared to be an international organization to which the Act applies.

**3. The agency to have juridical personality and legal capacities.**

The Agency—

- (a) is a corporation with perpetual succession; and
- (b) has the capacity to contract; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

**4. Privileges and immunities of Agency.**

(1) Subject to Subsection (2), the Agency has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7 and 9 of Schedule 1 to the Act.

(2) The Agency is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Agency, whether owned or leased, as represent payment for specific services rendered.

**5. Privileges and immunities of high officers in the Agency.**

(1) The offices of Director and Deputy Director of the Agency are each a high office in the Agency for the purposes of Section 3(1)(b)(i) of the Act.

(2) A person who holds, or is performing the duties of, an office specified in Subsection (1) has the privileges and immunities specified in Part I of Schedule 2 of the Act.

(3) A person who has ceased to hold, or to perform the duties of, an office specified in Subsection (1) has the immunities specified in Part II of Schedule 2 of the Act.

**6. Privileges and immunities of representatives to Agency.**

(1) A person who is accredited to, or who is in attendance at an international conference convened by, the Agency as a representative of a country other than Papua New

Guinea has, exercising his functions as such a representative, the privileges and immunities specified in Part I of Schedule 3 of the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the Agency as a representative of a country other than Papua New Guinea has the immunities specified in Part II, of Schedule 3 of the Act.

**7. Privileges and immunities of officers of Agency other than high officers.**

(1) Subject to Subsection (2) a person who holds an office in the Agency, other than a person who holds, or who is performing the duties of, an office specified in Section 5 (1), has the privileges and immunities specified in Part I of Schedule 4 of the Act.

(2) The salary and emoluments received from the Agency by a person to whom Subsection (1) applies, being a resident of Papua New Guinea within the meaning of the *Income Tax Act 1959 (Adopted)* are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person is not a Papua New Guinea citizen and came to Papua New Guinea solely for the purpose of performing duties of the office in the Agency held by him.

(3) A person, being a Papua New Guinea citizen, who holds an office in the Agency, other than a person who holds, or is performing the duties of, an office specified in Section 5(1), does not have the privilege specified in Item 7 of Part I of Schedule 4 of the Act.

(4) A person who has ceased to hold an office in the Agency, other than an office specified in Section 5(1), has the immunities specified in Part II of Schedule 4 of the Act.

**8. Waiver of privileges and immunities.**

(1) The Agency may waive any privileges or immunities to which—

(a) the Agency; or

(b) a person who holds or has ceased to hold, or is performing or has ceased to perform the duties of, an office specified in Section 5(1); or

(c) a person who holds or has ceased to hold any other office in the Agency,

is entitled by virtue of the Act or this Regulation.

(2) The government of a country may waive any privileges or immunities to which a person who is, or has ceased to be, accredited to, or is in attendance at, or has attended, a conference convened by the Agency as a representative of that country is entitled by virtue of the Act or this Regulation.

**9. Privileges and immunities subject to quarantine laws, etc.**

This Regulation does not affect the application of any law relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Papua New Guinea of any animals, plants or goods but this section does not prejudice the immunity from suit or from civil or criminal process conferred by this Regulation.

**10. Official emblem of Agency.**

For the purposes of Section 9 of the Act, the emblem in Schedule 1 is declared to be the official emblem of the Agency.

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11. Official seal of Agency.

For the purposes of Section 9 of the Act, the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Agency.

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SCHEDULE 1.

Reg. Sec. 10.

OFFICIAL EMBLEM OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.



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SCHEDULE 2.

Reg. Sec. 11.

DESIGN OF THE OFFICIAL SEAL OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*International Organizations (Privileges and Immunities).*

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APPENDIXES.

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APPENDIX 1.

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SOURCE OF THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT.

Part A.—Previous Legislation.

*International Organizations (Privileges and Immunities) Act 1975 (No. 60 of 1975).*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
Schedule 1	Schedule 1
Schedule 2	Schedule 2
Schedule 3	Schedule 3
Schedule 4	Schedule 4
Schedule 5	Schedule 5

<sup>1</sup> Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) REGULATION.

Part A.—Previous Legislation.

1. Commonwealth Secretariat (Privileges and Immunities) Regulation 1975 (Statutory Instrument No. 49 of 1975).
2. South Pacific Commission (Privileges and Immunities) Regulation 1975 (Statutory Instrument No. 48 of 1975).

Part B.—Cross References.

NOTE: In this table—

- (a) a reference "Com. Sec." is a reference to the Commonwealth Secretariat (Privileges and Immunities) Regulation 1975; and
- (b) a reference "S.P.C." is a reference to the South Pacific Commission (Privileges and Immunities) Regulation 1975.

Section, etc., in Revised Edition.	Previous Reference.
1	Com. Sec. 9 S.P.C. 10
2	Com. Sec. 2 S.P.C. 2
3	—
4	S.P.C. 3
5	S.P.C. 4
6	S.P.C. 5
7	S.P.C. 6
8	S.P.C. 7
9	S.P.C. 8
10	S.P.C. 9
11	S.P.C. 11, 12
12	Com. Sec. 1
13	Com. Sec. 3
14	Com. Sec. 4
15	Com. Sec. 5
16	Com. Sec. 6
17	Com. Sec. 7
18	Com. Sec. 8
Schedule 1	S.P.C. Schedule 1
Schedule 2	S.P.C. Schedule 2



APPENDIX 3.

SOURCE OF THE ASIAN DEVELOPMENT BANK (PRIVILEGES AND IMMUNITIES) REGULATION.

Part A.—Previous Legislation.

Asian Development Bank (Privileges and Immunities) Regulation 1976 (Statutory Instrument No. 31 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
Schedule 1	Schedule 1
Schedule 2	Schedule 2

APPENDIX 4.

SOURCE OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY (PRIVILEGES AND IMMUNITIES) REGULATION.

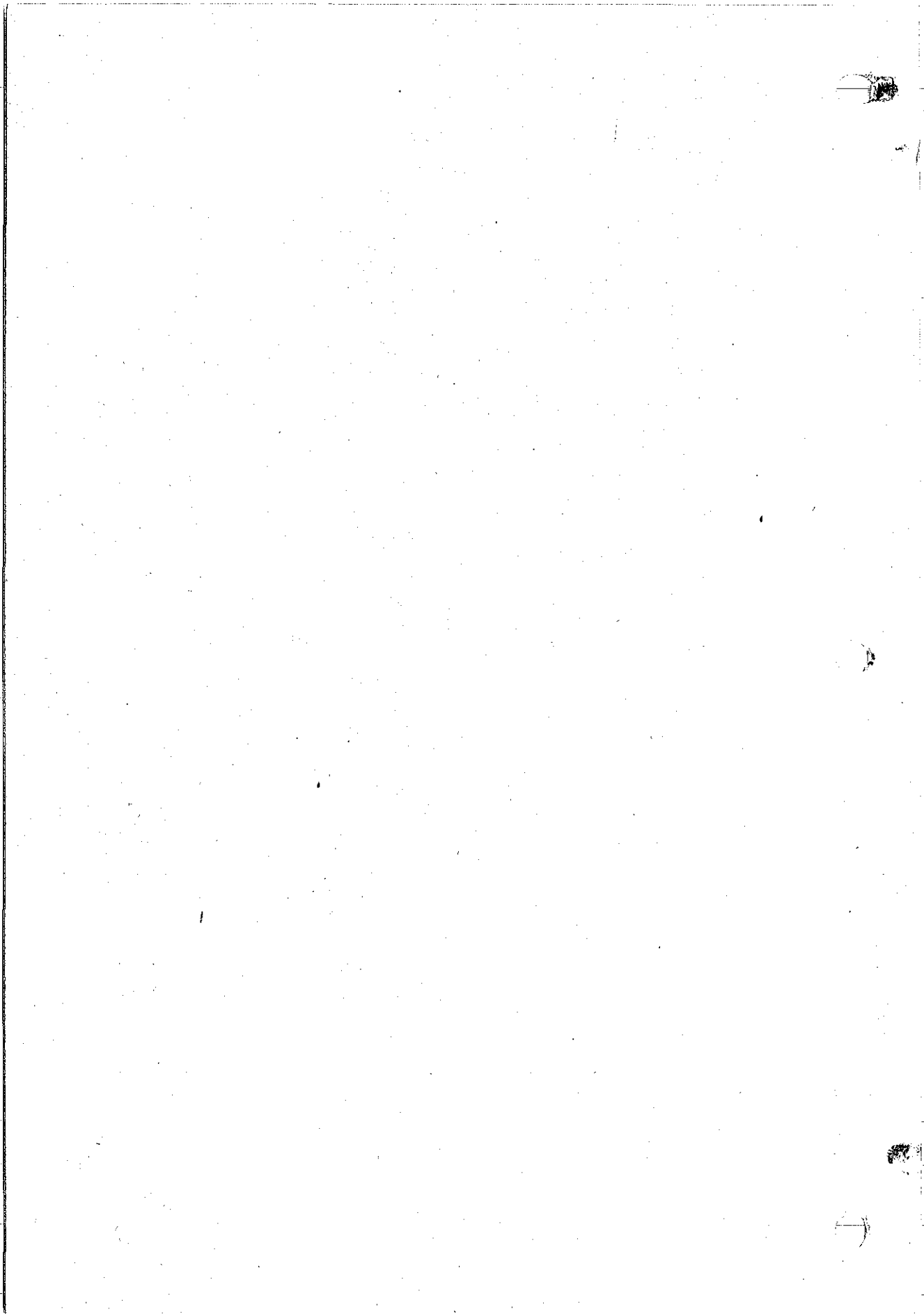
Part A.—Previous Legislation.

South Pacific Forum Fisheries Agency (Privileges and Immunities) Regulation. (Statutory Instrument No. 18 of 1980).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .	Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1	8	8
2	2	9	9
3	3	10	10
4	4	11	11
5	5	Schedule 1	Schedule 1
6	6	Schedule 2	Schedule 2
7	7		

<sup>1</sup>Unless otherwise indicated, references are to the regulation set out in Part A.



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CHAPTER NO. 87.

*International Organizations (Privileges and Immunities).*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Foreign Affairs and Trade at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

Reference in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Foreign Affairs and Trade;

“the Department”—should be read as references to the Department of Foreign Affairs and Trade.

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2. Source of Regulation.
3. Source of Asian Development Bank Regulation.
4. Source of South Pacific Forum Fisheries Agency Regulation.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*International Organizations (Privileges and Immunities) Act.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—
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  - "envoy"
  - "international conference"
  - "international organization to which this Act applies"
  - "the regulations"
  - "this Act".
2. International organizations to which Act applies.
3. Privileges and immunities of certain international organizations, etc.
4. Privileges and immunities of representatives on missions in Papua New Guinea.
5. Withdrawal of privileges and immunities where no reciprocity.
6. Privileges and immunities of judges, etc., of the International Court of Justice.
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9. Protection of names, etc., of international organizations.
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PART I.—Privileges and Immunities of Representative Accredited to, or Attending Conference Convened by, International Organization.

PART II.—Immunities of Former Representative Accredited to, or Attending Conference Convened by, International Organization.

SCHEDULE 4.—

PART I.—Privileges and Immunities of Officer (other than High Officer) of International Organization.

PART II.—Immunities of Former Officer (other than High Officer) of International Organization.

Ch. No. 87 *International Organizations (Privileges and Immunities)*

SCHEDULE 5.—

PART I.—Privileges and Immunities of Person serving on Committee or participating in Work of, or performing Mission on behalf of, International Organization.

PART II.—Immunities of Person who has served on Committee or participated in Work of, or performed Mission on behalf of, International Organization.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

***International Organizations (Privileges and Immunities)  
Act.***

Being an Act relating to the privileges and immunities of certain international organizations and of persons connected with those organizations, and for related purposes.

**1. Interpretation.**

(1) In this Act, unless the contrary intention appears—

“association” means an association or other body or group of persons, whether incorporated or not;

“envoy” means an envoy of a foreign sovereign power accredited to Papua New Guinea;

“international conference” means a conference that is attended by—

(a) a person or persons representing Papua New Guinea; and

(b) a person or persons representing a country or countries other than Papua New Guinea;

“international organization to which this Act applies” means an organization that is declared by the regulations to be an international organization to which this Act applies, and includes—

(a) an organ of, or an office within, an organization that is so declared; and

(b) a commission, council or other body established by such an organization or organ; and

(c) a committee, or a sub-committee of a committee, of such an organization, organ, commission, council or body;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

(2) For the purposes of this Act, a person who is, or has been during any period, a member of an organ of an international organization to which this Act applies but is not, or has not been during that period, accredited to that organ as a representative of a country shall be deemed to be, or to have been during that period, as the case may be, so accredited as a representative of the country of which he is a national.

(3) For the purposes of this Act—

(a) an alternate or deputy of, or a substitute for, a representative of a country; and

(b) an adviser to, or an expert assisting, such a representative,

shall each be deemed to be a member of the official staff of the representative.

(4) References in this Act to countries shall be read as including references to the governments of countries.

Ch. No. 87 *International Organizations (Privileges and Immunities)*

**2. International organizations to which Act applies.**

The regulations may declare an organization—

- (a) of which Papua New Guinea and a country or countries other than Papua New Guinea are members; or
- (b) that is constituted by a person or persons representing Papua New Guinea and a person or persons representing a country or countries other than Papua New Guinea,

to be an international organization to which this Act applies.

**3. Privileges and immunities of certain international organizations, etc.**

(1) Subject to this section, the regulations may, without restriction or to the extent or subject to the conditions prescribed by the regulations—

- (a) confer on an international organization to which this Act applies—
  - (i) juridical personality and such legal capacities as are necessary for the exercise of the powers and the performance of the functions of the organization; and
  - (ii) all or any of the privileges and immunities specified in Schedule 1; and
- (b) confer on—
  - (i) a person who holds, or is performing the duties of, an office prescribed by the regulations to be a high office in an international organization to which this Act applies all or any of the privileges and immunities specified in Part I. of Schedule 2; and
  - (ii) a person who has ceased to hold, or perform the duties of, such an office the immunities specified in Part II. of Schedule 2; and
- (c) confer on—
  - (i) a person who is accredited to, or is in attendance at an international conference convened by, an international organization to which this Act applies as a representative of a country other than Papua New Guinea all or any of the privileges and immunities specified in Part I. of Schedule 3; and
  - (ii) a person who has ceased to be accredited to such an organization, or has attended such a conference, as such a representative the immunities specified in Part II. of Schedule 3; and
- (d) confer on—
  - (i) a person who holds an office in an international organization to which this Act applies (not being an office prescribed by the regulations to be a high office) all or any of the privileges and immunities specified in Part I. of Schedule 4; and
  - (ii) a person who has ceased to hold such an office the immunities specified in Part II. of Schedule 4; and
- (e) confer on—
  - (i) a person who is serving on a committee, or is participating in the work, of an international organization to which this Act applies or is performing, whether alone or jointly with other persons, a mission on behalf of such an organization all or any of the privileges and immunities specified in Part I. of Schedule 5; and



*International Organizations (Privileges and Immunities)* Ch. No. 87

- (ii) a person who has served on such a committee or participated in such work or has performed such a mission the immunities specified in Part II. of Schedule 5.

(2) Regulations made for the purposes of this section may be of general application or may relate to—

- (a) particular international organizations to which this Act applies; or
- (b) particular offices or classes of offices; or
- (c) particular conferences, committees or missions or classes of conferences, committees or missions; or
- (d) representatives of particular countries.

(3) Where by the regulations any privileges or immunities are conferred on a person who is accredited to, or is in attendance at, an international conference convened by an international organization to which this Act applies as a representative of a country other than Papua New Guinea, that person is entitled to the same privileges and immunities—

- (a) while travelling to a place for the purpose of—
  - (i) presenting his credentials; or
  - (ii) attending the conference; and
- (b) while returning from a place after—
  - (i) ceasing to be so accredited; or
  - (ii) attending the conference.

(4) Where by the regulations any privileges or immunities are conferred on a person who is—

- (a) serving on a committee or participating in the work of an international organization to which this Act applies; or
- (b) performing, whether alone or jointly with other persons, a mission on behalf of such an organization,

that person is entitled to the same privileges and immunities—

- (c) while travelling to a place for the purpose of—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission; and
- (d) while returning from a place after—
  - (i) serving on the committee; or
  - (ii) participating in that work; or
  - (iii) performing the mission.

(5) Subject to Subsection (6), where by the regulations or by Subsection (3) any privileges or immunities are conferred on a person who is or has been a person accredited to, or in attendance at, an international conference convened by an international organization to which this Act applies as a representative of a country other than Papua New Guinea, a person who is, or has been during any period, a member of the official staff of the first-mentioned person is entitled, in respect of that period, to the same privileges and immunities.

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(6) A person who is, or has been, a representative of a country other than Papua New Guinea or a member of the official staff of such a representative during a period when he is or was a citizen of Papua New Guinea is not entitled under this section or the regulations to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

**4. Privileges and immunities of representatives on missions in Papua New Guinea.**

(1) Where—

- (a) an international conference is, or is to be, held in Papua New Guinea; or
- (b) a mission is, or is to be, sent by a country other than Papua New Guinea to Papua New Guinea,

and it appears to the Head of State, acting on advice, that the provisions of this Act, other than this section, do not, or may not, apply in relation to that conference or mission but that it is desirable that diplomatic privileges and immunities should be applicable in relation to that conference or mission, the regulations may declare the conference or mission, as the case may be, to be a conference or mission to which this section applies.

(2) Subject to Subsection (3), where a conference or mission has been declared by the regulations to be a conference or mission to which this section applies—

- (a) a person who is, or has been, a representative of a country other than Papua New Guinea at the conference or on the mission is, in respect of the period during which he is, or has been, such a representative, entitled to the privileges and immunities accorded to an envoy; and
- (b) a person who is, or has been, a member of the official staff of a person referred to in Paragraph (a) during the whole or any part of the period specified in that paragraph is entitled to the privileges and immunities accorded to a member of the retinue of an envoy in respect of that period or that part of that period, as the case may be; and
- (c) in the case of an international conference—a person who is, or has been, a member of the secretariat established for the purposes of the conference is entitled to immunity from suit and from other legal process in respect of acts and things done in his capacity as such a member.

(3) A person who is, or has been, in attendance at an international conference, or engaged on a mission, to which this section applies, as a representative, or as a member of the official staff of a representative, of a country other than Papua New Guinea during a period when he is or was a citizen of Papua New Guinea is not entitled under Subsection (2) to any privileges or immunities in respect of that period, except in respect of acts and things done in his capacity as such a representative or member.

**5. Withdrawal of privileges and immunities where no reciprocity.**

(1) Where the Minister is satisfied that persons, or members of the official staffs of persons, representing Papua New Guinea at an international conference in a country would not receive in that country privileges and immunities corresponding to those conferred in Papua New Guinea by this Act on persons, or on members of the official staffs of persons, representing that country, the Minister may, by instrument, withdraw from the representatives, or from the members of the official staffs of the representatives, of that country, all or any of those privileges and immunities.

(2) The Minister shall cause an instrument under Subsection (1) to be published in the National Gazette.

**6. Privileges and immunities of judges, etc., of the International Court of Justice.**

The regulations may confer on—

- (a) the judges, assessors and officials of the International Court of Justice established by the Charter of the United Nations; and
- (b) persons engaged on missions by order of that Court; and
- (c) the agents, advocates and counsel of countries that are parties in cases before that Court; and
- (d) witnesses in cases before that Court,

such privileges and immunities as are required to give effect to the Statute of that Court, and such privileges and immunities in respect of acts and things done in the course of the performance of their functions in connexion with the business of that Court as are required to give effect to any resolution of, or convention or agreement approved by, the General Assembly of the United Nations.

**7. Waiver.**

The regulations may make provision for or in relation to the waiver of any privileges or immunities to which an international organization or person is entitled by virtue of this Act.

**8. Certificates by Minister.**

(1) The Minister may give a written certificate certifying any fact relating to the question whether a person is, or was at any time or in respect of any period, entitled to any privileges or immunities under this Act.

(2) In any proceedings, a certificate under this section is evidence of the facts certified.

**9. Protection of names, etc., of international organizations.**

(1) Except with the written consent of the Minister, a person who—

- (a) uses the name, or an abbreviation of the name, of an international organization to which this Act applies in connexion with a trade, business, profession, calling or occupation; or
- (b) uses—
  - (i) a seal, emblem or device that is identical with the official seal or emblem of an international organization to which this Act applies; or
  - (ii) a seal, emblem or device so nearly resembling the official seal or emblem of such an organization as to be capable of being mistaken for that seal or emblem; or
  - (iii) a seal, emblem or device that is capable of being taken to be the official seal or emblem of such an organization,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where, without the written consent of the Minister, the name, or an abbreviation of the name, of an international organization to which this Act applies, or a seal, emblem or device referred to in Subsection (1)(b)—

- (a) is used as, or as part of, the name, seal or emblem of an association; or
- (b) is used as, or as part of, the name or emblem of a newspaper or magazine owned by, or published by or on behalf of, an association; or

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(c) is used by an association in connexion with any activity of the association so as to imply that the association is in any way connected with that organization,

then—

(d) if the association is a corporation—the association; or

(e) if the association is not a corporation—every member of the governing body of the association,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) A person shall not be convicted of an offence against this section in respect of the use of an abbreviation of the name of an international organization to which this Act applies if the use occurred in such circumstances or in relation to such matters as to be unlikely to be taken to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion.

(4) The conviction of a person of an offence against this section in respect of the use of a name, abbreviation of a name, seal, emblem or device does not prevent a further conviction of that person in respect of the use of that name, abbreviation, seal, emblem or device at any time after the conviction.

(5) For the purposes of this section—

(a) any combination of words or letters, or of both words and letters, that is capable of being understood as referring to an international organization to which this Act applies shall be deemed to be an abbreviation of the name of that organization; and

(b) if a seal or emblem is declared by the regulations to be the official seal or emblem of an international organization to which this Act applies, that seal or emblem shall be taken to be the official seal or emblem of that organization.

(6) Proceedings under this section shall not be instituted without the written consent of the Minister <sup>1</sup>.

**10. Regulations.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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SCHEDULES.

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SCHEDULE 1.

Sec. 3.

**PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANISATION.**

1. Immunity of the organization, and of the property and assets of, or in the custody of, or administered by, the organization, from suit and from other legal process.

2. Inviolability of property and assets of, or in the custody of, or administered by, the organization and of premises of, or occupied by, the organization.

3. Exemption of property and assets of, or in the custody of, or administered by, the organization from restrictions and controls.

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<sup>1</sup> As at the effective date, the reference was to the Minister for Justice.

4. Inviolability of archives.
5. Exemption from currency and exchange restrictions.
6. Exemption from duties on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
7. Exemption of the organization from the liability to pay or collect taxes other than duties on the importation or exportation of goods and of the income, property, assets and transactions of the organization from such taxes.
8. Exemption from taxes of obligations and securities issued or guaranteed by the organization and of interest and dividends on those obligations and securities.
9. Exemption from prohibitions and restrictions on the importation or exportation of—
  - (a) goods imported or exported by the organization for its official use; and
  - (b) publications of the organization imported or exported by it.
10. 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 Papua New Guinea), of any reduced rates applicable in relation to telegraphic communications by the press.
11. Absence of censorship for official correspondence and other official communications.
12. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags and to have any such couriers or bags treated as diplomatic couriers or diplomatic bags, as the case may be.

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SCHEDULE 2.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF HIGH OFFICER OF INTERNATIONAL ORGANIZATION.

The same privileges and immunities (including privileges and immunities in respect of a spouse and children under the age of 21 years) as are accorded to an envoy.

PART II.

IMMUNITIES OF FORMER HIGH OFFICER OF INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

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SCHEDULE 3.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.
3. Inviolability of papers and documents.
4. The right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.
5. Exemption (including exemption of the spouse of the representative) from the application of laws relating to immigration, the registration of aliens and the obligation to perform national service.

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6. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.

7. The same privileges and immunities, not being privileges and immunities of a kind referred to in any of the preceding paragraphs, as are accorded to an envoy, other than exemption from—

- (a) excise duties; and
- (b) sales taxes; and
- (c) duties on the importation or exportation of goods not forming part of personal baggage.

PART II.

IMMUNITIES OF FORMER REPRESENTATIVE ACCREDITED TO, OR ATTENDING CONFERENCE CONVENED BY, INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such a representative.

SCHEDULE 4.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.

1. Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.
2. Exemption from taxation on salaries and emoluments received from the organization.
3. Exemption (including exemption of a spouse and any dependent relatives) from the application of laws relating to immigration and the registration of aliens.
4. Exemption from the obligation to perform national service.
5. Exemption from currency or exchange restrictions to such extent as is accorded to an official, of comparable rank, forming part of a diplomatic mission.
6. The same repatriation facilities (including repatriation facilities for a spouse and dependent relatives) in time of international crisis as are accorded to an envoy.
7. The right to import furniture and effects free of duties when first taking up a post in Papua New Guinea and to export furniture and effects free of duties when leaving Papua New Guinea on the termination of his functions.

PART II.

IMMUNITIES OF FORMER OFFICER (OTHER THAN HIGH OFFICER) OF INTERNATIONAL ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in his capacity as such an officer.

SCHEDULE 5.

Sec. 3.

PART I.

PRIVILEGES AND IMMUNITIES OF PERSON SERVING ON COMMITTEE OR PARTICIPATING IN WORK OF, OR PERFORMING MISSION ON BEHALF OF, INTERNATIONAL ORGANIZATION.

1. Immunity from personal arrest or detention.
2. Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.
3. Inviolability of papers and documents.

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4. The right, for the purpose of communicating with the organization, to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags.

5. Exemption from currency or exchange restrictions to such extent as is accorded to a representative of a foreign government on a temporary mission on behalf of that government.

6. The same privileges and immunities in respect of personal baggage as are accorded to an envoy.

PART II.

IMMUNITIES OF PERSON WHO HAS SERVED ON COMMITTEE OR PARTICIPATED IN  
WORK OF, OR PERFORMED MISSION ON BEHALF OF, INTERNATIONAL  
ORGANIZATION.

Immunity from suit and from other legal process in respect of acts and things done in serving on the committee, participating in the work or performing the mission.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*Asian Development Bank (Privileges and Immunities) Regulation.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—  
    "the Agreement"  
    "the Bank".
2. International Organizations (Privileges and Immunities) Act to apply to Bank.
3. Bank to have juridical personality and legal capacities.
4. Privileges and immunities of Bank.
5. Privileges and immunities of officers of Bank other than President.
6. Privileges and immunities of other persons connected with Bank.
7. Waiver of privileges and immunities.
8. Privileges and immunities subject to quarantine laws.
9. Official emblem of Bank.
10. Official seal of Bank.

SCHEDULES.

SCHEDULE 1.—Official Emblem of the Bank.

SCHEDULE 2.—Design of the Official Seal of the Bank.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

***Asian Development Bank (Privileges and Immunities) Act.***

MADE under the *International Organizations (Privileges and Immunities) Act.*

**1. Interpretation.**

In this Regulation, unless the contrary intention appears—

“the Agreement” means the Agreement establishing the Asian Development Bank done at Manila on 4 December 1965;

“the Bank” means the Asian Development Bank.

**2. International Organizations (Privileges and Immunities) Act to apply to Bank.**

The Bank is declared to be an international organization to which the Act applies.

**3. Bank to have juridical personality and legal capacities.**

(1) The Bank—

(a) is a corporation with perpetual succession; and

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

(2) All courts, Judges and persons acting judicially in Papua New Guinea shall take judicial notice of the seal of the Bank affixed to a document and shall presume that it was duly affixed.

**4. Privileges and immunities of Bank.**

The Bank has such of the privileges and immunities specified in Schedule 1 to the Act as are required by the Agreement to be conferred on the Bank.

**5. Privileges and immunities of officers of Bank other than President.**

(1) Subject to Subsection (2), a person who holds an office in the Bank has such of the privileges and immunities specified in Items 1, 2, 3, 4, 5 and 6 of Part I of Schedule 4 to the Act as are required by the Agreement to be conferred on a person who holds that office.

(2) The salary and emoluments received from the Bank by a person to whom Subsection (1) applies, being a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a Papua New Guinea citizen; and

(b) came to Papua New Guinea solely for the purposes of performing duties of the office in the Bank held by him.

(3) A person who has ceased to hold an office in the Bank has the immunities specified in Part II. of Schedule 4 to the Act.

**6. Privileges and immunities of other persons connected with Bank.**

(1) A person who is serving on a committee, or is participating in the work of the Bank or is performing, whether alone or jointly with other persons, a mission on behalf of the

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Bank has the privileges and immunities specified in Items 2 and 5 of Part I of Schedule 5 to the Act.

(2) A person who has served on a committee or participated in any work or performed a mission referred to in Subsection (1) has the immunities specified in Part II. of Schedule 5 to the Act.

**7. Waiver of privileges and immunities.**

(1) The Bank may waive any privileges and immunities to which—

(a) the Bank; or

(b) a person who holds or has ceased to hold any office in the Bank; or

(c) a person who is serving on a committee or participating in the work, or has served on a committee or participated in the work, of the Bank or is performing or has performed, whether alone or jointly with other persons, a mission on behalf of the Bank,

is entitled by virtue of the Act or this Regulation.

**8. Privileges and immunities subject to quarantine laws.**

This Regulation does not affect the application of any law relating to quarantine, or prohibiting or restricting the importation into, or the exportation from Papua New Guinea of any animals, plants or goods, but this section does not prejudice the immunity from suit or from civil or criminal process conferred by this Regulation.

**9. Official emblem of Bank.**

For the purposes of Section 9 of the Act, the emblem in Schedule 1 is declared to be the official emblem of the Bank.

**10. Official seal of Bank.**

For the purposes of Section 9 of the Act, the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Bank.

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SCHEDULE 1.

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Reg., Sec. 9.

OFFICIAL EMBLEM OF THE BANK.



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SCHEDULE 2.

Reg., Sec. 10.

DESIGN OF THE OFFICIAL SEAL OF THE BANK.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*International Organizations (Privileges and Immunities) Regulation.*

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Application.
2. International organizations to which the Act applies.

PART II.—THE SOUTH PACIFIC COMMISSION.

3. Interpretation of part II.—  
“high office in the South Pacific Commission”.
4. Incorporation of the South Pacific Commission.
5. Privileges and immunities of the Commission.
6. Privileges and immunities of high officers of the Commission.
7. Privileges and immunities of representatives to the Commission.
8. Privileges and immunities of other officers of the Commission.
9. Privileges and immunities of other persons connected with the Commission.
10. Waiver of privileges and immunities.
11. Official emblem and seal of the Commission.

PART III.—THE COMMONWEALTH OF NATIONS.

12. Interpretation of Part III.—  
“the Commonwealth Secretariat”  
“high office in the Commonwealth Secretariat”.
13. Incorporation of the Commonwealth Secretariat.
14. Privileges and immunities of the Secretariat.
15. Privileges and immunities of high officers of the Secretariat.
16. Privileges and immunities of Commonwealth representatives.
17. Privileges and immunities of other officers of the Secretariat.
18. Waiver of privileges and immunities.

SCHEDULES.

SCHEDULE 1.—Official Emblems of the South Pacific Commission.

SCHEDULE 2.—Official Seal of the South Pacific Commission.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

***International Organizations (Privileges and Immunities)  
Regulation.***

MADE under the *International Organizations (Privileges and Immunities) Act.*

PART I.—PRELIMINARY.

1. Application.

This Regulation does not affect the application of any law—

- (a) relating to quarantine; or
- (b) prohibiting or restricting the importation into, or the exportation from, Papua New Guinea of any animals, plants or goods,

but this section does not prejudice any immunity from suit or from civil or criminal process conferred by this Regulation.

2. International organizations to which the Act applies.

The following organizations are declared to be international organizations to which the Act applies—

- (a) the South Pacific Commission; and
- (b) the Commonwealth of Nations.

PART II.—THE SOUTH PACIFIC COMMISSION.

3. Interpretation of Part II.

(1) In this Part "high office in the South Pacific Commission" means an office in the South Pacific Commission that is, by virtue of Section 6(1), a high office in the Commission for the purposes of Section 3(1)(b)(i) of the Act.

(2) A reference in this Regulation to a person who holds a high office in the South Pacific Commission includes a reference to a person who is performing the duties of a high office in the Commission.

(3) In the application, by virtue of Subsection (2), of a provision of this Regulation to a person who is performing the duties of a high office in the South Pacific Commission, a reference in the provision to the high office held by a person shall be read as a reference to the high office the duties of which the person is so performing.

4. Incorporation of the South Pacific Commission.

(1) The South Pacific Commission—

- (a) is a corporation with perpetual succession; and
- (b) may enter into contracts; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

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(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the South Pacific Commission affixed to a document, and shall presume that it was duly affixed.

**5. Privileges and immunities of the Commission.**

(1) Subject to Subsection (2), the South Pacific Commission has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7, 9, 11 and 12 of Schedule 1 to the Act.

(2) The South Pacific Commission is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Commission, whether owned or leased, as represent payment for specific services rendered.

**6. Privileges and immunities of high officers of the Commission.**

(1) The offices of Secretary-General and Deputy Secretary-General of the South Pacific Commission are each a high office in the Commission for the purposes of Section 3(1)(b)(i) of the Act.

(2) A person who holds a high office in the South Pacific Commission has the privileges and immunities specified in Part I. of Schedule 2 to the Act.

(3) A person who has ceased to hold a high office in the South Pacific Commission has the immunities specified in Part II. of Schedule 2 to the Act.

**7. Privileges and immunities of representatives to the Commission.**

(1) A person who is accredited to, or who is in attendance at an international conference convened by, the South Pacific Commission as a representative of a country other than Papua New Guinea has, while exercising his functions as such a representative, the privileges and immunities specified in Part I. of Schedule 3 to the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the South Pacific Commission as a representative of a country other than Papua New Guinea has the immunities specified in Part II. of Schedule 3 to the Act.

**8. Privileges and immunities of other officers of the Commission.**

(1) Subject to Subsections (2) and (3), a person who holds an office in the South Pacific Commission, other than a person who holds a high office in the Commission has the privileges and immunities specified in Items 1, 2, 3, 5, 6 and 7 of Part I. of Schedule 4 to the Act.

(2) The salary and emoluments received from the South Pacific Commission by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a citizen of Papua New Guinea; and

(b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Commission held by him.

(3) A citizen of Papua New Guinea who holds an office in the South Pacific Commission, other than a person who holds a high office in the Commission, does not have the privilege specified in Item 7 of Part I. of Schedule 4 to the Act.

(4) A person who has ceased to hold an office in the South Pacific Commission, other than a high office in the Commission, has the immunities specified in Part II. of Schedule 4 to the Act.



**9. Privileges and immunities of other persons connected with the Commission.**

(1) Subject to Subsection (2), a person who—

- (a) is serving on a committee, or is participating in the work, of the South Pacific Commission; or
- (b) is performing, whether alone or jointly with other persons, a mission on behalf of the Commission,

has the privileges and immunities specified in Items 1, 2, 3 and 5 of Part I. of Schedule 5 to the Act, and also has immunity from seizure of personal baggage.

(2) The privileges and immunities specified in Item 3 in Part I. of Schedule 5 to the Act extend, in relation to a person, to papers and documents that relate to—

- (a) the work of the committee of the South Pacific Commission on which he is serving; or
- (b) the work of the Commission in which he is participating; or
- (c) the mission that he is performing on behalf of the Commission,

as the case may be, but not to any other papers and documents.

(3) A person who has served on a committee, participated in work or performed a mission referred to in Subsection (2) has the immunities specified in Part II. of Schedule 5 to the Act.

**10. Waiver of privileges and immunities.**

(1) The South Pacific Commission may waive any privileges or immunities to which—

- (a) the Commission; or
- (b) a person who holds or has ceased to hold a high office in the Commission; or
- (c) a person who holds or has ceased to hold any other office in the Commission; or
- (d) a person who—
  - (i) is serving on a committee or participating in the work, or has served on a committee or participated in the work, of the Commission; or
  - (ii) is performing or has performed, whether alone or jointly with other persons, a mission on behalf of the Commission,

is entitled by virtue of the Act or this Regulation.

(2) The government of a country may waive any privileges or immunities to which a person who—

- (a) is, or has ceased to be, accredited to; or
- (b) is in attendance at, or has attended, a conference convened by,

the South Pacific Commission as a representative of that country is entitled by virtue of the Act or this Regulation.

**11. Official emblem and Seal of the Commission.**

For the purposes of Section 9 of the Act—

- (a) the emblems, reproductions of which are set out in Schedule 1, are declared to be official emblems of the South Pacific Commission; and
- (b) the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Commission.

PART III.—THE COMMONWEALTH OF NATIONS.

12. Interpretation of Part III.

(1) In this Part, unless the contrary intention appears—

“the Commonwealth Secretariat” means the organ of the Commonwealth of Nations established under the name “Commonwealth Secretariat” at a meeting of the Commonwealth Prime Ministers held in the year 1965;

“high office in the Commonwealth Secretariat” means office in the Commonwealth Secretariat that is, by virtue of Section 15, a high office in the Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(2) A reference in this Regulation to a person who holds a high office in the Commonwealth Secretariat includes a reference to a person who is performing the duties of a high office in the Secretariat.

(3) In the application, by virtue of Subsection (2) of a provision of this Regulation to a person who is performing the duties of a high office in the Commonwealth Secretariat, a reference in the provision to the high office held by a person shall be read as a reference to the high office the duties of which the person is so performing.

13. Incorporation of the Commonwealth Secretariat.

The Commonwealth Secretariat—

(a) is a corporation with perpetual succession; and

(b) may enter into contracts; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

14. Privileges and immunities of the Secretariat.

(1) Subject to Subsection (2), the Commonwealth Secretariat has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12 of Schedule 1 to the Act.

(2) The Commonwealth Secretariat is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Commonwealth Secretariat, whether owned or leased, as represent payment for specific services rendered.

15. Privileges and immunities of high officers of the Secretariat.

(1) The offices of—

(a) Secretary-General of the Commonwealth Secretariat; and

(b) Assistant Secretary-General of the Commonwealth Secretariat; and

(c) Managing Director of the Commonwealth Fund for Technical Co-operation,

are each a high office in the Commonwealth Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(2) Each office in the Commonwealth Secretariat of Deputy Secretary-General, Adviser, Director, Assistant Director and Special Assistant is a high office in the Commonwealth Secretariat for the purposes of Section 3(1)(b)(i) of the Act.

(3) Subject to Subsection (4), a person who holds a high office in the Commonwealth Secretariat has, while exercising the functions of the office that he holds, the privileges and immunities specified in Part I. of Schedule 2 to the Act.

(4) The salary and emoluments received from the Commonwealth Secretariat by a person who holds a high office in the Secretariat are not exempt from taxation unless the salary and emoluments are subject to tax in the United Kingdom.

(5) A person who has ceased to hold a high office in the Commonwealth Secretariat has the immunities specified in Part II. of Schedule 2 to the Act.

**16. Privileges and immunities of Commonwealth representatives.**

(1) A person who is accredited to, or is in attendance at an international conference convened by, the Commonwealth Secretariat as a representative of a country other than Papua New Guinea has, while exercising his functions as such a representative, the privileges and immunities specified in Part I. of Schedule 3 to the Act.

(2) A person who has ceased to be accredited to, or who has attended an international conference convened by, the Commonwealth Secretariat as a representative of a country other than Papua New Guinea has the immunities specified in Part II. of Schedule 3 to the Act.

**17. Privileges and immunities of other officers of the Secretariat.**

(1) Subject to Subsections (2), (3) and (5), a person who holds an office in the Commonwealth Secretariat, other than a person who holds a high office in the Secretariat, has the privilege and immunities specified in Items 1 and 2 of Part I of Schedule 4 to the Act.

(2) The salary and emoluments received from the Commonwealth Secretariat by a person to whom Subsection (1) applies are not exempt from taxation unless the salary and emoluments are subject to tax in the United Kingdom.

(3) The salary and emoluments received from the Commonwealth Secretariat by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

(a) is not a citizen of Papua New Guinea; and

(b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Secretariat held by him.

(4) Subject to Subsection (5), a person who has ceased to hold an office in the Commonwealth Secretariat, other than a high office in the Secretariat, has the immunities specified in Part II. of Schedule 4 to the Act.

(5) The immunities conferred by Subsections (1) and (4) do not extend to immunity from a suit or other legal process—

(a) seeking to recover damages in relation to the driving of a motor vehicle; or

(b) with respect to the commission of an offence under a law with respect to motor traffic, motor vehicles or the use of a motor vehicle.

**18. Waiver of privileges and immunities.**

(1) The Commonwealth Secretariat may waive any privileges or immunities to which—

(a) the Secretariat; or

(b) a person who holds or has ceased to hold a high office in the Secretariat; or

(c) a person who holds or has ceased to hold any other office in the Secretariat,

is entitled by virtue of the Act or this Regulation.

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(2) The government of a country may waive any privileges or immunities to which a person who—

(a) is, or has ceased to be, accredited to; or

(b) is in attendance at or has attended, an international conference convened by, the Commonwealth Secretariat as a representative of that country is entitled by virtue of the Act or this Regulation.

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SCHEDULES.

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SCHEDULE 1.

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Reg., Sec. 11(a).

OFFICIAL EMBLEMS OF THE SOUTH PACIFIC COMMISSION.



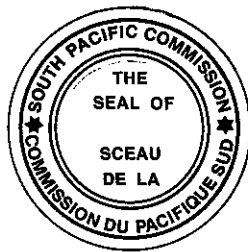
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SCHEDULE 2.

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Reg., Sec. 11(b).

OFFICIAL SEAL OF THE SOUTH PACIFIC COMMISSION.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*South Pacific Forum Fisheries Agency (Privileges and Immunities)  
Regulation.*

ARANGEMENT OF SECTIONS.

1. Interpretation—  
    "the Agency".
2. Application.
3. The Agency to have juridical personality and legal capacities.
4. Privileges and immunities of Agency.
5. Privileges and immunities of high officers in the Agency.
6. Privileges and immunities of representatives to Agency.
7. Privileges and immunities of officers of Agency other than high officers.
8. Waiver of privileges and immunities.
9. Privileges and immunities subject to quarantine laws, etc.
10. Official emblem of Agency.
11. Official seal of Agency.

SCHEDULES.

SCHEDULE 1.—Official Emblem of the South Pacific Forum Fisheries Agency.

SCHEDULE 2.—Design of the Official Seal of the South Pacific Forum Fisheries Agency.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

**South Pacific Forum Fisheries Agency (Privileges and Immunities) Regulation.**

MADE under the *International Organizations (Privileges and Immunities) Act*.

**1. Interpretation.**

In this Regulation, unless the contrary intention appears "the Agency" means the South Pacific Forum Fisheries Agency.

**2. Application.**

The Agency is declared to be an international organization to which the Act applies.

**3. The agency to have juridical personality and legal capacities.**

The Agency—

- (a) is a corporation with perpetual succession; and
- (b) has the capacity to contract; and
- (c) is capable, in its corporate name, of acquiring, holding and disposing of property and of instituting legal proceedings.

**4. Privileges and immunities of Agency.**

(1) Subject to Subsection (2), the Agency has the privileges and immunities specified in Items 1, 2, 3, 4, 5, 6, 7 and 9 of Schedule 1 to the Act.

(2) The Agency is not, by virtue of Subsection (1), exempt from such national, regional or municipal dues and taxes in respect of the premises of the Agency, whether owned or leased, as represent payment for specific services rendered.

**5. Privileges and immunities of high officers in the Agency.**

(1) The offices of Director and Deputy Director of the Agency are each a high office in the Agency for the purposes of Section 3(1)(b)(i) of the Act.

(2) A person who holds, or is performing the duties of, an office specified in Subsection (1) has the privileges and immunities specified in Part I of Schedule 2 of the Act.

(3) A person who has ceased to hold, or to perform the duties of, an office specified in Subsection (1) has the immunities specified in Part II of Schedule 2 of the Act.

**6. Privileges and immunities of representatives to Agency.**

(1) A person who is accredited to, or who is in attendance at an international conference convened by, the Agency as a representative of a country other than Papua New

Guinea has, exercising his functions as such a representative, the privileges and immunities specified in Part I of Schedule 3 of the Act.

(2) A person who has ceased to be accredited to, or has attended an international conference convened by, the Agency as a representative of a country other than Papua New Guinea has the immunities specified in Part II, of Schedule 3 of the Act.

**7. Privileges and immunities of officers of Agency other than high officers.**

(1) Subject to Subsection (2) a person who holds an office in the Agency, other than a person who holds, or who is performing the duties of, an office specified in Section 5 (1), has the privileges and immunities specified in Part I of Schedule 4 of the Act.

(2) The salary and emoluments received from the Agency by a person to whom Subsection (1) applies, being a resident of Papua New Guinea within the meaning of the *Income Tax Act 1959* (Adopted) are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person is not a Papua New Guinea citizen and came to Papua New Guinea solely for the purpose of performing duties of the office in the Agency held by him.

(3) A person, being a Papua New Guinea citizen, who holds an office in the Agency, other than a person who holds, or is performing the duties of, an office specified in Section 5(1), does not have the privilege specified in Item 7 of Part I of Schedule 4 of the Act.

(4) A person who has ceased to hold an office in the Agency, other than an office specified in Section 5(1), has the immunities specified in Part II of Schedule 4 of the Act.

**8. Waiver of privileges and immunities.**

(1) The Agency may waive any privileges or immunities to which—

(a) the Agency; or

(b) a person who holds or has ceased to hold, or is performing or has ceased to perform the duties of, an office specified in Section 5(1); or

(c) a person who holds or has ceased to hold any other office in the Agency,

is entitled by virtue of the Act or this Regulation.

(2) The government of a country may waive any privileges or immunities to which a person who is, or has ceased to be, accredited to, or is in attendance at, or has attended, a conference convened by the Agency as a representative of that country is entitled by virtue of the Act or this Regulation.

**9. Privileges and immunities subject to quarantine laws, etc.**

This Regulation does not affect the application of any law relating to quarantine, or prohibiting or restricting the importation into, or the exportation from, Papua New Guinea of any animals, plants or goods but this section does not prejudice the immunity from suit or from civil or criminal process conferred by this Regulation.

**10. Official emblem of Agency.**

For the purposes of Section 9 of the Act, the emblem in Schedule 1 is declared to be the official emblem of the Agency.

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11. Official seal of Agency.

For the purposes of Section 9 of the Act, the seal, the design of which is set out in Schedule 2, is declared to be the official seal of the Agency.

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SCHEDULE 1.

Reg. Sec. 10.

OFFICIAL EMBLEM OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.



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SCHEDULE 2.

Reg. Sec. 11.

DESIGN OF THE OFFICIAL SEAL OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 87.

*International Organizations (Privileges and Immunities).*

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APPENDIXES.

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APPENDIX 1.

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SOURCE OF THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ACT.

Part A.—Previous Legislation.

*International Organizations (Privileges and Immunities) Act 1975 (No. 60 of 1975).*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. <sup>1</sup>
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
Schedule 1	Schedule 1
Schedule 2	Schedule 2
Schedule 3	Schedule 3
Schedule 4	Schedule 4
Schedule 5	Schedule 5

<sup>1</sup> Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) REGULATION.

Part A.—Previous Legislation.

1. Commonwealth Secretariat (Privileges and Immunities) Regulation 1975 (Statutory Instrument No. 49 of 1975).
2. South Pacific Commission (Privileges and Immunities) Regulation 1975 (Statutory Instrument No. 48 of 1975).

Part B.—Cross References.

NOTE: In this table—

- (a) a reference "Com. Sec." is a reference to the Commonwealth Secretariat (Privileges and Immunities) Regulation 1975; and
- (b) a reference "S.P.C." is a reference to the South Pacific Commission (Privileges and Immunities) Regulation 1975.

Section, etc., in Revised Edition.	Previous Reference.
1	Com. Sec. 9 S.P.C. 10
2	Com. Sec. 2 S.P.C. 2
3	—
4	S.P.C. 3
5	S.P.C. 4
6	S.P.C. 5
7	S.P.C. 6
8	S.P.C. 7
9	S.P.C. 8
10	S.P.C. 9
11	S.P.C. 11, 12
12	Com. Sec. 1
13	Com. Sec. 3
14	Com. Sec. 4
15	Com. Sec. 5
16	Com. Sec. 6
17	Com. Sec. 7
18	Com. Sec. 8
Schedule 1	S.P.C. Schedule 1
Schedule 2	S.P.C. Schedule 2

APPENDIX 3.

SOURCE OF THE ASIAN DEVELOPMENT BANK (PRIVILEGES AND IMMUNITIES) REGULATION.

Part A.—Previous Legislation.

Asian Development Bank (Privileges and Immunities) Regulation 1976 (Statutory Instrument No. 31 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
Schedule 1	Schedule 1
Schedule 2	Schedule 2

APPENDIX 4.

SOURCE OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY (PRIVILEGES AND IMMUNITIES) REGULATION.

Part A.—Previous Legislation.

South Pacific Forum Fisheries Agency (Privileges and Immunities) Regulation. (Statutory Instrument No. 18 of 1980).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .	Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1	8	8
2	2	9	9
3	3	10	10
4	4	11	11
5	5	Schedule 1	Schedule 1
6	6	Schedule 2	Schedule 2
7	7		

<sup>1</sup>Unless otherwise indicated, references are to the regulation set out in Part A.

