NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

# Guidelines for the Diplomatic and Consular Corps resident in and accredited to New Zealand

Purpose

## Purpose

The Protocol Guidelines are intended to guide the diplomatic and consular community on New Zealand practice, regulations, privileges, and immunities.

They are designed to provide practical guidance and to respond to frequently asked questions. They are not intended to be exhaustive or legally definitive. Missions are welcome to seek advice from the Protocol Division of the Ministry of Foreign Affairs and Trade.

The Waewae Pūkeko pattern shown on the front cover and throughout the Guidelines refers to the footprints of the native Pūkeko bird and represents the steps taken with education, advancement, and planning that lead to our collective success.

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**MFA 604** **Notification of Departure for All Staff Members**

**MFA 605** **Application for Domestic Student Status**

**MFA 606** **Application for the Purchase of Goods Exempt from Duty, Excise and Excise Equivalent Duties Under Diplomatic Privilege**

**MFA 607** **Application for the Refund of Motor Spirits Excise Tax Under Diplomatic Privilege**

**MFA 608** **Authorisation for Diplomatic and Consular Certifying Officer**

**MFA 609** **Application for DC/DCC, CC/CCC and FC/FCC Licence Plates**

**MFA 610** **Application to Import a DC/DCC, FC/FCC Licensed Motor Vehicle**

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**MFA 612** **Request to Facilitate Official Visitors at Wellington, Auckland or Christchurch Airports**

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**Aircraft Diplomatic Clearance Form**

**Vessel Diplomatic Clearance Form**

# Establishment of diplomatic missions and consular posts

# 1. Establishment of Diplomatic Missions and Consular Posts

## 1.1 Establishment of Diplomatic Relations

The establishment of diplomatic relations is a matter of concurrence between two States. New Zealand adopts a pragmatic approach to defining diplomatic relations. Contacts over time with another state at ministerial, diplomatic, or senior officials' level are considered to constitute the conduct of diplomatic relations. These may occur in the context of bilateral meetings, or through multilateral diplomacy, for example at the United Nations.

Diplomatic relations may be taken a step further with a decision by each State to formally accredit a diplomatic representative to the other. Once agreement has been reached to take this step, the Foreign Ministers of both countries may make a public announcement.

## 1.2 Establishment of Diplomatic Mission Accredited to/in New Zealand

### 1.2.1 Seeking Approval

When a country wishes to establish diplomatic representation to New Zealand, e.g. open an Embassy/High Commission in Wellington or cross-accredit an Ambassador/High Commissioner from another country, a Third Person Note (Note Verbale) should be sent to the Protocol Division of the Ministry of Foreign Affairs and Trade (MFAT), setting out what is proposed, including the numbers of seconded staff and their titles/roles, proposed number of locally employed staff, and seeking the New Zealand Government's approval to the establishment of permanent representation in New Zealand. MFAT will then seek the appropriate New Zealand Government approvals and respond to the sending State by Third Person Note.

The sending State should then send a Third Person Note to MFAT Protocol Division nominating its proposed Head of Mission (attaching a copy of the nominee's curriculum vitae; see Section 2.1 for further details) and seeking the New Zealand Government's approval (*agrément*) to the nominee's appointment. Protocol Division will reply to the sending State by Third Person Note once agrément has been granted by the Governor-General on the recommendation of the Minister of Foreign Affairs. The process can take up to 12 weeks, so the nominee should not finalise arrival details until after agrément is granted, as there can be unexpected delays.

### 1.2.2 Opening a Resident Mission

If a resident mission is to be opened in New Zealand and staff are sent from the sending State to Wellington to establish and open the Embassy/High Commission, prior approval for diplomatic visas for diplomatic staff should be obtained from Protocol Division. Refer to Chapter 9. Diplomatic visas are not issued to 'advance' staff (usually visiting for a short period, to view and purchase or lease office space, establish relationships, etc.).

The following notes may assist in the task of opening a new resident mission in New Zealand:

### 1.2.3 Initial Calls

It is recommended that the following calls be made by advance staff after arrival in New Zealand:

- A call on the Chief of Protocol must be arranged first, to establish formal contact with the New Zealand Government. Later calls can be made on other members of the Protocol Division for a briefing on issues such as

motor vehicles, drivers' licences, health provisions, Accident Compensation provisions, taxation including Goods and Services Tax (GST), Private Domestic Staff, domestic student status, and arrival procedures for all new staff.

- A call on the Divisional Manager of the relevant regional division of MFAT should also be made at an early stage to discuss substantive policy issues relating to the management of the relationship between the two countries, the plans for opening a mission, and any public announcements that may need to be made associated with this.

- A call on the Dean of the Diplomatic Corps should be made. It is customary to make this call prior to calling on other members of the diplomatic corps.

#### 1.2.4 Locating Premises

Subject to the normal regulations governing property ownership/rental in New Zealand, missions are free to locate and acquire property of their choice. It is up to missions to identify suitable premises for a chancery, official residence and other staff accommodation. Local real estate companies are able to provide guidance on the purchase or lease of property. Missions should consult a reputable legal firm to advise on current regulations and to assist with the transfer of ownership or in matters pertaining to leasing of property. Refer to Chapter 21.

Once a property has been obtained, formal advice should be sent to the Protocol Division with full address and contact details of the mission. These details are required for, among other things, publication in the Diplomatic and Consular List.

Missions are strongly urged to have appropriate insurance cover for all significant property they own. Regarding mission security, the missions should seek advice from the Dignitary Protection Service of the New Zealand Police. Refer Chapter 23 for more information on security and protection.

For information on taxes and rates on properties, refer to Chapter 22.

#### 1.2.5 Representation Outside the Capital

In conformity with international practice, the New Zealand Government does not permit a branch of a diplomatic mission to be located outside Wellington. Any office subsidiary to the capital-based mission, and located outside the capital, must be officially designated as a Consulate-General, Consulate or Consular Agency, and permission for its establishment should be sought through Protocol Division as set out at 1.4 below.

### 1.3 Disestablishment of Diplomatic Missions

If it is decided to disestablish a mission in New Zealand, the following points should be considered:

#### 1.3.1 Formal Notification

When a decision has been taken to close a resident mission, the New Zealand Government should be notified through the normal diplomatic channels. Appropriate steps need to be taken to complete the closing down process and make arrangements for continuing representation by some other means, if that is what is desired. Steps to be taken may include:

- a call on the Chief of Protocol to advise formally of the closure decision and the likely timing of the closure;

- formal indication if it is proposed to arrange cross-accreditation from somewhere else and, if so, from where; and
- submission of a formal request for agrément for the succeeding Head of Mission if it is proposed to continue representation from elsewhere.

### 1.3.2 Departure Procedures

The normal procedures that apply to departing diplomatic staff apply in this circumstance also. Refer to Chapter 10. However, there are a number of additional measures that will need to be taken to ensure the proper closure of premises and disposal of properties. These include:

- **property** – if missions have property to sell, this can be arranged through local real estate companies and a lawyer. Protocol Division should be notified once premises are no longer in the possession of the mission;

- **rates** – Protocol Division can arrange for a refund on rates on premises that are sold, provided the eligible mission produces evidence that the rates have been paid and details of a bank account. If an owned property is going to be retained but leased to another occupant, it can no longer be exempt from rates unless it is to be used for diplomatic purposes. Diplomatic ownership alone does not entitle a mission to rates refunds;

- **motor vehicles** – any duty owing on motor vehicles must be paid before a vehicle is sold. Missions should check with Protocol Division, which will follow up with Customs. Diplomatic plates must be returned to the Automobile Association (AA) or Vehicle Testing New Zealand (VTNZ) office of issue. After motor vehicles have been issued with standard plates they may be sold on the open New Zealand market. (For further information refer to Chapter 12.)

## 1.4 Establishment of Consular Posts

The steps outlined above for establishment of a Diplomatic Mission will also be necessary in regard to Consular Posts. The following information relates to issues that are specific to Consular Posts.

### 1.4.1 Formal Requirements

The establishment of a Consular Post in New Zealand - whether staffed by career or honorary consular officers - requires the New Zealand Government's written approval. (For the appointment of honorary consular officers please refer to Chapter 8.) The New Zealand Government approves the classification, place of residence and consular district of a new post, in accordance with the VCCR Articles 4 and 68. Proposals for new Consular Posts should be submitted in a Third Person Note to MFAT's Protocol Division and should include the classification of the post, proposed consular district, and detailed justification for establishing the post, i.e. the demand for the provision of consular services and other relevant details. The numbers of seconded staff, their proposed titles/roles, and numbers of locally employed staff, should also be outlined in the Third Person Note.

MFAT's prior approval is required for any changes to these particulars (e.g. the consular district or the classification of a consular post).

The New Zealand Government only recognises Consular Posts (covered by the provisions of the VCCR), as those classified and designated as Consulate-General, Consulate or Consular Agency.

Missions and posts wishing to open additional offices focusing on trade, tourism, cultural and educational activities should seek the New Zealand Government's approval via MFAT's Protocol Division. Please refer to Chapter 3.

### 1.5 Disestablishment of Consular Posts

The procedures set out above for disestablishment of a Diplomatic Mission will normally also be appropriate in the case of disestablishment of a Consular Post.

# Staff of the mission/post

# 2. Heads of Diplomatic Missions

### 2.1 Seeking Agrément

Formal requests for agrément for the appointment of a new Head of Mission should be submitted by Third Person Note to Protocol Division via email, attaching a curriculum vitae and a copy of the nominee's passport biodata page containing their legal name. A standard passport is acceptable if a diplomatic passport has yet to be issued. The curriculum vitae should be a maximum of two pages and include:

- Full name of nominee
- Citizenship(s) held, particularly New Zealand citizenship or permanent residence status
- Photo (passport style)
- Chronological listing of employment history with continuous service, if possible
- Education details
- Details of any military service undertaken

A formal response can normally be expected within 12 weeks.

In the case of resident Heads of Mission, requests may be transmitted through the local Diplomatic Mission, or directly from the Foreign Ministry. For non-resident Heads of Mission, requests may be submitted through the nearest New Zealand mission, or directly from the Foreign Ministry.

### 2.2 Nominees with New Zealand Citizenship or Residence

The New Zealand Government reserves the right not to grant agrément for a Head of Mission nominee who holds New Zealand citizenship or is a permanent resident of New Zealand.

Special arrangements apply for representatives from the Cook Islands and Niue.

### 2.3 Cross-Accreditation to Third Countries

In accordance with Article 5(1) of the Vienna Convention on Diplomatic Relations 1961 (VCDR), MFAT requests notification of any proposal by a sending State to accredit concurrently its Head of Mission resident in New Zealand to another country, including the Cook Islands and Niue.

There is no expectation or universal practice that a State that has diplomatic relations with New Zealand will enter into separate diplomatic relations with the Cook Islands and/or Niue. If the sending State wishes to do so, please see information below.

#### 2.3.1 Accreditation to the Cook Islands

New Zealand and the Cook Islands share a close and unique relationship, founded on close historical ties, unique constitutional arrangements and a common citizenship and currency. The Cook Islands became a dependent territory of New Zealand in 1901 and then 'self-governing in free association' with New Zealand in 1965.

If a sending State wishes to be accredited to the Cook Islands, as above, it should advise Protocol Division of its intention, and can then seek agrément for the Head of Mission directly from the Cook Islands Government.

### 2.3.2 Accreditation to Niue

New Zealand and Niue also share a close and unique relationship, founded on close historical ties, unique constitutional arrangements and a common citizenship and currency. Niue became a British Protectorate in 1900, was annexed by New Zealand in 1901, and then 'self-governing in free association' with New Zealand in 1974.

If a sending State wishes to be accredited to Niue, it should first advise Protocol Division of its intention. Protocol Division can then advise on the process of accreditation.

## 2.4 First Arrival in New Zealand

A Head of Mission must arrive in New Zealand on a diplomatic visa; missions must give Protocol Division a minimum of one month's notice of the arrival of a Head of Mission and apply for a diplomatic visa one month in advance of arrival. Please see Chapter 9 on how to apply for a diplomatic visa. Heads of Mission may be met and welcomed in Wellington on arrival by an MFAT representative when the arrival occurs within normal working hours.

The completed Notification of Arrival forms (MFA 600, 601, and 602) should be sent to Protocol Division within 10 days of arrival in New Zealand for all resident Heads of Mission, their family members and Private Domestic Staff. Refer to Chapter 3.

Non-resident Heads of Mission will usually make their first visit to Wellington for the specific purpose of presenting credentials and may be met in Wellington on arrival by an MFAT representative when the arrival occurs within normal working hours. An official car will be provided for non-resident Heads of Mission to and from the airport for their first visit.

## 2.5 Presentation of Credentials

A brief overview of the presentation of credentials in New Zealand for Ambassadors and High Commissioners whose Head of State is not His Majesty King Charles III is provided below. Detailed information is provided to the relevant missions in the weeks leading up to the ceremony.

### 2.5.1 Correct Form of Address on Credentials Documents

The Letter of Credence together with the Letter of Recall for the predecessor should be addressed to the Governor-General of New Zealand. The correct style and title for this purpose is:

*His/Her Excellency The Right Honourable (name and title of current Governor-General)*
*Governor-General and Commander-in-Chief in and over the Realm of New Zealand*

### 2.5.2 Presentation of Working Copies

In New Zealand, the working copies of the Letter of Credence and Letter of Recall are presented to the Chief of Protocol as the representative of the Minister of Foreign Affairs. For this purpose, the Chief of Protocol will receive Heads of Mission within a few days of their arrival in Wellington. This should be the first official call for every Head of Mission, and no official duties may be undertaken prior.

In the period between the presentation of the working copies of the credentials letters to the Chief of Protocol and the presentation of credentials to the Governor-General, the Head of Mission-designate may undertake nearly all duties and responsibilities. This may include introductory calls on diplomatic colleagues and on New Zealand officials, including in MFAT. However, calls should not be sought on New Zealand Ministers or Members of

Parliament during this period. Heads of Mission-designate should not accept invitations to functions hosted by the New Zealand Government or diplomatic functions (for example, ANZAC Day or national day receptions) – the Chargé d'Affaires a.i. would be expected to represent the mission on such occasions during the interim period as Head of Mission.

High Commissioners of Commonwealth Realm countries (for which His Majesty King Charles III is the Head of State) do not have the same restriction of duties placed upon them and are able to perform all official functions from the date of their arrival into Wellington.

### 2.5.3 Credentials Ceremony

Once agrément is granted, Protocol Division is able to provide a date for the credentials ceremony prior to the Head of Mission-designate's arrival in New Zealand. The Governor-General normally receives credentials at Government House in Wellington although, occasionally, may do so at Government House in Auckland.

Credentials ceremonies are scheduled five to seven times a year. A maximum of eight Heads of Mission will present credentials on any one occasion and each Head of Mission is received individually. Should there be fewer than three Heads of Mission available for any one ceremony, the ceremony will be deferred to a later date.

In the lead-up to the credentials ceremony the presenting missions will be expected to co-operate closely with the Protocol Division, as delays in providing the relevant information could result in the Head of Mission losing a place in the credentials ceremony. A briefing on the ceremony is scheduled for each Head of Mission (and accompanying spouse and/or officials if they wish to attend) at MFAT the day before the ceremony. Participating Heads of Missions should plan to arrive in New Zealand at least two working days before the credentials ceremony.

High Commissioners of countries for which His Majesty the King is the Head of State, and who have earlier presented their Letters of Introduction to the Prime Minister (see below), are invited to join the first available credentials ceremony, to participate in the welcoming ceremony, to be formally introduced to the Governor-General, and to join the reception which follows the ceremony. High Commissioners of these countries should not interact with the Governor-General until they have been formally introduced.

### 2.5.4 Attendance at Credentials Ceremonies

The Head of Mission's spouse, other immediate family members and up to three diplomatic members of the mission are welcome to attend the ceremony. Non-resident Heads of Mission are encouraged to include a locally appointed Honorary Consul as part of their suite if they wish. A member of MFAT's Protocol Division will provide support at the ceremony.

Also present at the ceremony will be members of the Governor-General's household, military aides-de-camp, and staff of MFAT.

### 2.5.5 Dress for Credentials

Dress for the credentials ceremony may be national costume, formal business attire, or diplomatic or military uniform with decorations. Hats are rarely worn. As part of the ceremony takes place outside, an overcoat may be needed in winter and stiletto shoes are not recommended.

### 2.5.6 Gifts and Photographs

Gifts are not exchanged at credentials ceremonies. Official photographs are taken during and after the ceremony by the Government House official photographer and digital copies will be sent to Heads of Mission after the ceremony. No other photographs can be taken at Government House.

## 2.6 Letters of Introduction to Prime Minister

Those High Commissioners for which His Majesty King Charles III is Head of State do not present credentials to the Governor-General. Instead, they present a Letter of Introduction from their Prime Minister to the New Zealand Prime Minister. Protocol Division will make arrangements for the High Commissioner to make a brief call on the Prime Minister to present the letter as soon as possible after arrival in New Zealand. No ceremony is involved. The Chief of Protocol will escort the High Commissioner for the call.

## 2.7 Order of Precedence

Ambassadors and High Commissioners who present Letters of Credence and Letters of Recall to the Governor-General assume their place in the order of precedence upon presentation of their credentials. The presentation of credentials on each occasion is in the order in which Heads of Mission arrived in New Zealand and this order flows through to the Order of Precedence. In case of arrival at the same time, the date when agrément was granted is determinant. The Order of Precedence is published on the Ministry's website:
https://www.mfat.govt.nz/en/embassies/order-of-precedence/

High Commissioners who present Letters of Introduction to the Prime Minister assume their place in the Order of Precedence from their arrival date in Wellington.

## 2.8 Calls: Resident Heads of Mission

As in other jurisdictions, Government Ministers in New Zealand have busy schedules which impact on their ability to receive Heads of Mission. In New Zealand's case the fact that Ministers are also fully active Members of Parliament puts further pressures on their time. The important role that Heads of Mission play in the conduct of international relations is fully appreciated by Ministers and best endeavours are made to provide the access necessary for Heads of Mission to perform their role effectively.

### 2.8.1 Minister of Foreign Affairs

The Minister of Foreign Affairs does not receive Heads of Mission for introductory calls as a matter of course. Substantive calls by resident Heads of Mission are at the discretion of the Minister and requests should be submitted through the MFAT regional division. Farewell calls on the Minister are not customary.

### 2.8.2 Prime Minister

It is not customary in New Zealand for Heads of Mission to make introductory calls on the Prime Minister. Commonwealth Realm High Commissioners who present Letters of Introduction are an exception. If a Head of Mission subsequently has instructions to raise a matter of importance with the Prime Minister, the request for an appointment should be submitted through the relevant MFAT regional division. Farewell calls on the Prime Minister are also not customary.

### 2.8.3 Other Ministers, Dignitaries and Officials

Following their presentation of credentials, resident Heads of Mission are welcome to seek directly introductory or working calls on other Ministers, dignitaries or senior officials of ministries or departments. Such calls are subject to the normal rule that policy matters are conducted through, or with the knowledge of, MFAT (Article 41(2) of the VCDR refers).

### 2.8.4 Speaker of the House of Representatives

Requests for calls on the Speaker of the House of Representatives should be directed through the Inter-Parliamentary Relations (IPR) Secretariat of the Office of the Clerk at the New Zealand Parliament. An IPR Officer will normally attend the call. International correspondence to the Speaker should also be directed to IPR who will coordinate the response.

### 2.8.5 Inter-Parliamentary Relations

On matters concerning the New Zealand Parliament's official inter-parliamentary programme, inwards and outwards visits, New Zealand's involvement in Inter-Parliamentary Organisations (Inter-Parliamentary Union, Commonwealth Parliamentary Association and Asia Pacific Parliamentary Forum), Missions should contact the IPR Secretariat. On matters concerning Parliamentary Friendship Groups (PFGs) contact can be made through each PFG's secretariat as outlined on Parliament's website. The IPR Secretariat can link missions if required.

## 2.9 Calls During Initial Visits by Non-Resident Heads of Mission

As a courtesy, and to enable maximum benefit to be obtained from limited time in New Zealand, Protocol Division or the regional division will, on request, arrange calls and appointments for non-resident Heads of Mission during their initial visit to Wellington to present their credentials. Requests for calls/appointments should be sent to Protocol Division two to three weeks before the visit.

The Minister of Foreign Affairs will not usually receive non-resident Heads of Mission during their initial credentials visit. Requests for substantive/issue-specific calls on all Ministers by non-resident Heads of Mission during the initial visit should be submitted well in advance to Protocol Division.

## 2.10 Working Visits by Non-Resident Heads of Mission

Non-resident Heads of Mission on subsequent working cross-accreditation visits to New Zealand are expected to make their own arrangements for accommodation and transport. They are also expected to arrange any calls on other Ministers, dignitaries or officials directly in the same way as noted above for resident Heads of Mission. A non-resident mission may be able to make their arrangements through an Honorary Consul, if one has been appointed.

## 2.11 Absences of Heads of Mission

During any absence of a Head of Mission, the nomination of a Chargé d'Affaires a.i. should be made as provided for in Article 19 of the VCDR. This must be notified to Protocol Division by Third Person Note.

It should be noted that a Chargé d'Affaires ai is not permitted to appoint another person as Chargé d'Affaires ai. Where the Head of Mission is unable to make the nomination, the nomination must be made by the relevant Foreign Ministry in a direct communication to MFAT's Protocol Division. A Head of Mission may make multiple nominations if a series of absences of mission staff is likely to occur during the period of absence.

It should be noted that only accredited diplomatic officers may be appointed as Chargés d'Affaires ai. Members of Service Staff may, if necessary, be designated as being 'in charge' of the day-to-day administrative affairs of the mission.

For each period of appointment, a Chargé d'Affaires ai assumes a place in the Order of Precedence below accredited Heads of Mission and in order dating from the commencement of the absence of the Head of Mission.

### 2.12 Final Departure of Heads of Mission

The impending departure of a Head of Mission should be notified to Protocol Division via Third Person Note as soon as possible in advance. If the departing Head of Mission wishes to undertake farewell calls a request should be submitted to the regional division approximately two months prior to departure. A request may be submitted directly to Protocol Division requesting a farewell call for the Head of Mission on the Governor-General who, if available, may receive Heads of Mission for a farewell call. The Prime Minister and Minister of Foreign Affairs do not usually receive Heads of Mission for farewell calls.

Farewell calls may be requested on the Chief of Protocol and other officials in MFAT, such as the relevant regional divisional manager.

# 3. Diplomatic and Consular Staff

Article 10 of the VCDR and Article 24 of the VCCR provide that MFAT shall be notified of the appointment of members of the Diplomatic Mission or Consular Post, their arrival and final departure, and the termination of their functions with the mission or post.

### 3.1 Entry into New Zealand

The appointment of all members of a mission or post and their officially recognised family members (refer Chapter 4 for definition) must be formally advised by Third Person Note at least one month in advance of travel. Protocol Division would then arrange the issuance of the necessary visa (diplomatic, consular or official) which the diplomatic/consular staff must obtain prior to entry into New Zealand. Refer to Chapter 9.

### 3.2 Cross-Accredited Staff

Protocol Division must be formally advised by the sending State of any staff members it wishes to cross-accredit to New Zealand from missions or posts outside New Zealand. For resident missions who wish to accredit staff from offshore missions, a case must for them to hold diplomatic status while in New Zealand and be issued with a diplomatic visa.

### 3.3 Defence and Police Personnel

In accordance with Article 7 of the VCDR, advance notice of new and replacement defence (including military) or police personnel, including those in Administrative and Technical positions, must be submitted to Protocol Division. This accreditation process can take up to six weeks, or longer if this is an additional staff position at the mission. Applications should include the proposed appointee's curriculum vitae and passport biodata page.

Police Liaison Attachés or Officers do not have law enforcement jurisdiction in New Zealand and operate only in a liaison, advisory, and information-sharing capacity and may not exercise police powers unless expressly authorised by the New Zealand Government.

### 3.4 Head of a Consular Post

All appointments of foreign Heads of Consular Posts must be pre-approved by the Ministry. Formal requests for an Exequatur should be submitted by Third Person Note to Protocol Division via email. The Note should advise the seat of the consular post and consular jurisdiction.

A Consular Commission of Appointment should be included if possible, as well as a curriculum vitae and a copy of the nominee's passport biodata page containing their legal name. The curriculum vitae should be a maximum of two pages and include:

- Full name of nominee
- Citizenship(s) held, particularly New Zealand citizenship or permanent residence status
- Photo (passport style)
- Chronological listing of employment history with continuous service, if possible
- Education details
- Details of any military service undertaken.

A formal response can normally be expected within 12 weeks. MFAT will reply by Third Person Note with an Exequatur signed by the Governor-General. Once the Exequatur is issued, a career Head of a Consular Post may then arrive in New Zealand and assume their functions.

For details of the appointment of an Honorary Consular Officer as Head of Post, refer to Chapter 8, 'Honorary Consular Officers'.

### 3.5 Appointees with New Zealand Citizenship or Permanent Residence

In accordance with Article 8 of the VCDR and Article 22 of the VCCR, diplomatic staff and career consular officers should in principle be of the nationality of the sending state.

MFAT requires prior notification of any appointee who has dual nationality of both the sending state and New Zealand, or New Zealand permanent residence status. In most circumstances (other than for Heads of Mission and Post) consent will be given to the appointment.

Because of the special relationship between New Zealand and the Cook Islands and Niue, and the fact that their representatives are New Zealand citizens, special regulations confer privileges and immunities on their diplomatic and consular staff.

MFAT takes the following approach with respect to immunities for foreign representatives with New Zealand citizenship or permanent residence:

<u>Diplomatic Officers, Administrative and Technical Staff and Service Staff of a Diplomatic Mission</u>
In accordance with Article 38 of the VCDR, diplomatic officers, Administrative and Technical Staff, and members of the Service Staff of a mission who have New Zealand citizenship or permanent residence status shall be accorded immunity from jurisdiction, and inviolability, only in respect of official acts performed in the exercise of their functions.

<u>Consular Officers, Consular Employees, and Service Staff of a Consular Post</u>
Career Consular Officers who have New Zealand citizenship or permanent residence status shall be accorded immunity from jurisdiction, and inviolability, only in respect of official acts performed in the exercise of their functions.

Consular Employees and Service Staff who have New Zealand citizenship or permanent residence status in New Zealand shall be accorded immunity from jurisdiction only in respect of official acts performed in the exercise of their functions.

### 3.6 Family Members with New Zealand Citizenship or Permanent Residence

Family members of diplomatic or consular staff assigned in New Zealand who have New Zealand citizenship or permanent residence status, whether or not the principal officer holds New Zealand citizenship or permanent residence, will not be granted diplomatic/consular privileges or immunities.

### 3.7 Diplomats Performing Consular Functions

Where a country maintains diplomatic representation in Wellington, members of the mission may perform consular functions throughout New Zealand, regardless of the existence of any Consular Post or its approved consular district.

Nominated officers of cross-accredited non-resident missions may also do so. The New Zealand Government does not issue an Exequatur to diplomatic officers performing consular functions.

### 3.8 Designations

The sending state should clearly specify the diplomatic or consular designation of all staff members at the time an appointment is notified to Protocol Division. In terms of Articles 1 of the VCDR and the VCCR, staff of a mission or post should be designated as below.

- Diplomatic: normally accorded to an officer who is performing substantially diplomatic functions and holding diplomatic rank in a Diplomatic Mission:

  High Commissioner/Ambassador/Apostolic Nuncio
  Permanent Chargé d'Affaires
  Chargé d'Affaires ad interim (in the temporary absence of a Head of Mission)
  Minister
  Minister-Counsellor
  Counsellor
  First, Second or Third Secretary
  Attaché

  A Deputy High Commissioner or a Deputy Head of Mission is not a formal diplomatic title but is commonly used. Depending on the size and set-up of a mission, a Minister, Counsellor, or First, Second or Third Secretary may be appointed to this position.

- Consular: normally accorded to an officer who is performing substantially consular functions and holding consular rank in a Consular Post:

  Consul-General
  Deputy or Vice Consul-General
  Consul
  Deputy Consul or Vice-Consul
  Consular Agent

- Administrative and Technical Staff: a person assigned by a sending state to administrative and technical service at a diplomatic mission;

- Consular Employee: a person assigned by a sending state to administrative and technical service at a consular post;

- Service Staff: Embassy drivers, cooks and other domestic staff directly employed by the sending state on a rotational posting;

- Private Domestic Staff: domestic staff employed, personally, by an individual member of the mission or post;

- Honorary Consul: a private individual officially appointed by a foreign state to undertake consular services within a jurisdiction; refer to Chapter 8.

### 3.9 Service Staff and Private Domestic Staff

There is a clear distinction between *Service Staff* and *Private Domestic Staff.* Service Staff are staff assigned from the sending state and directly employed by the sending state to provide domestic support services to a mission or post, who enjoy limited privileges and immunities (refer to Chapters 18 and 19). Private Domestic Staff, on the other hand, are staff in the private domestic employ of individual members of the mission.

Conditions for the entry of Private Domestic Staff, whom individual members of a mission wish to bring to New Zealand for the duration of their assignments, are set out in Chapter 5, 'Private Domestic Staff'.

### 3.10 Trade, Tourism, Cultural and Educational Activities

The New Zealand Government expects that states appointing diplomatic and career consular officers in New Zealand will ensure that their functions conform to those listed in Article 3 of the VCDR and Article 5 of the VCCR.

A distinction is made between officers with representational, advisory and reporting responsibility for economic and commercial affairs and those whose appointment to New Zealand is primarily for the pursuit of business and trading activity for commercial advantage. Staff who operate in trade or investment offices, or trade promotion centres separate from and outside diplomatic or consular premises would not usually be accorded diplomatic or consular status and would be required to apply for work visas direct to Immigration New Zealand. In regard to the cultural activities of a diplomatic or consular officer, the role must focus on fostering or promoting good cultural relations between the sending State and New Zealand. This does not include teaching activities or language schools. All cultural activities undertaken must be non-profit, and the sale of memberships is prohibited.

### 3.11 Establishment of Additional Staff Positions

Protocol Division's prior approval is required for the establishment of a new (additional) diplomatic, consular or official position at a mission or post. Missions are required to seek formal approval via a Third Person Note for any increase in staff numbers. Missions are to provide detailed evidence including a full description of the job role and duties, information on the proposed diplomatic/consular status of the position, and the date from which it is proposed to fill the new position. This supporting information should be submitted when the application is made. A request for a new position at a mission or post is not guaranteed. This does not apply to positions filled by locally-employed staff.

### 3.12 Tenure of Position

The New Zealand Government expects all seconded roles based at a mission or post to be rotational in nature. The maximum duration of an assignment for a diplomatic, consular or official staff member in New Zealand is 10 years.

### 3.13 Disestablishment of Positions

If a position at a Mission or Post is disestablished, missions/posts are required to inform Protocol Division of any such changes by Third Person Note. If a position at a mission has been left vacant for two years or more it is considered for practical purposes to have been disestablished and should the need arise to refill that position, it should be treated as a new position and the procedure set out in paragraph 3.11 above followed.

# 4. Family Members

### 4.1 Family Members - Definition

The New Zealand Government will accept an individual as the family member of an accredited diplomatic or consular official, provided that the sending state, via Third Person Note, officially recognises that individual as a dependant family member of the officer for the purposes of that officer's assignment to New Zealand, and they remain part of the household. In this regard, and further to Article 37 of the VCDR, "dependant family members" are one of the following:

- an officer's spouse;
- an officer's partner, whether in a civil union or de facto relationship, and whether same-sex or opposite-sex, upon expectation of reciprocal recognition by the sending state;
- single children of the officer up to, but not including, 21 years of age; and
- children of the officer over 21 years of age who require support due to a disability.

The foreign mission should contact Protocol Division well in advance of arrival if a dependant child (over 21 years of age) has a disability, as a medical certificate is required advising the relevant medical condition makes the dependant reliant on the officer. For dependents under or over 21 years of age who require support due to a disability, the foreign mission must also investigate and ensure that the New Zealand health system is able to provide the appropriate treatment to meet the needs of the dependant.

### 4.2 New Zealand Citizens or Residents

Protocol Division must be notified if any dependant family members holds New Zealand citizenship or permanent residence status. These family members will not have diplomatic or consular status. (Refer also to Chapter 3.)

### 4.3 Dependant Family Members Who Are Not 'Officially Recognised'

On occasion officers may be accompanied by persons, including partners, who are not officially recognised by the sending state as dependant family members but are nevertheless in practice members of the officer's household. Standard immigration requirements, as per Immigration New Zealand's visa regulations, will apply. An appropriate visa should be applied for directly with Immigration New Zealand. Please note that, depending on the visa applied for, it may not be possible to remain in New Zealand for the duration of the officer's assignment. Health and character checks, and visa fees will apply to such persons for their stay in New Zealand. Privileges and immunities will not be granted to such persons during their stay in New Zealand nor will they have any rights under bilateral dependant employment agreements/arrangements.

For a parent or parent-in-law of an officer who wishes to remain in New Zealand for longer than the current visitor visas allow, it may be possible to obtain a visitor visa for the duration of the officer's current visa, as long as Immigration New Zealand's visa criteria are met. That is, health, character checks and fees will apply. Please contact Protocol Division regarding this category.

### 4.4 Ceasing to be a Dependant Member of the Officer's Household

Missions and posts are required to advise Protocol Division, in writing, if any person who had been officially accepted as a dependant family member ceases to form part of the officer's household or whose approved status changes – for example by leaving New Zealand permanently, or no longer being in an officially recognised relationship with the officer. Such notification should be made without delay, but the absence of notification will not prevent the New Zealand authorities from making their own determination as to diplomatic status and immunity.

### 4.5 Family Members Remaining in New Zealand for Study Purposes

Refer to Chapter 13.

# 5. Private Domestic Staff

Accredited diplomatic/consular/official staff may employ New Zealand nationals or permanent residents in their domestic service. For accredited diplomatic/consular/official staff who wish to employ Private Domestic Staff from their own country or a third country, work visas may be issued by Immigration New Zealand subject to the conditions set out below.

Private Domestic Staff are regarded by MFAT as the personal employee of the diplomatic/consular/official staff member concerned. They differ from 'Service Staff', who are officially employed by the sending state on a rotational basis (refer Chapter 3).

### 5.1 Entry into New Zealand

Before they depart their own country, Private Domestic Staff must apply to Immigration New Zealand for a 'Domestic Staff of a Diplomat Work Visa' to enter New Zealand. The entry of Private Domestic Staff into New Zealand is not an automatic right.

The specific conditions and requirements of the work visa are on Immigration New Zealand's website www.immigration.govt.nz.

Standard work visa requirements will apply and may take several months to process. These include, among other things, the completion of a work visa application form, an employment agreement compliant with New Zealand employment law, Statement of Undertaking signed by the diplomat, Declaration of Acceptance of Conditions signed by the applicant, medical check, police certificates, visa fee etc.

For the purposes of progressing the submitted visa application, on request from the mission or post, Protocol Division will confirm to Immigration New Zealand the diplomatic/consular/official status of the staff member proposing to employ the domestic staff member.

Domestic staff employed by diplomatic/consular/official staff must be persons over 18 years of age. Partners or children of domestic staff are not eligible for visas as a dependant of a person granted a work visa under these conditions. The Statement of Undertaking by the employer includes an obligation to repatriate the domestic staff member at the conclusion of his/her employment in New Zealand.

The employment terms and conditions of Private Domestic Staff must be consistent with New Zealand employment law. Failure to comply with New Zealand employment law could lead to the withdrawal of work visas for the Private Domestic Staff, and/or other measures as necessary. Missions and posts unfamiliar with New Zealand employment law are advised to view the Ministry of Business, Innovation and Employment's website at www.mbie.govt.nz, or consult employment professionals for advice on drawing up employment agreements.

If approved, a work visa is issued to the same expiry date of the diplomatic/consular/official staff member's current visa. The work visa will specify the name of the diplomatic/consular/official staff member.

Three years must elapse before a domestic staff is eligible to be employed by another diplomat.

A Private Domestic Staff member has the right to keep their passport, employment contract and personal property in an accessible place at all times.

If a Private Domestic Staff member has any concerns about their employment or status in New Zealand, they should contact Protocol Division personally and directly.

### 5.2 Renewal of Work Visa

If a Private Domestic Staff member needs to extend their work visa, they are required to apply for the extension at least six weeks prior to the expiry of their current visa. All extension requests are subject to the same immigration requirements as a first-time applicant – including the completion of a Work Visa application form, employment agreement compliant with NZ employment law, Statement of Undertaking signed by the diplomat, Declaration of Acceptance of Conditions signed by the applicant, medical check, police certificates, visa fee etc. The documentation should be sent to Immigration New Zealand.

For detailed information regarding work visas, refer to the Immigration New Zealand website – www.immigration.govt.nz.

# 6. Locally Employed Staff

Missions, posts and international organisations are free to employ New Zealand citizens or permanent residents. Subject to certain conditions (see below) foreign nationals who are in New Zealand, other than on a permanent basis, may also be employed as locally employed staff.

### 6.1 Employment Law

It is the New Zealand Government's expectation that domestic employment law and regulations will be complied with when employing local staff, whether foreign nationals, New Zealand citizens or permanent residents. Missions, posts and international organisations who employ such staff should ensure they are familiar with New Zealand employment law. All locally employed staff must have an employment agreement. Missions and posts unfamiliar with New Zealand employment law are advised to view the Ministry of Business, Innovation and Employment's website at Home | Employment New Zealand or consult employment professionals for advice on drawing up employment agreements.

### 6.2 Local Employment of Foreign Nationals

It is recognised that for specific reasons and in specific roles, missions and posts may wish to employ as local staff nationals of their own country, or of third countries, who are in New Zealand other than on a permanent basis. Foreign Missions and the prospective employee must apply directly to Immigration New Zealand to meet immigration visa requirements. If the application is successful, the visa will remain valid only as long as the employee is performing the specific tasks in a mission or post for which the visa is issued.

### 6.3 Income Tax

Locally employed embassy staff members are required to pay New Zealand income tax on the income received from missions and posts. If the mission is not registered as an employer, embassy staff members are responsible for paying their own taxes and must register with Inland Revenue as an "IR56 taxpayer". This is the term Inland Revenue uses to identify workers who are not self-employed but need to pay their own taxes on their wage or salary.

These staff will need to calculate how much tax to pay, along with other amounts such as student loans, KiwiSaver or child support, and pay them to Inland Revenue each month. They may also need to file an Individual tax return (IR3) at the end of the tax year.

For more information read the guide IR56 taxpayer's handbook (IR356), or to register as an IR56 taxpayer go to Inland Revenue's website at www.ird.govt.nz (search keyword: IR56).

### 6.4 Accident Compensation: New Zealand Citizens and Residents

Under section 317 of the Accident Compensation Act 2001, New Zealand citizens or residents employed as local staff are covered for personal injury received in the workplace from the Non-Earners Account funded by the Government and administered by Accident Compensation Corporation (ACC). As New Zealand taxpayers they would also be entitled to weekly compensation for loss of earnings under the Act.

Non-work accidents of New Zealand citizens or residents employed as local staff are administered by ACC and funded by employees through their contributions to earner premiums paid with their PAYE.

### 6.5 Accident Compensation: Foreign Nationals

Accident compensation for foreign nationals employed as local staff who suffer a workplace or non-workplace injury is funded from the Non-Earners Account funded by the Government and administered by ACC. Locally employed foreign nationals are also entitled to weekly compensation for loss of earnings, provided they are fully meeting their income tax obligations. Motor vehicle accident injuries are administered by ACC and funded by premiums collected with motor registration and the petrol excise levy. Further information is available on the ACC website, www.acc.govt.nz.

### 6.6 Superannuation/Foreign Pension

The question of whether or not a local staff member (normally a foreign national) can be enrolled in an overseas pension scheme is governed by the laws of that particular country. There is nothing in New Zealand legislation that stops local staff from enrolling in an overseas pension scheme. However, if an employee who has chosen to register with an overseas pension scheme later decides to stay in New Zealand and becomes eligible to receive New Zealand superannuation, the amount of any overseas pension would be deducted from the New Zealand pension under the NZ Social Security Act 1964. More information can be found on the Ministry of Social Development website www.msd.govt.nz.

# 7. Diplomatic and Consular List

### 7.1 Introduction

The Diplomatic and Consular List is published on MFAT's website www.mfat.govt.nz. The List includes contact details of all missions and posts, as well as names and designations of all staff (other than Service Staff) based in New Zealand, and Heads of Mission accredited from offshore. The list is updated on an ongoing basis as notification of changes come to hand.

### 7.2 Updating the List

Accuracy in the list is essential and missions and posts should ensure they convey the details of how they wish a new staff member to be listed, to the Protocol Division, via the MFA 600 and 601 arrival forms.

### 7.3 Contact Details of Heads of Mission/Post

The Diplomatic and Consular List gives telephone, fax and email details for use by members of the public. Heads of Mission/Post's private contact details are not published in the List. However, MFAT does need this information in case of an emergency. After hours and mobile telephone numbers are particularly important in this regard. This information will remain confidential.

Should Heads of Mission/Post's private addresses or telephone numbers change in the course of the year, missions and posts are requested to advise Protocol Division promptly of the new details.

# 8. Honorary Consular Officers

### 8.1 Establishment of Consular Posts Headed by Honorary Consuls

The establishment of a Consular Post in New Zealand requires the New Zealand Government's prior consent and its approval of the location, classification and consular district, in accordance with Articles 4 and 68 of the VCCR.this includes Consular Posts that are to be headed by an Honorary Consular officer. Any proposal to establish a consular post headed by an Honorary Consul should be supported by an explanation of the scope and volume of consular services to be provided by the post. The New Zealand Government will accept the appointment of Honorary Consuls if it is confident there is a need for the services to be provided by such officers.

Since 2017, the New Zealand Government has no longer accepted appointments with the title 'Honorary Consul-General', nor the promotion of 'Honorary Consul' to 'Honorary Consul-General'. Those officers who currently hold the title of Honorary Consul-General may maintain their title until the end of their tenure.

From August 2018, the New Zealand Government will no longer accept appointments as 'Honorary Vice-Consuls'. Those staff members who currently hold the title of Honorary Vice-Consul may maintain their title until the end of their tenure.

The practice in New Zealand is for all Consular Posts to be classified as such, without the term 'Honorary' being used (as against the use of 'Honorary' attached to the individual who may head such a post). However, the New Zealand Government expects Honorary Consuls to use the correct personal title (use of "Honorary") to distinguish themselves from career consuls.

### 8.2 Classification of Consular Posts

The New Zealand Government expects posts headed by the incumbent Honorary Consuls-General to be classified as 'Consulate' not 'Consulate-General'. The title 'Consulate-General' applies to posts that are headed and staffed by fully professional, career seconded officers of the sending State and are deemed to be more substantial by means of size and consular district.

### 8.3 Appointment of Honorary Consuls

As provided in Article 68 of the VCCR, New Zealand accepts the appointment of Honorary Consuls to represent the interests of a foreign government in New Zealand. Nominees are normally New Zealand citizens or persons who have permanent resident status, are of good standing in the community and have some connection with the sending state. The New Zealand Government reserves the right to decline a nomination where it has doubts as to the person's suitability, or if the nomination was made for the purpose other than those specified in Article 5 of the VCCR (e.g. as an honour).

To minimise the possibility of a conflict of interest, either real or perceived, current government office holders (including central government public service employees and local council staff) may not be appointed as Honorary Consuls.

Protocol Division should be advised of proposed Honorary Consul appointments by Third Person Note, accompanied by a 'Consular Commission of Appointment' by the sending state, advising the nominee's full name, city of residence and consular district. It should also outline the consular functions they are empowered to perform, including some or all of the functions specified in Article 5 of the VCCR. The nominee's current curriculum vitae should also be

included with the nominee's full name, citizenship status, and current home and business addresses. The nominee must reside in the city where the Consulate is to be located, and therefore one person cannot be Honorary Consul in more than one country.

The New Zealand Government expects Honorary Consular officers to be appointed only in cities/regions where the sending state has no current diplomatic/consular representation.

Upon receipt of the Third Person Note and Consular Commission of Appointment, Protocol Division will arrange the issue of an Exequatur, the New Zealand Government's formal authorisation of the appointment.

It is not normal for approval to be given to the appointment of more than one Honorary Consul in a single consular district. If additional support staff are required to handle the workload they may be employed by the Consulate to work in the Consulate.

### 8.4 Absence of Honorary Consuls

MFAT expects to be notified in advance of long-term absences, resignations, retirements or deaths of Honorary Consuls. Should it be necessary to institute new arrangements to cover these situations, the resident Diplomatic Mission or the foreign ministry of the sending government should make a formal proposal to Protocol Division.

Each Honorary Consul should make contingency arrangements, such as updating their website and/or telephone messages, for periods of absence from the post, so that clients may continue to receive consular services.

### 8.5 Privileges and Immunities

The privileges and immunities granted to Honorary Consuls are specified in the VCCR and are limited in nature. Honorary Consuls' privileges and immunities are exclusive to the individual and do not extend to their family members or to support staff.

#### 8.5.1 Immunities

Honorary Consuls in New Zealand enjoy immunity from legal jurisdiction only in respect of acts performed in the conduct of their official duties and from giving testimony concerning matters connected with the exercise of those official functions, producing official documents, or serving as expert witnesses. It is important to note that Honorary Consuls are not immune from arrest or detention. However, should they be arrested, detained or prosecuted, they have the right to have this fact promptly notified to the sending state. Please note that even if an arrest, detention or prosecution relates to acts of an official nature for which immunity applies, the government of the sending state may waive the immunity possessed by the Honorary Consul. Refer to Chapter 18.

Under Article 43 of the VCCR, consular immunity does not apply to traffic or parking offences committed by Honorary Consuls. For the same reason, Honorary Consuls are expected to comply with police requests to undergo breath tests. The laws in regard to payment of fines, demerit points or suspension of driver's licences or vehicle registrations will apply to Honorary Consuls.

In the case of posts headed by Honorary Consuls, the consular premises are not inviolable, although the New Zealand Government is obliged to protect them from intrusion, damage, or impairment of dignity. Inviolability of consular archives and documents is contingent upon them being kept physically separate from the Honorary Consul's private and business papers.

### 8.5.2 Fiscal Privileges

Honorary Consuls are entitled to the following fiscal privileges:

- exemption from income tax on the remuneration and emoluments they receive from the sending state in respect of the exercise of their consular functions. It should be noted that the responsibility for decisions on what qualifies as an exemption rests with the Inland Revenue Department;

- exemption from customs duties on the following imported articles: Coat of Arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by, or at the direction of, the sending state to the Consular Post.

## 8.6 Identity Cards for Honorary Consuls

Honorary Consuls are formally recognised by Protocol Division as part of the corps of official diplomatic and consular representatives accredited to New Zealand. Upon receipt of form MFA 613 'Notification of Commencement of Duties as an Honorary Consular Officer in New Zealand', an identity card is issued by Protocol Division as evidence of the Honorary Consul's status. Honorary Consuls should ensure that their identity cards remain valid. Requests for the issue of new cards should be made to Protocol Division by Third Person Note from the mission at least four weeks before the expiry date of existing cards.

The loss of an identity card must be reported immediately to the Protocol Division.

Identity cards are not issued to family members or support staff of Honorary Consuls.

Identity cards remain the property of the New Zealand Government and should be returned to Protocol Division on completion or termination of assignment.

## 8.7 Motor Vehicles

Honorary Consuls are not entitled to import GST-exempt motor vehicles, nor are they entitled to consular licence plates for their vehicles. They are not entitled to use parking spaces reserved for DC, CC or FC registered vehicles.

## 8.8 Airport Access

Honorary Consuls may apply for access to the secure areas at Auckland, Wellington, and Christchurch international airports to meet official visitors from the sending state. Please refer to Chapter 25 on how to facilitate an official visitor in the secure areas of the airports.

Honorary Consuls can apply for a permanent airport identity card after going through a vetting process. Honorary Consuls wishing to apply for this card can do so directly with the Aviation Security Service via their website www.avsec.govt.nz/sector/industry/aic/. A fee is charged by Aviation Security and the card is valid for three years.

Honorary Consuls who do not have a permanent airport identity card can apply for a temporary card, but must always be accompanied by a permanent card holder within the secure area of the airport (e.g. a diplomatic/consular staff member from a mission/post). Information regarding temporary airport identity cards is on the Aviation Security Service's website at www.avsec.govt.nz/sector/industry/aic/.

Airport parking facilities are not available at airports for Honorary Consuls.

### 8.9 Flags

Consular Posts headed by Honorary Consuls may display the national flag and coat of arms of the country they represent. The New Zealand Government has no objection to an Honorary Consul displaying the national flag and coat of arms on their residence. Car pennants, however, should not be flown except on specific occasions, e.g. when the vehicle is being used solely for official business of the sending state.

### 8.10 Diplomatic and Consular List

Honorary Consuls' names and contact details appear in the Diplomatic and Consular List, which is published on MFAT's website www.mfat.govt.nz.

In order to ensure that the website is up-to-date, Honorary Consuls are asked to advise Protocol Division as soon as possible of any changes to contact details, hours of business etc. The Consular List gives telephone, fax and email details for use by members of the public. Honorary Consuls' private contact details are not published in the Consular List. However, after hours and mobile telephone numbers are required in case of emergency.

# Arrival and departure processes

# 9. Arrival Procedure

### 9.1 Introduction

Missions and posts are required to notify MFAT's Protocol Division of the appointment of all members of the staff of the mission, family members and Private Domestic Staff, as per Article 10 of the VCDR and Article 24 of the VCCR. Such notification should be provided to Protocol Division at least one month before an officer's proposed arrival date into New Zealand.

### 9.2 Visas/Immigration Entry Requirements

All accredited staff of missions and posts, and their officially recognised family members must hold a valid diplomatic, consular or official visa before travelling to New Zealand (refer Immigration Act 2009).

Visas require the approval of the Protocol Division and are issued by Immigration New Zealand on instruction from Protocol Division. Requests for visas should be made at least one month prior to travel. Officers should not enter New Zealand to take up assignments under visitor or visa waiver arrangements/New Zealand electronic Travel Authority (NZeTA).

When foreign officials are appointed to missions/posts based in New Zealand, the local diplomatic mission or consular post should email to Protocol Division a request for a visa including the below information via a Third Person Note:

- officer's full name;
- status and designation of the officer;
- the name of the officer being replaced;
- duration of the assignment;
- details of all nationalities held;
- proposed date of arrival in New Zealand;
- officially-recognised accompanying family members' full names and relationship to the principal officer;
- a scanned copy of the officer's passport biodata page, and accompanying family members' passport bio data pages.

Protocol Division will arrange for the visa to be issued and forward it by email to the local diplomatic mission or consular post.

Protocol Division must be advised of any application for entry by an accompanying Private Domestic Staff. Requirements for the entry of Private Domestic Staff are set out in Chapter 5.

### 9.3 Notification of Arrivals

To assist missions and posts to fulfil arrival requirements and for the purposes of the issuance of Identity Cards as appropriate, MFAT asks missions and posts to complete the following forms:

- MFA 600 Notification of Arrival of a Staff Member (refer Chapter 3);
- MFA 601 Notification of Arrival of Dependant Family Member (refer Chapter 3);

- MFA 602 Notification of Arrival of Private Domestic Staff (refer Chapter 5);
- MFA 613 Notification of Commencement of Duties as an Honorary Consular Officer in New Zealand (refer Chapter 8).

Completed forms should be sent to Protocol Division within 10 working days of the arrival of an officer and any family members. A covering Third Person Note is not required to be sent with these forms unless additional relevant advice is provided or sought.

### 9.4 Customs and Biosecurity Regulations

New Zealand places a high degree of importance on biosecurity to protect our unique environment, public health and economic prosperity. New Zealand law prohibits or restricts the importation of a wide range of animal and plant products, including live animals, meats, skins, feathers, bone, wool, eggs, cultures, shells, coral, hair and bee products, plants, fruit, vegetables, flowers, seeds, raw nuts, bulbs, straw, bamboo, wood and other plant products. Missions, posts and their staff are required to comply with these controls at all times. Where such items are brought into New Zealand, they must be declared to biosecurity officials at the point of entry. Some items may be disinfected, placed in quarantine or, if they represent an immediate danger to New Zealand's biosecurity, disposed of.

Many of New Zealand's animal, bird and plant species are rare; some are in danger of becoming extinct. To protect them, their export is strictly controlled and in some cases it is illegal. Similarly, there are controls on the export of some items deemed important to New Zealand's cultural heritage.

All members of the Diplomatic and Consular Corps and their family members are expected to comply with regulations in force in New Zealand relating to the importation and export of prohibited and restricted items, as required by Article 41 of the VCDR and Article 55 of the VCCR.

On arrival in New Zealand all members of the Diplomatic and Consular Corps, and their family members, must declare all risk goods including foodstuffs, plant and animal products, and any used equipment they have in their possession. All food brought into New Zealand, in suitcases or hand luggage, must be declared. A substantial instant fine may be imposed for breaches of these regulations. New Zealand expects that all members of the diplomatic and consular corps and their family members will pay such infringement notices in line with their responsibilities under Article 41 of the VCDR and Article 55 of the VCCR.

New Zealand is a signatory to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and CITES-related material must be declared.

Further information is available on the Ministry for Primary Industries website www.mpi.govt.nz or New Zealand Customs Service website: www.customs.govt.nz.

#### 9.4.1 Tobacco

As at 1 July 2020, tobacco products, tobacco leaf and refuse became prohibited imports and a permit is required to import these products, issued by the New Zealand Customs Service. Tobacco products, tobacco leaf and refuse products must be imported using a freight forwarder, the fast-freight courier system or as bulk sea or air cargo. That means importers cannot send any tobacco products, or tobacco leaf or refuse through the International Mail Service operated by New Zealand Post – it is still possible to use New Zealand Post's international courier service.

Any missions, diplomatic or consular staff wishing to import tobacco and tobacco products will need to complete and return an application form. Please email tobaccopermits@customs.govt.nz to request an application form. For more information on this and the definition of tobacco products, tobacco leaf and refuse, please see the Customs website https://www.customs.govt.nz/tobacco.

### 9.5 Baggage Searches

Under Article 36 of the VCDR and Article 50 of the VCCR, the personal baggage of members of the Corps shall be exempt from inspection, unless there are serious grounds for presuming that the baggage contains articles prohibited by law from import or subject to quarantine regulations of the receiving state. Officers of the Ministry for Primary Industries or New Zealand Customs Service may carry out these searches if necessary. When personal baggage triggers a response from pre-inspection measures such as x-raying or detector dogs, this is likely to give rise to serious grounds for presuming that the baggage contains prohibited items.

In circumstances where it is determined that an examination of personal baggage is necessary, it will be carried out as quickly and discreetly as possible. Members of the Corps are asked to cooperate with any requests to inspect baggage. New Zealand also acknowledges the inviolability of the archives and documents of the mission. If diplomats wish to do so, they are able to remove any documents or archives (including electronic 'archives') from the bag before an inspection.

A diplomatic or career consular officer is entitled to refuse permission for airline security personnel to search their personal baggage prior to departure but, as would be the case for any other travellers, the airline would be under no obligation to carry a person refusing a search and may refuse to allow that person to board the aircraft. MFAT understands that it is the practice of airlines to refuse to carry any passenger who will not give permission for searches.

The only exception is the official diplomatic bag which is sealed and clearly marked as such (refer Chapter 26). All other materials are subject to inspection.

### 9.6 Fiscal Privileges

The following is a summary of individual fiscal privilege entitlements available to staff members upon arrival in New Zealand, depending on their status. For further information on diplomatic/consular privileges, refer to Chapter 17.

#### 9.6.1 Diplomatic and Consular Officers

Upon arrival in New Zealand, diplomatic and consular officers are exempt from Customs duties and GST on their personal effects and goods intended for their personal use when entering New Zealand on first arrival, and at any time during the course of their assignment.

#### 9.6.2 Administrative and Technical Staff and Consular Employees

Upon arrival in New Zealand, Administrative and Technical Staff and Consular Employees are exempt from Customs duties and GST on their personal effects only when imported into New Zealand within 12 months of the staff member's arrival in New Zealand.

### 9.7 Importation/Exportation of Motor Vehicles

For information on the procedures, requirements and special conditions relating to purchase, including the importation of motor vehicles, registration, licensing, resale or export and other relevant matters, refer to Chapter 12.

### 9.8 Identity Cards

Information on eligibility for an identity card is set out in Chapter 11.

### 9.9 Diplomatic and Consular List on the Ministry's Website

The Diplomatic and Consular list on MFAT's website www.mfat.govt.nz includes the name and designation of all diplomatic, consular and administrative and technical staff resident in New Zealand along with respective spouse/partner names. A mission or post should ensure that Protocol Division is promptly advised of all arrivals and departures of accredited staff to ensure the information on the website is accurate. (Refer to Chapter 7.)

### 9.10 Post-Arrival Checklist

- Complete appropriate MFA forms (as set out in para 9.3 above) and email to Protocol Division within 10 working days of arrival;

- To obtain a New Zealand driver's licence - apply for a New Zealand driver's licence (at Automobile Association) as soon as possible after arrival, but no later than 18 months after arrival (refer to Chapter 12);

- To import a car - complete form MFA 610, 'Application to Import a DC/DCC, CC/CCC or FC/FCC Licensed Motor Vehicle'.

- To obtain diplomatic/consular licence plates - complete form MFA 609, 'Application for DC/DCC, CC/CCC or FC/FCC Licence Plates'. This form should be used for new and used vehicles purchased in New Zealand – refer Chapter 12. This form is not required if you have used the MFA 610 form.

- To obtain Domestic Student Status - complete form MFA 605, 'Application for Domestic Student Status', if appropriate. (Refer to Chapter 13.)

- To become a Certifying Officer at the mission/post - complete form MFA 608, 'Authorisation for Diplomatic and Consular Certifying Officer', if appropriate.

# 10. Departure Procedure

### 10.1 Introduction

Final departure/cessation of duties of all members of the staff of the mission, family members, and Private Domestic Staff should be notified to Protocol Division within one week of departure (if not earlier). Officers and family members must depart New Zealand within one month of the date the officer's duties cease. Visas issued in relation to the posting that extend beyond the final departure by one month will be cancelled after this time.

### 10.2 Pre-Departure Checklist

- Complete form MFA 611, 'Application to Sell or Export a DC/DCC, CC/CCC or FC/FCC Licensed Motor Vehicle', and send it to Protocol Division. Note: a vehicle that is being exported must first be de-registered. (Refer Chapter 10); once the MFA form has been approved by Protocol Division and returned to the Mission, motor vehicle registration plates should be taken to the appropriate Centre (as advised on form MFA 611);

- Complete form MFA 604 'Notification of Departure' and send to Protocol Division before departure date;

- Return identity card to Protocol Division.

# 11. Identity Cards

### 11.1 Introduction

Protocol Division issues an official identity card to accredited staff and their family members on the basis of the information provided in the 'Notification of Arrival' forms submitted to Protocol Division. The identity card, which features a scanned photograph, represents official recognition of the status granted under the VCDR and VCCR. The card carries a brief statement of the level of immunity to which the bearer is entitled.

Identity cards are issued to:

- Diplomats (red);
- Administrative and Technical Staff (red);
- Service Staff (red);
- Career Consular Officers (blue);
- Consular Employees (blue);
- Consular Service Staff (blue);
- Officially recognised partners of the above (red or blue)
- Dependant unmarried officially recognised children aged from 16 to 20 years inclusive (red or blue);
- Honorary Consuls (orange);
- Members of International Organisations (pink).

Identity cards will not be issued to:

- Non-resident diplomatic staff members and their spouses and family members
- Diplomats holding New Zealand citizenship or residency status; or recognised dependants holding New Zealand citizenship or residency status;.
- Locally engaged staff, and
- Private Domestic Staff.

Exceptions may be considered on a case by case basis, e.g. Defence Attachés accredited from Canberra who travel regularly to New Zealand for business purposes.

### 11.2 Application Process

An identity card will be processed on receipt of a 'Notification of Arrival' form (MFA 600 or MFA 601) and a passport sized photo. Photos must not be filtered or edited in any way.

There is no charge for an identity card.

### 11.3 Issue of Identity Cards to Non-Resident Accredited Staff

An identity card will be issued to non-resident Heads of Mission if they hold a New Zealand diplomatic visa. Identity cards are not issued to other staff, spouses and family members of cross-accredited staff.

### 11.4 Loss of Identity Card

The loss of an identity card must be reported to Protocol Division. A replacement card will be issued free of charge - a recent passport photo should accompany the request for a replacement card.

### 11.5 Expired Identity Card

If an officer's assignment term extends, the identify card will expire while the holder is still in New Zealand. In such circumstances, a new identity card will be issued on request.

### 11.6 Change of Status

If an officer or family member is granted New Zealand residency during the course of a posting, Protocol Division must be advised and the identity card returned. For changes in designation, e.g. from Second Secretary to First Secretary, a new card may be issued. Inquiries should be directed to Protocol Division.

### 11.7 Use of Identity Card

When meeting and farewelling official visitors at the airport, identity cards cannot be used in place of an airport identity card issued by the Aviation Security Service. Refer to Chapter 25 for details on the airport identity card.

### 11.8 Return of Identity Card

Identity cards remain the property of the New Zealand Government and should be returned to Protocol Division together with a completed MFA 604 when a diplomat/official has finished their assignment in New Zealand.

# Living in New Zealand

# 12. Motor Vehicles

### 12.1 Introduction

This section explains the procedures, requirements and special conditions relating to motor vehicles purchased/imported by privileged persons and which are eligible for Diplomatic/Consular/Official staff licensing.

NB: This section is a guideline only. Missions/posts are encouraged to consult New Zealand Transport Agency for information on all standard conditions and requirements relating to motor vehicle licensing, registration, importation and change of ownership. The website is www.nzta.govt.nz.

### 12.2 Diplomatic/Consular/Official Staff Licensing

#### 12.2.1 Eligibility

**Individual Officers**

Officers with full Diplomatic status are entitled to DC licence plates. Officers with Consular status are entitled to CC licence plates. Administrative and Technical Staff and Consular Employees are entitled to FC licence plates. Motorcycles, mopeds and trailers granted Diplomatic/Consular/Official staff licensing will be provided with DCC, CCC or FCC plates respectively.

**Numbers of Vehicles to be Licensed**

In the case of individual officers, the number of vehicles which may be granted Diplomatic/Consular/Official staff licensing is one vehicle for the officer and one for each officially recognised family member of the officer over the age of 16. Service Staff and Private Domestic Staff are not entitled to Diplomatic/Consular/Official staff licensing.

**Official Vehicles**

Missions or posts may also seek Diplomatic/Consular licensing for a reasonable number of vehicles for official use. Approval will take into account the size and requirements of the mission or post. The general guideline is one vehicle for the Head of Mission or Head of Post and one vehicle for every two privileged officers in the mission or post.

#### 12.2.2 Applying for Diplomatic/Consular/Official Staff Licensing

Application for Diplomatic/Consular/Official staff licensing must be made to Protocol Division as follows:

- For new or used vehicles purchased in New Zealand: Form MFA 609 ‘Application for Diplomatic or Consular Licence Plates’.

- For new or used vehicles imported from outside New Zealand: Form MFA 610 ‘Application to import a Diplomatic or Consular Licensed Motor Vehicle’.

## 12.3 Import of a Motor Vehicle

### 12.3.1 Vehicles Eligible for Goods and Services Tax (GST) Exemption

New Zealand has zero import tariffs on motor vehicles but vehicles imported to New Zealand do attract GST. Exemption from GST is granted on imported vehicles eligible for Diplomatic/Consular/Official staff licensing. Application to import a vehicle under this privilege must be made to Protocol Division, using MFA 610 form.

### 12.3.2 Import Entitlements

**Staff with Full Diplomatic or Consular Privileges**

Single privileged staff may import one GST-exempt vehicle. A second GST-exempt vehicle is permitted if three years have lapsed since the first vehicle was imported, or any GST owing on the first imported vehicle has been paid.

Privileged staff with officially recognised family members who are eligible to drive may import and own up to two GST-exempt vehicles at any one time. Those vehicles may only be replaced if three years have passed since the original import, or any GST owing is paid.

The above restriction on importation applies only to GST-exempt vehicles. There is no restriction on importation of vehicles if GST is paid.

**Administrative and Technical Staff and Consular Employees**

Administrative and Technical Staff and Consular Employees with first arrival privileges may import one GST-exempt vehicle during their tour of duty. The vehicle must be imported within 12 months of the staff member's arrival in New Zealand to be exempt from GST.

**Service Staff**

Service Staff are not entitled to import GST-exempt vehicles.

### 12.3.3 Importation Prior to Officer's Arrival

GST-exempt motor vehicles ordered and imported prior to an officer's arrival in New Zealand may not be registered or granted Diplomatic/Consular/Official staff licensing until after the officer has actually arrived in New Zealand. In the event the officer does not take up the assignment in New Zealand, full GST is payable, unless the vehicle is re-exported or sold to another officer entitled to the privilege of GST exemption for an imported motor vehicle.

### 12.3.4 Import of Official Vehicles

Missions and posts are permitted to import a reasonable number of vehicles exempt from GST for official use. Approval will depend on the size and requirements of the mission or post. The general guideline is one vehicle for the Head of Mission or Head of Post and one vehicle for every two privileged officers in the mission or post.

The same procedures set out in this chapter for the import of vehicles by individual officers should be followed for the import of vehicles for official use, except the identity of the owner is established by the use of a New Zealand Transport Agency card or letter from NZTA advising the customer number. Established missions and posts should be in possession of a NZTA card or letter. This card or letter enables registration and ownership transactions for official vehicles to be undertaken without the presentation of any additional identification. If the card or letter

details are mislaid for any reason, NZTA may be consulted by telephone and they will be able to confirm details for a mission or post.

New missions and posts can apply for a NZTA customer number letter by completing an MR36 form, which is available from motor vehicle registration offices, e.g. New Zealand Post or AA offices or online at http://www.nzta.govt.nz/assets/resources/customer-number-request-form/docs/form-mr36.pdf.

An MR36 form should also be accompanied by a supporting official letter of confirmation on the mission or post letterhead signed by an authorised officer and bearing the seal of the mission or post. The application form and accompanying letter should then be forwarded directly to the NZTA, Private Bag 11-777, Palmerston North, or emailed using the interactive MR36 form on the website.

### 12.3.5 Standard Import Requirements

All new or used motor vehicles (including motor cycles) imported into New Zealand, including those eligible for Diplomatic/Consular/Official staff licensing, must comply with New Zealand safety standards, certification and registration requirements.

Diplomatic, Consular or Official staff wishing to import a motor vehicle (new or used) must familiarise themselves thoroughly with the requirements prior to purchase for importation of a particular vehicle and to ensure the vehicle they wish to import is compliant with these standards and requirements. It is the responsibility of the importer of any vehicle to ensure they have read and understood the vehicle standards prior to importing a vehicle. The requirements are set by the New Zealand Transport Association, the Ministry for Primary Industries, and New Zealand Customs Service. The standards are regularly updated to reflect new safety requirements and it is therefore imperative to check the latest requirements on vehicle road-worthiness. A vehicle which does not meet the specified standards will not gain vehicle registration in New Zealand and will therefore not be able to be driven on New Zealand roads. Information about the requirements may be obtained direct from NZTA. Website: www.nzta.govt.nz.

Vehicles will be inspected on arrival for compliance and may also be subject to biosecurity requirements such as quarantine/cleaning.

Please note that all costs associated with these procedures must be met by the importer.

### 12.3.6 Customs Number (Import/Exporter Code)

A Customs Number is a unique number that identifies individual Importers and Exporters and is required as part of the import and export process for shipments valued at NZ$1,000 or more. Missions and posts require a Customs Number to import vehicles into New Zealand. A Customs Number (more commonly known as an 'Importer/Exporter Code') needs to be applied for once only and should then be kept on file at the mission/post. Missions and posts who do not have a Customs Number, or who do not know what their Customs Number is, can request this via Protocol Division.

### 12.3.7 Clean Car Programme

The Clean Car Standard programme is one of a range of government initiatives introduced in 2022 to tackle carbon dioxide ($CO_2$) emission levels as part of addressing climate change issues. It is aimed to encourage a greater supply of low and no emission vehicle imports into New Zealand by charging importers for vehicles with high $CO_2$ emissions and giving credits for vehicles with low $CO_2$ emissions.

Missions will be charged for imported vehicles with high $CO_2$emissions. There is no exemption from the Clean Car Standard for diplomatic missions or consular posts importing cars into New Zealand, or for diplomatic or consular staff. Information on the Clean Car Standard can be found on the New Zealand Transport Agency's website.

### 12.3.8 Local Registration and Licensing

Vehicles eligible for Diplomatic/Consular/Official staff licensing must also be registered and licensed under standard local requirements.

Registration occurs when a vehicle is added to the Motor Vehicle Register for the first time. A vehicle can only be registered after prior inspection to ensure roadworthiness (see compliance requirements above).

Vehicle licensing requires payment of an annual fee for the use of a motor vehicle/motorcycle on public roads. Vehicles eligible for Diplomatic/Consular/Official staff licensing are entitled to an exemption of a small portion of the fee which does not relate to the Accident Compensation (ACC) levy. When a vehicle is licensed, a label is issued indicating the licence's expiry date, which must be displayed on the vehicle. The law requires a vehicle to be licensed at all times.

### 12.3.9 Road User Charges

Road user charges are payable on diesel-powered vehicles, light electric vehicles and plug-in hybrid vehicles, however, DC, FC and CC-registered vehicles are exempt from paying road user charges. Owners will be refunded the first road user charges purchase at the time of registration.

### 12.3.10 Warrant of Fitness (WoF)

All motor vehicles are required to hold a valid Warrant of Fitness (WoF) at all times. This involves six-monthly or 12-monthly roadworthiness inspection or for new vehicles the first WoF is for three years. If the vehicle passes the inspection, it is issued with a WoF label valid for six or 12 months or three years (depending on the age of the vehicle), which must be displayed on the windscreen. There is no exemption for the costs of obtaining a WoF.

### 12.3.11 Left-hand Drive Vehicles

Only certain categories of left-hand drive (LHD) vehicles may be registered for operation on New Zealand roads. A special category has been established for vehicles owned by officers of missions or posts assigned to serve in New Zealand, provided the vehicle is re-exported at the conclusion of an assignment. This exempted category has been provided to assist officers who are transferring from a country where they have owned a LHD vehicle and who, following their assignment in New Zealand, will export the vehicle to a country where LHD vehicles are required. This exemption is only available for a vehicle owned/operated privately by an individual officer, not for a vehicle owned/operated by the mission or post for official purposes.

To register and drive a LHD vehicle in New Zealand, NZTA will require confirmation by the mission or post that the owner has been posted to New Zealand and advice of the country from which they have been transferred. The owner must pay any costs involved in meeting New Zealand safety standards to register the vehicle.

If a LHD vehicle entered under this exempted category is not subsequently exported on termination of the officer's assignment, it must be converted to a right-hand drive before being sold in New Zealand.

NB: Such conversion can be expensive and in some cases may not be feasible. It is important therefore that officers are made fully aware of these conditions and encouraged to seek advice from NZTA before a LHD vehicle is shipped to New Zealand. Specific information on LHD vehicle requirements is provided by NZTA on Factsheet No. 12 available on website www.nzta.govt.nz.

### 12.4 Purchase of a Vehicle in New Zealand

#### 12.4.1 Individual Officer

Application should be made for Diplomatic/Consular/Official staff licensing of a vehicle purchased in New Zealand using form MFA 609 and sending it to Protocol Division. It will take three working days for licence plates to be ready at Vehicle Testing NZ.

There is no Goods and Services Tax (GST) exemption on new or used vehicles purchased locally in New Zealand.

To meet local requirements, the following additional procedures must be followed:

- Ensure the vehicle has:
    - a Warrant of Fitness (WOF) that is not more than one month old;
    - a current vehicle licence (registration).
- Complete the change of ownership form MR13B and present it to an agent of NZTA (New Zealand Post or AA Office) within seven days of buying the vehicle.
- Produce a New Zealand driver's licence or some form of identification that includes the buyer's name, signature and date of birth. (*Vehicles for official use require the NZTA's card or letter at this point – see para 11.3.4).*
- Or you can complete an MR13B online at www.nzta.govt.nz/online-services/ if you have a New Zealand drivers licence.
- Ask the agent for a change of ownership card to prove to the seller that the ownership has changed.
- Retain the new Certificate of Registration, which will be mailed within 10 days, in a safe place.

NB: Vehicle ownership details are a matter of public record in New Zealand. Any member of the public may obtain the ownership details of any vehicle on request. For this reason MFAT recommends that individual officers use the address of the mission or post when registering their motor vehicles.

#### 12.4.2 Official Vehicles

For the purchase of vehicles in New Zealand by missions or posts for official use, all the above procedures for individual officer should be followed, except that in place of a new owner's personal identification for the purposes of the purchase, the mission or post's NZTA card should be used (see para 11.3.4 above for information on the card).

12.4.3 Purchase of a Motor Vehicle from Another Privileged Person

When purchasing a motor vehicle from another privileged person, form MFA 611 must be completed and sent to Protocol Division (on behalf of the seller) as well as form MFA 609 (on behalf of the purchaser). Please indicate on the form whether the same plates wish to be retained (if from the same mission or post). To complete the change of ownership details, the purchaser must complete form MR13B "Notice by Person Acquiring a Motor Vehicle" (obtained from VTNZ or NZ Post), present identification and pay the appropriate fee at the VTNZ office.

Where an imported vehicle that has been exempt from GST is sold or the ownership is transferred to another person eligible for Diplomatic/Consular/Official staff privileges, who does not already own the maximum number of GST-exempted vehicles permitted under the provisions above, no GST will be payable unless/until the vehicle is subsequently sold or otherwise transferred to an ineligible person within three years from the original date of import. For sale/transfer to another privileged person, an MFA 611 form must be completed and sent to the Protocol Division, at the same time as the form MFA 609.

## 12.5 Sale, Export or Disposal of a Motor Vehicle

11.5.1 Approval

Prior approval of Protocol Division is required before a Diplomatic/Consular/Official staff licensed motor vehicle is sold or otherwise disposed of in New Zealand, or ceases to be wholly the property of the sending government while in New Zealand, or ceases to be retained solely for the personal use of the privileged person. An application to sell or export a Diplomatic/Consular/Official staff licensed motor vehicle must be made on form MFA 611.

12.5.2 Return of Licence Plates

Diplomatic/Consular/Official staff licence plates must be returned to:

- VTNZ Wellington, 162 Thorndon Quay, Wellington 6011; or
- AA Centre, 419 Great South Road, Penrose, Auckland 1061; or
- AA Centre, 12 Buchan Street, Sydenham, Christchurch 8023.

A vehicle that is to be exported, rather than sold, must first be de-registered. After advising Protocol Division using form MFA 611, an MR15 form 'Application to Cancel Registration of a Motor Vehicle' should be completed. De-registration can be completed at an AA or VTNZ Centre when the Diplomatic/Consular/Official staff licence plates are returned.

12.5.3 GST Assessment on Sale of Imported Vehicles

For an imported vehicle that has been exempt from GST and is to be sold into the local market, GST payable is assessed on the depreciated value of the vehicle. A GST-exempt vehicle sold or otherwise disposed of within the first 12 months of ownership will be subject to full GST calculated on its entry value. Where a vehicle is sold or otherwise disposed of after one year, GST will be reduced by 1/24th for each complete month of ownership in excess of 12 months. After three years of ownership, no GST is payable. Any questions concerning these provisions should be referred to the New Zealand Customs Service. If an imported vehicle, that has been exempt from GST, is to be exported out of New Zealand, no GST is payable to the New Zealand Customs Service.

12.5.4 Sale of a Motor Vehicle to Another Privileged Person

Where an imported vehicle that has been exempted from GST is sold or its ownership is otherwise transferred to another person eligible for Diplomatic/Consular/Official staff privileges, who does not already own the maximum number of GST-exempt vehicles permitted under the provisions above, no GST will be payable unless/until the vehicle is subsequently sold or otherwise transferred to an ineligible person within three years from the original date of import. For sale/transfer to another privileged person, an MFA 611 form must be completed and sent to Protocol Division.

12.5.5 Local Change of Ownership Requirements

In addition to completion of the MFA 611 form for the Protocol Division, the following procedures should be followed to meet local requirements:

- Ensure the vehicle has a Warrant of Fitness (WoF) that is not more than one month old and a current vehicle licence;
- complete the tear-off bottom portion of the Certificate of Registration with the new owner's details and post it directly to the NZ Transport Agency Registry Centre, Private Bag, Palmerston North, within seven days of selling the vehicle;
- give the remaining portion of the Certificate to the new owner;
- wait for the buyer to bring a change of ownership card, issued by an agent of the NZTA, before handing the vehicle over. This is for the seller's protection, to ensure the change of ownership is completed;
- return the Diplomatic/Consular/Official staff licence plates to the VTNZ or AA Technical Office.

**12.6 Replacement of Damaged or Stolen Vehicles**

The replacement of an imported vehicle, which has been exempt from GST, either owned officially or by an individual officer, may be approved by MFAT under the following exceptional circumstances:

- If the vehicle is involved in an accident and certified by the insurance company concerned to be beyond repair;
- if the vehicle is written off in a natural disaster situation;
- if the vehicle is stolen, verified by a formal Police report.

GST is payable in respect of the depreciated value of the wrecked or stolen vehicle. Missions/posts and individual officers are advised, therefore, to insure vehicles for a market value that is GST-inclusive, against such an eventuality.

For GST purposes, the period of ownership of the replacement vehicle shall commence from the date of registration of the replacement vehicle. Protocol Division should be advised immediately should a vehicle be irreparably damaged or stolen.

**12.7 Leased Vehicles**

Vehicles leased by missions/posts or individual officers should be registered under the name of the mission/post or individual officer, and not the leasing company's name. Application for Diplomatic/Consular/Official staff licensing

may be made at the beginning of a lease in the same way, and under the same conditions, as for the local purchase of a vehicle, using form MFA 609. Registering a vehicle in the Motor Vehicle Register under the mission/individual officer's name is not a record of legal ownership. Legal ownership is held with documents such as the sale and purchase agreement by the lease company. It is therefore possible for that leased vehicle to be registered in a diplomat's name under 'diplomatic privilege'.

Likewise, at the end of a lease, the same procedures should be followed to terminate Diplomatic/Consular/Official staff licensing as for sale or disposal of an owned vehicle (form MFA 611).

### 12.8 Ordinary Licence Plates

Prior approval of Protocol Division is required if any mission, post, diplomat, consular officer or family member wishes to register a motor vehicle with standard registration plates. Approval will only be granted in special circumstances. If standard plates are authorised:

- full motor vehicle registration fees must be paid;
- motor spirits (petrol) refunds will not be available; and
- vehicles will not be permitted to use designated DC/CC/FC car parking.

### 12.9 New Zealand Drivers' Licences

It is compulsory for every person to have in their possession a valid driver's licence while driving.

Under the New Zealand Transport (Driver Licensing) Rule 1999, all members of the Diplomatic and Consular Corps and their Private Domestic Staff arriving in New Zealand will, on application, be issued a New Zealand driver's licence, provided they hold:

- a valid driver's licence or permit issued to the person, after the person has produced proof of their driving competence, by an overseas authority, or an agent of that authority, authorised to issue a driver's licence or permit.

#### 12.9.1 Application for a New Zealand Driver's Licence

Members of the Diplomatic and Consular Corps and Private Domestic Staff who hold a valid foreign licence and wish to drive in New Zealand should apply for a New Zealand driver's licence as soon as possible after arrival, but no later than 18 months after arrival.

Application under this special provision may be made at one of the following offices:

- Automobile Association (AA) Office, 154 Featherston Street, Wellington 6011
- Automobile Association (AA) Office, 50 Albert Street, Auckland
- Automobile Association (AA) Office, 210 Hereford Street, Christchurch

All enquiries should be directed to the AA offices above, and not the AA 0800 telephone number.

The following documentation is required:

- a completed driver's licence application form;
- a valid driver's licence, as described above (translations must be provided if the foreign licence is not in English and the original must be sighted);
- diplomatic/consular or official Identity Card; and
- diplomatic/official passport (standard passport showing work visa, or an eVisa, for Private Domestic Staff);
- For Private Domestic Staff, a letter issued by Protocol Division is also required.

It is necessary to take photocopies of the documents above, otherwise a fee will be charged for photocopying.

Theory and practical tests are not required for persons who hold a valid licence as described above, but all applicants must pass the required eye test.

The New Zealand driver's licence will be issued, free of charge, for the same class or classes of vehicle authorised by the current foreign licence.

### 12.9.2 Expiry of a New Zealand Driver's Licence

New Zealand licences issued under special provision to staff members of the Diplomatic and Consular Corps, family members and Private Domestic Staff will expire on:

- the completion of a posting, or the termination of the employment of the licence holder or relevant family member of the licence holder as a member of the staff of a mission or post or as Private Domestic Staff of such a member; or

- the expiry of four years following the date of issue of the licence; or

- the transmission of notification to the relevant mission or post through MFAT that the licence has been cancelled or revoked; or

- the making of an order disqualifying the person from holding or obtaining a driver's licence.

### 12.9.3 Renewal of a New Zealand Driver's Licence

If circumstances arise in which an officer of a mission or post holding a New Zealand driver's licence issued under the conditions described above will be continuing on assignment in New Zealand beyond the expiry date of that licence, the licence may be renewed until the revised end date of the assignment. The officer should follow the instructions above in paragraph 11.9.1 and take their identity card, with the renewed date on it, and passport (containing the extended visa label in it, or electronic visa) (including photocopies) to the AA Office for renewal of their licence until the revised end date of the assignment.

#### 12.9.4 New Drivers

Those who do not hold a valid overseas driver's licence or who have never previously held a driver's licence are required to undertake written and practical driving tests to acquire a New Zealand driver's licence before driving in New Zealand. The fees for all tests, including the driver's licence fee, are payable by the applicant.

#### 12.9.5 Temporary Assignments

Officers who come to New Zealand on temporary assignment may drive in New Zealand on a valid foreign licence or international driving permit for up to 18 months.

#### 12.9.6 New Zealand Road Code

All members of the corps who expect to drive in New Zealand must familiarise themselves with the 'New Zealand Road Code' which can be purchased from most major bookstores, and which is available on the NZTA's website www.nzta.govt.nz.

### 12.10 Parking

Refer to Chapter 20.

### 12.11 Motor Vehicle Insurance

Although motor vehicle insurance is not compulsory in New Zealand, MFAT strongly advises all Diplomatic/Consular/Official staff licensed motor vehicles, both official and individually owned, to be insured to cover theft, damage or accidents, including third party cover.

### 12.12 Refund of Motor Spirits Excise Duty

Refer to Chapter 17 for details on the refund of motor spirits excise duty.

# 13. Education

All requests for diplomatic and consular staff assigned in New Zealand, and their officially recognised dependants, to attend an educational institution in New Zealand should be directed to Protocol Division in the first instance, using an MFA 605 form.

### 13.1 Entry into State and Private Primary and Secondary Schools

In New Zealand there are state and private school systems. Individuals are free to choose which system they wish to use. The Education Act 1989 provides for free enrolment and education at state primary and secondary schools for New Zealand children between the ages of 5 and 19. Attendance is compulsory from 6 years of age until the age of 16 years. The majority of children start formal schooling at age 5.

Access conditions to schools in New Zealand for the dependants of diplomatic and consular staff are explained in more detail below. Conditions for private schools, including tuition fees and other details, are determined by each school and may be discussed directly with the administrations of the schools.

### 13.2 Domestic Student Status

In normal circumstances international students who wish to study in New Zealand, at state or private institutions, must pay international student fees.

However, diplomatic and consular staff, and their officially recognised dependants (including spouses, and dependants up to the age of 21 years) may apply to attend any institution on the same basis as New Zealanders, by being granted “Domestic Student Status”.

The Ministry of Education has instructed educational institutions that they may enrol a student under the Domestic Student Status provisions applying to diplomatic and consular staff, and their officially recognised dependants, only once they have sighted a letter from Protocol Division confirming that the applicant is entitled to Domestic Student Status. To obtain this letter, diplomatic and consular staff should apply to Protocol Division, using form MFA 605.

To be granted Domestic Student Status, the diplomatic and consular staff, and their officially recognised dependants should note schooling and tertiary study must be undertaken in the same city where the principal officer resides. Exceptional circumstances maybe granted and will be reviewed by Protocol Division upon submission of the MFA 605.

Domestic Student Status for tertiary study must be re-confirmed for each year of study, by using form MFA 605. This should be done before the start of the school/academic year, in order to confirm continued eligibility for that year.

### 13.3 School Zoning

In many areas of New Zealand, schools are bound by zoning rules. This means that many schools are able to accept only children who reside within the school’s designated residential zone. No exceptions to these zoning rules are made for diplomatic and consular staff and MFAT cannot intervene in school decisions.

### 13.4 Enrolment at Tertiary Institutions

In addition to the above provisions, enrolment at a tertiary educational institution in New Zealand is subject to the standard entry requirements of each institution.

Diplomatic and consular staff themselves are not permitted to enrol in full-time courses of study. Should a diplomatic or consular staff member wish to undertake part-time study, the course should relate to their work and should not impact on their full-time diplomatic role.

### 13.5 Dependants 21 Years of Age and Over

Dependants of diplomatic or consular staff, apart from spouses, who are 21 years of age or over are not eligible for Domestic Student Status.

A dependant who turns 21 years of age during the course of study in New Zealand will be entitled to Domestic Student Status for the remainder of the calendar year in which they turn 21. Thereafter, they must pay full foreign student fees for their ongoing study.

Where a dependant of a diplomatic or consular staff member turns 21 years of age during a course of study, and will therefore lose their Domestic Student Status at the end of that calendar year, officers are urged to discuss this with the tertiary institution concerned, before undertaking that course of study so as to clarify what the liabilities for full international student fees will be once Domestic Student Status ends.

### 13.6 Study Following an Officer's Departure

Where a dependant of a diplomatic or consular staff member wishes to remain in New Zealand to continue study following the completion or termination of the officer's assignment, Protocol Division must be informed in the first instance. Persons in these circumstances will retain their Domestic Student Status for the remainder of the calendar year in which the officer's assignment is completed or terminated. Officers are urged to discuss this with the tertiary institution concerned so as to clarify what the liabilities for full international student fees will be once Domestic Student Status ends.

### 13.7 Student Visas

In addition to the above requirements, a dependant of a Diplomatic/Consular/Official staff member who wishes to remain in New Zealand to continue studies beyond the termination or completion of the officer's assignment must apply, at least one month prior to the officer's departure, for a student visa. Applications for student visas must be made directly to Immigration New Zealand. Standard student and immigration fees will be payable.

### 13.8 Student Loans and Fees-Free Study

New Zealand Government student loans or Fees-Free Study for tertiary students are not available to diplomatic and consular staff or their dependants.

# 14. Employment in New Zealand

### 14.1 Employment and Commercial Activities

Members of the staff of missions and posts may not undertake any other employment or secondary employment or any professional or commercial activity, outside their official diplomatic, consular or domestic functions, for personal profit or gain while in New Zealand (Article 42 of the VCDR and Article 57 of VCCR refer). This section does not apply to locally employed staff who are New Zealand citizens or permanent residents.

### 14.2 Employment of Family Dependants

The employment of family members is based on reciprocal arrangements with the sending state. The written approval of Protocol Division is necessary for any member of the officer's officially recognised family to take up paid employment in New Zealand. Where a Dependant Employment Agreement (DEA) or Arrangement is in place, approval will normally be granted immediately. In the absence of a DEA, approval is unlikely to be granted.

### 14.3 Dependant Employment Agreements/Arrangements (DEAs)

New Zealand has negotiated bilateral DEAs with a number of countries to facilitate the employment of family members of diplomats. These DEAs are reciprocal. Where such DEAs are in place, the applicant is only required to advise Protocol Division of their intention to look for, or take up, employment. MFAT's Third Person Note granting approval to work constitutes approval to work in New Zealand - no work visa is required.

Subject to any conditions set out in the relevant DEA, approval will normally be conditional on agreement of the sending state to waive any immunity of the person concerned in relation to their employment. The person concerned will also be required to pay New Zealand income tax on remuneration from such employment. Approval will be given only for persons who are part of the officer's officially recognised family. The person concerned must cease employment no later than the same date as the diplomatic or consular officer's assignment finishes.

# 15. Health and Social Security

Article 33 of the VCDR and Article 48 of the VCCR exempt Diplomatic and Consular officers from social security obligations which may be in force in the receiving state.

### 15.1 Public Health

Diplomatic/Consular/Official staff and their dependants are not eligible for any publicly-funded health and disability services or social security benefits in New Zealand (refer to the Ministry of Health's website www.health.govt.nz).

Missions and posts must ensure that all staff and their dependants are aware of their liability for all costs of any treatment under the public health system, and that they have the necessary medical insurance to cover for any medical costs in New Zealand. The New Zealand Government will look to the mission/post if any of its staff/family members are unable to meet the medical costs incurred in the New Zealand public health system. It is the duty of all the above persons to inform public health providers that they are not eligible for publicly-funded health benefits.

#### 15.1.1 Acute and elective medical care

Acute and elective care may be available, but medical costs associated with such treatments are to be met by the resident mission (this includes all relevant medical and hospitalisation expenses, including doctors' visits, prescriptions and the costs associated with the birth of children in public hospitals). Costs through the public health system may be high.

Elective care provided through the public health system may be provided only where there is capacity beyond meeting the needs of the eligible population. Provision of treatment is decided on a case-by-case basis by the treating District Health Board (DHB). Neither MFAT nor Ministers are able to intervene in these decisions. In some cases, payment may be sought in advance.

For acute care, patients will receive an invoice following treatment. No profit is made through cost-recovery for any non-eligible patients. As each DHB sets its own pricing structure, some invoices are itemised, and some are not. A number of DHBs invoice non-eligible patients by case weights, using the Casemix system (including Capital & Coast and Hutt Valley, which operate Wellington Regional Hospital and Hutt Hospital respectively). Detailed information about Casemix is available on the Ministry of Health website https://www.health.govt.nz/publications/the-new-zealand-casemix-system-an-overview.

#### 15.1.2 Ambulance Charges

Diplomatic/Consular/Official staff and their dependants who are treated by an ambulance officer and/or transported in an ambulance because of a medical emergency will need to pay a part charge of $125.00[1]. For an accident-related injury there will not normally be a charge for ambulance services unless it has been more than 24 hours since the injury, or it does not meet the Accident Compensation Corporation (ACC) criteria, in which case the cost will be $125.00. If the situation does not match the options outlined, the minimum charge for ambulance treatment and/or transport is $800.00[2]. The invoice will be sent separately to any related hospital bill(s). The Greater Wellington region and the Wairarapa are fortunate to have a Wellington Free Ambulance service.

[1] Cost as at 1 July 2025.
[2] Cost as at 1 July 2025.

### 15.1.3 Accident Compensation Scheme Exception

The exception to this policy is in respect of medical treatment (including ambulance services) received under the public system, as the result of an accident, including motor vehicle accidents, and accepted as covered by New Zealand's accident compensation scheme – refer to paragraph 14.4.

## 15.2 Private Health

Diplomatic/Consular/Official visa holders and their dependants and Private Domestic Staff are encouraged to investigate private healthcare options where possible. Private healthcare in New Zealand has a pricing structure, and includes specialist services, primary care and private hospitals which provide non-urgent and elective treatments.

Private health insurance providers in New Zealand will normally provide cover only to New Zealand citizens and permanent residents. Any enquiries regarding private health insurance should be made direct to private insurance providers.

## 15.3 Bilateral or Multilateral Social Security Agreements

Missions and posts should note that staff and their dependants and Private Domestic Staff are specifically exempt from most bilateral agreements concerning reciprocity on health and social security that New Zealand may have with sending states. Enquiries should be directed to Protocol Division.

## 15.4 Accident Compensation

The Accident Compensation Corporation (ACC) administers New Zealand's accident compensation scheme, which provides accident insurance for all New Zealand citizens, residents and temporary visitors to New Zealand, including staff of missions and posts and their dependants and Private Domestic Staff. It should be noted that New Zealand's accident compensation scheme removes the common law right to sue for damages on the basis that injured people will receive support regardless of who was at fault. Members of missions and posts and their dependants and Private Domestic Staff are entitled to compensation for work and non-work accidents, including motor vehicle accidents, and rehabilitation, and public health care as set out in the Accident Insurance Act 1998, but not weekly compensation for loss of earnings.

## 15.5 Health and Safety Legislation

The Health and Safety at Work Act 2015 (HSWA) sets out the principles, duties and rights in relation to workplace health and safety in New Zealand. Missions and posts may wish to seek independent advice on the practical application of HSWA and are encouraged to take reasonably practicable steps to ensure the health and safety of their employees and where relevant, contractors. Tools and guidance are available on the website of the regulator: www.worksafe.govt.nz/worksafe

# 16. Births, Deaths and Marriages: Notifications

### 16.1 Children Born in New Zealand

If any members of the staff of mission or post (including foreign nationals recruited as local staff), or a member of their family gives birth to a child while in New Zealand:

- the birth must be registered within five working days with the Registrar-General of Births, Deaths and Marriages. In New Zealand that responsibility rests with the person in charge of the premises where the birth took place. This is normally the hospital authorities, a doctor or a mid-wife. In notifying the birth the registry office must be advised that the child is born to a parent or parents who have diplomatic or consular status (see below). A birth certificate will be issued to the parents;

- the birth must be notified in writing to Protocol Division. The notification should be accompanied by a copy of the birth certificate, passport size photos, Notification of Arrival of Dependant Family Member form (MFA 601), together with the child's passport biodata page, to enable the recording of appropriate status. Protocol Division will then arrange for a diplomatic visa to be issued for the new child.

#### 16.1.1 Legal Position Regarding Citizenship

Missions and posts should note that under the Citizenship Act 1977 section 6(2) a person shall not be a New Zealand citizen by virtue of section 6 if at the time of birth, their parent/s have immunity from jurisdiction conferred by or under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 or any other way and neither parent is a New Zealand citizen. Please refer to the Act for full details.

New Zealand's citizenship legislation and international obligations under both the VCDR and the VCCR makes it clear that no member of the Diplomatic and Consular Corps, or a dependant, or a foreign national appointed as local staff, is eligible to claim New Zealand citizenship for that child if neither parent is a New Zealand citizen. Citizenship cases where one parent is a New Zealander can be complex. If it is believed that a child born in New Zealand may be a New Zealand citizen the mission or post should consult Protocol Division for advice.

### 16.2 Deaths and Marriages

Protocol Division should be advised in writing in the event of the marriage or death in New Zealand of any non-New Zealand staff member, family member or Private Domestic Staff employee.

# Privileges and immunities

# 17. Diplomatic and Consular Privileges

In New Zealand the Diplomatic Privileges and Immunities Act 1968 and the Consular Privileges and Immunities Act 1971 give effect to the relevant provisions of the VCDR and VCCR.

These Acts enable the withdrawal of privileges from the mission or post of a particular country in reciprocation of similar limitations imposed on a mission or post of New Zealand in that country.

In accordance with Article 41 of the VCDR and Article 55 of the VCCR, and without prejudice to their privileges, all persons enjoying such privileges must respect New Zealand laws and regulations.

The full range of fiscal privileges extended to missions, posts and various categories of diplomatic and consular staff and their family members are set out in Chapter 19.

### 17.1 New Zealand Citizens and Permanent Residents

The privileges outlined in this chapter are not available to persons who are either New Zealand citizens or New Zealand permanent residents. Refer to Chapter 3.

### 17.2 Representatives of the Cook Islands and Niue

Because of the special relationships between New Zealand and the Cook Islands and Niue, and the fact that their representatives are New Zealand citizens, special regulations confer privileges and immunities on their diplomatic and consular staff.

### 17.3 Importation of Goods Exempt from Duty and GST

Duty and GST may be waived on goods imported by Diplomatic Missions, Consular Posts and their eligible staff where the goods are:

- Not intended for sale;

- intended for the official use of missions and posts and necessary to meet reasonable requirements of the missions and posts, including outreach activities (e.g. goods/books to be donated to schools, charities or other non-profit organisations). It is recommended that advice be sought from Protocol Division before goods for outreach purposes are to be imported to check their eligibility for exemption;

- the personal effects and goods intended for the personal use of the accredited members of the mission or post, or their officially recognised family members who form part of their households, and meet reasonable personal requirements;

- the personal effects of the Administrative and Technical Staff, Consular Employees and their officially recognised family members, that are imported within a period of six months of the staff member's arrival in New Zealand. These effects must be for the personal use of the staff member or family members.

Once paid, GST cannot be refunded. It is important to ensure that goods imported under privilege are clearly identified at the time of entry into New Zealand and accompanied by a certificate stating they are privileged diplomatic or consular goods for official or personal use. The certificate must be signed by a *certifying officer* of the

missions/posts. An example of the wording to be used in these certificates is included in the Annex as form MFA 614. The certificates must be completed on mission or post letterhead and sent direct to the supplier, who will forward the completed form to New Zealand Customs Service.

### 17.3.1 Certifying Officers

Authorised certifying officers are required to approve all official and personal duty-exempt and tax-exempt goods, except motor vehicles, which are authorised by Protocol Division. The Heads of Mission/Post must appoint certifying officers, who are required to be senior members of the mission or post. In most cases, certifying officers are expected to be the Heads of Mission/Post and his/her deputy. A maximum of two certifying officers per mission or post is permitted. Certifying officers are appointed by the Heads of Mission/Post using form MFA 608.

Missions and posts should advise Protocol Division promptly of changes to certifying officers.

Except for the Heads of Mission/ Post, certifying officers may not approve their own purchases.

### 17.3.2 Permissible Quantities of Exempt Goods

Restrictions will not normally be placed on the quantities of duty-free or tax-exempt goods that may be imported or purchased locally (except motor vehicles), provided they meet the reasonable personal requirements of an eligible individual or are clearly identified for official use.

The New Zealand Customs Service monitors the quantity of goods purchased duty/tax-exempt. Where it is considered such purchases are in excess of 'reasonable requirements', the Chief of Protocol will be advised and an explanation will be sought from the Head of Mission/ Post concerned.

### 17.3.3 Local Purchases of Duty-Exempt Goods

Missions and posts can import goods from any source exempt from all Customs charges, including GST, provided they are clearly identified for diplomatic or consular use at the time of entry into New Zealand. (If wishing to import tobacco products, tobacco leaf and refuse, please refer to paragraph 9.4.1). In contrast, local purchases of wine, beer, spirits, tobacco products and perfumes are only exempt from excise taxes in New Zealand when they are purchased from a supplier licensed under Section 10 of the Customs and Excise Act 1996. GST is payable for all other local purchases. All duty-exempt purchases must be accompanied by an MFA 606 form signed by the mission or post certifying officer.

### 17.3.4 Retail Duty-Free Purchases

Some retail outlets, not licensed under section 10 of the Customs and Excise Act 1996, are able to sell goods at duty exempt prices to members of the public travelling overseas. The goods in question are handed over to the traveller immediately prior to departure. Goods purchased in this manner are not available to members of the Corps unless purchased in conjunction with overseas travel.

Members of the Corps are also reminded that they are not permitted to purchase goods at airport duty-free shops in a Customs-controlled area (e.g. while accompanying official delegation arriving/departing NZ) unless they are travelling in or out of New Zealand at the time of purchase.

### 17.4 Refund of Motor Spirits Excise Duty

Upon application, the excise duty component of the price of motor spirits (fuel) is reimbursed to privileged persons, missions and posts based on reciprocity. Requests for refunds of excise duty must be submitted to the New Zealand Customs Service in Queenstown (refer MFA 606 and MFA 607 forms). A separate form must be submitted for each personally owned vehicle and each official vehicle. Refund requests must be supported by the supplier's original account or receipt showing the vehicle details, date, quantity and type of fuel purchased. Eftpos purchases will be acceptable provided the garage attendant enters the motor vehicle registration details and signs or initials the eftpos receipt at the time of purchase.

Refunds are only available for 'DC' and 'CC' (not 'FC') registered vehicles, that is, for diplomatic and consular officers only.

Refunds must be sought direct from the New Zealand Customs Service on a regular basis, preferably monthly, but not less frequently than three monthly.

### 17.5 Rates

Refer to Chapter 22.

### 17.6 Fiscal Privileges

For details on fiscal privileges for missions and posts and privileged individuals, refer to Chapter 19.

For details on fiscal privileges for Honorary Consuls, refer to Chapter 8.

# 18. Diplomatic and Consular Immunities

The immunities granted to diplomatic and consular staff, and their families, are set out in the Vienna Convention on Diplomatic Relations 1961 and the Vienna Convention on Consular Relations 1963 to which New Zealand is a party. The relevant provisions of the Conventions have been incorporated into New Zealand law by the Diplomatic Privileges and Immunities Act 1968 and the Consular Privileges and Immunities Act 1971.

Diplomatic and consular immunity is a long-standing principle of international law which enables diplomats and foreign representatives to perform their duties with freedom, independence and security.

### 18.1 Qualifying for Immunities

Diplomatic and consular immunity in New Zealand is conferred on all entitled members of a foreign mission (and entitled family members forming part of their household, provided they are not New Zealand citizens) who have been notified to, and accepted by, MFAT as officially accredited to New Zealand and performing a diplomatic or consular function. Immunity is dependent on rank, and ranges from immunity from criminal, civil and administrative jurisdiction to immunity for official acts only. All questions concerning whether a person has diplomatic/consular immunity must be referred to the Protocol Division of MFAT.

Foreign representatives have a duty under Article 41(1) of the VCDR and Article 55(1) of the VCCR to respect the laws and regulations of New Zealand. It is the expectation of the Government of New Zealand that foreign representatives and their accredited family members will comply with New Zealand laws and regulations, and that such persons, whether entitled to full or functional immunity, will be responsible for any violation of those laws and regulations.

### 18.2 New Zealand Citizens and Permanent Residents

Members of the staff of a Diplomatic Mission or Consular Post who are New Zealand citizens or permanent residents shall be accorded immunity from jurisdiction and inviolability only in respect of official acts performed in the exercise of their functions. Refer Chapter 3.

### 18.3 Representatives of the Cook Islands and Niue

Because of the special relationships between New Zealand and the Cook Islands and Niue, and the fact that their representatives are New Zealand citizens, special regulations confer privileges and immunities on their diplomatic and consular staff.

### 18.4 Summary of Immunities

The following is a summary of immunities pertaining to diplomatic and consular staff. It is intended as a quick guide only. The application of immunity will sometimes depend on the circumstances of the offence. Missions and posts should consult Protocol Division on individual cases.

18.4.1 Diplomatic

**Diplomat**

| | |
|---|---|
| May be arrested or detained | No |
| Residences may be entered subject to ordinary procedures | No |
| May be issued a traffic infringement notice | Yes |
| May be subpoenaed as a witness | No |
| May be prosecuted | No |
| Status of recognised family member | Same as diplomat |

**Administrative and Technical Staff Member**

| | |
|---|---|
| May be arrested or detained | No |
| Residences may be entered subject to ordinary procedures | No |
| May be issued a traffic infringement notice | Yes |
| May be subpoenaed as a witness | No |
| May be prosecuted | No, except for civil or administrative prosecutions relating to non-official acts |
| Status of recognised family member | Same as Administrative and Technical staff member |

**Service Staff**

| | |
|---|---|
| May be arrested or detained | Yes |
| Residences may be entered subject to ordinary procedures | Yes |
| May be issued a traffic infringement notice | Yes |
| May be subpoenaed as a witness | Yes |
| May be prosecuted | Yes, except for official acts |
| Status of recognised family member | No immunity and inviolability |

18.4.2 Consular

**Career Consular Officer**

| | |
|---|---|
| May be arrested or detained | Yes, but only for a grave crime |
| Residences may be entered subject to ordinary procedures | Not for consulate office, otherwise Yes |
| May be issued a traffic infringement notice | Yes |
| May be subpoenaed as a witness | Yes, except for official acts |
| May be prosecuted | Yes, except for official acts |
| Status of recognised family member | No immunity and inviolability |

**Consular Employee**

| | |
|---|---|
| May be arrested or detained | Yes |
| Residences may be entered subject to ordinary procedures | Yes |
| May be issued a traffic infringement notice | Yes |
| May be subpoenaed as a witness | Yes, except for official acts |
| May be prosecuted | Yes, except for official acts |
| Status of recognised family member | No immunity and inviolability |

**Service Staff**

| | |
|---|---|
| May be arrested or detained …… | Yes |
| Residences may be entered subject to ordinary procedures …… | Yes |
| May be issued a traffic infringement notice …… | Yes |
| May be subpoenaed as a witness …… | Yes, except for official acts |
| May be prosecuted …… | Yes |
| Status of recognised family member …… | No immunity and inviolability |

**Honorary Consular Officer**

| | |
|---|---|
| May be arrested or detained …… | Yes |
| Residences may be entered subject to ordinary procedures …… | Yes |
| May be issued a traffic infringement notice …… | Yes |
| May be subpoenaed as a witness …… | Yes, except for official acts |
| May be prosecuted …… | Yes |
| Status of recognised family member …… | No immunity and inviolability |

With the exception of those on temporary assignment in New Zealand, all the persons in New Zealand listed above will be in possession of an identity card issued by MFAT with their status defined as above. (Refer to Chapter 11.) Those officers on temporary assignment in New Zealand who have been given diplomatic/consular visas will enjoy the immunity applicable to their status.

MFAT reserves the right to review the continued entitlement of an officer enjoying diplomatic and consular immunities who has been living for a substantial period in New Zealand.

## 18.5 Waiver of Immunity

### 18.5.1 Serious Criminal Offences

Consistent with the duty to respect local laws and regulations, the New Zealand Government will expect the sending State to waive the immunity of a foreign representative or accredited family member where a serious crime is alleged to have been committed in order to allow legal proceedings against the individual to be commenced. This expectation is based on recognition that the New Zealand justice system is open, fair and responsible.

For all serious crimes where the New Zealand Police determines in accordance with the Solicitor General's Prosecution Guidelines that a prosecution is warranted and in the public interest and where the alleged offender enjoys immunity from criminal jurisdiction, the Protocol Division of MFAT will request a waiver of immunity from the relevant authority of the sending State (through the Head of Mission) to allow the accused individual to appear in a New Zealand Court and to be sentenced in the event that the individual is found guilty.

Where a serious crime is alleged to have been committed, MFAT may also seek a waiver of immunity from the sending State to enable an individual who holds immunity to be interviewed to determine whether a prosecution should be brought against that individual or to enable that individual to give evidence against another person who is alleged to have committed a serious crime.

For the purposes of these guidelines, a "serious crime" is an offence for which the penalty is a term of imprisonment of 12 months or more. Serious crimes therefore include offences against persons such as murder, manslaughter,

sexual offences, and common assault; certain driving offences such as dangerous driving causing injury; and certain property offences including theft of more than $500.

An individual who is immune from local jurisdiction may not waive their own immunity. Immunity belongs to the sending State, not to the individual, and must be waived by the sending State. Foreign missions are to seek instructions from their sending State before the immunity of any member of a mission is waived. A waiver by the Head of Mission or any person for the time being performing this function shall be deemed to be a waiver by that State.

MFAT will make all efforts to obtain a waiver of immunity where a serious crime has been committed and it is in the public interest to prosecute. However, if a waiver of immunity is refused by the sending State, MFAT will request in writing that the individual be withdrawn by the sending State. The sending State should expect that if the representative is not withdrawn, the individual will be made persona non grata and expelled from the country.

Where a serious crime has been committed by a foreign representative or accredited family member and the individual leaves New Zealand, a request may also be made to the sending State to prosecute the individual on their return to the sending State. This is consistent with the understanding that in the case of serious crimes it is in the interests of justice for the alleged offender to be brought before the court, either in New Zealand or in their home country.

Even where a foreign representative is withdrawn from New Zealand, the New Zealand Police may continue an investigation and lay charges against the foreign representative concerned. Charges may be laid and the case stayed pending any return of the foreign representative to New Zealand. Extradition proceedings may also be instituted.

### 18.5.2 Non-Serious Crimes

Where a crime, which does not meet the threshold of a serious crime, is alleged to have been committed, and where the New Zealand Police considers that prosecution is warranted, MFAT, in consultation with the Police, may also seek a waiver of immunity from the sending State to allow legal proceedings against the individual to be commenced. This may in particular apply where:

(a) the offence relates to domestic violence;

(b) the penalty for the offence is the mandatory disqualification of the individual's driving licence; or

(c) there is a pattern of behaviour committed by the individual which threatens public safety.

### 18.5.3 Non-Criminal Incidents

Sending States may need to consider waiving the immunity of their representatives enjoying diplomatic/consular immunity in non-criminal circumstances, including in order to issue or respond to civil legal proceedings in New Zealand, or when asked by the New Zealand authorities to assist in their investigation or prosecution as a witness. The Ministry encourages sending States to waive immunity to enable civil legal matters to proceed without reference to diplomatic/consular immunity questions. The Ministry may request this bilaterally in individual cases. In all cases, to give effect to a waiver, missions and posts should notify MFAT's Protocol Division of their government's decision to waive immunity.

### 18.6 Sovereign Immunity

Sovereign immunity is intended to protect sovereign countries from prosecution. However, the concept of sovereign immunity is unlikely to be upheld in respect of acts of a commercial nature or activities other than in the exercise of sovereign authority.

In New Zealand, diplomatic immunity is governed by Statute Law (Acts of Parliament) whereas sovereign immunity is governed by Common Law. If necessary, missions and posts should seek legal advice on this issue to establish how the New Zealand courts have treated questions of sovereign immunity in the past.

# 19. Taxation Privileges and Banking

### 19.1 Exemption from Income Tax

In accordance with Articles 34 and 37 of the VCDR and Articles 49 and 66 of the VCCR, members of the staff of a mission or post who qualify for privileges, and members of their officially recognised family members, are exempt from certain classes of income tax on any allowance, salary or other remuneration they receive in their official capacity, and on any private income received from sources outside New Zealand. New Zealand citizens or permanent residents do not qualify for these exemptions.

Nothing in the VCDR or the VCCR affects the liability for New Zealand income tax in respect of income arising from sources in New Zealand. This would include passive income such as interest and dividends, as well as any salary/wage derived by family members who have entered into local private employment.

In respect of interest and dividends, the New Zealand income tax liability also extends to the deduction of Resident Withholding Tax by the person paying the interest or dividends. To ensure the correct rate of withholding tax is deducted, an Inland Revenue Department tax number must be supplied to the person paying the interest or dividend, otherwise a higher 'no declaration' rate will apply. Applying for an Inland Revenue Department tax number will not affect diplomatic or consular status - it simply enables the financial institution to levy the lower of the current New Zealand tax rates. If a double taxation agreement applies between the sending State and New Zealand this will affect tax liabilities (see below).

### 19.2 Double Taxation Agreements

New Zealand's double tax agreements (DTAs) normally include 'tie-breaker' tests that assist in cases where both countries claim tax residence in respect of the same person. This is important because residence plays an important role for determining a person's New Zealand income tax liability.

New Zealand's DTAs also normally specify lower rates of income tax that may be deducted from interest and dividends derived from New Zealand by a non-resident (normally 10% and 15% respectively). If residence is allocated under the tiebreaker rules to New Zealand, full income tax will be imposed on interest and dividends earned. However, if residence is allocated to the other country, New Zealand's income tax will be limited to the lower DTA rate.

### 19.3 Goods and Services Tax (GST)

Since its introduction in 1986, GST has been regarded by the New Zealand Government to be payable by all missions, posts and privileged persons on goods and services purchased in New Zealand.

Only goods and services imported directly by, or on behalf of, a mission, post or privileged person are exempt GST. To be exempt from GST on entry into New Zealand, goods must be clearly identified on all importation and customs documents and accompanied by a certificate from the mission or post stating the goods are being imported by a mission or post for official use or the personal use of a privileged person. Suppliers purchasing imported goods for the diplomatic corps should be advised of this requirement, as refunds of GST are not possible. Refer to Chapter 17 for more details on GST.

### 19.4 GST Registration

Missions and posts are not subject to registration for GST under the Goods and Services Act 1985 or the consequent liability under section 8 of that Act to pay goods and services tax on services they perform.

### 19.5 Summary of Fiscal Privileges

The following is a summary of individual exemption and refunds of duties, taxes and fees available to missions, posts and staff members depending on their diplomatic or consular status:

#### 19.5.1 Missions and Posts

- Exempt from customs duties and GST on all goods imported into New Zealand for the official use of the mission or post;

- exempt from, or entitled to remission of, court and record fees, and registration fees on documents (e.g. agreements, transfer, leases and mortgages) concerning the office building and the land ancillary thereto used for the purposes of the mission or post; and

- entitled to a refund of rates levied by local councils on Chanceries, Official Residences and staff residences based on reciprocity (refer to Chapter 22 for further information).

#### 19.5.2 Diplomatic and Consular Officers

- Exempt from customs duties and GST on their personal effects and goods intended for personal use when entering New Zealand on first arrival, and at any time during the course of the assignment;

- exempt from New Zealand income tax on any allowance, salary or other remuneration they receive in their official capacity, and on any private income received from sources outside New Zealand;

- exempt from customs duties payable under the Customs and Excise Act in respect of wines, spirits, beer, tobacco products and perfumes imported or purchased from licensed suppliers for personal consumption;

- entitled to a refund of motor spirit (petrol) duty;

- exempt from motor registration fees except ACC levies (refer to Chapter 12); and

- exempt from driver's licence fees (refer to Chapter 12).

#### 19.5.3 Administrative and Technical Staff and Consular Employees

- Exempt from customs duties and GST on their personal effects only when imported into New Zealand within six months of the staff member's arrival in New Zealand;

- exempt from New Zealand income tax on any allowance, salary or other remuneration they receive in their official capacity, and on any private income received from sources outside New Zealand;

- exempt from motor registration fees, except ACC levies (refer to Chapter 12); and

- exempt from driver's licence fees (refer to Chapter 12).

19.5.4 Service Staff

- Exempt from New Zealand income tax on the remuneration they receive by reason of their employment in the mission or post.

19.5.5 New Zealand Citizens or Permanent Residents

New Zealand citizens, permanent residents and dual nationals who also hold New Zealand nationality, employed in missions and posts, are not eligible for fiscal privileges.

19.5.6 Honorary Consular Officers

Refer to Chapter 8 for further information.

### 19.6 New Zealand's Anti-Money Laundering and Countering Financing of Terrorism Act 2009

The Ministry has urged New Zealand banks to implement their AML/CFT programmes in a respectful manner vis-à-vis the diplomatic corps. Protocol Division can provide some limited assistance, such as issuing a letter confirming accreditation and official position, should missions request it, but cannot intervene in relationships between financial institutions and their customers.

New Zealand's Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (the AML/CFT Act) seeks to implement recommendations of the Financial Action Task Force (FATF). The FATF Recommendations have been endorsed by over 180 countries and are universally recognised as the international standard for anti-money laundering and countering the financing of terrorism.

The AML/CFT Act requires commercial banks (as "reporting entities") to have internal procedures in place to detect money laundering and terrorist financing, and to manage and mitigate the risk of it occurring. In line with FATF Recommendations 10 and 12, banks must undertake Customer Due Diligence on all customers and Enhanced Customer Due Diligence on Politically Exposed Persons (PEPs).

The New Zealand AML/CFT Act definition of PEP explicitly includes senior foreign representatives, ambassadors, high commissioners, and their immediate family members. This is in line with other international AML regimes and in line with the FATF PEP guidance.

Based on the framework of international expectations and domestic law, commercial banks are legally obliged to seek enhanced due diligence from heads of mission and other senior diplomatic representatives and their respective family members.

Examples of Enhanced Due Diligence measures include:

- Obtaining additional information such as volume of assets, the intended nature of the business relationship, source of funds or source of wealth, and reasons for performed transactions;
- more regular updating of identity verification data;
- requiring approval of senior management to commence or continue the banking relationship.

# 20. Traffic Violations and Immunity

### 20.1 General

The operation of a motor vehicle by anyone in New Zealand, including persons with diplomatic or consular status, is not a right but a privilege. While the vast majority of foreign representatives and accredited family members observe traffic laws and regulations, those driving practices and violations of traffic laws which endanger public safety are of serious concern to the Government of New Zealand.

The New Zealand authorities treat seriously all cases involving violations of traffic and driving laws and regulations, including in respect of motor vehicle registration, licensing and roadworthiness. All staff of missions and posts on assignment in New Zealand are required to comply fully with these laws and regulations. This is in accordance with Article 41 of VCDR and Article 55 of the VCCR which requires all members of the corps to respect the laws and regulations of the receiving state.

The Government of New Zealand instructs its own representatives abroad to conduct themselves with the foregoing expectations in mind. They are explicitly required by the Code of Conduct of MFAT to pay parking fines promptly and to meet their responsibilities in the case of traffic accidents or offences without resting on immunity.

### 20.2 Local Licensing

A motor vehicle is required to be validly licensed at all times; all vehicles are required to hold a valid Warrant of Fitness; all vehicles should be appropriately insured; and it is compulsory for every person to have in their possession while driving a valid driver's licence.

### 20.3 Traffic Offences

Special licence plates issued to accredited foreign representatives do not prohibit a police officer from initiating a traffic stop in a manner consistent with normal police procedures. Accredited persons who have been signalled to stop their vehicle by a police officer should do so and be prepared to present identification to the attending officer, including a valid driver's licence and the Identity Card issued by Protocol Division.

Police, other enforcement officers and parking wardens may issue fines for minor traffic and vehicle related offences where the officer has evidence to support such an action, including for speeding and parking offences. It is expected that parking and speeding fines will be paid by foreign representatives and foreign missions.

Where an individual who is immune from local jurisdiction chooses to contest a ticket before a court, MFAT requires that the relevant mission provides the appropriate waiver of immunity to MFAT in writing.

In cases where personal vehicles are registered to an official address, it is still important to respond appropriately to correspondence from the Police or Ministry of Transport, as delays in responding to such notices may lead to the suspension of driving privileges. It should also be noted that MFAT will not intervene in cases where such measures have been enacted due to outstanding or accumulated fines.

Where a driving offence has been committed which is also a serious crime with a penalty of a term of imprisonment of 12 months or more, the offence will be treated as a serious crime and, if prosecution is warranted, a waiver of immunity will be sought.

For other driving offences which do not meet the threshold of a serious crime, MFAT, in consultation with the New Zealand Police, will determine whether a waiver of immunity should be sought to ensure public safety and to enable prosecution of the individual concerned. In the event that the requested waiver of immunity is declined, MFAT in consultation with Police will seek appropriate alternative remedies to ensure public safety. This may include seeking the withdrawal of the individual concerned.

The Protocol Division does not expect to be asked to intervene with local authorities to seek the cancellation of traffic violation notices. Should a mission/post or an officer wish to contest the facts that form the basis of a particular traffic violation notice, they are invited to raise the matter with the relevant local authorities. The view of the New Zealand authorities is that driving *per se* is not an 'official act' within the meaning of the Vienna Conventions and that traffic violations, including for parking and speeding offences, cannot be regarded as forming part of the performance of official duties, even in the most exceptional circumstances.

### 20.4 Unpaid Fines

If a person fails to pay a fine, the matter will be referred to the Court and acted upon *in absentia,* incurring additional court costs. If, exceptionally, it is the declared intention of a person with immunity not to pay a traffic violation fine, MFAT expects the Head of Mission/Post to provide the Chief of Protocol with a full explanation. Repeated instances may lead to further action.

NB: Should an infringement notice be issued, liability for the offence has been accepted once the fine has been paid, and a subsequent request to have the fine removed from the records will be declined. Should a person wish to file a statutory oath or declaration denying liability for an offence, this must be submitted before any fine is paid.

### 20.5 Parking

All members of the diplomatic and consular community are required to observe parking regulations. Failure to do so can cause inconvenience, traffic disruption and danger to other road users.

#### 20.5.1 Vehicles Parked Unlawfully

Any vehicles (including DC/CC/FC vehicles) that are unlawfully parked or found to be causing obstruction or danger to other road users may be towed away by the Police or a local authority (or their agent). The owners of private car parks have a right to arrange for the removal of cars parked unlawfully on their property. A fee must be paid by the owner of the car before the car can be released.

Diplomatic/consular/administrative and technical staff licensed vehicles are expected to observe the normal rules regarding clearways, "no parking" areas and parking metres. If such vehicles do not observe these rules the competent authorities will issue appropriate traffic infringement notices.

#### 20.5.2 Parking in Wellington

The Wellington City Council, after consultation with MFAT, has provided a number of DC, CC and FC parking spaces around the central city in areas near missions where traffic is dense and kerbside parking is crowded. These parking spaces are provided to enable members of the Corps to make official calls and carry out other official business requiring the use of a vehicle.

No parking places are allocated specifically to individual missions, nor is it intended that these parking places be used as all-day parking.

## 20.6 Breath Testing

Driving a motor vehicle while under the influence of alcohol or drugs is considered to be a very serious offence in New Zealand. Penalties for these types of offences are severe.

Police have the authority to stop any motor vehicle and request the driver to undertake a breath-screening test. Any request to stop by a police officer must be obeyed.

### 20.6.1 Request to Undertake Breath Testing

**Diplomatic/Consular/Official Staff**

A police officer may request the driver of a diplomatic/consular/consular/official staff licensed motor vehicle to undertake a breath-screening test. Drivers who can provide evidence of full diplomatic status by producing a valid identity document may either agree to, or refuse, the police request. However, the view of the New Zealand authorities is that the public image of the country and mission/post concerned will be greatly enhanced if individuals with full diplomatic status agree to breath-screening tests without invoking immunity.

If a breath-screening test is taken and is negative, that is the end of the matter. If a breath-screening test is taken and is positive (i.e. alcohol consumption in excess of the statutory limit), or a breath-screening test is refused, the police authorities are under no obligation to allow the driver to continue to drive if, in their judgement, to do so poses a danger to the public. In the interests of the public and the driver's safety, the police authorities may assist by making arrangements for the driver to get to their destination or a driver may be requested to take an alternative means of transport.

Some missions provide staff who have full diplomatic status with a letter stating the holder is not permitted to undergo breath-screening tests. The Police will recognise such a letter only if the holder is able to independently establish their diplomatic status. Protocol Division should be advised by missions which of their staff hold such letters. If a driver is unable to provide evidence of their status by producing a valid identity document, the police request to submit to a breath-screening test cannot be refused and the police authorities will have no choice but to proceed with this test.

If this initial screening test indicates a reading in excess of the statutory limit, the police may request that the driver submit to an evidential breath test and/or escort the driver to the local police station. They will then arrange for the relevant authorities to be contacted to establish status.

If a person with diplomatic/consular/official status refuses to be breath-tested and there are reasonable grounds for believing that an offence involving driving under the influence of alcohol has been committed, a police report will be provided to MFAT for further action in accordance with New Zealand Government policy on diplomatic immunity.

**Consular Officials**

The policy of MFAT is that consular staff are expected to undergo a breath test if requested by a police officer.

Consular officers, unlike diplomatic officers, have immunity only in respect of acts performed in the exercise of their consular functions. It is the view of the New Zealand authorities that driving a motor vehicle under the influence of alcohol or drugs is outside the scope of consular functions and is not subject to the exercise of immunity.

Failure to comply with a request to undergo a breath test is failure to respect and comply with the law (Article 55 of the VCCR refers). A consular officer, in refusing a breath test, would not be arrested but could be charged and

summonsed to appear before a Court and would be required to appear. The Court would decide whether or not the charge relates to acts outside the official functions.

Family members of consular officers have no immunity and may, if the circumstances warrant, be summonsed, arrested or detained. Honorary Consuls and Consular Employees likewise may also be summonsed, arrested or detained.

### 20.7 Repeat or Serious Traffic Violations

MFAT will inform Heads of Missions/Posts of any serious traffic violations and outstanding fines involving diplomatic/consular/official staff and their family members if advised by authorities.

Anyone who infringes New Zealand traffic laws accrues demerit points, and anyone who accrues 100 demerit points within two (2) years will have their licence suspended for three (3) months.

Repeated offences or serious offences by foreign representatives could result in consideration being given to seeking a waiver of immunity to prosecute, requiring surrender of a driver's licence, and/or cancellation of vehicle registration or possible withdrawal of the individual from New Zealand.

# Diplomatic and Consular Premises

# 21. Diplomatic and Consular Premises

Missions and posts are free to choose accommodation for their chanceries, official residences and staff housing, subject only to currently applicable regulations, and local authority planning procedures where construction is involved. MFAT cannot play any substantive role in locating or securing sites or premises, nor is it able to enter into any reciprocal arrangement for the provision of sites or premises.

The following provisions on procedures for building new premises, purchasing existing properties and renting premises and properties are guidelines for general information only and do not constitute authoritative advice for any specific situation. Missions/posts are strongly advised to engage professional services in purchasing/renting properties/premises.

## 21.1 Building of Premises

In accordance with Article 41 of the VCDR and Article 55 of the VCCR, all missions and posts are subject to local authority building codes and town planning regulations.

Neither MFAT nor any other department or agency of central government has any authority in this field and missions and posts must deal directly, or via their architects/builders, with the relevant local authorities. This is especially so as planning procedures and requirements vary between local authorities.

Information can also be found on the Ministry of Business, Innovation and Employment's (MBIE) website www.building.govt.nz.

## 21.2 Purchasing Property

### 21.2.1 Purchases by the Sending State

Missions and posts wishing to purchase properties should make their own approaches to reputable real estate agents.

Missions and posts wishing to purchase a property for a chancery in a residential area must ensure they meet zoning regulations and obtain written approval from the local city council for use of the property concerned as office premises before purchasing**.**

It is recommended that missions and posts consult with the Dignitary Protection Services of the New Zealand Police before purchasing official premises, for advice on security issues regarding the locality and physical attributes of the property (refer to Chapter 23).

### 21.2.2 Purchases by Individuals

The purchase of properties in New Zealand by officers and their family members is subject to foreign investment regulations. The regulations are set out by the Overseas Investment Office, part of Land Information New Zealand www.linz.govt.nz/overseas-investment. Privileged officers who own their own property are not entitled to a rates refund in relation to that property.

### 21.2.3 Transfer of Ownership

Missions, posts and individuals should engage the services of a reputable legal firm to ensure the proper transfer of ownership of property is carried out in accordance with New Zealand law.

## 21.3 Renting Premises

### 21.3.1 Renting Commercial Property/Chanceries

Missions and posts are free to choose the location for their rented office space. Commercial rental agreements will need to be entered into with the building owner.

Missions and posts seeking to rent space for office use in residential areas are advised to seek written local city council advice on zoning regulations relevant to the property before taking out a lease.

Missions and posts should consult the Dignitary Protection Services of the New Zealand Police for advice on security issues.

### 21.3.2 Renting Residential Property

All prospective residential tenants should ensure they complete formal written rental agreements and receive receipts for all bond money paid. The law requires that a landlord who takes a bond must lodge it with Tenancy Services of MBIE within 23 working days of receiving it. Tenants should also make themselves familiar with the obligations of both the tenants and the landlord in New Zealand.

In New Zealand, Tenancy Services of MBIE provides advice and dispute resolution services for tenants and landlords, including mediation and dispute resolution through the Tenancy Tribunal. Tenancy Services also receives residential tenancy bond moneys and refunds them when lawfully due. Where a mission or an individual who is immune from local jurisdiction chooses to seek dispute resolution through the Tribunal, MFAT requires that the relevant mission provide the appropriate waiver of immunity in writing.

Further advice can be obtained from Tenancy Services www.tenancy.govt.nz.

# 22. Rates

### 22.1 Introduction

All properties, including the properties of missions and posts, are subject to municipal or regional dues and taxes from local authorities known in New Zealand as *rates*.

In accordance with Article 23 of the VCDR and Article 32 of the VCCR, refunds for the non-beneficial portion (i.e. the portion for which no specific services are received in return) of the rates on properties occupied by missions, posts and residences of Heads of Mission and Heads of Post will be granted, whether owned or leased on the basis of reciprocity with the sending state. Refunds of rates payable on the staff residences will not be granted unless there is a reciprocal arrangement with the sending state.

The beneficial portion of the rates, which MFAT will not reimburse, represents payment for 'specific services rendered', includes water, sewerage and refuse disposal. In addition to the water, sewerage and refuse disposal charges above, in some cases MFAT has deemed a further 17.5% of the City Council and Regional Council rates as constituting "other beneficial services". This covers other council expenditure such as footpaths, roads, street cleaning, street lighting, city safety etc. The 17.5% "other beneficial services" provision will also be applied on the basis of reciprocity, i.e. it will be reimbursed to missions/posts of sending states which extend an equivalent privilege to New Zealand missions/posts in their territories.

#### 22.1.1 Unoccupied Property

Rates on bare land or unoccupied diplomatic properties, whether owned or leased by a mission or post, are not refundable. Rates are only refundable on diplomatic and consular properties that are occupied and are being used for the stated purpose of the mission/post.

#### 22.1.2 Properties Owned by a Mission or Post

Rates are refunded once a year. Under this procedure, missions and posts may seek refunds at the end of the rating year, in June, or alternatively they may wish to pay the full year's rates in advance once instalment one is issued, in which case they may seek an immediate refund from MFAT.

When seeking refunds, missions and posts must provide Protocol Division with the following:

(a) the Council Rates invoices;

(b) the receipts for each payment made by the mission or post;

(c) the Council Rates Assessment Notice.

MFAT is unable to refund rates if all the pages of the Rates Assessment Notice are not provided to Protocol Division.

#### 22.1.3 Properties Leased by a Mission or Post

In New Zealand, local body rates are payable by the owner of a leased property, not the occupier of the property.

For missions or posts seeking a rates refund on leased properties – whether occupying a multi-tenanted building or as sole occupancy, where rates are paid separately from a lease agreement, MFAT will require the following to be provided for claiming rates for the financial year:

(a) the Council Rates invoices;

(b) the receipts for each payment made by the mission or post;

(c) the Council Rates Assessment Notice;

(d) a signed statement from the landlord's accountant/building manager identifying the portion of those rates which relate to the leased premises, that is, the metreage of floor area and percentage of net lettable area that relates to the mission or post. This statement should also include the beneficial portion of water and sewerage in the rates.

Where missions or posts lease properties – whether occupying a multi-tenanted building or as sole occupant, where rates are included in a lease agreement, MFAT strongly encourages the mission or post to arrange for their rates to be paid separately from the lease agreement. However, where rates are included in a lease agreement MFAT will require the following to be provided for claiming rates for the financial year:

(a) a copy of the Council Rates invoices addressed to the landlord;

(b) a copy of the Council Rates Assessment Notice addressed to the landlord;

(c) a signed statement from the landlord's accountant/building manager identifying the portion of those rates which relate to the leased premises, that is, the metreage of floor area and percentage of net lettable area that relates to the mission or post. This statement should also include the beneficial portion of water and sewerage in the rates.

For missions and posts seeking a refund of rates for leased properties, rates will continue to be refunded annually at the end of the rating year (1 July – 30 June).

#### 22.1.4 Late Refund Requests and Penalties

Rates refunds are required to be made in the financial year in which they fall due, so missions and posts are asked to ensure that requests for refunds are submitted at the end of the rating year. Refund requests should be received by 30 September each year. Late requests may be considered on a case-by-case basis, and are not guaranteed to be processed.

Requests for refunds for previous years will only be considered in exceptional circumstances.

It should be noted that local authorities are empowered to impose a 10% penalty on rates unpaid by a certain date. The date is shown on each demand notice. Penalties incurred will not be refunded by MFAT.

# 23. Security and Protection

### 23.1 Inviolability of Diplomatic Premises

The diplomatic premises of a mission in New Zealand are inviolable in accordance with the provisions of the VCDR. The parts of the consular premises that are used exclusively for the consular function also enjoy limited inviolability as per the VCCR. This does not mean, however, that such premises are sovereign territory of the sending state – a common misapprehension. Any representative of the New Zealand authorities, including the Police, must have the express permission of the Heads of Mission/Post to enter diplomatic/consular premises. Heads of Mission are expected to permit access to premises expeditiously in exceptional circumstances, for instance, in the event of emergency such as fire, a civil disaster, a terrorist threat or similar occurrence. Heads of Post's consent is assumed in such emergencies. In all cases, the relevant New Zealand authorities will act in close consultation with the Heads of Mission/Post, taking account of VCDR/VCCR provisions.

Missions and posts should themselves take appropriate measures to ensure their chanceries and staff houses are adequately protected against fire, burglary and other standard risks.

### 23.2 Police Dignitary Protection Services

New Zealand's responsibility to ensure the security and protection of diplomatic/consular premises is discharged by Dignitary Protection Services (DPS) of the New Zealand Police. DPS maintains regular contact with each mission/post, and the Inspector in Charge and their staff are available to discuss both specific and general security concerns with senior members of any mission/post.

### 23.3 Protection of Personnel and Premises

Should a mission or post have a reason to believe that the security, peace or dignity of the mission, post, or one of its personnel is likely to come under threat, the mission or post should inform Protocol Division and DPS as soon as possible. In an emergency, missions/posts should call 111. The Chief of Protocol and DPS can be contacted outside normal business hours if necessary.

Requests for protection should state the nature of the threat, the method by which the threat was conveyed and other relevant information. They may also include suggestions on measures that could reasonably be taken in response to the situation.

Once notified, Protocol Division, in consultation with other relevant authorities, may obtain an assessment of the threat and, as necessary, authorise the relevant law enforcement authority to take action appropriate to the nature of the threat.

Protocol Division will inform the mission or post concerned of the protective measures being provided. It will also, in conjunction with DPS, monitor the effectiveness of such measures and consider the eventual relaxation or removal of the protective measures in consultation with the mission/post.

### 23.4 Ownership of Firearms

No one is permitted to possess a firearm or restricted weapon in New Zealand except for a lawful, proper and sufficient purpose and unless they are the holder of a Firearms Licence issued by the New Zealand Police.

The New Zealand Arms Act 1983 requires that no person may import a firearm or restricted weapon into New Zealand without an appropriate licence and permit issued by Te Tari Pūreke – Firearms Safety Authority, a business unit of the New Zealand Police.

Te Tari Pūreke – Firearms Safety Authority can provide advice on firearms licensing. More information can be found here Te Tari Pūreke | Firearms Safety Authority.

Carriage of firearms for self-protection or for security purposes is not a sufficient reason to justify issuance of a firearms licence.

It is contrary to New Zealand law for firearms or ammunition to be carried in the passenger compartment of any commercial passenger aircraft entering, leaving or flying within New Zealand. If a firearm is to be carried on an aircraft it should be declared to airline officials before boarding and will be held under secure storage in the aircraft hold.

Any misuse of a firearm by a member of a mission or post will result in an immediate request for that individual's departure from New Zealand.

### 23.5 Carriage of Firearms by Foreign Security Personnel

The New Zealand Police assume responsibility for the security of visiting foreign dignitaries. Bodyguards, or other personnel, accompanying visiting dignitaries will not be permitted to carry firearms or other weapons while in New Zealand. There can be no exceptions to this rule. If arms are carried to New Zealand, they must be surrendered immediately on arrival and will be held in safekeeping by the Police until they are returned on departure.

# 24. Radio Transmitters and Satellite Receivers

### 24.1 Installation of Radio Transmitters

Missions and posts are not permitted to install radio transmitters without the permission of the receiving State, as per Article 27 of the VCDR.

It is New Zealand practice to notify consent for communication transmitters by the issue of a licence, which contains the conditions observed. Radio Spectrum Management in the Ministry of Business, Innovation and Employment (MBIE) issues the licence.

Missions and posts wishing to install any type of radio transmitter must first apply via Third Person Note to Protocol Division. Missions and posts may also wish to consult Dignitary Protection Services and MBIE to seek informal guidance on technical matters. However, requests for licences may not be made without first seeking written approval through Protocol Division. The formal request should indicate the following:

- the willingness of the sending State to permit the installation of a transmitter in New Zealand's mission or post in that country on a reciprocal basis;
- the type of emission, power, bandwidth, frequencies and equipment type which will be used; and
- an undertaking that any physical constraints or planning requirements of relevant local authorities will be met, in particular those applicable to the installation of aerials and satellite dishes.

Following the necessary consultations, Protocol Division will refer the mission or post concerned to the Radio Spectrum Management of MBIE for completion of technical requirements and the issue of the licence.

Missions and posts installing transmitters must ensure that tradespeople installing such equipment are aware that MFAT and MBIE must have been consulted on the installation in advance.

### 24.2 Installation of Satellite Receiving Dishes

Where a mission or post intends to install a satellite-receiving dish, Protocol Division should be informed before installation. Local council approval may be required and approval should not be assumed.

# Airport

# 25. International Airport Facilitation for Official Visitors

Diplomatic Missions and Consular Posts should contact Protocol Division when seeking approval to facilitate official visitors at New Zealand's international airports.

### 25.1 International Airport Access

Diplomatic/consular staff resident in New Zealand who are required to meet official visitors arriving on international flights may be authorised to access the secure areas of the international terminals at Auckland, Wellington, Christchurch, or Queenstown. Access to the border secure areas of New Zealand international airport terminals is restricted in compliance with New Zealand Civil Aviation Rules and international airport security requirements. Access on board an aircraft is not permitted under any circumstances.

Approval will be given for diplomatic/consular staff to facilitate their visitors who are entering New Zealand for official business purposes. Official purposes includes the first-time arrival of a diplomat and their family in New Zealand and final departure from New Zealand at the end of a posting.

Under New Zealand immigration law, visitors en route to another country temporarily in the transit area in Auckland, have not entered New Zealand. The transit area is a Customs-controlled, airside security area and it is therefore not possible for diplomatic/consular staff to enter this area to meet visitors. Visitors must clear immigration and customs (i.e. enter New Zealand) for diplomatic/consular staff to meet with them.

Diplomatic/consular staff who are approved to meet an official visitor within the secure area of the airport are not permitted to take in food, flowers and other biosecurity risk goods. In this regard, it is advisable to not carry handbags/bags into the border control area.

### 25.2 International Airport Facilitation

Requests to facilitate official visitors at the airport should be submitted to Protocol Division on an MFA 612 form "Request to Approve Airport Access by Foreign Diplomatic or Consular Officers" at least three full working days in advance of arrival so that the relevant airport authorities can be advised. The request is to enable up to two diplomatic/consular staff members only access to secure areas of the airport to meet and farewell official visitors. When approved, a copy of the airport form will be sent back to the mission or post. If less than three full working days' notice is given, requests may not be approved.

Diplomatic/consular staff members can only facilitate a visit if they hold a permanent Airport Identity Card (AIC). Staff holding a temporary AIC may facilitate only if accompanied by a permanent AIC holder (see para 25.3). When greeting official visitors, authorised diplomatic/consular staff should proceed to the following areas at Auckland, Wellington, Christchurch, or Queenstown airports. The approved airport facilitation form, diplomatic/consular ID card and clearly-visible airport identity card (see 24.3 below), should be carried at all times and produced on request.

Auckland: For arriving international passengers, authorised staff should enter the international terminal via door 7 and take lift 3 to the mezzanine level, where a Customs officer can be contacted to escort authorised staff to the arrivals passport control area. For departing international passengers, authorised staff should proceed through passport control and Aviation Security Screening via the regular passenger pathways.

Wellington: Authorised staff should proceed to the international arrivals area and use the telephone at the door to gain access. Staff should make themselves known to the airport officials and then proceed to the primary line at the immigration processing desks, and make themselves known to the Customs/Immigration duty officer.

Christchurch: Authorised staff should proceed to the departure point and make themselves known to the airport officials.

Queenstown: Contact Protocol Division regarding access to Queenstown Airport.

### 25.3 Airport Identity Cards

The New Zealand Aviation Security Service (Avsec) operates an airport photo identity card system to enable access into the secure areas of the international airports in New Zealand. All diplomatic and consular staff wishing to enter the secure area of an airport will need to obtain an individualised photo airport identity card (AIC). AIC holders must only enter airside for work purposes.

An AIC must be clearly displayed on the front of an outer garment at all times while in the border controlled areas of the airports. MFAT-issued identity cards and the MFA 612 form must also be on the individual's person.

To apply for an AIC the diplomatic mission or consular post must first register as an organisation with Avsec directly. Avsec will assist missions and posts to become registered organisations via an online system.
Permanent airport identity cards | aviation.govt.nz

As part of the process the mission/post will be asked to identify a least one person who will coordinate AIC applications for any or all of its accredited diplomatic and consular staff. There is no restriction on the number of cards per mission/post, but applicants must hold an MFAT-issued identity card.

A fee is charged by Aviation Security per card issued. The card will be issued to the expiry date of the diplomatic, consular or official visa. It is the responsibility of the mission/post administration to ensure cards are returned to Avsec at the end of a staff member's posting. Avsec have asked that cards are returned by courier to their Auckland office: AIC Cards, CAA Base, 6 Cyril Kay Road, Auckland 2022.

### 25.4 Airport Identity Cards – Honorary Consuls

Honorary Consuls are not eligible for airport identity cards that are issued to the missions and posts. Instead, Honorary Consuls who are required to meet official visitors from the sending state can apply for a permanent AIC after going through a vetting process. A fee is charged by Aviation Security - the card is valid for three years. Honorary Consuls wishing to apply for this card can do so directly with the Aviation Security Service via their website www.avsec.govt.nz/sector/industry/aic/.

Honorary Consuls who do not have a permanent AIC can apply for a temporary card, however they must always be accompanied by a permanent card holder throughout the secure area of the airport. Information regarding temporary airport identity cards is on the Aviation Security Service's website www.avsec.govt.nz/sector/industry/aic/.

### 25.5 Domestic Flights

Facilitation approval is not required for domestic flights and the greeting or farewelling of visitors at domestic arrival or departure terminals can take place in the public areas.

### 25.6 Airport Parking Facilities

Wellington

Special parking facilities (two carparks) are provided at Wellington International Airport for Missions' DC and FC registered vehicles to use when diplomats are meeting official visitors. These carparks are not available for private purposes. These carparks are for short-term use only (60 minutes).

Missions are required to comply with the airport company regulations at all times while parking at and transiting through these areas. Missions are not permitted to park or drive through the taxi lane on the ground level. Members of the corps are required to pay the standard parking fees when using the public car parking facilities.

Auckland

Special parking facilities (two carparks) are provided at Auckland International Airport for Consular Posts' CC registered vehicles to use when Consular officers are meeting official visitors. The special facilities are not available for private purposes. These carparks are for short-term use only (60 minutes).

Members of the Consular Corps are required to pay the standard parking fees when using the public car parking facilities. Consular Posts are required to comply with the airport company regulations at all times while parked in and transiting through these areas.

Christchurch

There are no special airport parking facilities available in Christchurch.

# 26. Diplomatic Bags and Couriers

The New Zealand Government attaches importance to the full observance of Article 27 of the VCDR and Article 35 of the VCCR covering communications, diplomatic/consular bags and diplomatic/consular couriers. Protocol Division is at all times willing to discuss with missions and posts any problems that may arise in this area.

### 26.1 Diplomatic Bags

In order to ensure that diplomatic bags are not opened or detained, the items constituting the diplomatic bag must be sealed**,** clearly marked as a diplomatic bag**,** and marked with an identification number or mark corresponding to that stated in the official document. All other mails and parcels addressed to the Missions/Posts and/or diplomatic/consular officers will be regarded as 'normal' mail.

If on inspection of the document there are any reasonable grounds for doubting the identity of the courier or legality of the contents of the diplomatic bag, it may be subjected to x-ray checks. If there are serious grounds to believe that a consular bag contains something other than the official correspondence, the New Zealand border authorities may request that the bag be opened in the presence of an authorised representative of the Post, or return the bag to its place of origin.

Any use of a diplomatic/consular bag or courier to import or export firearms, narcotic drugs or other items which would contravene New Zealand laws, would be regarded with the utmost seriousness.

Missions and posts are reminded of Article 41(1) of the VCDR and Article 55(1) of the VCCR on their obligation to comply with customs and quarantine requirements relating to the import and export of certain animals, plants and goods.

### 26.2 Tarmac Access

A mission or post should contact Protocol Division when seeking tarmac access using MFA612 in the first instance. Protocol Division will liaise with the Aviation Security Service and the mission/post on arrangements for tarmac access. Staff involved in this duty must comply with airport safety requirements at all times. High-visibility vests must be worn by all persons on the tarmac. These may be purchased from safety equipment suppliers.

### 26.3 Diplomatic Couriers

The correct and expeditious movement of diplomatic couriers and bags will be facilitated if they have proper identification and documentation. In accordance with aviation security requirements, couriers and their personal baggage are subject to normal security screening procedures.

# Visits, Ceremonies and Events

# 27. Official Visits to New Zealand

### 27.1 Introduction

For the majority of high-level visits MFAT will be the lead policy agency on the New Zealand side, other departments may be involved and there may be some specialised visits where it makes sense for another department to lead. At the outset, however, communications about a visit should be between missions/posts and the appropriate regional or functional division of MFAT. New Zealand missions and posts in other jurisdictions will often also have an important role.

### 27.2 Guest of Government Visits

For the highest levels of visitors (Heads of State, Heads of Government and senior Ministers) the New Zealand Government will normally accord 'Guest of Government' status. For this category of visit, two key New Zealand agencies will be involved – MFAT and the Visits and Ceremonial Office (VCO) in the Department of Internal Affairs. While MFAT leads on the substance and outcomes of visits, VCO has responsibility for all the practical arrangements of a visit - programming, travel, accommodation, hospitality and transport.

In the case of visits by Heads of State and Heads of Government, and some other very high ranking visitors, a senior MFAT official (usually the Chief of Protocol) will chair the planning process for the visit, which will include relevant officers in MFAT, VCO and other government agencies, including Ministers' offices, Government House, Police and the Defence Force. The appropriate staff of missions and posts accredited to New Zealand will, of course, also have a key role in this planning process. The Chief of Protocol, and in some cases the relevant New Zealand Head of Mission, will act as escort for these top level visitors and VCO will designate a visit lead to oversee all planning and operations. Other senior New Zealand officials will also participate as appropriate.

For visits which are accorded Guest of Government status, the New Zealand Government will meet certain costs. The entitlements and allocation of costs is determined by the status of the visitor and will be advised to the sending state once the visit is formally approved.

New Zealand Police will provide security for Guest of Government visitors. The level and nature of the security provided will be determined by New Zealand Police on the basis of security requirements rather than protocol expectations.

For Guest of Government visitors of a lower rank and Partial Guest of Government visitors, the relevant Regional Division and/or a VCO visit lead will coordinate the visit. Protocol Division will maintain a watching brief for this level of visitor and again missions and posts will be key players.

The VCO's Operating Guidelines are available online at Visits and Ceremonial Events - dia.govt.nz.

### 27.3 Other Official Visits

There are also a large number of visits to New Zealand by foreign government officials, senior advisers, politicians, academics, media representatives and government, business, trade and parliamentary delegations. While some visits are at the invitation of MFAT or other Government Departments, many are initiated and sometimes funded by the sending state, or by the delegation or individual visitor. Missions and posts will often have a more central role in the organisation and running of such visits, they will also work closely with the relevant divisions of MFAT, in

particular with regard to access to the New Zealand Government system including, where appropriate, New Zealand Ministers.

For all practical information on official visits, the relevant regional division at MFAT is to be the first point of contact.

# 28. National Day Celebrations

### 28.1 National Day Receptions

Missions must notify the Protocol Division by Third Person Note, well in advance, of the date, time and venue proposed for a National Day reception. On advice of a National Day, the Ministry will organise for a senior official from MFAT to deliver a toast on behalf of the New Zealand Government. It is no longer the practice for Ministers of the Crown to speak at National Days. A New Zealand Government representative may not be available when National Day celebrations are held during the weekend and on public holidays.

Missions are free to arrange the programme of formalities for their National Day reception in whatever form they wish, or to have no formalities if that is their choice. If there are to be no formalities this should be notified in the original Third Person Note to the Protocol Division.

A commonly used order of the event is as follows:

- Toast, or short speech by the host Head of Mission ending with a toast, to 'His Majesty The King Charles III, King of New Zealand' (and the 'Government and people of New Zealand' – optional).
- National Anthem of New Zealand (recorded or performed live depending on the mission's preference).
- Reply toast by the New Zealand Government representative to the Head of State of the host country.
- National Anthem of the host country (live or recorded, as above).

Some missions may elect to play both of the National Anthems (New Zealand's followed by the host country anthem) prior to the exchange of speeches and toasts. This is entirely a matter of the host country preference.

For an instrumental version of the New Zealand National Anthem, one verse is sufficient but if a sung version is used, the first verse is normally performed twice, first in Māori and then in English.

### 28.2 Waitangi Day

Heads of Mission may be invited to attend the official celebration of New Zealand's National Day, Waitangi Day, hosted by the Governor-General. Protocol Division will liaise with missions well in advance on all arrangements for this event.

### 28.3 Congratulatory Messages

The New Zealand Government does not expect to receive congratulatory messages on the occasion of Waitangi Day nor does it follow the practice of sending such messages on the occasion of other countries' National Days. However, any congratulatory messages countries do choose to address to the Governor-General or the New Zealand Government should, in the first instance, be sent to Protocol Division via email: Protocol@mfat.govt.nz

# 29. Flags and New Zealand Coat of Arms

### 29.1 Flying the New Zealand Flag

The Ministry for Culture and Heritage is responsible for establishing flag protocols, including precedence rules and approved days to fly the New Zealand national flag. Information about the New Zealand flag, including itshistory and symbolism, can be found on its website www.mch.govt.nz**.**

The New Zealand flag is flown on any day of the year, but particularly on days of national commemoration, such as Anzac Day.

Traditionally, the flag is raised first thing in the morning and lowered at sunset. Except when flown with royal or vice-regal flags, the New Zealand flag is given the position of honour in New Zealand. When the New Zealand flag is flown with the flags of other nations, each flag should be the same size and should fly from a separate flagpole of the same height.

New Zealand flags and flags of other nations can be sourced from local manufacturers.

### 29.2 Foreign Flags

Heads of Mission and Posts are entitled to fly their national flag at their residence and the premises of their mission/post at all times.

### 29.3 Flying of National Flag Pennants on Cars

Heads of Mission and Posts are entitled to fly their national flag on their official car, although many choose to do so only on formal occasions. The Corps and/or individual missions determine actual practice.

### 29.4 New Zealand Coat of Arms

The New Zealand Coat of Arms is used on a variety of official documents and papers. The use of the New Zealand Coat of Arms is restricted to Government. It may not be used by private individuals or organisations.

Information on the symbolism of the New Zealand Coat of Arms can be found on the Ministry for Culture and Heritage website at www.mch.govt.nz.

# 30. New Zealand National Anthem

New Zealand has two national anthems of equal standing – **'God Defend New Zealand'** and **'God Save the King**.'

### 30.1 Protocol for using New Zealand's National Anthems

The following practice is observed when using the National Anthems:

'God Save the King' is used at any formal occasion where His Majesty The King Charles III, or a member of the Royal Family, or the Governor-General is officially present, or when loyalty to the Crown is to be emphasised. On all other occasions 'God Defend New Zealand' is used.

Both anthems may be presented at the same occasion, but the normal situation will be for one or the other to be played or performed as appropriate to the occasion.

There are no set guidelines when performing 'God Defend New Zealand' in both English and Māori. Either version can be sung in any order. However, when singing the first verse in Māori it is practice to repeat the same verse in English.

Further details on the history of New Zealand's National Anthems can be found on the Ministry for Culture and Heritage website at www.mch.govt.nz.

### 30.2 Foreign National Anthems

It is accepted practice for the relevant foreign national anthem to be played at a National Day Celebration or on other appropriate occasions.

# 31. Honours and Awards

### 31.1 Rules for conferring honours on NZ citizens

If a foreign government is considering conferring an honour on a New Zealand citizen, prior approval must be sought from the New Zealand Government. The government of the country proposing to confer the honour must submit a Third Person Note to Protocol Division for onpassing to the Honours Secretariat seeking the approval of the New Zealand Government. The Third Person Note must contain the following information:

- full name(s) and address(es) of recipient(s);
- name of the proposed honour (and level); and
- precise reasons for the proposed honour.

Each request will be considered on a case by case basis. The fact that a similar application has been approved in the past should not be taken as implying that permission will be granted in a subsequent case. The Honours Unit will issue a "notification" for each approval granted by the Governor-General and Prime Minister, and this notification will be passed via Third Person Note to the requesting country by Protocol Division of MFAT.

Approval must be obtained before the conferring of an award may be announced.

Officials in the public service of the Crown are usually not able to accept foreign awards. Foreign missions should contact Protocol Division as soon as possible for advice. Email: Protocol@mfat.govt.nz

## 32. Overseas Elections

Occasionally a mission or post may need to hold foreign elections in New Zealand for its citizens residing in New Zealand. The mission or post should send a Third Person Note to Protocol Division requesting permission to hold elections in New Zealand at least one month in advance of the election. The mission or post should advise the dates, times and location of the voting booths.

Protocol Division will respond with a Third Person Note giving approval for elections to be held. Protocol Division will advise the Chief Electoral Office and the Dignitary Protection Services for their information.

Diplomatic visas are not issued to visitors who are supporting/delivering foreign elections in New Zealand. Visitors would need to make an application with Immigration New Zealand for an appropriate visa.

# Civil Defence and Emergency Planning

# 33. Civil Defence and Emergency Planning

## 33.1 Background

New Zealand is prone to earthquakes, tsunamis, volcanic activity, storms, floods, landslides, and coastal erosion that, along with other events such as infrastructure failure, a pandemic or terrorism, have the potential to cause community wide emergencies at any time. More information on the 17 key hazards affecting New Zealand and how the risks they pose are managed on a daily basis can be found in the National Hazardscape Report. http://www.civildefence.govt.nz/resources/national-hazardscape-report/

## 33.2 New Zealand's Civil Defence Emergency Management (CDEM) Arrangements

### 33.2.1 National Arrangements

The National Emergency Management Agency (NEMA) is the Government lead for emergency management. An emergency requiring national level support is coordinated from the National Crisis Management Centre (NCMC), located in the sub-basement of the Executive Wing of Parliament (the Beehive).

The framework within which New Zealand prepares for, deals with, and recovers from local, regional and national emergencies is managed under the Civil Defence Emergency Management (CDEM) Act 2002. The Minister for Emergency Management is the responsible Minister.

Under the CDEM Act, a state of emergency may be declared for a set period of time over the whole of New Zealand or within a defined area affected by an event. The purpose of a state of emergency is to enable a coordinated and effective response. It is led by an official known as the Controller who has extraordinary powers under the CDEM Act to require and direct operations. A national state of emergency is declared by the Minister and led by the National Controller. A local state of emergency, for example within Wellington City or Wellington Region, can be declared by a local government politician and is led by a Local or Civil Defence Emergency Management (CDEM) Group Controller. The key difference is that a national state of emergency is a situation in which the scale of the event is beyond the capabilities of a local CDEM Group to manage alone, and most likely requires additional assistance from across national and international sources.

The Government has recently introduced an Emergency Management Bill to replace the CDEM Act 2002: Emergency Management Bill » National Emergency Management Agency (civildefence.govt.nz). When passed, the Emergency Management Bill will create the new legal framework within which New Zealand can prepare for, deal with, and recover from local, regional and national emergencies. The Bill is not a fundamental transformation of the emergency management system, but instead makes some practical improvements to ensure the system can meet current and future

Some of the key measures in the Bill include:

- clarifying roles and responsibilities across the sector
- recognising and enhancing the role of Māori in emergency management
- enabling equitable outcomes for communities disproportionately impacted by emergencies
- enhancing the resilience and accountability of critical infrastructure
- modernising the legislative design, including establishing a more responsive regulatory framework for setting standards.

The Bill carries over much of the existing law. For example, it continues the current arrangements for when a state of emergency can be declared and who can make the declaration. The Bill also specifies who can give notice of a transition period to support recovery after an emergency. A state of emergency or transition period provides an Emergency Management Committee access to powers that would not normally be available. The emergency powers specified in the Emergency Management Bill remain the same as in Civil Defence Emergency Management Act 2002. Read more about what the Bill does: Emergency Management Bill overview of proposed changes

### 33.2.2 National Planning

The CDEM Act requires a National Civil Defence Emergency Management Plan - https://www.civildefence.govt.nz/cdem-sector/plans-and-strategies/national-civil-defence-emergency-management-plan-and-guide/which sets out the arrangements for managing, at the national level, hazards and risks that may result in an emergency. It also sets out the roles and responsibilities of everyone involved in preparing for, responding to, and recovering from emergencies. Most notably the National Plan specifies the roles and responsibilities of central and local government, lifeline utilities, emergency services, New Zealand Defence Force, non-government agencies, and science and research organisations.

The National Plan is functionally-based and focuses on the consequences of an emergency, rather than the type of emergency. It addresses all hazards, including reference to, and detail on, the 17 classes of hazards that are outlined in National Hazardscape Report. Each class of hazard has a lead agency and support agencies identified which are responsible for preparing for, and managing an emergency.

The National Plan is supported by the Guide to the National CDEM Plan (providing operational arrangements), three national supporting plans issued by the Director of CDEM, NEMA Director's Guidelines, standard operating procedures (SOPs), and agency-specific plans.

### 33.2.3 Local and Regional Arrangements

The majority of emergency situations in New Zealand are local events that are managed by the emergency services and local government authorities. To plan for such events, local authorities are required to form a CDEM Group that are based on regional areas. There are currently 16 CDEM Groups across New Zealand.

Each CDEM Group is required to prepare a CDEM Group Plan outlining arrangements for managing the specific risks and potential emergencies within its area. In addition to local authorities and emergency services, the critical lifeline utilities, government agencies and NGOs operating locally are also involved in this planning.

In a local emergency, the local authority responsible for the affected area coordinates managing the emergency with oversight support from its CDEM Group. In an event affecting more than one district or that is beyond a local authority's capability to manage alone, then the CDEM Group will coordinate management by each local authority and response partners across all districts. In any of the above situations, a local state of emergency may be declared if necessary.

## 33.3 Diplomatic Missions and Consular Posts' Emergency Planning

### 33.3.1 Mission and post emergency planning

Missions and posts should have in place their own resilience, response, and recovery plans to deal with an emergency. These emergency plans can be a subset of broader Business Continuity Management (BCM) planning undertaken to address a wider set of risks that can impact negatively on an organisation's goals and functions. Response and recovery plans and procedures are best frequently tested and updated to ensure all current staff are well practiced in understanding of their roles, responsibilities and procedures ahead of any emergency. Planning should ensure that all staff understand 'stay put' and evacuation procedures at their place of work, that sufficient staff have first aid and rescue training experience, and that emergency supplies and rescue equipment are maintained in the workplace.

MFAT will, where practicable, connect missions and posts with support and advice for their efforts to reduce their risks from hazards and to respond and recover from an emergency. Protocol Division can direct missions and posts to the relevant authorities (e.g. Wellington City Council, Wellington Region Emergency Management Office, WREMO) and to useful websites. To assist missions and posts with business continuity planning, emergency management procedures and disaster recovery, resources are available from:

**Wellington City Council Emergency Management Office**
Website: wellington.govt.nz/about-wellington/emergency-management
Email: wremo@wcc.govt.nz

**National Emergency Management Agency**
Email: emergency.management@nema.govt.nz
Website: www.civildefence.govt.nz

### 33.3.2 Preparation of Staff and Families

MFAT recommends that soon after their arrival, all new staff are directed to the Civil Defence Emergency Management websites www.civildefence.govt.nz and www.getthru.govt.nz to obtain useful information for preparing their family and home for an emergency. For example, family members should have a plan about how they are to meet up when in different locations and where they may gain assistance from a Civil Defence Centre near their home.

In the event of an emergency, it may be many hours or days before essential assistance and services are available. Members of the Diplomatic and Consular Corps, like other New Zealanders affected, will be expected to be self-sufficient for a minimum of three days. This means ensuring sufficient supplies of food and water, first aid kits and essential medicines to cope until the city or area in which they reside or work returns to some form of normality.

## 33.4 Consular Responsibilities of Missions and Posts

Missions and posts will also need to give consideration in their planning procedures on how they will fulfil their consular responsibilities to their own nationals in the event of a disaster. In an emergency the Protocol Division will

act as a liaison point for missions and posts with the New Zealand authorities, in regard to meeting their consular responsibilities.

### 33.4.1 Restoring Family Links Website

Following a significant civil defence event, New Zealand Police will ask the public to use all available communications available to ascertain the well-being of people believed to be affected by the event. These may include cellphones, email, text messaging, twitter, facebook, and other social media.

Should the event be significant, Police may also activate the New Zealand *Restoring Family Links* webpage (hosted by the International Committee of the Red Cross) or a dedicated 105 Police Non-Emergency webform. Both the webpage and webform will provide a mechanism for individuals to register someone as missing, or themselves as 'I am alive'.

MFAT will advise posts of the appropriate website or webform once activated. We encourage posts and missions to register concern for nationals on this site once all other available communications have been exhausted.

### 33.4.2 Immediate Period Following a CDEM Event

The first 72 hours following a significant CDEM event will be the most critical. Emergency services priority during this time will be to preserve and protect life. Given this absolute priority, it is likely that the responding agencies will be unable to assist to locate missing nationals until life-saving efforts have been exhausted. While every endeavour will be made to provide accurate information on nationals as expeditiously as possible, we request the cooperation of the corps to allow for preservation of life to take precedence.

## 33.5 Response in an Emergency

### 33.5.1 Functions of MFAT

In a national state of emergency or emergency of national significance, MFAT will play a role in the National Crisis Management Centre and may establish its own Emergency Coordination Centre.

Protocol Division will assume responsibility in an emergency to act as the principal channel from the New Zealand authorities to missions and posts for authoritative information on all aspects of an emergency situation. Practical measures will include:

- Maintaining a contact list of diplomatic and consular staff members with emergency responsibilities in each mission or post; **NB: Missions and Posts need to provide Protocol Division with regularly updated information regarding relevant staff changes.**

- Making contact as soon as possible and practicable following a disaster or emergency, with all missions and posts, to establish the welfare of staff and their support needs.

- Maintaining a flow of authoritative information to missions and posts during an emergency, by direct contact or through group briefings, depending on the circumstances.

- Providing an all hours point of contact, to which missions and posts should direct any enquiries.

In the event that MFAT's head office building is rendered non-operational, alternative temporary premises may be identified either within Wellington or in another centre.

The Ministry has established a dedicated email address for the diplomatic corps to communicate with the Ministry in such an event. Posts and missions should use **dom.operations@mfat.govt.nz**

This email address can be accessed by MFAT staff both at the Ministry's ECC (if operational), or remotely if there is damage to the Ministry's main premises at HSBC tower on Lambton Quay.

### 33.5.2 Communications

National and international communication links may be out of action for several hours, or at worst for several days, depending on the severity of the emergency. In the event of an emergency, radio broadcasts will be a valuable source of information to the community at large. Missions, posts and their staff should always ensure that they have readily available battery-operated radios.

Missions and posts may also wish to consider how they might communicate with their staff and families, following an emergency. For example, some key personnel might require access to two-way radios and/or satellite phones. Some missions and posts may have in place stand-alone emergency communications equipment that could be used in the event of an emergency.

Depending on the magnitude of the emergency and the state of national communications systems, MFAT staff, and agencies such as the Dignitary Protection Services of the NZ Police, will endeavour, by the most appropriate means possible, to communicate with each mission and post as quickly as possible to ascertain the welfare of staff and families and possible support needs.

# Diplomatic clearances for aircraft and vessels



# 34. Diplomatic Clearances For Aircraft and Vessels

### 34.1 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987

For any foreign military vessel to enter the internal waters of New Zealand or for a foreign military aircraft to land in New Zealand, Ministry of Foreign Affairs and Trade officials conduct an assessment of the capability of the vessel or aircraft, including any nuclear capabilities.

The Prime Minister may only grant approval for the entry into the internal waters of New Zealand by foreign warships or to the landing in New Zealand by any foreign military aircraft if the Prime Minister is satisfied that they will not be carrying any nuclear explosive device when it lands in New Zealand. Ships whose propulsion is wholly or partially dependent on nuclear power are not permitted to enter New Zealand's internal waters.

The above points relate to Sections (9), (10), and (11) of the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 (the Act).

### 34.2 Aircraft

Diplomatic clearance is required from the New Zealand Government for all State and Military aircraft visiting New Zealand. This applies to all State and Military aircraft undertaking activities that are governmental in character (i.e. not commercial activities).

All diplomatic clearance requests should be sent under a Third Person Note requesting clearance to: diplomatic.clearance@mfat.govt.nz

Six (6) weeks prior notice is required for all incoming aircraft and vessels.

#### 34.2.1 Military Aircraft

Military aircraft landing in or overflying New Zealand require diplomatic clearance.

#### 34.2.2 Non-military (State) Aircraft

Non-military (State) aircraft landing in New Zealand require diplomatic clearance.

Non-military (State) aircraft overflying New Zealand do not require diplomatic clearance. Airways Corporation advises its only requirement is for the flight to be flight planned correctly as per the International Civil Aviation Organisation format. Specific approval from Airways would only be required if the aircraft was non-RSVM (reduced vertical separation minimum) and looking to operate within the RVSM stratum (between 29,000 and 41,000 feet).

#### 34.2.3 Process for Requesting Diplomatic Clearance for Aircraft

Please send the following forms to diplomatic.clearance@mfat.govt.nz:

- Third Person Note requesting clearance
- Completed Aircraft Diplomatic Clearance Form

## 34.3 Vessels

In general, the New Zealand Government requires both military and non-military state vessels to obtain Diplomatic Clearance.

### 34.3.1 Military Vessels

Military vessels entering New Zealand's internal waters (which includes ports but does not include the territorial sea or Exclusive Economic Zone) require diplomatic clearance.

We kindly request the applicant indicate whether the vessel has embarked aircraft which will be flown during the intended visit, or whether Unmanned Aerial Vehicles or Unmanned Surface or Underwater Vehicles will be launched during the visit.

### 34.3.2 Non-Military (Government) Vessels

Non-military (Government) vessels entering New Zealand's internal waters require diplomatic clearance.

We kindly request the applicant to indicate whether the vessel has embarked aircraft which will be flown during the intended visit, or whether Unmanned Aerial Vehicles or Unmanned Surface or Underwater Vehicles will be launched during the visit.

### 34.3.3 Process for Requesting Diplomatic Clearance for Vessels

Please send the following forms to diplomatic.clearance@mfat.govt.nz:

- Third Person Note requesting clearance
- Completed Vessel Diplomatic Clearance Form

Vessel captains (or authorised persons) should ensure all arrival and departure notifications requirements are met.

Vessel captains (or authorised persons) should consult with the New Zealand Ministry for Primary Industries (MPI) officials regarding appropriate biosecurity protocols for ships during a visit and must comply with MPI requirements. More information is available on the MPI website: https://www.mpi.govt.nz/import/border-clearance/ships-and-boats-border-clearance/arrival-process-steps/

### 34.3.4 Marine Scientific Research

For requests to conduct Marine Scientific Research in New Zealand's Territorial Sea, Exclusive Economic Zone, or Continental Shelf, please refer to MFAT's guidance on applying for consent to undertake this in New Zealand's waters here: Marine scientific research | New Zealand Ministry of Foreign Affairs and Trade (mfat.govt.nz), or contact MSR@mfat.govt.nz.

# Annexes and Forms