

Unvalidated References:

*International Organizations (Privileges and Immunities) Act
1975*

Income Tax Act 1959

Income Tax Act 1959

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 87A.

International Organizations (Privileges and Immunities) Regulation 1975

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International Organizations (Privileges and Immunities) Regulation 1975

MADE under the *International Organizations (Privileges and Immunities) Act 1975*.

Dated 200 .

PART I. – PRELIMINARY.

1. APPLICATION.

This Regulation does not affect the application of any law–

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

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

2. INTERNATIONAL ORGANIZATIONS TO WHICH THE ACT APPLIES.

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

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

PART II. – THE SOUTH PACIFIC COMMISSION.

3. INTERPRETATION OF PART II.

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

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

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

4. INCORPORATION OF THE SOUTH PACIFIC COMMISSION.

(1) The South Pacific Commission–

(a) is a corporation with perpetual succession; and

(b) may enter into contracts; and

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

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

5. PRIVILEGES AND IMMUNITIES OF THE COMMISSION.

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

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

6. PRIVILEGES AND IMMUNITIES OF HIGH OFFICERS OF THE COMMISSION.

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

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

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

7. PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES TO THE COMMISSION.

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

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

8. PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS OF THE COMMISSION.

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

(2) The salary and emoluments received from the South Pacific Commission by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act 1959*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

- (a) is not a citizen of Papua New Guinea; and
- (b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Commission held by him.

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

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

9. PRIVILEGES AND IMMUNITIES OF OTHER PERSONS CONNECTED WITH THE COMMISSION.

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

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

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

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

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

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

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

10. WAIVER OF PRIVILEGES AND IMMUNITIES.

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

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

is entitled by virtue of the Act or this Regulation.

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

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

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

11. OFFICIAL EMBLEM AND SEAL OF THE COMMISSION.

For the purposes of Section 9 of the Act—

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

PART III. – THE COMMONWEALTH OF NATIONS.

12. INTERPRETATION OF PART III.

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

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

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

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

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

13. INCORPORATION OF THE COMMONWEALTH SECRETARIAT.

The Commonwealth Secretariat–

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

14. PRIVILEGES AND IMMUNITIES OF THE SECRETARIAT.

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

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

15. PRIVILEGES AND IMMUNITIES OF HIGH OFFICERS OF THE SECRETARIAT.

(1) The offices of–

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

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

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

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

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

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

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

16. PRIVILEGES AND IMMUNITIES OF COMMONWEALTH REPRESENTATIVES.

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

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

17. PRIVILEGES AND IMMUNITIES OF OTHER OFFICERS OF THE SECRETARIAT.

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

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

(3) The salary and emoluments received from the Commonwealth Secretariat by a person to whom Subsection (1) applies who is a resident of Papua New Guinea within the meaning of the *Income Tax Act 1959*, are not, to the extent to which they are for services rendered in Papua New Guinea, exempt from taxation unless the person—

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- (a) is not a citizen of Papua New Guinea; and
- (b) came to Papua New Guinea solely for the purpose of performing duties of the office in the Secretariat held by him.

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

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

- (a) seeking to recover damages in relation to the driving of a motor vehicle; or
- (b) with respect to the commission of an offence under a law with respect to motor traffic, motor vehicles or the use of a motor vehicle.

18. WAIVER OF PRIVILEGES AND IMMUNITIES.

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

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

is entitled by virtue of the Act or this Regulation.

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

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

the Commonwealth Secretariat as a representative of that country is entitled by virtue of the Act or this Regulation.

**SCHEDULE 1 – OFFICIAL EMBLEMS OF THE SOUTH PACIFIC
COMMISSION.**

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Reg., Sec. 11(a).

OFFICIAL EMBLEMS OF THE SOUTH PACIFIC COMMISSION.



SCHEDULE 2 – OFFICIAL SEAL OF THE SOUTH PACIFIC COMMISSION.

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Reg., Sec. 11(b).

OFFICIAL SEAL OF THE SOUTH PACIFIC COMMISSION.



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