

## **Unvalidated References:**

*International Organizations (Privileges and Immunities) Act  
1975*

*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 87C.

***South Pacific Forum Fisheries Agency (Privileges and Immunities)***  
***Regulation 1980***



## ARRANGEMENT OF SECTIONS.

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

### **SCHEDULE 1 – OFFICIAL EMBLEM OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.**

### **SCHEDULE 2 – DESIGN OF THE OFFICIAL SEAL OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.**

### ***South Pacific Forum Fisheries Agency (Privileges and Immunities)*** ***Regulation 1980***

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

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#### **1. INTERPRETATION.**

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

#### **2. APPLICATION.**

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

#### **3. THE AGENCY TO HAVE JURIDICAL PERSONALITY AND LEGAL CAPACITIES.**

The Agency—

- (a) is a corporation with perpetual succession; and
- (b) has the capacity to contract; and

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

**4. PRIVILEGES AND IMMUNITIES OF AGENCY.**

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

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

**5. PRIVILEGES AND IMMUNITIES OF HIGH OFFICERS IN THE AGENCY.**

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

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

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

**6. PRIVILEGES AND IMMUNITIES OF REPRESENTATIVES TO AGENCY.**

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

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

**7. PRIVILEGES AND IMMUNITIES OF OFFICERS OF AGENCY OTHER THAN HIGH OFFICERS.**

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

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

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*South Pacific Forum Fisheries Agency (Privileges and Immunities)  
Regulation 1980*

Papua New Guinea citizen and came to Papua New Guinea solely for the purpose of performing duties of the office in the Agency held by him.

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

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

**8. WAIVER OF PRIVILEGES AND IMMUNITIES.**

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

(a) the Agency; or

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

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

is entitled by virtue of the Act or this Regulation.

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

**9. PRIVILEGES AND IMMUNITIES SUBJECT TO QUARANTINE LAWS, ETC.**

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

**10. OFFICIAL EMBLEM OF AGENCY.**

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

**11. OFFICIAL SEAL OF AGENCY.**

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

SCHEDULE 1 – Reg. Sec. 10.  
OFFICIAL EMBLEM OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY.



SCHEDULE 2 – Reg. Sec. 11.  
DESIGN OF THE OFFICIAL SEAL OF THE SOUTH PACIFIC FORUM  
FISHERIES AGENCY.



*South Pacific Forum Fisheries Agency (Privileges and Immunities)  
Regulation 1980*