

## **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 public servants) 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, outlining the consular functions they are empowered to perform and the consular district covered by the appointment. The consular functions will include some or all of the functions specified in Article 5 of the VCCR.

The Third Person Note should also attach the nominee's current curriculum vitae, including the nominee's full name, date and place of birth, and current home and business addresses. The documentation should state the proposed city of residence and consular district. The documentation should also state that the nominee will perform consular functions specified in Article 5 of the VCCR. 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 17.

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 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 (IRD);
- 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**

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 at least four weeks before the expiry date of existing cards.

It should be noted that identity cards cannot be used for access to restricted areas of airports.

The loss of an identity card must be reported immediately to the Protocol Division. Replacements will be issued upon receipt of a request for a replacement identity card.

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 24.

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/](http://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/](http://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 website [www.mfat.govt.nz](http://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.