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Ministry of Foreign Affairs and Trade

# AGREEMENT

BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL  
ON THE PERFORMANCE OF REMUNERATED ACTIVITY BY  
DEPENDANTS OF PERSONNEL OF DIPLOMATIC, CONSULAR,  
ADMINISTRATIVE, MILITARY AND TECHNICAL STAFF

Wellington, 13 October 2001  
[Entered into force for New Zealand 27 March 2004]

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*Presented to the House of Representatives*

**AGREEMENT BETWEEN THE GOVERNMENT OF NEW  
ZEALAND AND THE GOVERNMENT OF THE FEDERATIVE  
REPUBLIC OF BRAZIL ON THE PERFORMANCE OF  
REMUNERATED ACTIVITY BY DEPENDANTS OF PERSONNEL  
OF DIPLOMATIC, CONSULAR, ADMINISTRATIVE, MILITARY  
AND TECHNICAL STAFF**

**The Government of New Zealand and The Government of the Federative Republic of Brazil** (hereinafter referred to as the “Signatory Parties”)

**CONSIDERING** the particularly advanced stage of understanding between the two countries; and

**WITH THE AIM OF** establishing new mechanisms to strengthen their diplomatic relations;

**HAVE AGREED AS FOLLOWS:**

**Article 1**

The dependants of diplomatic, consular, administrative and technical or military personnel of one of the Signatory Parties officially accredited to the other as a member of a diplomatic Mission, consular Post or as a member of a Permanent Mission of the sending State to an International Organisation recognised by and having its headquarters in the receiving State may be authorised to undertake remunerated activity in the receiving State in conformity with this Agreement and on the basis of reciprocity.

**Article 2**

For the purposes of this Agreement, the expression “dependants” refers to:

- (a) spouse or permanent companion;
- (b) single sons and daughters under 21 years of age;
- (c) single sons and daughters under 25 years of age engaged in a full time course leading to a substantive qualification, at a university or higher education centre recognised by each State; and
- (d) unmarried physically or mentally disabled sons and daughters.

### **Article 3**

Any dependant who wishes to undertake remunerated activity must request authorisation in writing, through diplomatic channels, from the Protocol Division of the Ministry of Foreign Affairs and Trade of New Zealand or the Protocol Division of the Ministry of External Relations of Brazil, as the case may be. The request must include information proving that the person in question is a dependant and a brief explanation of the type of remunerated activity which is proposed to be undertaken. The Protocol Division concerned, after checking whether the person in question fits the categories defined in this Agreement and taking into account applicable internal provisions, shall, in writing, and as soon as possible, inform the Embassy of the other Signatory Party that the dependant is authorised to undertake remunerated activity. Similarly, the Embassy must inform the Protocol Division concerned of the termination of the remunerated activity undertaken by the dependant and must submit a new request in the event the dependant decides to accept any new remunerated activity.

### **Article 4**

Where the dependant authorised to undertake remunerated activity has immunity from the jurisdiction of the receiving State in accordance with Articles 31 and 37 of the Vienna Convention on Diplomatic Relations or any other applicable international agreement:

- (a) it is agreed that such dependants shall not enjoy immunity from the civil or administrative jurisdiction in the receiving State concerning actions brought against them in respect of acts directly related to the performance of such remunerated activity; and
- (b) it is agreed that the sending State shall give serious consideration to any request from the receiving State to waive the immunity from criminal jurisdiction of a dependent accused of committing a criminal offence in the course of such remunerated activity. In the event that immunity is not waived and in the view of the receiving State the matter is a serious one, the receiving State may request the withdrawal from the country of the dependant concerned.

### **Article 5**

- (1) Authorisation to undertake remunerated activity shall terminate as soon as the beneficiary of the authorisation ceases to have the status of dependant, on the date of the completion of contractual obligations or, in any case, at the termination of the assignment of the individual on whom the person concerned is dependant. However, the cessation of authorisation shall take into account the reasonable delay envisaged by the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (2) Any employment contract entered into by the dependant shall contain a clause to the effect that the contract shall terminate upon the cessation of authorisation to undertake remunerated activity.

### **Article 6**

Authorisation of a dependant to undertake remunerated activity, in conformity with this Agreement, shall not give the person concerned the right to continue to undertake remunerated activity or to reside in the receiving State, once the assignment of the individual on whom the person concerned is dependant has terminated.

### **Article 7**

Nothing in this Agreement shall give the right to a dependant to undertake employment which, under the legislation of the receiving State, can only be undertaken by a national of that State, or which affects national security.

### **Article 8**

This Agreement shall not imply automatic recognition of titles or degrees obtained abroad. Such recognition can only be granted in conformity with the rules in force which regulate these matters in the receiving State. In the case of professions requiring special qualifications, the dependant shall have to meet the same requirements that a national of the receiving State applying for the same position would have to fulfil.

### **Article 9**

- (1) Dependants who undertake remunerated activity in the receiving State shall be subject to the payment of all taxes under the tax legislation of that country in respect of income which they receive there in the performance of that activity.
- (2) Dependants who perform remunerated activity under this Agreement shall be subject to the social security legislation of the receiving State.

### **Article 10**

This Agreement shall remain in force indefinitely, but may be terminated if either of the Signatory Parties notifies the other, in writing, through diplomatic channels, of its decision to terminate this Agreement. In that event, this Agreement shall cease to have effect ninety (90) days from the date of such notification.

### **Article 11**

Each Signatory Party shall notify the other of compliance with its respective internal legal procedures required for the entry into force of this Agreement, which shall take effect thirty (30) days after the date on which the second notification is received.

**DONE AT** Wellington in duplicate this 3rd day of October, two thousand and one, in the English and Portuguese languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF  
NEW ZEALAND**

**FOR THE GOVERNMENT OF  
THE FEDERATIVE REPUBLIC  
OF BRAZIL**

[Signatures not reproduced]