

**No. 45090\***

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**New Zealand  
and  
China**

**Agreement on consular relations between New Zealand and the People's Republic of China. Auckland, 26 October 2003**

**Entry into force:** *23 April 2006 by notification, in accordance with article 24*

**Authentic texts:** *Chinese and English*

**Registration with the Secretariat of the United Nations:** *New Zealand, 1 July 2008*

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**Nouvelle-Zélande  
et  
Chine**

**Accord relatif aux relations consulaires entre la Nouvelle-Zélande et la République populaire de Chine. Auckland, 26 octobre 2003**

**Entrée en vigueur :** *23 avril 2006 par notification, conformément à l'article 24*

**Textes authentiques :** *chinois et anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Nouvelle-Zélande, 1er juillet 2008*

\* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. The relevant Treaty Series volume will be published in due course.*

*Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Le volume correspondant du Recueil des Traités sera disponible en temps utile.*

[ CHINESE TEXT – TEXTE CHINOIS ]

## 新西兰和中华人民共和国领事协定

新西兰和中华人民共和国，（以下称“双方”）

为进一步发展两国领事关系，以利于保护两国及两国国民的权益，促进两国的友好合作关系，

决定缔结本领事协定，并议定下列各条：

### 第一条

#### 定义

就本协定而言，下列用语的含义是：

（一）“派遣国国民”指为派遣国公民的自然人，适用时，也指派遣国的法人；

（二）“领事官员”指派任此职执行领事职务的任何人员，包括领馆馆长在内；

（三）“领馆”指派遣国总领事馆、领事馆、副领事馆或领事代理处。

（四）“派遣国船舶”指根据派遣国法律在派遣国登记的船舶，不包括军用船舶；

（五）“派遣国航空器”指在派遣国登记并标有其登记标志的航空器，或具有下述一项或多项特征的航空器：标有派遣国航空公司的标志；根据派遣国民航当局颁发的证书运营；航班号拥有派遣国航空公司的代码或使用派遣国航空公司的呼号。不包括军用航空器；

（六）“法律”：

对中华人民共和国而言，是指所有具有法律效力的国家、省、自治区、直辖市和地方的法律、行政法规、规章，以及中华人民共和国香港特别行政区的条例和附属法规及中华人民共和国澳门特别行政区的法律和规则。

对新西兰而言，是指新西兰法律。

## 第二条 通知接受国任命、到达和离境

应将下列事项尽快书面通知接受国外交部或外交部指定的适当机关：

（一）领馆成员的姓名、职衔和他们到达、最后离境或职务终止的日期，以及他们在领馆任职期间职务上的任何变更；

（二）与领馆成员为同一户口的家庭成员的姓名、国籍及其到达和最后离境的日期，以及适当时，某人成为或不再是该家庭的成员的事实；

（三）领馆私人服务人员的姓名、国籍、职务及其到达和最后离境的日期，以及适当时，该等人员终止此服务的事实；

（四）雇用和解雇在接受国居住，但不是接受国国民的人员为有权享有某些有限特权和豁免的领馆成员或领馆私人服务人员。

## 第三条 为领馆工作提供便利

一、接受国应为领馆执行职务提供充分便利。

二、接受国应对领馆成员给予应有的尊重，并采取适当措施协助领馆成员顺利地执行职务。

## 第四条 领馆馆舍和住宅的获得

一、在接受国法律允许的范围内，派遣国或其代表有权：

(一) 购置、租用或以其他方式获得用作领馆馆舍和领馆成员住宅的建筑物或部分建筑物及其附属的土地，但身为接受国国民或永久居民的领馆成员的住宅除外；

(二) 在已获得的土地上建造或修缮建筑物。

二、接受国应为派遣国获得领馆馆舍提供协助，必要时，应为领馆成员获得适当的住宅提供协助。

三、派遣国或其代表在行使本条第一款规定的权利时，应遵守接受国有关土地、建筑和城市规划的法律。

## 第五条

### 一般领事职务

领事职务包括：

(一) 保护和保障派遣国及其国民的权益；

(二) 增进派遣国和接受国之间的经济、贸易、科技、文化和教育关系，并在其他方面促进两国之间的友好合作关系；

(三) 用一切合法手段了解接受国的经济、贸易、科技、文化和教育等方面的情况，并向派遣国政府报告；

(四) 执行派遣国授权领馆办理而不为接受国法律所禁止、或不为接受国所反对、或派遣国与接受国之间现行有效的国际协定所规定的其他职务。

## 第六条

### 有关国籍的申请和民事登记

一、有关国籍和民事登记的领事职务包括：

(一) 接受有关派遣国国籍的申请；

(二) 记录或登记派遣国国民；

(三) 登记或协助登记派遣国国民的出生和死亡；

(四) 办理或协助办理派遣国国民间的婚姻登记并颁发相应的证书；或向派遣国国民提供指导。

二、本条第一款的规定不免除当事人遵守接受国法律的义务。

## 第七条 颁发护照和签证

一、有关颁发护照和签证的领事职务包括：

(一) 向派遣国国民颁发护照和其他旅行证件或接受申领护照和其他旅行证件的请求，以及加注和吊销上述护照或证件；

(二) 向前往或途经派遣国的人员颁发签证或接受签证申请，以及加签或吊销上述签证。

二、派遣国当局颁发的护照和其他旅行证件是派遣国政府的财产，如为接受国当局获得，除纯粹为临时目的而保留者外，应立即退还给派遣国当局。

## 第八条 公证和认证

一、有关公证和认证的领事职务包括：

(一) 应任何国籍的个人要求，为其认证在派遣国使用的各种文书上的签字和印章；

(二) 应派遣国国民的要求，为其出具或认证在派遣国境外使用的各种文书；

(三) 把文书译成派遣国或接受国的官方文字，并证明译文与原文相符；

(四) 执行派遣国授权而不为接受国所反对的其他公证职务；

(五) 认证派遣国或接受国有关当局所颁发的文书上的签字和印章。

二、领馆根据接受国法律出具、证明或认证的文书如在接受国使用，应与接受国主管当局出具、证明或认证的文书具有同等效力。

三、在与接受国法律不相抵触的前提下，领事官员有权接受或临时保管派遣国国民的证件和文书。

## 第九条 转送司法和司法外文书

领事职务包括根据双方之间现行有效的国际协定或在无此种国际协定时，按照符合接受国法律的任何其他方式，转送司法文书和司法外文书。

## 第十条 关于旅行便利

一、双方同意为自称同时具有中华人民共和国和新西兰国籍的人在两国间旅行提供便利。但这并不意味着中华人民共和国承认双重国籍。上述人员的出境手续和证件按照其通常居住国的法律办理。入境手续和证件应按照前往国的法律办理。

二、如果司法或行政程序妨碍派遣国国民在其签证和证件有效期内离开接受国，该国民不应失去派遣国领事的会见和保护权。应准许该国民离开接受国，除接受国法律规定的出境证件外，无需取得接受国其他证件。

三、凡持有派遣国有效旅行证件进入接受国的派遣国国民，于签证或合法免签证入境赋予其该身份的有效期限内，应被接受国有关当局视为派遣国国民，以保证其得到派遣国领事的会见和保护。

## 第十一条 拘留、逮捕通知和探视权

一、派遣国国民在领区内被接受国主管当局拘留、逮捕或以任何其他方式剥夺自由时，除非与接受国法律相抵触，该当局应不迟延地，在任何情况下于三日内通知领馆有关该项拘留或逮捕的事实和该国民被拘留、逮捕或以任何方式被剥夺自由的原因。如果由于通讯困难无法不迟延地通知派遣国领馆，接受国主管当局也应尽快通知。

二、领事官员有权探视被拘留、逮捕，或被判处监禁或以任何其他方式剥夺自由的派遣国国民，与其交谈或联系，为其提供法律协助。接受国主管当局应尽快允许领事官员对上述国民进行探视，并最迟于根据本条第一款通知领馆该国民被逮捕或拘留后二日内，允许领事官员探视被拘留的派遣国国民。领事官员可多次进行探视。领事官员所要求的探视之间的间隔不得超过一个月。但是，如被拘留、逮捕或被判处监禁或以其他方式被剥夺自由的国民明确表示反对探视时，领事官员应停止采取行动。

三、出现派遣国国民在接受国受审或接受其他法律诉讼的情况时，除非该国民书面明确要求不通知领馆，否则有关当局应根据领馆的要求向领馆提供有关对该国民提出指控的情况。应允许领事官员在不违反接受国法律的情况下，旁听审理或其他法律诉讼。

四、接受国主管当局应将领馆与上述人员之间的任何信件或电话留言不迟延地传递给对方。

五、出现派遣国国民在接受国受审或接受其他法律诉讼的情况时，如有需要，接受国有关当局应为其提供充分的翻译。

六、接受国主管当局应将本款规定的权利不迟延地告知被拘留、逮捕、监禁或以其他方式剥夺自由的派遣国国民。

七、行使本条所述的权利时，应遵守接受国的法律，但接受国法律应使本条所给予的各项权利的目的得以充分实现。

## 第十二条 协助派遣国国民

### 一、领事官员有权：

（一）在领区内同派遣国国民联系和会见，接受国不得限制派遣国国民和领馆之间的联系，不得限制派遣国国民进入领馆；

（二）了解派遣国国民在接受国的生活和工作情况，并向他们提供必要的协助；

（三）请求接受国主管当局查明派遣国国民的下落，接受国主管当局应以一切合法与合理的方式尽力提供有关情况；

（四）根据接受国法律，接受和临时保管派遣国国民的钱款或贵重物品。

二、出现派遣国国民不能及时保护自己权益的情况时，领事官员可根据接受国法律在接受国法院或其他主管当局前代表该国民或为其安排适当代理人，直至该国民指定了自己的代理人或本人能自行保护其权益时为止。

## 第十三条 死亡通知

接受国主管当局获悉派遣国国民在接受国死亡时，应不迟延地通知领馆，并应领馆请求提供死亡证书或其他证明死亡的文件副本。



## 第十四条 有关遗产的职务

一、接受国主管当局获悉派遣国已故国民在接受国遗有财产，且在接受国无继承人和遗嘱执行人时，应立刻通知领馆。

二、接受国主管当局清点和封存本条第一款所述遗产时，领事官员有权到场。

三、如派遣国某国民作为遗产继承人或受赠人有权继承或受领某任何国籍的死者在接受国的遗产或遗赠，且接受国主管当局获悉该国民不在接受国境内，接受国主管当局应将其了解到的任何有关该国民继承或受领遗产或遗赠的情况通知领馆。

四、如派遣国某国民有权或声称有权继承在接受国境内的某项遗产，但本人或其代理人不能到场参与遗产继承程序时，领事官员或其代表可在接受国法院或其他主管当局前代表该国民。

五、领事官员有权代为接受非永久居住在接受国的派遣国国民在接受国应得的遗产或遗赠，并将该遗产或遗赠转交给该国民。

六、如非永久居住在接受国的派遣国国民在接受国境内临时逗留或过境时死亡，而其在接受国又无亲属或代理人时，领事官员有权立即临时保管该国民随身携带的所有文件、钱款和个人物品，以便转交给该国民的遗产继承人、遗嘱执行人或其他被授权接受这些物品的人。

七、领事官员在执行本条第四、五、六款所述职务时，应遵守接受国的法律。

## 第十五条 监护和托管

一、领区内包括未成年人在内的无行为能力或限制行为能力的派遣国国民需要指定监护人或托管人时，接受国主管当局应通知领馆。

二、领事官员有权在接受国法律允许的范围内，保护包括未成年人在内的无行为能力或限制行为能力的派遣国国民的权益，必要时，可为他们推荐或指定监护人或托管人，并监督有关监护或托管活动。

## 第十六条 协助派遣国船舶

一、领事官员有权对在接受国内水或领海的派遣国船舶及其船长和船员提供协助，并有权：

（一）在船舶获准同岸上自由往来后登访船舶，询问船长或船员，听取有关船舶、货物及航行的报告；

（二）在不损害接受国当局权力的前提下，调查船舶航行期间所发生的事故；

（三）解决船长与船员之间的争端，包括有关工资和劳务合同的争端；

（四）接受船长和船员的访问，并在必要时为其安排就医或返回本国；

（五）接受、查验、签署、出具、认证或见证与船舶有关的文书；

（六）办理派遣国主管当局委托的其他与船舶有关的事务。

二、船长与船员可同领事官员联系。在不违反接受国有关港口和外国人管理的法律的前提下，船长与船员可前往领馆。

### 第十七条

#### 对派遣国船舶实行强制措施时的保护

一、接受国法院或其他主管当局如欲对派遣国船舶或在派遣国船舶上采取强制性措施或进行正式调查，必须事先通知领馆，以便在采取行动时领事官员或其代表能到场。如因情况紧急或敏感，不能事先通知，接受国主管当局应在采取上述行动后立即通知领馆，并应领事官员的请求迅速向领馆提供所采取行动的全部详细情况。

二、本条第一款的规定也适用于接受国主管当局在岸上对船长或船员所采取的同样行动。

三、本条第一、二款的规定不适用于接受国主管当局进行的包括有关海关、港口管理、检疫或边防检查等事项的例行检查，也不适用于接受国主管当局为保障航行安全或防止和处理水域污染事故所采取的措施。

四、除非应派遣国船舶的船长或领事官员的请求，或征得其同意，接受国主管当局在接受国的安宁、安全及公共秩序未受破坏的情况下，不得干涉派遣国船舶上的内部事务。

### 第十八条

#### 协助失事的派遣国船舶

一、如派遣国船舶在接受国内水或领海失事，接受国主管当局应不迟延地通知领馆，并通知为抢救船上人员、船舶、货物及其他财产所采取的措施。

二、领事官员有权采取措施向失事的派遣国船舶、船员和旅客提供协助，同时有权为此请求接受国当局给予协助。

三、如果失事的派遣国船舶或其物品或所载货物位于接受国海岸附近或已被运进接受国港口，而船长、船主、船舶公司代理人或有关保险公司代理人均不在场或无法采取保存或处理措施时，接受国主管当局应尽快通知领馆。领事官员可代表船主采取适当的措施。

四、如失事的派遣国船舶及其货物和物品不在接受国境内出售或交付使用，接受国不应征收关税或其他类似费用。

### 第十九条 派遣国航空器

本协定关于派遣国船舶的规定，适当时，同样适用于在接受国领土内的派遣国航空器。但规定的适用不得违反派遣国和接受国之间现行有效的双边条约或两国均加入的国际条约的规定，以及中华人民共和国香港特别行政区和澳门特别行政区与新西兰签订的民用航空运输协定和航班协定的规定。

### 第二十条 领事规费和手续费

一、领馆可在接受国境内根据派遣国法律收取领事规费和手续费。

二、本条第一款所述规费和手续费的收入及其收据，应予以免除接受国的一切捐税。

三、接受国应准许领馆将本条第一款所述规费和手续费的收入汇回派遣国。

## 第二十一条 与其他国际协定的关系

一、双方明示同意并确认本协定根据一九六三年四月二十四日订于维也纳的《维也纳领事关系公约》第七十三条第二款而订立。本协定的目的为确认并引申对双方有效的《维也纳领事关系公约》的规定。

二、双方确认一九六三年四月二十四日在维也纳签订的《维也纳领事关系公约》的规定，并同意本协定未明确规定的事项，按《维也纳领事关系公约》处理。

三、除另有规定外，本协定中的用语与一九六三年四月二十四日订于维也纳的《维也纳领事关系公约》中的用语含义相同。

## 第二十二条 协定适用香港特别行政区和澳门特别行政区

本协定也适用于中华人民共和国香港特别行政区和中华人民共和国澳门特别行政区。

## 第二十三条 磋商

双方同意举行不定期领事磋商，回顾领事关系。各方也可根据需要就具体领事事務寻求不定期磋商。

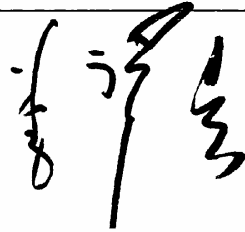
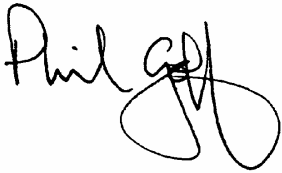
第二十四条  
生效及有效期

一、本协定自双方互换照会通知对方已完成各自国内法律规定的协定生效手续之日起第三十一天生效。

二、除非一方在六个月前以书面方式通知另一方要求终止本协定，则本协定继续有效。

本协定于2003年~~October~~<sup>October</sup>月26日在 ~~Hanover~~<sup>Auckland</sup> 签订，一式两份，每份都用英文和中文写成，两种文本同等作准。

新西兰代表	中华人民共和国代表
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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT ON CONSULAR RELATIONS BETWEEN  
NEW ZEALAND AND THE PEOPLE'S REPUBLIC OF CHINA**

New Zealand and the People's Republic of China (hereafter referred to as the "Parties")

Desiring to develop further their consular relations in order to facilitate the protection of the rights and interests of their nations and nationals, and desiring to promote friendly relations and cooperation between the two countries,

Have decided to conclude the present Consular Agreement and have agreed as follows:

**ARTICLE 1**

**Definitions**

For the purposes of this Agreement the following expressions shall have the meanings given to them below:

- (a) "national of the sending State" means any natural person who is a citizen of the sending State, and, when applicable, also any juridical person of the sending State;
- (b) "consular officer" means any person including the head of a consular post entrusted in that capacity with the exercise of consular functions;
- (c) "consular post" means any consulate-general, consulate, vice-consulate or consular agency of the sending State;
- (d) "vessel of the sending State" means any vessel registered in the sending State pursuant to its law, excluding military vessels;
- (e) "aircraft of the sending State" means any aircraft registered in the sending State and bearing that State's registration marks, or any aircraft with one or more of the following characteristics: it is painted in the livery of an airline of the sending State; it is operated in accordance with certification issued by the civil aviation authority of the sending State; it uses a flight number which contains the designator code of an airline of the sending

State; or it uses the call-sign of an airline of the sending State. Military aircraft are excluded;

- (f) “law” means, for New Zealand, the law of New Zealand; and for the People’s Republic of China, all laws, administrative decrees and regulations having the effect of law of the State, provinces, autonomous regions, municipalities directly under the Central Government and other localities, and ordinances and subordinate legislation of the Hong Kong Special Administrative Region of the People’s Republic of China and the laws and regulations of the Macao Special Administrative Region of the People’s Republic of China.

## ARTICLE 2

### **Notification to the Receiving State of Appointments, Arrivals and Departures**

The Ministry for Foreign Affairs of the receiving State or the appropriate authority designated by that Ministry shall be notified in writing as soon as possible of:

- (a) the full name and rank of a member of a consular post, the date of his or her arrival and final departure or the termination of his or her functions, as well as any change of his or her status in the course of his or her service with the consular post;
- (b) the full name, nationality and date of arrival and final departure of any person belonging to the family of a member of the consular post forming part of his or her household and, where appropriate, the fact that a person becomes or ceases to form part of that household;
- (c) the full name, nationality, function and date of the arrival and final departure of members of the private staff of the consular post and, where appropriate, the fact that such a person’s service has been terminated; and
- (d) the engagement and discharge of persons resident in, but not nationals of, the receiving State as members of a consular post or as members of the private staff of the consular post entitled to certain limited privileges and immunities.



**ARTICLE 3**

**Facilities for the Work of the Consular Post**

- 1 The receiving State shall accord full facilities for the performance of the functions of the consular post.
- 2 The receiving State shall treat members of a consular post with due respect and take appropriate measures to facilitate the smooth performance of functions by such members.

**ARTICLE 4**

**Acquisition of Consular Premises and Residences**

- 1 To the extent permitted by the law of the receiving State, the sending State or its representative shall have the right to:
  - (a) purchase, lease or acquire in any other way a building or a part of a building and the land ancillary thereto for use as the consular premises and the residences of the members of the consular post, excluding the residences of those members who are nationals or permanent residents of the receiving State; and
  - (b) construct or improve buildings on the land acquired.
- 2 The receiving State shall assist the sending State to acquire consular premises and, when necessary, to acquire appropriate residences for members of the consular post.
- 3 In the exercise of the rights provided for in paragraph 1 of this Article, the sending State or its representative shall comply with the law of the receiving State concerning land, construction and city planning.

**ARTICLE 5**

**General Consular Functions**

Consular functions include:

- (a) protecting and securing the rights and interests of the sending State and those of its nationals;

- (b) furthering the development of economic, trade, scientific and technological, cultural and educational relations between the sending State and the receiving State, and otherwise promoting their friendly relations and cooperation;
- (c) ascertaining, by all lawful means, the conditions of the receiving State in the economic, trade, scientific, technological, cultural, educational and other fields and reporting thereon to the Government of the sending State; and
- (d) performing any other functions authorised by the sending State which are not prohibited by the law of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

#### **ARTICLE 6**

##### **Applications Pertaining to Nationality and Civil Registration**

- 1 Consular functions pertaining to nationality and civil registration include:
  - (a) receiving applications pertaining to citizenship of the sending State;
  - (b) recording or registering nationals of the sending State;
  - (c) registering, or facilitating the registration of, the births and deaths of the nationals of the sending State; and
  - (d) registering, or facilitating the registration of, marriages between nationals of the sending State and issuing appropriate documentation, or providing guidance to nationals of the sending State.
- 2 The provisions of paragraph 1 of this Article shall not exempt the persons concerned from the obligation to observe the law of the receiving State.

**ARTICLE 7**

**Issue of Passports and Visas**

- 1 Consular functions pertaining to the issue of passports and visas include:
  - (a) Issuing, or accepting applications for the issue of, passports and other travel documents to the nationals of the sending State, and endorsing or invalidating the said passports or documents, and
  - (b) Issuing, or accepting applications for the issue of, visas to persons who are to travel to or through the sending State, and endorsing or invalidating the said visas.
- 2 As property of the government of the sending State, the passports and other travel documents issued by the authorities of the sending State coming into the possession of the authorities of the receiving State, other than those held for purely temporary purposes, shall be returned promptly to the authorities of the sending State.

**ARTICLE 8**

**Notarisation and Authentication**

- 1 Consular functions pertaining to notarisation and authentication include:
  - (a) authenticating signatures and seals on documents of a person of any nationality for use in the sending State upon the request of that person;
  - (b) drawing up or authenticating documents of a national of the sending State for use outside the sending State upon the request of that national;
  - (c) translating documents into the official language of the sending State or of the receiving State and certifying that the translation is in conformity with the original;
  - (d) carrying out other notarial functions which are authorised by the sending State, and to which no objection is taken by the receiving State; and

- (e) authenticating signatures and seals on documents issued by the authorities concerned of the sending State or of the receiving State.
- 2 When used in the receiving State, the documents drawn up, certified or authenticated by the consular post in accordance with the law of the receiving State shall have the same validity and effect as the documents drawn up, certified or authenticated by the competent authorities of the receiving State.
- 3 A consular officer shall be entitled to receive or take into temporary custody the certificates and documents of a national of the sending State provided that this is not incompatible with the law of the receiving State.

## **ARTICLE 9**

### **Transmission of Judicial and Extra-judicial Documents**

Consular functions include transmission of judicial and extra-judicial documents in accordance with international agreements in force between both Parties or, in the absence of such international agreements, in any other manner compatible with the law of the receiving State.

## **ARTICLE 10**

### **Facilitation of Travel**

- 1 The Parties agree to facilitate travel between the two States of a person who may have a claim simultaneously to the nationality of New Zealand and of the People's Republic of China. However, this does not imply that the People's Republic of China recognises dual nationality. Exit formalities and documentation of that person shall be handled in accordance with the law of the State in which the person customarily resides. Entry formalities and documentation shall be handled in accordance with the law of the State of destination.
- 2 If judicial or administrative proceedings prevent a national of the sending State from leaving the receiving State within the period of validity of his or her visa and documentation, that national shall not lose his or her right to consular access and protection by the sending State. That national shall be permitted to leave the receiving State without having to obtain additional documentation from the receiving State other than exit documentation as required under the law of the receiving State.

- 3 A national of the sending State entering the receiving State with valid travel documents of the sending State shall, during the period for which his or her status has been accorded on a limited basis by visa or lawful visa-free entry, be considered as a national of the sending State by the appropriate authorities of the receiving State with a view to ensuring consular access and protection by the sending State.

## ARTICLE 11

### Notification of Detention and Arrest and the Right to Visit

- 1 If a national of the sending State is detained, arrested or deprived of freedom by any other means in the consular district by the competent authorities of the receiving State, then, unless it is contrary to the law of the receiving State, the said authorities shall, without delay and in any event within three days, notify the consular post of the fact of the detention or arrest and the reasons for which the national has been arrested, detained or deprived of freedom by any means. If it is not possible to notify without delay the consular post of the sending State because of communication problems, the competent authorities of the receiving State shall provide notification as soon as possible.
- 2 A consular officer shall be entitled to visit a national of the sending State who is under detention, arrest or imprisonment pursuant to a judgment or deprived of freedom by any other means, to converse or communicate with him or her and to arrange legal assistance for him or her. The competent authorities of the receiving State shall allow a consular officer to visit the said national as soon as possible and, at the latest, within two days of notifying the consular post of his or her arrest or detention under paragraph 1 of this Article. These visits may be made on a recurring basis. No longer than one month shall be allowed to pass in between visits requested by the consular officer. Nevertheless, consular officers shall refrain from taking action if the national who is under detention, arrest, imprisonment pursuant to a judgment or deprived of freedom by any other means expressly opposes such action.
- 3 In the case of a trial or other legal proceedings against a national of the sending State in the receiving State, the appropriate authorities shall, at the request of the consular post, unless the national expressly requests in writing that the consular post should not be informed, make available to the consular post information on the charges against that national. A consular officer shall be permitted to attend the trial or other legal proceedings, subject to the law of the receiving State.

- 4 Any correspondence or telephone messages between the consular post and the person shall be forwarded to the addressee by the competent authorities of the receiving State without delay.
- 5 In the case of a trial or other legal proceedings against a national of the sending State, the appropriate authorities of the receiving State shall make available adequate interpretation to that national when necessary.
- 6 The competent authorities of the receiving State shall without delay inform a national of the sending State who is detained, arrested, imprisoned or deprived of freedom by any other means of his or her rights under this Article.
- 7 The rights referred to in this Article shall be exercised in conformity with the law of the receiving State, provided however, that the said law must enable full effect to be given to the purposes for which the rights accorded under this Article are intended.

## ARTICLE 12

### Assistance to Nationals of the Sending State

- 1 A consular officer shall be entitled to:
  - (a) communicate and meet with any national of the sending State in the consular district, and the receiving State shall neither restrict communication between nationals of the sending State and a consular post nor restrict their access to the consular post;
  - (b) ascertain conditions of life and work of a national of the sending State in the receiving State and provide such a national with necessary assistance;
  - (c) request the competent authorities of the receiving State to ascertain the whereabouts of a national of the sending State, and the competent authorities of the receiving State shall do everything lawful and reasonable to provide the relevant information; and
  - (d) receive and take into temporary custody money or valuables of a national of the sending State in accordance with the law of the receiving State.
- 2 In case a national of the sending State is unable, at the proper time, to defend his or her own rights and interests, a consular officer may

represent him or her before the court or other competent authorities of the receiving State or arrange for him or her an appropriate representative in accordance with the law of the receiving State until he or she designates his or her own representative or is able to assume the defence of his or her own rights and interests.

### **ARTICLE 13**

#### **Notification of Deaths**

Upon learning of the death of a national of the sending State in the receiving State, the competent authorities of the receiving State shall inform the consular post without delay and provide upon the request of the consular post a death certificate or a copy of any other document certifying the death.

### **ARTICLE 14**

#### **Functions Concerning Estates**

- 1 Upon learning that a deceased national of the sending State has left an estate in the receiving State and there is no heir or testamentary executor in the receiving State, the competent authorities of the receiving State shall promptly inform the consular post.
- 2 A consular officer shall be entitled to be present when an estate as referred to in paragraph 1 of this Article is being inventoried and sealed by the competent authorities of the receiving State.
- 3 If a national of the sending State as an heir or legatee is entitled to inherit or receive an estate or bequeathed gift of a deceased of any nationality in the receiving State and if the competent authorities of the receiving State become aware such a person is not in the territory of the receiving State, the competent authorities of the receiving State shall inform the consular post of any information which may come to their attention concerning such inheritance or reception of estate or bequeathed gift by the said person.
- 4 In case a national of the sending State has or claims to have a right to inherit an estate in the receiving State but neither he or she nor his or her representative is able to be present at the inheritance proceedings, a consular officer or his or her representative may represent the national before the court or other competent authorities of the receiving State.

- 5 A consular officer shall be entitled, on behalf of a national of the sending State who is not a permanent resident in the receiving State, to receive for transmission to that national any estate or bequeathed gift in the receiving State, which is due to that national.
- 6 If a national of the sending State who is not a permanent resident in the receiving State dies during a temporary stay in or transit through the receiving State, and if there is no relative or representative of his or hers in the receiving State, a consular officer shall be entitled immediately to take into provisional custody all the documents, money and personal effects which were with the deceased national for transmission to his or her heir, testamentary executor or other persons authorised to receive the assets.
- 7 A consular officer shall comply with the law of the receiving State in performing his or her functions as referred to in paragraphs 4, 5 and 6 of this Article.

#### **ARTICLE 15**

##### **Guardianship and Trusteeship**

- 1 The competent authorities of the receiving State shall notify the consular post when a guardian or trustee is required for a national, including an under-aged national, of the sending State in the consular district who has no capacity or limited capacity to act on his or her own behalf.
- 2 A consular officer shall be entitled to protect, to the extent permitted by the law of the receiving State, the rights and interests of a national, including an under-aged national, of the sending State who has no capacity or limited capacity to act on his or her own behalf and, when necessary, to recommend or designate a guardian or trustee to the person concerned and supervise the activities pertaining to guardianship or trusteeship.

#### **ARTICLE 16**

##### **Assistance to Vessels of the Sending State**

- 1 A consular officer shall be entitled to render assistance to vessels of the sending State which are in the inland or territorial waters of the receiving State, and to their master and crew members, and also:



- (a) to board a vessel when free access to shore has been granted to the vessel, question the master and any member of the crew and receive reports on the vessel, its cargo and voyage;
  - (b) without prejudice to the powers of the authorities of the receiving State, to investigate any incident which occurred during the voyage;
  - (c) to settle disputes between master and crew, including disputes about wages and service contracts;
  - (d) to receive visits from the master or any member of the crew, and, when necessary, make arrangements for his or her medical treatment or return home;
  - (e) to receive, examine, sign, draw up, authenticate or witness documents with regard to a vessel; and
  - (f) to handle other matters relating to a vessel, which are entrusted by the competent authorities of the sending State.
- 2 The master and any member of the crew may contact a consular officer. They may go to the consular post on the premise of no contravention of the law of the receiving State concerning the administration of ports and aliens.

#### ARTICLE 17

##### **Protection in Case of Compulsory Actions against a Vessel of the Sending State**

- 1 In case the courts or other competent authorities of the receiving State intend to take compulsory actions or start an official investigation with regard to a vessel or aboard a vessel of the sending State, those authorities shall notify the consular post in advance so as to enable a consular officer or his or her representative to be present when actions are taken. If the urgency or sensitivity of the matter prevents prior notification, the competent authorities of the receiving State shall notify the consular post immediately after the actions have been taken and promptly provide the consular post with full relevant particulars of the said actions upon the request of a consular officer.

- 2 The provisions of paragraph 1 of this Article shall apply to similar actions taken on shore by the competent authorities of the receiving State against the master of a vessel or any member of the crew.
- 3 The provisions of paragraphs 1 and 2 of this Article shall not apply to any routine inspection carried out by the competent authorities of the receiving State including those relating to customs, administration of ports, quarantine and border checks, nor to measures taken by such authorities to ensure the safety of navigation, or to prevent or respond to marine pollution incidents.
- 4 Except upon the request or with the consent of the master of a vessel of the sending State or of a consular officer, the competent authorities of the receiving State shall not interfere in the internal affairs of the vessel, when the peace, security and public order of the receiving State are not violated.

#### **ARTICLE 18**

##### **Assistance to Wrecked Vessels of the Sending State**

- 1 If a vessel of the sending State suffers an accident in the inland or territorial waters of the receiving State, the competent authorities of the receiving State shall notify without delay the consular post and inform it of the measures taken for rescuing the persons aboard, the vessel and its cargo and other properties.
- 2 A consular officer shall be entitled to take measures, to render assistance to any wrecked vessel of the sending State and its crew and passengers and to request assistance from the authorities of the receiving State in this connection.
- 3 If a wrecked vessel of the sending State or its articles or cargo is found near the coast of, or is brought into a port of the receiving State and neither the master nor the owner of the vessel, nor any agent of the vessel's company or of its insurance company is present or is in a position to take measures for their preservation or disposal, the competent authorities of the receiving State shall inform the consular post as promptly as possible. A consular officer may take appropriate measures on behalf of the owner of the vessel.
- 4 A wrecked vessel of the sending State and its cargo and articles shall not be subjected to customs duties or other similar charges by the receiving

State provided that they are not delivered for sale or for use in the receiving State.

**ARTICLE 19**

**Aircraft of the Sending State**

The provisions of this Agreement concerning vessels of the sending State shall apply, as appropriate, to aircraft of the sending State in the territory of the receiving State, provided that such application does not contravene the provisions of bilateral treaties in force between the sending State and the receiving State or of multilateral treaties to which both States are signatories, as well as the provisions of any air services agreements signed between New Zealand and the Hong Kong and Macao Special Administrative Regions of the People's Republic of China.

**ARTICLE 20**

**Consular Fees and Charges**

- 1 A consular post may levy, in the territory of the receiving State, fees and charges for consular acts in accordance with the law of the sending State.
- 2 The fees and charges referred to in paragraph 1 of this Article and their receipts shall be exempt from all dues and taxes in the receiving State.
- 3 The receiving State shall permit a consular post to remit to the sending State the income from the fees and charges referred to in paragraph 1 of this Article.

**ARTICLE 21**

**Relations with other International Agreements**

- 1 The parties expressly agree and acknowledge that this Agreement is made in accordance with Article 73(2) of the Convention on Consular Relations done at Vienna, 24 April 1963, and that the purpose of this Agreement is to confirm and amplify the provisions of the Vienna Convention on Consular Relations which remains in force as between them.

- 2 The Parties affirm the provisions of the Vienna Convention on Consular Relations done at Vienna, 24 April 1963, and agree that matters not explicitly raised in this Agreement shall be dealt with in accordance with that Convention.
- 3 Expressions in this Agreement shall, unless otherwise specified, have the same meaning as those given to them in the Vienna Convention on Consular Relations done at Vienna, 24 April 1963.

**ARTICLE 22**

**Application of the Agreement to the Hong Kong and  
Macao Special Administrative Regions**

This Agreement shall apply as well to the Hong Kong Special Administrative Region of the People's Republic of China and the Macao Special Administrative Region of the People's Republic of China.

**ARTICLE 23**

**Consultations**

The Parties agree to meet from time to time for consular consultations to review the consular relationship. Either Party may also seek consultations on individual consular matters as required from time to time during any one year.

**ARTICLE 24**

**Entry into Force and Duration**

- 1 This Agreement shall take effect on the thirty-first day after the exchange of notes by which the two Parties notify each other of the completion of the procedures required by their domestic laws for giving effect to this Agreement.
- 2 This Agreement shall remain in force until the expiration of six months from the date on which one of the Parties gives to the other Party written notification of its intention to terminate this Agreement.

Done in *Auckland* on this *26<sup>th</sup>* day of *October 2003*, in duplicate in the English and Chinese languages, both texts being equally authentic.

**FOR NEW ZEALAND**

A handwritten signature in black ink, appearing to read "Phil Goff". The signature is fluid and cursive, with the first name "Phil" written in a larger, more prominent script than the last name "Goff".

**FOR THE PEOPLE'S REPUBLIC OF  
CHINA**

A handwritten signature in black ink, consisting of several stylized, overlapping strokes. The signature is highly abstract and does not resemble any recognizable text.