

No. 8170

**NETHERLANDS
and
AUSTRALIA**

**Migration and Settlement Agreement. Signed at The Hague,
on 1 June 1965**

**Exchange of notes (with annex) constituting an agreement
relating to article II of the above-mentioned Agreement.
The Hague, 1 June 1965**

*Official texts of the Migration and Settlement Agreement and of the annex to the
exchange of notes : Dutch and English.*

Official text of the notes : English.

Registered by the Netherlands on 29 March 1966.

**PAYS-BAS
et
AUSTRALIE**

**Accord sur la migration et l'établissement. Signé à La Haye,
le 1^{er} juin 1965**

**Échange de notes (avec annexe) constituant un accord rela-
tif à l'article II de l'Accord susmentionné. La Haye,
1^{er} juin 1965**

*Textes officiels de l'Accord sur la migration et l'établissement et de l'annexe à l'échange
de notes : néerlandais et anglais.*

Texte officiel des notes : anglais.

Enregistrés par les Pays-Bas le 29 mars 1966.

No. 8170. MIGRATION AND SETTLEMENT AGREEMENT¹
BETWEEN THE KINGDOM OF THE NETHERLANDS
AND THE COMMONWEALTH OF AUSTRALIA. SIGNED
AT THE HAGUE, ON 1 JUNE 1965

The Kingdom of the Netherlands and the Commonwealth of Australia,

Recognizing the important contribution that migration can make to the economic development of the two countries and to the strengthening of social and cultural ties between them,

Considering that migration cannot fully play its part in that regard unless attention is given to the settlement and employment of migrants and to their integration in the new communities into which they enter,

Desiring that the friendship and co-operation between the two countries in this field should be maintained and, where practicable, strengthened,

Subject always to the laws and regulations which are or may be in force from time to time within their territories,

Have agreed as follows :

Article I

In accordance with established migration policies and subject to restrictions and measures necessary to maintain public order and to protect public health, morals and national security and to the extent permitted by economic and social conditions, nationals of each Party shall be permitted to enter the territory of the other Party, to travel therein freely and to remain therein at places of their choice for the purpose of permanent settlement.

Article II

The Parties shall give joint assistance to such special migration schemes as may be mutually agreed. The details of such schemes and the conditions of such assistance shall be established by exchange of diplomatic notes.

¹ Applied provisionally from 1 June 1965, the date of signature, and came into force on 30 December 1965, the date of the exchange of the instruments of ratification at Canberra, in accordance with article XI.

Article III

The Parties shall confer regularly with a view to establishing, if practicable, a common policy with regard to international organizations in the field of migration and overseas settlement.

Article IV

(1) Nationals of each Party settling within the territory of the other Party shall be accorded treatment no less favourable than that accorded to nationals of such other Party with regard to the constant protection and security of their persons and rights under the law.

(2) If a national of one Party is taken into custody in the territory of the other Party, the competent authorities of that other Party shall, if the person taken into custody so requests, notify his nearest consular representative without delay. Reasonable facilities shall be afforded to the consular representative to visit and communicate with the person taken into custody.

(3) Nationals of one Party shall, within the territory of the other Party, be treated as if they were nationals of the other Party for the purposes of obtaining legal aid and access to the courts of justice.

Article V

(1) Each Party shall, to the extent permitted by the laws and regulations which are or may be in force from time to time within its territory, ensure that the nationals of the other Party settling in its territory receive such social service and national assistance benefits as it provides to its own nationals, on the same terms as apply to its own nationals, and shall continue to provide such benefits for the duration of this Agreement.

(2) The term "social service and national assistance benefits" is used in this Agreement in the case of Australia to describe unemployment, sickness and special benefits, maternity allowances, child endowment, hospital benefits, medical benefits and pharmaceutical benefits, and in the case of the Netherlands to describe the benefits (including unemployment and sickness benefits, medical and pharmaceutical benefits, industrial and occupational diseases benefits, family allowances, old age, disability and widows' and orphans' pensions) granted within the framework of the social security legislation of the Netherlands, in so far as they are based on the payment of contributions, and special assistance benefits.

Article VI

(1) Subject to the laws and regulations which are or may be in force from time to time within the territory of the other Party, nationals of one Party settling in the territory of the other Party shall be accorded no less favourable rights than the nationals of the other Party to engage in the employment, trade or business of their choice.

(2) The laws and regulations referred to in paragraph (1) of this article include laws and regulations under which a Party makes the possession of its nationality and, in case of Australia, the possession of the status of a British subject, an essential requirement for engaging in any employment, trade or business, as well as laws and regulations under which a Party limits the extent to which alien-controlled enterprises may be established within its territory.

Article VII

With a view to promoting the successful integration into its economy of the nationals of the other Party, and subject to its economic policies current from time to time, each Party will examine the possibility of removing any limitations, which might be shown to exist, other than limitations applying to its own nationals or arising from generally accepted commercial principles, on the extension of credit facilities to the nationals of the other Party or to businesses or companies established by them.

Article VIII

Subject to the laws and regulations which are or may be in force from time to time within the territory of the other Party, nationals of one Party shall, within the territory of the other Party, be treated as if they were nationals of the other Party with respect to freedom of religion and education, and to engaging in scientific research and in cultural, philanthropic and similar activities, and to forming associations for that purpose under the laws of the other Party.

Article IX

Each Party shall accord sympathetic consideration to such representations as the other Party may make with respect to any question affecting the application of the present Agreement, and shall afford opportunity for the exchange of views relating thereto.

Article X

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Canberra as soon as possible.

Article XI

This Agreement shall enter into force on the date on which the instruments of ratification are exchanged and shall remain in force for five years and thereafter until one year after the date on which one Party has given notice to the other Party of its intention to terminate it. The Agreement shall however be applied provisionally as from the date on which it is signed.

Article XII

This Agreement shall apply to the territory of the Kingdom of the Netherlands in Europe and to the territory of the States and mainland Territories of the Commonwealth of Australia.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed the present Agreement.

DONE in duplicate this First day of June One thousand nine hundred and sixty-five, at The Hague in the Netherlands and the English languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

L. DE BLOCK

For the Commonwealth of Australia :

Hubert F. OPPERMAN

W. R. CROCKER