

EMPLOYMENT

Agreement Between the
UNITED STATES OF AMERICA
and AUSTRALIA

Effected by Exchange of Notes
Dated at Canberra November 5 and 9, 1984

with

Related Notes

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

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AUSTRALIA

Employment

*Agreement effected by exchange of notes
Dated at Canberra November 5 and 9, 1984;
Entered into force November 9, 1984.
With related notes.*

*The American Embassy to the Australian Department of Foreign
Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA

No: 177

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of Australia and has the honor to refer to recent discussions concerning the employment of dependents of employees of the Governments of the United States of America and Australia while assigned to official duty in the other State.

Arising from these discussions, the Embassy of the United States of America has the honor to propose the following:

1. Dependents of employees of the Government of the United States of America assigned to Official Duty in Australia (called "United States dependents") and dependents of employees of the Government of Australia assigned to official duty in the United States of America (called "Australian dependents") shall be authorized to be employed in the receiving country without restriction as to the type of employment provided that the said employees are holding citizenship of the sending country.

2. For the purposes of this agreement, "Dependent" shall include:

- I. Spouses;
- II. Unmarried dependent children under 21 years of age;
- III. Unmarried dependent children under 25 years of age who are in full-time attendance as students at a post-secondary educational institution; and
- IV. Unmarried children who are incapable of self support.

3. In the case of Australian dependents, the Embassy of Australia in Washington shall inform the Office of the Chief of Protocol in the Department of State of the requests of any Australian dependent for permission to accept employment. Upon verification that the person is a dependent of an official employee of the Government of Australia, the Office of the Chief of Protocol shall inform the Embassy that the person has permission to accept employment.

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4. In the case of United States dependents, the Embassy of the United States of America in Canberra shall inform the Protocol Branch of the Department of Foreign Affairs of the request of any United States dependent for permission to accept employment. Upon verification that the person is a dependent of an official employee of the Government of the United States of America, the Protocol Branch shall inform the Embassy that the dependent has permission to accept employment.

5. The Government of the sending state of official employees whose dependents obtain employment under this agreement and where those dependents have immunity from the jurisdiction of the receiving state in accordance with Article 37 of the Vienna Convention on Diplomatic Relations,¹ or any other applicable international agreement, shall waive immunity from civil and administrative jurisdiction by the receiving state with respect to all matters arising out of such employment. Such dependents who accept employment under this agreement shall be liable for payment of income and other taxes and social security contributions imposed on any remuneration received from employment in the receiving state. Authorization to accept or continue employment in the receiving state under this agreement shall terminate upon the departure of the official employee from the receiving state or termination of the official employee's official assignment, whichever is earlier.

The Embassy of the United States of America has the honor to propose that if the forgoing is acceptable to the Government of Australia, then this note and confirmatory reply of the Department of Foreign Affairs shall together constitute an Agreement between our two Governments which shall enter into force from the date of the Department's reply and shall remain in force until terminated by either Government at the expiration of ninety days' written notice to the other.

The Embassy of the United States of America avails itself of this opportunity of renewing to the Department of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America
Canberra
November 5, 1984.

¹ TIAS 7502; 23 UST 3244.

*The Australian Department of Foreign Affairs to the American
Embassy*

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No. 177 of 5 November 1984 which reads as follows:

[For text of the U.S. note, see pp. 2-4.]

The Department of Foreign Affairs has the honour to confirm that the foregoing is acceptable to the Government of Australia and that the Embassy's Note together with this Note in reply shall together constitute an Agreement between our two Governments which shall enter into force from the date of this reply and shall remain in force until terminated by either Government at the expiration of ninety days' written notice to the other.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

CANBERRA A.C.T.

9 November 1984

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[RELATED NOTES]

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the recent discussions concerning the Exchange of Notes at Canberra of today's date constituting an Agreement between our two Governments on employment opportunities for dependants of employees on official duty overseas.

The Department of Foreign Affairs wishes to inform the Embassy that for the purposes of this Agreement the Australian authorities intend to regard the following as "employees of the Government of Australia":

- i) persons of Ambassador status;
- ii) career diplomatic and consular officers;
- iii) members of the Australian Federal Police Force;
- iv) members of the Trade Commissioner Service;
- v) members of a Visiting Force and of its civilian component; and
- vi) officers and employees of the Australian Public Service.

Should it appear that other categories of persons in official employment in Australia merit designation under the Agreement the Department will inform the Embassy accordingly.

The Department of Foreign Affairs would be grateful to receive from the Embassy of the United States of America an indication of the categories of United States employees who are to be included in the Agreement.

The Department of Foreign Affairs avails itself of this opportunity of renewing to the Embassy of the United States of America the assurances of its highest consideration.

CANBERRA A.C.T.
9 NOVEMBER 1984

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EMBASSY OF THE
UNITED STATES OF AMERICA

No: 181

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs and has the honor to reply to the Department's note regarding categories of employees covered by the Exchange of Notes at Canberra on November 5, 1984, constituting an Agreement between our two Governments on employment opportunities for dependents of employees on official duty overseas.

The Embassy of the United States of America wishes to inform the Department that for the purposes of this Agreement the United States authorities intend to regard the following as "employees of the Government of the United States of America":

- i) persons of Ambassador status;
- ii) career diplomatic and consular officers;
- iii) members of a Visiting Force and of its civilian component; and
- iv) officers and employees of agencies of the United States Government.

Should it appear that other categories of persons in official employment in the United States merit designation under the Agreement the Embassy will inform the Department accordingly.

The Embassy of the United States of America avails itself of this opportunity of renewing to the Department of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America
Canberra,
November 14, 1984.

✓ TIAS 11138

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