

No. 288

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**AUSTRALIA**  
**and**  
**NORWAY**

**Exchange of Notes concerning the release of Norwegian assets in Australia. Canberra and Sydney, 24 March 1947**

*English official text communicated by the Minister in charge of the Australian mission to the United Nations. The registration took place on 8 September 1948.*

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**AUSTRALIE**  
**et**  
**NORVEGE**

**Echange de notes relatives au déblocage des avoirs norvégiens en Australie. Canberra et Sydney, 24 mars 1947**

*Texte officiel anglais communiqué par le Ministre en charge de la mission australienne auprès des Nations Unies. L'enregistrement a eu lieu le 8 septembre 1948.*

No. 288. EXCHANGE OF NOTES<sup>1</sup> BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NORWAY CONCERNING THE RELEASE OF NORWEGIAN ASSETS IN AUSTRALIA. CANBERRA AND SYDNEY, 24 MARCH 1947

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I

MINISTER FOR EXTERNAL AFFAIRS

CANBERRA, A.C.T.

24th March, 1947

IC.46/73/2

Sir,

I have the honour to record my Government's understanding of the agreement arrived at between the Australian and Norwegian Governments concerning the release of property in the Commonwealth of Australia belonging to persons resident in Norway.

1. The property referred to in this Agreement (hereinafter referred to as Norwegian property) is that property which is situated in the Commonwealth of Australia and which, subject to the provisions of any Norwegian legislation, is subject to the provisions of the National Security (Enemy Property) Regulations made under the National Security Act 1939-1943 and to the provisions of the Trading with the Enemy Act 1939-1940, being statutes of the Parliament of the Commonwealth of Australia and belonging to persons or bodies of persons who are or have been enemy subjects solely because they are or have been resident or carrying on business in Norway on and since the ninth day of April, One thousand nine hundred and forty.

2. (1) The Government of the Commonwealth of Australia agrees to direct the Controller of Enemy Property to supply to the Norwegian Government or their duly authorised officer such information as is or may come within his knowledge regarding Norwegian property;

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<sup>1</sup> Came into force on 24 March 1947, by the exchange of the said notes.

(2) The Norwegian Government agrees to supply the Controller of Enemy Property with such additional information regarding Norwegian property as is or may come within their knowledge;

(3) The Norwegian Government or their duly authorised officer shall be entitled to make enquiries regarding Norwegian property from the Controller of Enemy Property whenever they deem it advisable to do so and the Controller of Enemy Property shall supply to the Norwegian Government or their duly authorised officer the information which they may require and the Controller is entitled to obtain.

3. The Controller of Enemy Property shall pay the amounts of money which have been or may be received by him and which would, but for the operation of the National Security (Enemy Property) Regulations, be payable to Norwegian persons, to the Norwegian Government or their duly authorised officer or to such person or persons as the Norwegian Government or their duly authorised officer may direct.

4. The Controller of Enemy Property shall, if so required by the Norwegian Government, furnish directions for the payment to the Norwegian Government or their duly authorised officer or to such person or persons as the Norwegian Government or their duly authorised officer may direct of any amounts or money held by banks, financial institutions, trustees or debtors which, but for the operation of the National Security (Enemy Property) Regulations, would be payable to Norwegian persons, otherwise such amounts of money shall remain in the names of the present holders and be at their free disposal.

5. Securities, real property and other property (other than money subject to the provisions of paragraphs 3 and 4) owned subject as aforesaid by Norwegian persons shall remain in the names of the present holders unless the Norwegian Government or their duly authorised officer shall direct transfer to the Norwegian Government or their duly authorised officer or to other person or persons. In either case the Controller of Enemy Property shall furnish all directions necessary to effectuate the enjoyment of such property by the owner or owners thereof or otherwise to transfer such property as may be directed by the Norwegian Government or their duly authorised officer.

6. The Treasurer of the Commonwealth of Australia shall pay to the Norwegian Government or their duly authorised officer or to such person or persons as the Norwegian Government or their duly authorised officer may direct all monies received by the Comptroller-General of Customs under the provisions

of Section 14 of the Trading with the Enemy Act 1939-1940 which may, at the time of this agreement remain in the Trust Account mentioned in Sub-Section (4) of that Section and which would, but for the operation of the said Act or any other law of the Commonwealth of Australia, be payable to Norwegian persons.

7. Payment of any monies and transfer of any securities, real property or other property as aforesaid shall be subject to rights which the holders of liens, pledges, mortgages and encumbrances could have exercised in respect thereof against the original owner.

8. The Norwegian Government hereby agrees to indemnify and keep indemnified the Government of the Commonwealth of Australia and the Controller of Enemy Property and the Treasurer of the Commonwealth from all actions, suits, proceedings, claims or demands which may arise from the payment or transfer of the monies or property as aforesaid to the Norwegian Government or their duly authorised officer or other person or persons in accordance with this agreement.

9. The Controller of Enemy Property may deduct from any amount to be paid under and by virtue of this agreement any expenses which have necessarily been incurred or may be incurred by him in the administration of Norwegian property and the Norwegian Government undertakes to reimburse the Controller of Enemy Property for any amount of such expenses which cannot be deducted from the amounts in the possession of the Controller of Enemy Property.

10. The Government of the Commonwealth of Australia and the Norwegian Government will co-operate in the resumption of business in the Commonwealth of Australia by Norwegian persons and the Norwegian Government will consult with the Government of the Commonwealth of Australia before appointing any persons to the supervision of an undertaking carrying on business in the Commonwealth of Australia or to the administration of any property therein and will consult with the Government of the Commonwealth of Australia before the institution of legal proceedings against defendants within the Commonwealth of Australia in respect of any property. The Norwegian Government undertakes not to raise without the prior concurrence of the Government of the Commonwealth of Australia a plea of sovereign immunity in legal proceedings in the Commonwealth of Australia in respect of Norwegian property referred to in this agreement.

11. The Governments of the Commonwealth of Australia and of Norway may subsequently agree that certain property shall be excluded from the provisions of this agreement.

12. In this agreement the term "Norwegian person" shall mean a person, firm or corporation who or which has been or is now resident or carrying on business in Norway, being a country formerly in the occupation of a power with which the Government of the Commonwealth of Australia was at war.

13. The rate of exchange at which funds held or directed to be transferred in pursuance of this Agreement shall be as follows:—

- (i) the rate of exchange fixed in any contract in pursuance of which monies would be, but for the operation of the provisions of the National Security (Enemy Property) Regulations paid to Norwegian persons;
- (ii) if no such rate is fixed then at the ruling rate as determined by the Commonwealth Bank of Australia at the date at which the monies become due and payable;
- (iii) if no rate is fixed by contract as referred to in paragraph (i) above, or if no rate is ascertainable as referred to in paragraph (ii) above then at the rate of 14.063 kroner to £1 Australian.

14. The Norwegian Government undertakes to assist Australians, who own property in Norway and to whom debts are due from Norwegian persons, to trace and identify their property, and will place the Norwegian courts at the disposal of the Australian Creditors, if required, in order to obtain satisfaction from their debtors.

I have the honour to suggest that, if the terms of the above agreement are agreed to by your Government, this Note and your Note in similar terms shall be deemed to constitute and evidence the agreement reached by our respective Governments, and which shall take effect from the date of the two Notes.

I have the honour to be, Sir, your obedient servant,

H. V. EVATT  
Minister of State for External Affairs

The Consul-General of Norway  
Norwegian Consulate-General  
4 Bridge Street  
Sydney, N.S.W.

## II

NORWEGIAN CONSULATE-GENERAL

Sydney, N.S.W., the 24th March, 1947

Sir,

I have the honour to record my Government's understanding of the agreement arrived at between the Australian and Norwegian Governments concerning the release of property in the Commonwealth of Australia belonging to persons resident in Norway.

[See note I]

I have the honour to state that the terms of the above agreement are agreed to by my Government and agree that this Note and your Note in similar terms shall be deemed to constitute and evidence the agreement reached by our respective Governments, and which shall take effect from the date of the two Notes.

I have the honour to be, Sir, your obedient servant,

G. S. PLATOU

His Excellency  
The Minister for External Affairs  
Canberra