

No. 1111

**NETHERLANDS
and
NEW ZEALAND**

**Migration Agreement (with exchange of notes). Signed at
Wellington, on 16 October 1950**

Official text: English.

Registered by the Netherlands on 21 March 1951.

PAYS-BAS

et

NOUVELLE-ZÉLANDE

**Accord relatif aux migrations (avec échange de notes). Signé
à Wellington, le 16 octobre 1950**

Texte officiel anglais.

Enregistré par les Pays-Bas le 21 mars 1951.

No. 1111. MIGRATION AGREEMENT¹ BETWEEN THE NETHERLANDS AND NEW ZEALAND. SIGNED AT WELLINGTON, ON 16 OCTOBER 1950

The Government of the Kingdom of the Netherlands (hereinafter called "the Netherlands Government") and

The Government of New Zealand (hereinafter called "the New Zealand Government"),

Desirous of co-operating in formulating and carrying out a scheme for affording joint assistance to suitable persons in the Netherlands in order that they may proceed to New Zealand for the purposes of permanent settlement, and

Having regard as far as possible in the terms of this Agreement to the provisions of the Model Agreement² annexed to the International Labour Office "Migration for employment recommendation (revised) 1949",

Have agreed as follows:

Article 1

Number of migrants to be accepted:

The number and categories of persons to be accepted under this scheme shall be as agreed upon from time to time by an exchange of notes between the New Zealand Government and the Netherlands Government.

Article 2

Sharing of cost of transport:

The cost of transport of migrants under the scheme shall be shared as follows:

(a) The cost of transport to the point of embarkation in the Netherlands shall, if necessary, be paid by the Netherlands Government.

¹ Came into force on 16 October 1950, as from the date of signature, in accordance with article 18.

² International Labour Conference, *Conventions and Recommendations*, 1919-1949, p. 885.

(b) The cost of transport from the point of embarkation in the Netherlands to the point of disembarkation in New Zealand shall be paid as far as possible by the migrant. To the extent that financial assistance may be necessary, such assistance shall be granted in the proportion of one half by the Netherlands Government and one half by the New Zealand Government.

(c) The cost of transport from the point of disembarkation in New Zealand to the eventual destination of the migrant shall be paid by the New Zealand Government.

(d) The cost of maintenance while travelling shall be paid in full by the migrant.

Article 3

Migrants in respect of whom the Netherlands Government does not contribute towards transport costs:

The cost of transport to New Zealand in the case of migrants in occupational categories agreed upon by an exchange of notes between the two Governments, and in respect of whom the Netherlands Government does not contribute towards transport costs, shall be met as far as possible by the migrant, but the New Zealand Government may, at its discretion, grant financial assistance towards transport costs in such cases.

Article 4

Administration expenses:

The Netherlands Government and the New Zealand Government shall each bear such expenses of administering the scheme as are incurred by their respective administrative departments, provided that expenses incurred in advertising shall be borne by the New Zealand Government. Expenses incurred in the medical and X-ray examinations carried out in the process of selection of migrants (except in respect of those migrants referred to in Article 3 hereof) shall be borne if necessary by the Netherlands authorities.

Article 5

Conditions of acceptance:

The conditions of acceptance of an applicant for migration under this Agreement shall be as follows:

(a) That he is deemed by the New Zealand Government to be suitable and qualified for the employment which he proposes to undertake in New Zealand.

(b) That he is able to pass any prescribed medical examination as to his mental and physical fitness.

(c) That he is considered by both Governments to be a suitable person in every other way for migration to New Zealand under this scheme.

(d) That he contracts to remain in the employment for which he is selected, or such other employment as may be approved by the Director of Employment in New Zealand, for a period of not less than two years.

Article 6

Migrants not completing two year contract period:

In the event of a migrant failing to remain in the employment for which he is selected, or such other employment as may be approved by the Director of Employment, for the agreed period of not less than two years, he will be liable to repay to the New Zealand Government the amount contributed by that Government towards the cost of his fare from the Netherlands to New Zealand.

Article 7

Information and assistance to migrants:

(a) The migrant accepted after medical and occupational examination shall receive, in a language which he understands, all information he may still require as to the nature of the work for which he has been engaged, the travel arrangements and general conditions of life and work in New Zealand.

(b) On arrival in New Zealand migrants shall receive all the documents which they need for their work, their residence and their settlement in the country, as well as such information, instruction and assistance regarding conditions of life and work, and any other matters as may be necessary in order to adapt themselves to conditions in New Zealand.

Article 8

Adaptation and naturalisation:

The New Zealand Government undertakes to facilitate in every way possible the adaptation of migrants from the Netherlands to the economic and social conditions applying in New Zealand, and such migrants will be given the most favourable consideration in regard to application for naturalisation under the laws relating to naturalisation currently in force in New Zealand.

*Article 9**Administrative formalities:*

It is agreed that all formalities relating to departure from the Netherlands, travelling to New Zealand, entry into New Zealand, and residence and settlement in New Zealand will be simplified to the maximum possible extent, and in particular the following conditions will apply:

(a) The Netherlands Government will place no restriction on the departure from the Netherlands of applicants selected for migration to New Zealand under this scheme.

(b) The Netherlands Government will facilitate the transfer of funds of migrants to New Zealand in so far as the economic and financial situation of the Netherlands permits such transfer.

(c) The New Zealand Government will facilitate the transfer to the Netherlands of a reasonable proportion of the migrant's earnings to enable him to contribute towards the maintenance of his dependants or to meet any reasonable obligations he may have incurred prior to his departure from the Netherlands.

(d) The New Zealand Government will grant authority for permanent residence in New Zealand to all applicants selected for migration from the Netherlands.

*Article 10**Equality of treatment in regard to employment:*

Subject to Article 5 (d) hereof the New Zealand Government agrees that migrants will be granted, with respect to employment, no less favourable treatment than that applicable to its own nationals, and that no discrimination will be made in regard to nationality, race, religion or sex.

*Article 11**Access to trades and occupations, etc.:*

The New Zealand Government agrees that, in regard to access to trades and occupations and the right to acquire property, migrants will be granted no less favourable treatment than that applicable to its own nationals.

*Article 12**Change of employment:*

Where the Director of Employment in New Zealand is satisfied that the employment for which a migrant is selected is unsuited to his physical

capacity or occupational qualifications, facilities will be provided for his transfer to other employment.

Article 13

Employment stability:

If, before the expiration of the period of his contract for employment, the migrant becomes redundant in the undertaking or branch of economic activity for which he was selected, he may be permitted to transfer to other employment considered to be suitable by the Director of Employment in New Zealand. During any period in which, through no fault of his own, he may be unemployed, the migrant will be granted such unemployment benefits as he may be entitled to under the New Zealand Social Security Act in the same manner as persons of British nationality.

Article 14

Social security:

Subject to such residential qualifications as may apply from time to time, migrants will be entitled to the various benefits applicable under the New Zealand Social Security Act in the same manner as persons of British nationality. Where, due to an insufficient period of residence in New Zealand, migrants may not be entitled to any Social Security benefit, consideration will be given to the granting of an Emergency Benefit under the Social Security Act, where such Emergency Benefits normally apply, in the same manner as for persons of British nationality.

Article 15

Conditions of transport:

It is agreed that the following terms and conditions will apply:

(a) During the journey to any assembly or selection centre and any stay in such centre, the Netherlands Government will grant to migrants any reasonable assistance which they might require.

(b) All possible steps will be taken by both Parties to ensure that the conditions of travel between the Netherlands and New Zealand will be such as to ensure that the health and welfare of migrants will be adequately safeguarded.

Article 16

Housing conditions:

The New Zealand Government undertakes to ensure that living accommodation for migrants in New Zealand will be adequate and reasonable as to

standards in order to ensure the health and general welfare of migrants, but having regard to any austerity conditions that may be unavoidable in the provision of accommodation of a temporary nature.

Article 17

Methods of co-operation:

The Parties to this Agreement agree to co-operate generally with a view to the successful operation of the scheme, and more particularly in the following matters:

(a) As regards the administration and operation of the scheme in the Netherlands, by consultation and negotiation between the appropriate Netherlands authorities at The Hague and the Chief Migration Officer for New Zealand in London, or any New Zealand representative who may later be established at The Hague.

(b) As regards the administration and operation of the scheme in New Zealand, by consultation and negotiation between the Minister of Immigration in New Zealand and the Minister of the Netherlands in New Zealand.

Article 18

Termination of agreement:

The present Agreement shall come into force on the date of signature thereof and shall operate for an indefinite period, but may be terminated by either Party on giving six months notice of intention to terminate.

IN WITNESS WHEREOF the undersigned representatives, duly authorised for the purpose, have signed the present Agreement.

DONE in duplicate, in the English language, at Wellington this sixteenth day of October one thousand nine hundred and fifty.

For the Government of New Zealand:

(Signed) W. SULLIVAN

for the Minister of External Affairs

For the Government of the Kingdom of the Netherlands:

(Signed) J. B. D. PENNINK

Minister of the Netherlands

EXCHANGE OF NOTES

I

MINISTRY OF EXTERNAL AFFAIRS
WELLINGTON, N.Z.

16 October 1950

Sir,

I have the honour to refer to the Migration Agreement which has today been concluded between the New Zealand Government and the Netherlands Government.

2. I have to say that the New Zealand Government attach the following interpretation to Articles 10 and 11 of the Migration Agreement:

(i) The provisions of Article 10 are not to be interpreted to mean that the principle that men and women should receive equal pay for work of equal value has yet been fully implemented in New Zealand.

(ii) In New Zealand there are a limited number of occupations reserved by Statute to British subjects; moreover, an alien may not acquire an interest in any British ship. Articles 10 and 11 will be interpreted subject to these qualifications.

3. I further have the honour, pursuant to Article 1 of the Migration Agreement, to set out in the attached note verbale the proposed terms and conditions under which migration from the Netherlands to New Zealand shall proceed in the immediate future. I shall be glad to learn whether these proposals and the interpretations stated in the foregoing paragraph are acceptable to you.

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

(Signed) W. SULLIVAN
for the Minister of External Affairs

His Excellency Mr. J. B. D. Pennink
Minister of the Netherlands
Wellington

Enclosure:
Note verbale.

NOTE VERBALE

In accordance with Article I of the Migration Agreement dated 16 October 1950 between the New Zealand Government and the Netherlands Government, the following terms and conditions shall apply to migration, in the immediate future, from the Netherlands to New Zealand under this Agreement:

1. The number of persons to be accepted under the terms of the Migration Agreement in any one calendar year shall not exceed two thousand.

2. The persons eligible for assistance under the Agreement shall be unmarried persons who have attained 18 years of age but have not attained 36 years of age at the time of application.

3. The occupational categories, and the number of persons in each category, that it is agreed may be selected in each year shall be as follows:

(a) *Men:*

Unskilled workers for labouring work		200
<i>Building tradesmen:</i>		
Carpenters	300	
Painters	75	
Plasterers	25	
	—	400
<i>Engineering tradesmen:</i>		
Boilermakers	50	
Fitters and turners	50	
Blacksmiths and panelbeaters	50	
	—	150
<i>Timber workers:</i>		
Bushmen	100	
Sawmill hands	50	
	—	150
Farm workers		250
Dairy factory workers		50
		—
Total		1,200

(b) *Women:*

Domestic workers		400
Factory workers		200
Fully trained and qualified nurses		200
		—
Total		800

4. For the purpose of determining the financial assistance to be granted by the respective Governments towards transport costs, the provisions of Article 2 (*b*) of the Migration Agreement shall apply to unskilled Male Workers, Farmworkers, Dairy Factory Workers, and to Female Domestic Workers, and the provisions of Article 3 of the Agreement shall apply to Building Tradesmen, Engineering Tradesmen, Timber Workers and Trained Nurses.

5. In respect of Female Factory Workers, the question as to whether assistance should be granted under Article 2 (*b*) or under Article 3 shall be as determined in each individual case by agreement between the Netherlands Emigration Foundation and the responsible New Zealand selection authority, having regard in each case to the degree of skill in their proposed occupation and the extent to which they can be placed in employment in New Zealand without the need for further training.

6. Arrangements for the transport of migrants to New Zealand will be the responsibility of the Netherlands Government, and it is agreed that, should there be any appreciable increase in the present cost of sea transport, or should it become necessary to consider using air transport, the New Zealand Government will be consulted and its agreement obtained before any commitment is made.

Ministry of External Affairs
Wellington, New Zealand

16 October 1950

II

ROYAL NETHERLANDS LEGATION
WELLINGTON, N.Z.

16th October, 1950

Sir,

I have the honour to acknowledge receipt of your letter of 16th October in reference to the Migration Agreement which has been concluded today between the New Zealand Government and the Netherlands Government. Its contents have been duly noted.

I have also noted the contents of the note verbale attached to the Agreement, and have perused the conditions under which migration from the Netherlands to New Zealand shall proceed in the immediate future. In regard to these proposals and the interpretation stated in your letter under reply, I am happy to say that these are acceptable to the Netherlands Government.

In thanking you for your co-operation and assistance, I take this opportunity to express the hope that the Agreement will work to the mutual satisfaction of our two countries, and that it will fulfil our expectations for its success.

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

(Signed) J. B. D. PENNINK
Netherlands Minister

The Honourable the Minister of External Affairs
Wellington
