

No. 1353

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**AUSTRALIA**  
and  
**FRANCE**

**Exchange of notes constituting an agreement relating to money and property situated in France and Australia which have been subjected to special measures in consequence of the enemy occupation of France. Canberra, 28 July 1947**

*Official texts: English and French.*

*Registered by Australia on 10 August 1951.*

**AUSTRALIE**  
et  
**FRANCE**

**Échange de notes constituant un accord relatif aux biens, droits et intérêts domiciliés en France et en Australie qui ont été soumis à des régimes spéciaux à la suite de l'occupation de la France par l'ennemi. Canberra, 28 juillet 1947**

*Textes officiels anglais et français.*

*Enregistré par l'Australie le 10 août 1951.*

No. 1353. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN AUSTRALIA AND FRANCE RELATING TO MONEY AND PROPERTY SITUATED IN FRANCE AND AUSTRALIA WHICH HAVE BEEN SUBJECTED TO SPECIAL MEASURES IN CONSEQUENCE OF THE ENEMY OCCUPATION OF FRANCE. CANBERRA, 28 JULY 1947

Nº 1353. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> RELATIF AUX BIENS, DROITS ET INTÉRÊTS DOMICILIÉS EN FRANCE ET EN AUSTRALIE QUI ONT ÉTÉ SOUMIS A DES RÉGIMES SPÉCIAUX A LA SUITE DE L'OCCUPATION DE LA FRANCE PAR L'ENNEMI. CANBERRA, 28 JUILLET 1947

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I

MINISTER FOR EXTERNAL AFFAIRS

Canberra, A.C.T., 28th July, 1947

Sir,

I have the honour to record my government's understanding of an Agreement reached between the Government of Australia and the Government of the Republic of France relating to money and property situated in France and Australia which have been subjected to special measures in consequence of the enemy occupation of France.

*Article I*

(a) In the case of money and property in the Commonwealth of Australia the present Agreement shall apply to money and property of French persons which have been dealt with under the National Security (Enemy Property) Regulations made under the National Security Act 1939-1943 and under the Trading with the Enemy Act 1939-1940 being Statutes of the Parliament of the Commonwealth of Australia (hereinafter called "the Commonwealth Statutes"). The present Agreement shall apply as regards France to money and property situated in France of Australian persons which have been subjected to special regimes since the 16th June, 1940.

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<sup>1</sup> Came into force on 28 July 1947, by the exchange of the said notes.

<sup>1</sup> Entré en vigueur le 28 juillet 1947, par l'échange desdites notes.

(b) For the purpose of this Agreement the phrase "French persons" is defined as meaning persons and bodies of persons whose money and property have been subjected to the Commonwealth Statutes solely because they are or have been resident or carrying on business in France or in French Indo-China respectively. The phrase "Australian persons" is defined as meaning persons and bodies of persons whose money and property have been subject to special regimes solely because they are or have been resident or carrying on business in Australia and in Australian territories, including mandated and trusteeship territories, not being German or Japanese nationals.

(c) It is expressly understood that this Agreement does not apply to any settlement between the two Governments or in which one or more Government Departments are concerned except by mutual agreement.

#### *Article II*

This Agreement does not purport to deal with the position of the money and property of French and Australian persons under taxation and foreign exchange control legislation in force in the Commonwealth of Australia and France.

#### *Article III*

The money and property in the Commonwealth of Australia of British subjects residing in France which have been subjected to the Commonwealth Statutes shall be dealt with outside the terms of this Agreement.

#### *Article IV*

Bank balances and deposits other than those dealt with in Article 5 belonging to French or Australian persons shall be placed at the disposal of the original account holders.

#### *Article V*

(a) Monies at present held by the Controller of Enemy Property or the Treasurer of the Commonwealth in the terms of the Commonwealth Statutes as due to French persons on account of commercial debts, bank balances and deposits, interests, dividends and monies of a like nature arising from the sale of goods or by way of legacies or under trusts or settlements or some other case will be transferred in Australian currency to the French Government with a view to the satisfaction of the claims of French persons.

(b) Monies at present held by the Office des Changes as due to Australian persons shall be made available to the owners of such monies on application by them to the Office des Changes. The Office des Changes shall be deemed to include the Treuhand Organism. In the case of obligations expressed in

Australian currency or sterling, the payment shall be made by the Office des Changes in Australian currency, or in sterling, as the case may be, at the rate of exchange current at the date when the debtor made his payment to the Office des Changes. In the case of obligations expressed in French currency, payment shall be made by the Office des Changes in French currency or converted at the rate of exchange current at the date of the transfer by the Office des Changes to the Australian creditor.

(c) All other monies due to Australian or French persons shall be released for settlement as between debtor and creditor. With a view to facilitating such settlement, the two contracting Governments shall use their best endeavours to assist Australian and French creditors to trace and identify their debtors and to obtain satisfaction of their debts, and will place the Australian and French Courts at the disposal of the French and Australian creditors to establish and enforce their claims.

#### *Article VI*

##### *Movable and Immovable Property including Securities*

French and Australian persons shall be free to resume ownership and management of their property in the Commonwealth of Australia and France respectively.

#### *Article VII*

##### *Industrial, Literary and Artistic Property*

Industrial, literary and artistic property shall not be dealt with under this Agreement.

#### *Article VIII*

##### *Commercial, Financial and Industrial Undertakings*

Any restrictions (other than those which are common to all persons resident in France or the Commonwealth of Australia) which at present prevent French persons from resuming the management or direction of such undertakings in the Commonwealth of Australia or Australian persons from resuming the management or direction of such undertakings in France shall be removed.

#### *Article IX*

##### *Removal of Legal Obstacles*

The Contracting Governments agree to consider action for the removal of legal obstacles (including periods of prescription), etc., arising from the war which may prevent the equitable settlement of outstanding indebtedness.

*Article X**Liquidations in Progress*

The Contracting Governments will consult together on outstanding questions arising from liquidations or similar proceedings undertaken in war-time conditions and in the meantime will not, except in agreement, take action to complete proceedings pending.

*Article XI**Estates of Deceased Persons*

Monies which have been or which may be received under the Commonwealth Statutes on account of French persons who have since died shall not be paid over to the French Government in the terms of this Agreement until a legal personal representative has been appointed.

*Article XII**Fees*

Fees will not be taken in respect of money and property passing under this Agreement.

*Article XIII**Liens, Encumbrances, etc.*

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.

*Article XIV*

Subject to the provisions of Article XII, the Controller of Enemy Property and the Treasurer of the Commonwealth 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 them in the administration of French property and the French Government undertakes to reimburse the Controller of Enemy Property and the Treasurer of the Commonwealth any amount of such expenses which cannot be deducted from the amounts in the possession of the Controller of Enemy Property or the Treasurer of the Commonwealth.

*Article XV*

The French 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 of Australia from all actions, suits, proceedings, claims and demands which may arise from the payment or transfer of the monies or property as aforesaid to the French Government in accordance with this Agreement.

I have the honour to suggest that this Note and your Note of the same date in similar terms shall be deemed to constitute and evidence the Agreement between our two Governments.

I have the honour to be, with the highest consideration, Sir, your most obedient servant,

(Signed) H. V. EVATT  
Minister of State for External Affairs

His Excellency Monsieur Pierre Augé  
Envoy Extraordinary and Minister Plenipotentiary  
of the Republic of France  
Canberra, A.C.T.

## II

## LÉGATION DE FRANCE

Canberra, le 28 juillet 1947

N° 172/10

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de votre lettre en date de ce jour, par laquelle Votre Gouvernement donne son adhésion à l'accord intervenu entre le Gouvernement de la République Française et le Gouvernement Fédéral d'Australie sur les biens, droits et intérêts domiciliés en France, et territoires français, et en Australie et territoires australiens, soumis à des dispositions spéciales depuis le mois de juin 1940.

*Article premier*

a) Le présent Accord vise, en ce qui concerne le Commonwealth d'Australie, les biens, droits et intérêts de ressortissants français soumis aux mesures de sécurité nationale (Propriété Ennemie) édictées par l'Acte de Sécurité Nationale de 1939-1943 et par l'Acte relatif au Commerce avec l'Ennemi de 1939-1940 qui sont Actes du Parlement du Commonwealth d'Australie (ci-dessous appelés Actes du Commonwealth). Le présent Accord vise, en ce qui concerne la France, les biens, droits et intérêts sis en France de ressortissants australiens qui ont été soumis à des régimes spéciaux depuis le 16 juin 1940.

## II

## TRANSLATION — TRADUCTION

## FRENCH LEGATION

Canberra, 28 July 1947

No. 172/10

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date in which your Government signifies its consent to the Agreement reached between the Government of the French Republic and the Federal Government of Australia relating to money and property situated in France and French territories and in Australia and Australian territories which have been subjected to special measures since June 1940.

*[See note I, with the exception of article V, paragraph (b), which is translated as follows]*

(b) Monies at present held by the Office des Changes as due to Australian persons shall be made available to the owners of such monies on application by them to the Office des Changes. The Office des Changes shall give its assistance in the recovery of payments made to the Treuhand Organism and shall make direct settlement with the creditors. In the case of obligations expressed in Australian currency or sterling, the payment shall be made by the Office des Changes in Australian currency, or in sterling, as the case may be, at the rate of exchange current at the date when the debtor made his payment to the Office des Changes. In the case of obligations expressed in French currency, payment shall be made by the Office des Changes in French currency or converted at the rate of exchange current at the date of the transfer by the Office des Changes to the Australian creditor.

*[and of article IX, which is translated as follows]*

The two Governments undertake to give earnest consideration to all appropriate measures for the removal of legal obstacles (including periods of prescription), etc., arising from the war which may prevent the equitable settlement of outstanding indebtedness.

In giving my consent to the said Agreement reached between our two Governments, I have the honour to inform you that the present letter, together with your reply, will be deemed to constitute evidence of that Agreement.

I have the honour to be, etc.

(Signed) P. AUGÉ  
Minister of France

To the Minister of External Affairs  
Canberra, A.C.T.