

No. 1042

AUSTRALIA
and
FINLAND

Exchange of notes constituting an agreement concerning the release of moneys belonging to persons resident in Finland which are held in cash by the Controller of enemy property in Australia, and the settlement of Australian claims against Finland arising out of the Second World War. Canberra, 4 January 1951

Official text: English.

Registered by Australia on 8 February 1951.

AUSTRALIE
et
FINLANDE

Echange de notes constituant un accord concernant le déblocage de sommes d'argent appartenant à des personnes résidant en Finlande et détenues en espèces par le Séquestre des biens ennemis en Australie et le règlement de créances australiennes sur la Finlande nées de la deuxième guerre mondiale. Canberra, 4 janvier 1951

Texte officiel anglais.

Enregistré par l'Australie le 8 février 1951.

NO. 1042. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN AUSTRALIA AND FINLAND CONCERNING THE RELEASE OF MONEYS BELONGING TO PERSONS RESIDENT IN FINLAND WHICH ARE HELD IN CASH BY THE CONTROLLER OF ENEMY PROPERTY IN AUSTRALIA, AND THE SETTLEMENT OF AUSTRALIAN CLAIMS AGAINST FINLAND ARISING OUT OF THE SECOND WORLD WAR. CANBERRA, 4 JANUARY 1951

I

MINISTER FOR EXTERNAL AFFAIRS,
CANBERRA, A.C.T.

4th January, 1951

Sir,

I have the honour to refer to earlier correspondence between representatives of the Finnish and Australian Governments concerning the release of moneys belonging to persons resident in Finland which are held in cash by the Controller of Enemy Property in Australia, and the settlement of Australian claims against Finland arising out of the Second World War, including any claims arising out of the payment of moneys belonging to persons resident in Australia to the Finnish authorities under custodian legislation or other measures in force in Finland, and to record hereunder my Government's understanding of the agreement reached between our two Governments in this matter.

Article 1

In this Agreement, unless the contrary intention appears —

“Person” means natural person.

“Institution” includes any authority, firm, partnership or company, whether incorporated or unincorporated.

“Australia” includes the Territories of or under the control of Australia.

¹ Came into force on 4 January 1950, by the exchange of the said notes.

“Controller” means the Controller of Enemy Property of Australia.

Article 2

The Controller shall furnish the Finnish Legation at Canberra or such other representative as the Government of Finland may designate with full particulars of all moneys which have been paid to the Australian Government in pursuance of the National Security (Enemy Property) Regulations and the Trading with the Enemy Act 1939-47 (hereinafter referred to as the Commonwealth Statutes) on behalf of persons in Finland and institutions established in Finland, and which are under the control of the Controller at the date on which this Agreement comes into force.

Article 3

Subject to Articles 5 and 6 of this Agreement, moneys at present held by the Australian Government in the terms of the Commonwealth Statutes on behalf of Finnish persons and institutions shall be transferred in Australian currency to the Finnish Government or its duly authorised officer or to such Bank as may be nominated by the Finnish Government, with a view to the satisfaction of the claims of the Finnish persons or institutions to whom such moneys are due.

Article 4

The Finnish Government shall make arrangements for the verification of all particulars supplied to it under Article 2 by the Controller and shall in due course inform the Controller of any moneys included therein which are not due to or owned by Finnish persons or institutions. The Finnish Government undertakes to return to the Controller any moneys which are found not to be due to or owned by Finnish persons or institutions and which have been paid to the Finnish Government in pursuance of Article 3 of this Agreement.

Article 5

The Governments of Australia and Finland may subsequently agree that moneys at present held in the terms of the Commonwealth Statutes for Finnish persons or institutions may be repaid to the person or institution in Australia from whom the Australian Government received such moneys, in cases which are held to justify this action.

Article 6

Moneys which have been or which may be received in the terms of the Commonwealth Statutes on account of a Finnish person who has since died shall not be paid over to the Finnish Government in pursuance of Article 3 of this Agreement until a legal personal representative of such deceased person has been appointed.

Article 7

The Controller shall also furnish the Legation or other representative designated by the Finnish Government with a statement of all claims registered in his office by persons and institutions in Australia against persons and institutions in Finland. The Finnish Government will examine the statement and inform the Controller of the validity of the claims. It will also assist Australian creditors to trace and identify their debtors and will facilitate the enforcement of the claims of such creditors against such debtors, their heirs or successors. Where moneys due by Finnish persons or institutions to persons or institutions in Australia have been paid to the Finnish authorities under custodian legislation or other measures in force in Finland, the Finnish Government shall arrange for such moneys to be paid to the Australian persons or institutions entitled thereto.

Article 8

This Agreement does not apply to any settlements to be effected between the contracting Governments or in which one or more Government Departments are concerned, except by mutual consent.

Article 9

The Finish Government hereby agrees to indemnify and keep indemnified the Government of Australia, the Treasurer of the Commonwealth of Australia and the Controller from all actions, suits, proceedings, claims or demands which may arise from the payment or transfer of the moneys as aforesaid to the Finnish Government or their duly authorised officer or Bank, in accordance with Article 3 of this Agreement.

Article 10

Moneys held in the terms of the Commonwealth Statutes for British Subjects resident in Finland shall be excluded from the provisions of this Agreement.

Article 11

This Agreement does not purport to exempt any money from taxation or foreign exchange control legislation in force in Australia or Finland.

If the foregoing provisions are acceptable to your Government I have the honour to propose that this Note and your confirmatory reply thereto be deemed to constitute and evidence the agreement between our two Governments in this matter.

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

(Signed) Percy C. SPENDER
Minister of State for External Affairs

Mr. P. I. Simelius
Chargé d'Affaires
Finnish Legation
Sydney, N.S.W.

II

FINNISH LEGATION

Canberra, 4th January, 1951

Sir,

I have the honour to refer to earlier correspondence . . .

[See note I]

The foregoing provisions having been accepted by my Government I have the honour to agree that your note of the 4th January and this note be deemed to constitute and evidence the Agreement between our two Governments in the matter.

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

(Signed) P. I. SIMELIUS
Chargé d'Affaires of Finland

The Honorable P. C. Spender, K.C., M.P.
Minister of State for External Affairs
Canberra, A.C.T.