

No. 1741

**AUSTRALIA
and
ITALY**

**Agreement (with schedule) for assisted migration. Signed
at Melbourne, on 29 March 1951**

Official texts: English and Italian.

Registered by Australia on 5 June 1952.

**AUSTRALIE
et
ITALIE**

**Accord (avec annexe) relatif à l'assistance à la migration.
Signé à Melbourne, le 29 mars 1951**

Textes officiels anglais et italien.

Enregistré par l'Australie le 5 juin 1952.

No. 1741. AGREEMENT¹ BETWEEN THE GOVERNMENT OF ITALY AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA FOR ASSISTED MIGRATION. SIGNED AT MELBOURNE, ON 29 MARCH 1951

AN AGREEMENT made the twenty-ninth day of March one thousand nine hundred and fifty-one between the Italian Government of the one part and the Government of the Commonwealth of Australia (hereinafter referred to as "the Commonwealth Government") of the other part.

WHEREAS the Italian Government and the Commonwealth Government, within the spirit of friendship existing between the two Countries and in the belief that the encouragement of Italian migration to Australia is of mutual interest, are willing to co-operate in order to assist suitable persons in Italy to emigrate to Australia for permanent settlement;

AND WHEREAS the Italian Government and the Commonwealth Government are prepared to carry out the scheme set out in this Agreement and in the Schedule hereto (hereinafter called "the scheme");

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS :

(1) The scheme shall operate for a period of five years commencing upon a date to be fixed between the two Governments and may be continued thereafter by mutual agreement. In the event, however, of conditions arising at any time either in Italy or in Australia during the currency of the scheme which may render it advisable to terminate the scheme, either party shall give to the other six months notice of its intention to terminate the scheme, upon the expiration of which period the scheme shall cease to operate. The object of the six months notice is to enable the two Governments to discuss any proposals submitted with a view to reaching mutually satisfactory arrangements in regard thereto. Should either Government desire at any time to vary the terms and conditions of the scheme it shall give to the other notice thereof in writing setting out the desired variations, but should such variations be not acceptable to the other Government the terms and conditions of the scheme shall continue to operate until termination in the manner hereinbefore provided.

(2) The scheme shall be complementary to and shall not be regarded as in any way restricting the emigration to Australia of Italian Nationals who are

¹ Came into force on 1 August 1951 by an exchange of notes, in accordance with clause 1 of the Agreement.

granted landing permits by the Commonwealth Government and who make their own transportation arrangements at their own expense.

(3) The scheme shall apply only to Italian nationals of European descent normally resident in Italy.

(4) The scheme shall apply to such classes of workers skilled and unskilled as may be specified from time to time by the Commonwealth Government, and are available in Italy for emigration to Australia.

(5) The two Governments shall contribute towards the cost of passages from Italy to Australia of such persons as may have been approved by them before departure in accordance with the procedure laid down in Clauses (7) to (9) inclusive of the Schedule hereto a free grant of a portion of the cost thereof as set out in Clause (1) of the Schedule.

(6) Except as hereinafter provided, the two Governments shall bear their own expenses of administering the scheme.

(7) All persons selected under the scheme shall be admitted into the Commonwealth of Australia under exemption from the provisions of the Immigration Act (1901-1949) for a period of two years and shall enter into an undertaking in writing to remain in employment approved by the Commonwealth Government for a period of two years after their arrival in Australia. During the period of this undertaking Italian migrants in all other respects will enjoy the same wages, accommodation and general conditions of employment as apply to Australian workers engaged in the same type of employment. Upon the expiration of two years from the date of arrival in Australia migrants may apply for permission to remain in Australia and such permission shall be granted subject to the provisions of Clause 12 hereof if they have behaved in a satisfactory manner during the period of exemption. They shall then be free to choose such employment and such place of residence in Australia as they may desire. If a migrant who is placed in an area in which private accommodation for his dependants cannot be obtained, is able to secure suitable private accommodation for himself and his dependants in an area other than that in which he has been placed in employment by the Commonwealth Government, he shall be entitled to move to such private accommodation, provided that the employment he intends to follow and the area to which he proposes to transfer are first approved by the Commonwealth Government.

(8) Persons eligible for selection under the scheme shall be those described in Clause (6) of the schedule.

(9) The Italian authorities concerned shall, without any cost to the Commonwealth Government, attend to recruitment, initial selection, medical

examination and documentation of applicants for emigration under the scheme and provide and operate all necessary depots for the assembly and embarkation of migrants selected under the scheme.

(10) The Commonwealth Government shall, in respect of migrants selected under the scheme, accept full responsibility for their reception at approved ports of disembarkation in Australia and thereafter for their onward movement, temporary accommodation placement in employment, and after-care. In discharge of this obligation the Commonwealth Government shall carry out the functions set out in Clause (22) of the Schedule.

(11) The Commonwealth Government shall provide the Italian Government with information concerning conditions of and opportunities for employment in Australia for the guidance of all prospective migrants who may desire it. No official pamphlet explaining the scheme shall be issued without the concurrence of the two Governments.

(12) The Commonwealth Government shall have the right to return to Italy any migrant and/or his dependants selected under the scheme who, within five years of arrival in Australia, contravene the provisions of the Immigration Act (1901-1949) of the Commonwealth of Australia or who may otherwise prove undesirable.

(13) Migrants selected under the scheme shall undertake not to depart from Australia within two years from the date of arrival unless they have repaid to the Commonwealth Government the amount of free grant contributed by the two Governments under Clause (1) of the Schedule towards their assisted passages to Australia. Repayment may be waived by agreement between the two Governments in individual cases where there are compassionate or other well founded grounds for not requiring repayment by any migrant.

(14) The gross sums received on account of repayment of grants pursuant to the preceding Clause shall be shared equally by the Italian Government and the Commonwealth Government in accordance with Clause (5) of the Schedule.

(15) The Italian Government shall accept responsibility for procuring the necessary transportation for migrants selected under the scheme, and shall arrange to disembark such migrants at those ports or airports in Australia nominated by the Commonwealth Government and according to schedules of departures which shall be periodically agreed upon by the two Governments. The nomination of ports or airports of disembarkation shall be communicated to the Italian Government as soon as possible and prior to date of departure of the ships or aircraft. Where the Commonwealth Government considers

that an emergency has arisen, it shall have the right to vary the nominated ports or airports of disembarkation as necessitated by the emergency and shall notify the Italian Government accordingly. Should the Italian Government find it necessary at any time to charter vessels of non-Italian registry for the purpose of transporting migrants under the scheme, no such vessel shall be chartered unless the Commonwealth Government is first consulted.

(16) Recognising that it may not be possible for each of them to continue contributions towards the cost of passages on the present high scale for a long period involving increasing numbers of migrants, the two Governments shall, if it becomes possible at any time to obtain international aid from any source for the settlement of Italian migrants in Australia, review the rates of contribution including those of the migrant set out in Clause (1) of the Schedule.

(17) In order to assist the settlement in Australia of migrants selected under the scheme, the Italian Government shall facilitate the transfer of reasonable funds from Italy by the said migrants. The Commonwealth Government will likewise facilitate the transfer to Italy, by migrants selected under the scheme, of reasonable funds for the support of their dependent relatives or for any other justified reason. The Commonwealth Government shall ensure the unrestricted remittance to Italy of all sums due by migrants for repayment of passage money advanced to them as set out in Clause (1) of the Schedule.

(18) Assistance under the scheme shall be given to intending migrants who sail from Italy to Australia pursuant to the scheme at any time within five years from the commencing date of the scheme and thereafter while the scheme continues to operate.

(19) The present Agreement has been drawn up in the English and Italian languages, both texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Agreement in the English and Italian languages at Melbourne on this twenty-ninth day of March one thousand nine hundred and fifty-one.

For the Government of Italy :
Giulio del BALZO

For the Government of the Commonwealth of Australia :
Harold E. HOLT

THE SCHEDULE

(1) The Commonwealth Government shall contribute towards the cost of passages from Italy to Australia of all persons charged adult rates and who are approved by it as migrants under the scheme before their departure from Italy a sum equal to one fourth part of the passage money or twenty-five pounds English currency, whichever is the lesser, provided that the Italian Government shall contribute at least the same proportion or amount. In the case of migrants who on an age basis are required to pay less than a full adult fare the Commonwealth Government shall contribute one half or one quarter of twenty-five pounds English currency or other proportionately reduced amount where the cost of the passage is one half, one quarter or other fraction of the full passage rate. The balance of the passage costs remaining after allowing for the governmental contributions shall be borne by the migrant. Where a selected migrant is unable to provide from his own funds the amount of his contribution the Italian Government shall facilitate the granting of an advance to him under particularly favourable conditions, subject to repayment by the migrant of such advance by instalments within thirty months after his arrival in Australia. The general conditions governing these advances and their repayment shall be the subject of consultation between the two Governments before any advances are made to any migrant. It is understood, however, that the migrant shall be obliged to contribute an initial payment of not less than ten pounds English currency towards the cost of his passage and, if accompanied by his family, ten pounds English currency for each member for whom an adult fare is charged and five pounds English currency for each other member for whom less than adult fare is charged. In the event of selected migrants travelling to Australia by aircraft the two Governments shall contribute towards such fares amounts equal to those agreed upon for sea passages.

(2) The cost of passages for migrants selected under the scheme shall be reduced to the lowest possible figure and the passage rate chargeable shall be the subject of consultation between the two Governments.

(3) The Italian Government, having made the payments referred to in Clause (18) of this Schedule, shall render to the Commonwealth Government at Canberra at the end of each period of three months from the commencement of the scheme, or such other period as may be agreed upon, an account of the sums expended in that period under Clause (1) of this Schedule. On the account being passed for payment the Commonwealth Government shall pay to or to the account of the Italian Government the agreed contribution.

(4) The appropriate Italian authorities shall produce to the Secretary, Department of Immigration, Canberra, or his representative, and the appropriate Australian authorities shall produce to the Ministry of Foreign Affairs, Rome, or its representative, any documents or accounts, whether in Italy or in Australia, relating to cases in which contributions have been granted or repayments under Clause (13) of the Agreement have been received, if such documents or accounts are required to be produced to either Government for audit or other purpose.

(5) In respect of grant repayments under the provisions of Clause (13) of the Agreement the Commonwealth Government shall keep a separate account of sums received on account of grant repayments, and shall render to the Italian Government

at the end of each period of three months from the commencement of the scheme, or such other period as may be agreed upon, an account of the sums received in that period. The Commonwealth Government shall pay to or to the account of the Italian Government its share of the sums so received.

(6) Persons eligible for selection under the scheme shall be :

(a) Single men not less than 18 nor more than 35 years of age;

(b) Single women not less than 18 nor more than 30 years of age;

(c) Childless married couples, each spouse being not more than 35 years of age;

(d) Family units (that is to say, man, wife and child or children), the breadwinner of which shall not be more than 45 years of age. Owing to the shortage of housing and accommodation in Australia the Commonwealth Government shall have the right to limit the intake of family units during the initial period of the Agreement but as conditions in Australia permit it will be prepared to accept increasing numbers of family units;

(e) Married men proceeding to Australia in advance of their wives and children, provided that they are not more than 45 years of age and provided that their wives and children comply with the medical and other selection criteria required for entry into the Commonwealth. For this purpose the initial examination by the Italian medical authorities of such wives and children shall be accepted, provided that the Commonwealth Government reserves the right to carry out a final examination prior to sailing;

(f) The wives and children of the married men referred to in sub clause (e) of this Clause, provided that at the time of embarkation they comply with the medical and other selection criteria required for entry into the Commonwealth;

(g) Children not more than fourteen years of age sponsored by approved child migration organisations in Australia, which will be responsible for the care and maintenance of such child migrants;

provided always that the age limits of those referred to in sub clauses (a) to (g) inclusive may be extended by the Commonwealth Government in the case of persons possessing special trade or other skills, or in other special cases.

(7) The procedure for selection and grant of assistance to migrants under the scheme shall be as set out in this Clause and in Clauses (8) and (9) of this Schedule. Application forms printed in the English and Italian languages shall be prepared by the Commonwealth Government in consultation with the Italian Government. Such forms shall be distributed by the appropriate authorities of the Italian Government to prospective migrants. On completion the forms shall be returned to the said authorities, together with character and penal certificates supplied by the Italian authorities and any documents relating to the trade proficiency of the applicant.

(8) The appropriate authorities of the Italian Government shall check the application and accompanying certificates and, if satisfied that the applicant and his dependants are eligible for selection, shall arrange for them to be examined by the medical service of the Italian Government. This medical examination shall be in accordance with medical standards laid down by the Commonwealth Government particulars of which

shall be furnished to the Italian Government before the scheme comes into operation. The approved Commonwealth Government Medical Form shall be filled in by the Italian Medical Service to show the results of the medical examination. Any variations which the Commonwealth Government may desire from time to time in the medical standards initially furnished or in the approved Medical Form shall be notified to the Italian Government. Applicants will not be passed by the Italian Medical Service unless they comply in all respects with the Commonwealth Government medical standards. The cost of this initial medical examination of applicants will not be a charge against the Commonwealth Government.

(9) Application forms and associated certificates of the applicants considered eligible by the Italian Government shall be completed in duplicate. One copy of each shall be delivered to a Commonwealth Government representative appointed pursuant to Clause (13) of this Schedule, together with the results of the medical examination provided for in the last preceding Clause.

(10) So that the Italian Government may arrange preliminary registration and initial selection of Italian workers desiring to migrate to Australia the Commonwealth Government shall supply to the Italian Government close estimates in respect of each year of the required number of workers and of their dependants, classified as far as possible according to trades and for the periods from 1st January to 30th June and from 1st July to 31st December in each year. Such estimates shall be supplied six months in advance. For the same purpose the Commonwealth Government shall also provide the Italian Government, from time to time, with general information on employment, accommodation and living conditions in Australia, including minimum wage rates, hours of employment, and such job descriptions relating to the principal trades, as may be readily available. This information may be utilised by the Italian Government to furnish advice to applicants regarding settlement in Australia.

(11) In addition to the provisions of the last preceding Clause the Commonwealth Government shall, not less than three months before the date on which it desires that the workers should leave Italy, lodge with the Italian Government group nominations setting out the number and types of workers required. Upon receipt of these nominations the Italian Government shall proceed with initial selection in accordance therewith. Those migrants initially selected shall be presented for final selection to a Commonwealth Government representative. If any alterations to any nomination become necessary due to labour or other conditions arising in Australia the Commonwealth Government shall promptly advise the Italian Government so that it shall cease further initial selections in respect of that particular nomination. Migrants who have been finally approved by a Commonwealth Government representative before any notification of alteration as aforesaid is given by the Commonwealth Government shall be permitted to migrate to Australia, if at the date of departure they still comply with the Commonwealth Government's selection criteria, provided that the date of their departure may, at the option of the Commonwealth Government, be temporarily deferred.

(12) In order that the Italian Government may plan for the training of migrants in skills or trades which may be required to fill Australian nominations the Commonwealth

Government shall supply to the Italian Government upon request such information concerning particular occupations as both Governments shall agree to be necessary to enable such planning to be undertaken.

(13) The Commonwealth Government shall have the final responsibility for deciding the suitability of each applicant for settlement in Australia and shall appoint its own representative to undertake the final examination and selection of applicants and such other duties as are specified in this Schedule. The expression "Commonwealth Government representative" wherever appearing in this Schedule shall mean a representative appointed pursuant to this Clause. The Italian Government shall afford every assistance and co-operation to such Commonwealth Government representatives in enabling them to assess on all grounds the suitability of applicants for settlement in Australia, and shall appoint experts to facilitate and assist them in their final examination and selection of applicants. Should the Commonwealth Government representative require further evidence as to the proficiency of skilled applicants, the basis for determination of proficiency shall be the technical and individual productivity standards prevailing in respect of Australian workers of the same categories. The final medical examination shall be carried out on the basis of the documents completed by the Italian Government medical authorities, provided that the Commonwealth Government shall have the right to have applicants further examined by its own medical officers before they are finally approved.

(14) The Italian Government shall arrange for Commonwealth Government representatives to receive free travel facilities to areas in Italy to be agreed upon, for the purpose of interviewing, examining and finally selecting applicants, who shall be assembled in such areas by the appropriate authorities of the Italian Government. The areas or towns in Italy in which interviews and selection will be conducted shall be decided by arrangement between the Commonwealth Government representatives and the appropriate authorities of the Italian Government. In the event of any Italian officials being appointed to Australia in connection with the operation of the scheme they shall be granted access to Immigration Centres by the Commonwealth Government.

(15) Prior to embarkation approved single migrants of either sex, the breadwinners of family units and those other members of family units selected for employment, shall sign a document containing the following undertakings :

- (a) the employment undertaking referred to in Clause (7) of the Agreement;
- (b) an undertaking to refund the cost of contributions by both Governments, should they not remain in Australia for two years after arrival, such refund to be made prior to departure from Australia;
- (c) an undertaking to use every endeavour to learn the English language and to attend regularly the night classes which are conducted for all migrants at the Commonwealth Government's expense for the purpose of teaching them the English language.

The same documents shall provide :—

- (i) that, subject to the provisions of the employment undertaking referred to in Clause (7) of the Agreement the migrant will :

- (a) be placed in employment in Australia at wages, with accommodation and subject to general conditions not less favourable than those enjoyed by Australians in the same kind of employment;
- (b) be informed in writing upon allocation to employment in Australia of the rate of wages and conditions applicable to that employment;
- (c) be able to apply for permission to remain in Australia after the expiration of the two years period during which he has been admitted under exemption from the provisions of the Immigration Act (1901-1949); and—

(ii) that such permission shall be readily granted, subject to the provisions of Clause 12 of the Agreement, provided that during the period mentioned he has behaved in a satisfactory manner and that upon such permission being duly granted he shall be free to engage in such occupation and to choose such place of residence in Australia as he may desire.

The documents referred to in this Clause shall be drawn up in the English and Italian languages and signed in duplicate by the migrant and a Commonwealth Government representative who shall retain the original and hand the copy to the migrant.

(16) The Commonwealth Government recognises that in addition to the undertakings referred to in the last preceding Clause the migrant shall also be required to enter into a separate undertaking with the appropriate organisation approved by the Italian Government to repay the amount of credit which may have been granted to him by that organisation in accordance with Clause (1) hereof.

(17) All documents covering travelling formalities, including passports and visas, shall be supplied free of charge to migrants selected under the scheme.

(18) The appropriate authorities of the Italian Government shall arrange at their expense for approved applicants to be moved from their normal place of residence to embarkation points at dates which will enable such migrants to join the vessel on which they will sail to Australia. While at the place of assembly the migrants shall be maintained at the expense of the Italian Government. The categories of migrants to be embarked on each vessel and the number in each category shall be determined by a Commonwealth Government representative and notified to the Italian Government at least one month prior to the date of sailing, in order to enable the Italian Government to organise the movement of the migrants in time to join the vessel. Migrants shall be embarked under the supervision of a Commonwealth Government representative in accordance with the categories for each vessel notified to the Italian Government in the manner hereinbefore provided. Within those categories the Italian Government shall establish the priority of embarkation of individual migrants. The payment of the claims of the shipping or airline companies concerned in respect of the passages of migrants embarked shall be made by the Italian Government or by some organisation appointed by it.

(19) Immediately after migrants have been embarked on any vessel or aircraft the appropriate authority of the Italian Government shall arrange for nominal rolls of such migrants to be delivered to a Commonwealth Government representative for transmission to the Secretary, Department of Immigration, Canberra.

(20) The Commonwealth Government may appoint an officer or officers to accompany each vessel carrying migrants from Italy to Australia in order to advise migrants concerning Australian conditions and generally to attend to their welfare during the voyage. The Italian Government may likewise appoint a representative who shall co-operate with any such Commonwealth Government officer. The salaries and costs of passage of each officer or representative shall be paid by the Government appointing him.

(21) Selected migrants not proceeding directly to private accommodation in Australia who wish to bring household effects for the purpose of establishing a home shall arrange for such effects to be stored either in Italy or in Australia until they obtain private accommodation.

(22) In accordance with Clause (10) of the Agreement the Commonwealth Government shall—

- (a) accommodate temporarily all migrants selected under the scheme at Immigration Reception and Training Centres during the period while they are awaiting employment. Where necessary, the Commonwealth Government will provide free accommodation for migrants for a period of seven days after their arrival in Australia. As from the eighth day after arrival, when normally an unemployment or special social service benefit will commence to be payable, there shall be deducted from any such benefit an amount in discharge of the cost of board and lodging for the migrant and his dependants, until such time as suitable employment has been found for him. When employment has been found for the migrant, he shall thereupon become responsible for the payment of his own board and lodging. He shall also be primarily responsible for the payment of board and lodging for his dependants, at the weekly rates applicable at the time, for accommodation provided by the Commonwealth Government in Immigration Holding Centres;
- (b) in the case of family groups which cannot be privately accommodated by the breadwinner when he has been placed in employment, accommodate his dependants at an Immigration Holding Centre situated as near as circumstances will permit to the place of employment of the breadwinner. The breadwinner shall be primarily responsible for the payment of the weekly charges payable for dependants which charges shall commence from the date on which he starts employment and shall be at rates determined by the Commonwealth Government for the dependants' accommodation in such centres;
- (c) in the event of the migrant and/or his dependants being offered accommodation by an employer, ensure that the standard of accommodation thus provided and the charges therefor shall be during the period of such employment the same as those applying to Australian workers of the same category in the same area;
- (d) arrange transport of migrants at Commonwealth Government expense—
 - (i) from ship's side to an Immigration Reception and Training Centre;
 - (ii) from the Immigration Reception and Training Centre to the initial place of employment;

- (iii) from the Immigration Reception and Training Centre to an Immigration Holding Centre; and
 - (iv) from the Immigration Holding Centre to the first private accommodation found by the breadwinner;
 - (e) provide for assisted migrants who are proceeding from ship's side to approved privately arranged accommodation, second class rail travel at Commonwealth Government expense to such accommodation.
 - (f) ensure that, in respect of migrants selected under the scheme, the amount of personal or household effects and hand tools which is carried free by the vessel on which the person travels to Australia shall be carried at Commonwealth Government expense from the place of disembarkation of the migrant in Australia to his initial place of private accommodation in Australia. Should any migrant who is proceeding to Australia bring with him an amount of personal or household effects or hand tools over and above that carried free by the vessel on which he travels, then he shall be responsible for sea freight, storage charges and movement in Australia of all personal or household effects and hand tools which exceed the amount carried free by the vessel;
 - (g) render every assistance through the medium of the Commonwealth Employment Service in placing migrants in employment. Migrants having any special skill or trade will be found employment in that trade, provided that they possess the requisite degree of craftsmanship or trade skill for membership of the appropriate Australian Trade Union or Association;
 - (h) arrange for the payment of normal social service benefits to migrants selected under the scheme. Such social service benefits shall be unemployment and sickness benefit (payable from and including the seventh day after the day on which the person becomes unemployed or makes a claim for unemployment benefit or becomes incapacitated) and child endowment, maternity allowance, hospital benefit and pharmaceutical benefit;
 - (i) provide after-care for migrants, in that the Commonwealth Department of Immigration and associated voluntary welfare and after-care organisations will advise them on any assimilation problems which they may have during their initial period of settlement in Australia;
 - (j) reduce landing money to a minimum of ten pounds Australian currency in the case of single men and women and twenty pounds Australian currency in the case of family units.
-