

No. 6523

**FEDERATION OF MALAYA
and
AUSTRALIA**

Exchange of notes constituting an agreement for the reciprocal exchange of planting material between the Federation of Malaya and the Territory of Papua and New Guinea. Kuala Lumpur, 26 November 1962

Official text: English.

Registered by the Federation of Malaya on 14 February 1963.

**FÉDÉRATION DE MALAISIE
et
AUSTRALIE**

Échange de notes constituant un accord relatif à l'échange de plants entre la Fédération de Malaisie et le Territoire du Papoua et de la Nouvelle-Guinée. Kuala Lumpur, 26 novembre 1962

Texte officiel anglais.

Enregistré par la Fédération de Malaisie le 14 février 1963.

No. 6523. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE FEDERATION OF MALAYA AND AUSTRALIA FOR THE RECIPROCAL EXCHANGE OF PLANTING MATERIAL BETWEEN THE FEDERATION OF MALAYA AND THE TERRITORY OF PAPUA AND NEW GUINEA. KUALA LUMPUR, 26 NOVEMBER 1962

I

FEDERATION OF MALAYA
KUALA LUMPUR
Prime Minister

(166)6/18

26 November, 1962

Your Excellency,

I have the honour to refer to previous correspondence and discussions between our two Governments concerning the reciprocal exchange of planting material between the Federation of Malaya and the Territory of Papua and New Guinea, and to set out hereunder my Government's understanding of the agreement reached in the matter :

I. The Government of the Federation of Malaya and the Government of the Commonwealth of Australia agree to the reciprocal exchange of planting material between the Federation of Malaya and the Territory of Papua and New Guinea subject to the following conditions :

1. that the relevant plant importation regulations and quarantine arrangements shall be strictly adhered to and enforced in respect of any consignment of planting material imported into the Federation of Malaya or the Territory of Papua and New Guinea ;
2. that the importation into the Federation of Malaya of planting material of *Hevea* shall be permitted only for scientific purposes and subject to prior permission of the Malayan Ministry of Agriculture ; and that the importation into the Territory of Papua and New Guinea of planting material of *Hevea* from outside the South-East Asian and the Pacific Region, as defined in the Regional Plant Protection Agreement² of the Food and Agriculture Organization, shall be permitted only for scientific purposes and subject to prior permission of the Department of Agriculture, Stock and Fisheries of

¹ Came into force on 26 November 1962 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 247, p. 400 ; Vol. 256, p. 355 ; Vol. 274, p. 347 ; Vol. 276, p. 363 ; Vol. 282, p. 364 ; Vol. 286, p. 378 ; Vol. 346, p. 332 ; Vol. 359, p. 400, and Vol. 434, p. 295.

the Territory of Papua and New Guinea, such permission to import to be granted only in accordance with the provision of the F.A.O. Regional Plant Protection Agreement ;

3. that as regards the export of rubber planting material from the Federation of Malaya
 - (a) the Controller of Rubber in the Federation of Malaya shall be supplied with particulars of the quantity, type, destination and value of planting material to be exported ; and
 - (b) each consignment of planting material so exported shall be accompanied by a permit signed by the controller of Rubber in Malaya, and such permit shall be returned to the Controller endorsed by the consignee named in the permit within a period of one month after receipt by the consignee of the material or such other period as may be specified in the permit ;
4. that the importation into the Federation of Malaya or into the Territory of Papua and New Guinea of *Theobroma* species or any plant known to be host of the cacao swollen shoot virus, or other virus to which cacao is susceptible shall be permitted only if the consignment has undergone a form of quarantine approved by the Malayan Ministry of Agriculture or by the Department of Agriculture, Stock and Fisheries of the Territory of Papua and New Guinea, as the case may be, at an approved plant quarantine station outside the tropical zone of the American continent and the West African cacao region, or any other territory in which virus diseases of cacao are known to occur, and if it is covered by a phytosanitary certificate signed by the Officer-in-Charge of the quarantine station, certifying that it is free from all diseases and pests ;
5. that in respect of each consignment exported from the Federation of Malaya or from the Territory of Papua and New Guinea the Consignee or other competent authority shall, if so required, complete a declaration that it will not be re-exported without express authorization from the Malayan Ministry of Agriculture or the Department of Agriculture, Stock and Fisheries of the Territory of Papua and New Guinea, as the case may be ;
6. that the export of planting material from the Federation of Malaya or from the Territory of Papua and New Guinea shall be permitted only if such planting material is in excess of the requirements of the Federation of Malaya or of the Territory of Papua and New Guinea, as the case may be.

II. Subject to the foregoing, the Government of the Federation of Malaya and the Government of the Commonwealth of Australia, will assist and facilitate the exchange between the Federation of Malaya and the Territory of Papua and New Guinea of planting material as available, without restriction as regards species or varieties.

If the foregoing also represents the understanding of the Government of the Commonwealth of Australia, I have the honour to propose that this note and your confirmatory reply should be deemed to constitute and evidence an agreement between our two Governments in this matter, such Agreement to be effective as

from the date of your reply and to supersede all previous arrangements between our two Governments on the subject.

I have the honour to be, Sir,

Your Excellency's obedient servant,

(Signed) Tunku Abdul RAHMAN PUTRA
Prime Minister
and Minister of External Affairs

His Excellency Mr. T. K. Critchley
High Commissioner for Australia in the Federation of Malaya
Office of the High Commissioner for Australia
Kuala Lumpur

II

Kuala Lumpur, 26 November, 1962

285/2/1

Sir,

I have the honour to refer to your letter No. (166) 6/18 of today's date about the reciprocal exchange of planting Material between the Federation of Malaya and the Territory of Papua and New Guinea, and to confirm that the understanding contained in your letter is also the understanding of the Government of the Commonwealth of Australia. I agree that your letter and my reply should be deemed to constitute and evidence an Agreement between our two Governments in this matter.

I have the honour to be, Sir,

Your obedient servant,

(Signed) T. K. CRITCHLEY
High Commissioner for Australia
in the Federation of Malaya

The Honourable the Prime Minister of the Federation of Malaya
and Minister of External Affairs
Kuala Lumpur