

No. 7979

**MALTA
and
AUSTRALIA**

**Agreement for assisted migration. Signed at Valletta,
on 28 April 1965**

Official text: English.

Registered by Malta on 23 November 1965.

**MALTE
et
AUSTRALIE**

**Accord d'aide à la migration. Signé à La Valette, le 28 avril
1965**

Texte officiel anglais.

Enregistré par Malte le 23 novembre 1965.

No. 7979. AGREEMENT¹ BETWEEN THE GOVERNMENT OF MALTA AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA FOR ASSISTED MIGRATION. SIGNED AT VALLETTA, ON 28 APRIL 1965

The Government of the Commonwealth of Australia (in this Agreement called "the Australian Government") and the Government of Malta (in this Agreement called "the Maltese Government"),

Desiring to enter into a new Agreement relating to the assisted migration of persons from Malta to Australia and to the establishment of an assisted passage migration scheme (in this Agreement called "the scheme"),

Have agreed as follows :

GENERAL PROVISIONS

Article 1

As soon as possible after the first day of July in each year, that is to say as soon as possible after the commencement of each Australian financial year, the Australian Government shall in relation to each such financial year :

- (a) inform the Maltese Government of the total number of migrants which it desires to receive under the scheme ;
- (b) inform the Maltese Government of the number and occupational categories of workers which it wishes to recruit for migration under the scheme ; and
- (c) determine, in consultation with the Maltese Government, the classes of persons eligible for nomination as migrants under the scheme by persons or organisations in Australia.

Article 2

Persons normally resident in Malta who come within any of the undermentioned groups shall be eligible for consideration under the scheme :

- (a) unmarried male persons not less than 18 years nor more than 45 years of age ;
- (b) unmarried female persons not less than 18 years nor more than 35 years of age ;

¹ Came into force on 1 July 1965, in accordance with article 23.

- (c) childless married couples each spouse being not more than 45 years of age ;
- (d) family units each spouse being not more than 50 years of age ; or
- (e) parents, irrespective of age, nominated by persons resident in Australia

provided that the two Governments may, in special circumstances, agree to regard as eligible for consideration under the scheme other persons who do not come within any of the above-mentioned groups.

Article 3

The Maltese Government shall permit all persons who desire to migrate from Malta to Australia and who are eligible for consideration under the scheme to apply for selection as migrants under the scheme.

Article 4

The Australian Government may from time to time request the Maltese Government to co-operate with it in the recruitment, for migration to Australia under the scheme, of such numbers of suitable workers in particular occupational categories as it may specify, and the Maltese Government shall, so far as possible, render the Australian Government every assistance in this regard.

Article 5

The Australian Government shall appoint a representative in Malta to implement the scheme.

Article 6

The Australian Government shall provide the Maltese Government with information of a general nature concerning living and working conditions in Australia. No informative material relating to migration under the scheme shall be distributed by either Government without the concurrence of the other.

RECRUITMENT AND SELECTION

Article 7

Nomination forms for the use of persons or organisations in Australia who wish to nominate residents of Malta for migration to Australia under the scheme shall be prepared by the Australian Government in consultation with the Maltese Government and shall be distributed to such persons or organisations by the Australian Government or the Commissioner for Malta in Australia. Completed nomination forms shall be forwarded to the Commissioner for Malta in Australia who shall check

them and supply to the Commonwealth Director of Migration of the State concerned details of checked nominations for submission to the Australian Government representative in Malta.

Article 8

Each person nominated and each worker applying for migration to Australia under the scheme shall complete an application form. Application forms shall be prepared by the Australian Government in consultation with the Maltese Government, which shall distribute them to applicants. The Australian Government representative, appointed in accordance with the provisions of Article 5 of this Agreement, shall also be entitled to distribute application forms to applicants. Completed application forms together with such certificates as to character and conduct as may be required by the Australian Government shall be lodged by applicants with the Maltese Government. If an applicant claims to be a tradesman, evidence of his trade qualifications shall also be lodged by him with the Maltese Government.

Article 9

The procedure for the selection of applicants who have lodged completed application forms shall be as follows :

(a) The Maltese Government shall forward to the Australian Government representative in Malta all application forms and accompanying documents lodged by applicants.

(b) The Australian Government representative shall inform the Maltese Government from time to time of the names of the applicants to be called for selection interview, and the dates upon which the interviews are to take place.

(c) The Maltese Government shall thereupon :

- (i) arrange through the Maltese Government Health Service for a medical examination of each applicant (including a chest x-ray where required), and for the recording of the results on a medical form prescribed by the Australian Government; and
- (ii) prior to each interview, supply to the Australian selection representative the relevant completed medical examination form and, where appropriate, chest x-ray films and Radiologist's report.

(d) The Australian Government shall have the right to have applicants further examined by its own medical officers.

(e) The Australian Government, in collaboration with the Maltese Government, shall arrange, where necessary, for selection representatives to travel to centres in Malta for the purpose of interviewing, examining and finally selecting applicants.

(f) The Maltese Government shall afford every assistance to and co-operate with the Australian Government representative, and shall supply to him such information as will assist him in determining the suitability of applicants for migration to Australia under the scheme.

(g) The Australian Government shall have the final responsibility for deciding the suitability of each applicant and his family for selection as migrants under the scheme, without being under any obligation to disclose the grounds upon which any person is not accepted for migration under the scheme.

(h) The Australian Government representative shall notify the Maltese Government and the applicant of the decision given upon each application, and where workers recruited in accordance with Article 4, are selected the notification shall include a reference to the occupational classification under which selection has been made.

Article 10

Migrants aged 18 years or more shall not be embarked for Australia under the scheme until they have undertaken in writing that in the event of their departure or of the departure of any of their dependants from Australia within two years of arrival there, they will repay to the Commissioner for Malta in Australia, prior to their departure, an amount equal to the contributions made by the two Governments towards the cost of their passage or passages to Australia. Any repayments so received shall be shared between the two Governments in proportion to their respective contributions.

EMBARKATION AND TRANSPORT

Article 11

The Maltese Government shall :

- (a) arrange, in consultation with the Australian Government, the necessary transport for migrants under the scheme according to schedules of departure periodically agreed upon by the two Governments ;
- (b) accept the principle that in arranging such transport the greatest possible use is to be made of Australia's international airline ;
- (c) arrange for the embarkation of migrants under the scheme including the provision of travel documents, free of charge, for the marshalling of such migrants for embarkation ; and
- (d) prepare and deliver to the Australian Government representative in Malta immediately after such migrants have been embarked on any ship or aircraft, a nominal roll of such migrants.

Article 12

The Australian Government shall have the right to appoint an officer or officers on each ship or aircraft on which migrants are being carried from Malta to Australia under the scheme, for the purposes of advising them concerning Australian conditions and generally attending to their welfare during the voyage. The Maltese Government shall likewise have the right to appoint an officer or officers on each ship or aircraft, and such officers shall co-operate with any Australian Government officers.

Article 13

Where either Government considers that an emergency has arisen, it shall have the right, after consultation with the other Government, to cancel or defer a scheduled departure.

RECEPTION AND PLACEMENT

Article 14

(1) The Australian Government shall be responsible for the reception of all migrants under the scheme upon their arrival in Australia.

(2) In respect of migrants under the scheme who are nominated by persons or groups in Australia, the Australian Government shall arrange their movement, free of cost to them, from the point of disembarkation to the private accommodation provided by their nominators.

(3) In respect of migrants under the scheme other than those mentioned in paragraph (2) of this Article, the Australian Government shall :

- (a) where necessary, accommodate them temporarily at a Migrant Accommodation Centre, subject to the conditions that :
 - (i) no charge shall be made for the board and lodging at such Centre of a migrant worker and his dependants for an initial period of seven days, or until the worker has been offered suitable employment, whichever period is the shorter ;
 - (ii) on and from the eighth day when normally an unemployment or special Social Service benefit will become payable to a worker who has not been offered suitable employment, there shall be deducted from any such benefit payable to him an amount in discharge of the costs of his board and lodging and that of his dependants ; and
 - (iii) when suitable employment has been offered to a worker, he shall, if he or his dependants continue to reside at the Centre, be responsible from and including the date on which such employment is due to commence for the

payment of the cost of his or their board and lodging at the Centre at the weekly rates applicable at the time.

- (b) if possible, upon the request of a worker who has commenced employment at a place nearer to a Migrant Accommodation Centre other than that at which his dependants are accommodated, transfer his dependants to and accommodate them at that Centre, in which case the worker shall continue to be responsible for the payment, at the weekly rates applicable at the time, of the cost of board and lodging of his dependants at that Centre ;
- (c) arrange transport, free of cost to the migrants :
 - (i) from the point of disembarkation to a Migrant Accommodation Centre or to private accommodation ;
 - (ii) from the Migrant Accommodation Centre to the place of initial employment ;
 - (iii) for the transfer of dependants to another Migrant Accommodation Centre as provided in sub-paragraph (b) of this paragraph ; and
 - (iv) for the transfer of dependants from a Migrant Accommodation Centre to private or other accommodation found by or arranged for a worker, but only if such accommodation is situated within reasonable proximity to the place of initial employment of the worker.

(4) The Australian Government shall furthermore :

- (a) after the arrival in Australia of the personal or household effects of each migrant under the scheme, arrange for the carriage to the migrant's first private accommodation in Australia, free of cost to him, of such amount of those effects as is agreed upon from time to time between the two Governments ;
- (b) render to each migrant under the scheme every assistance through the Commonwealth Employment Service to obtain employment in accordance with his qualifications and experience ;
- (c) where employment involves also the provision of accommodation for the worker or for the worker and his dependants, offer such employment to a migrant under the scheme only if it has first satisfied itself that the standard of such accommodation and the charges therefor are the same as those applying to Australian workers of the same category in the same area ;
- (d) to the extent permitted by its laws, arrange for the payment of normal Social Service benefits to migrants, such Social Service benefits to comprise unemployment, sickness and special benefits, maternity allowances, child endowment, hospital, medical and pharmaceutical benefits ; and
- (e) provide after-care for migrants, in that the Commonwealth Department of Immigration and associated welfare and after-care organisations will advise them

on and assist them in solving any assimilation problems which they may have during their initial period of settlement in Australia.

(5) Notwithstanding the provisions of paragraph (3) of this Article the Australian Government may, where applicable and subject to accommodation being available, accommodate migrants under the scheme at hostels conducted by Commonwealth Hostels Limited in which event the conditions and charges applicable to accommodation at such hostels will apply.

FINANCIAL ARRANGEMENTS

Article 15

Passage costs from the point of embarkation to the point of disembarkation in Australia of migrants under the scheme shall be met by :

- (a) contributions by migrants at rates as agreed jointly by the two Governments ;
- (b) any contributions which may be available from international or other sources towards the costs of migrant transport, the acceptance of which has been agreed jointly by the two Governments ; and
- (c) contributions by the Maltese and Australian Governments at rates as agreed from time to time by the two Governments.

Article 16

The Maltese Government shall :

- (a) attend to the payment of claims from transport companies in respect of the passages of migrants under the scheme ;
- (b) submit to the Australian Government, at the close of each quarterly period, statements showing details of the total passage costs of migrants under the scheme paid during the period by the Maltese Government to transport companies and claiming from the Australian Government the amount of the agreed Australian Government contribution in respect of such migrants ;
- (c) make quarterly payments to the Australian Government of any amounts due to the Australian Government under the provisions of Article 10 of this Agreement ;
- (d) produce to the Secretary, Department of Immigration, Canberra, or his representative, any documents or accounts whether in Malta or Australia, relating to the financial arrangements provided for in this Article, if such documents are required to be produced for audit or other purposes.

Article 17

When special circumstances arise, the Australian Government may exempt a migrant, who desires to return to Malta within two years of his arrival in Australia, from the obligation, arising under the provisions of Article 10 of this Agreement, to re-pay the contribution made by the Australian Government towards the cost of his passage to Australia.

Article 18

Neither Government shall charge to the other any portion of the expenses incurred by it in carrying out its obligations under this Agreement.

FINAL PROVISIONS

Article 19

So long as the Maltese Government and the Australian Government agree to use the services of an international organisation to arrange for the transport of migrants under the scheme the provisions of Articles 11, 15 and 16 of this Agreement shall be superseded by such arrangements as may be agreed by the two Governments with the international organisation.

Article 20

The admission to Australia and continued residence in Australia of migrants under the scheme shall be subject to the provisions of the Migration Act 1958 of the Commonwealth of Australia and to any amendments which may be made to that Act.

Article 21

The two Governments may agree, as required from time to time, upon other detailed procedures not specifically provided for in this Agreement.

Article 22

The two Governments may make separate arrangements, as mutually agreed, concerning the migration to Australia of persons from Malta not covered by the scheme.

Article 23

The Agreement shall operate for a period of five years commencing on the first day of July One thousand nine hundred and sixty-five, and may be continued thereafter by mutual agreement.

In the event, however, of conditions arising at any time either in Malta or Australia, which may render it advisable to terminate this Agreement, either party may give to the other six months' notice of its intention to terminate the Agreement, upon the expiration of which period the Agreement shall cease to operate, without prejudice, however, to any obligations incurred or rights or privileges acquired by either party under or by virtue of the Agreement.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE at Valletta, in duplicate, this twenty-eighth day of April One thousand nine hundred and sixty-five.

For the Government
of Malta :

(Signed) Alexander Cachia ZAMMIT

For the Government
of the Commonwealth of Australia :

(Signed) Hubert F. OPPERMAN
