

**No. 8170**

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**NETHERLANDS  
and  
AUSTRALIA**

**Migration and Settlement Agreement. Signed at The Hague,  
on 1 June 1965**

**Exchange of notes (with annex) constituting an agreement  
relating to article II of the above-mentioned Agreement.  
The Hague, 1 June 1965**

*Official texts of the Migration and Settlement Agreement and of the annex to the  
exchange of notes : Dutch and English.*

*Official text of the notes : English.*

*Registered by the Netherlands on 29 March 1966.*

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**PAYS-BAS  
et  
AUSTRALIE**

**Accord sur la migration et l'établissement. Signé à La Haye,  
le 1<sup>er</sup> juin 1965**

**Échange de notes (avec annexe) constituant un accord rela-  
tif à l'article II de l'Accord susmentionné. La Haye,  
1<sup>er</sup> juin 1965**

*Textes officiels de l'Accord sur la migration et l'établissement et de l'annexe à l'échange  
de notes : néerlandais et anglais.*

*Texte officiel des notes : anglais.*

*Enregistrés par les Pays-Bas le 29 mars 1966.*

No. 8170. MIGRATION AND SETTLEMENT AGREEMENT<sup>1</sup>  
BETWEEN THE KINGDOM OF THE NETHERLANDS  
AND THE COMMONWEALTH OF AUSTRALIA. SIGNED  
AT THE HAGUE, ON 1 JUNE 1965

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The Kingdom of the Netherlands and the Commonwealth of Australia,

Recognizing the important contribution that migration can make to the economic development of the two countries and to the strengthening of social and cultural ties between them,

Considering that migration cannot fully play its part in that regard unless attention is given to the settlement and employment of migrants and to their integration in the new communities into which they enter,

Desiring that the friendship and co-operation between the two countries in this field should be maintained and, where practicable, strengthened,

Subject always to the laws and regulations which are or may be in force from time to time within their territories,

Have agreed as follows :

*Article I*

In accordance with established migration policies and subject to restrictions and measures necessary to maintain public order and to protect public health, morals and national security and to the extent permitted by economic and social conditions, nationals of each Party shall be permitted to enter the territory of the other Party, to travel therein freely and to remain therein at places of their choice for the purpose of permanent settlement.

*Article II*

The Parties shall give joint assistance to such special migration schemes as may be mutually agreed. The details of such schemes and the conditions of such assistance shall be established by exchange of diplomatic notes.

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<sup>1</sup> Applied provisionally from 1 June 1965, the date of signature, and came into force on 30 December 1965, the date of the exchange of the instruments of ratification at Canberra, in accordance with article XI.

*Article III*

The Parties shall confer regularly with a view to establishing, if practicable, a common policy with regard to international organizations in the field of migration and overseas settlement.

*Article IV*

(1) Nationals of each Party settling within the territory of the other Party shall be accorded treatment no less favourable than that accorded to nationals of such other Party with regard to the constant protection and security of their persons and rights under the law.

(2) If a national of one Party is taken into custody in the territory of the other Party, the competent authorities of that other Party shall, if the person taken into custody so requests, notify his nearest consular representative without delay. Reasonable facilities shall be afforded to the consular representative to visit and communicate with the person taken into custody.

(3) Nationals of one Party shall, within the territory of the other Party, be treated as if they were nationals of the other Party for the purposes of obtaining legal aid and access to the courts of justice.

*Article V*

(1) Each Party shall, to the extent permitted by the laws and regulations which are or may be in force from time to time within its territory, ensure that the nationals of the other Party settling in its territory receive such social service and national assistance benefits as it provides to its own nationals, on the same terms as apply to its own nationals, and shall continue to provide such benefits for the duration of this Agreement.

(2) The term "social service and national assistance benefits" is used in this Agreement in the case of Australia to describe unemployment, sickness and special benefits, maternity allowances, child endowment, hospital benefits, medical benefits and pharmaceutical benefits, and in the case of the Netherlands to describe the benefits (including unemployment and sickness benefits, medical and pharmaceutical benefits, industrial and occupational diseases benefits, family allowances, old age, disability and widows' and orphans' pensions) granted within the framework of the social security legislation of the Netherlands, in so far as they are based on the payment of contributions, and special assistance benefits.

*Article VI*

(1) Subject to the laws and regulations which are or may be in force from time to time within the territory of the other Party, nationals of one Party settling in the territory of the other Party shall be accorded no less favourable rights than the nationals of the other Party to engage in the employment, trade or business of their choice.

(2) The laws and regulations referred to in paragraph (1) of this article include laws and regulations under which a Party makes the possession of its nationality and, in case of Australia, the possession of the status of a British subject, an essential requirement for engaging in any employment, trade or business, as well as laws and regulations under which a Party limits the extent to which alien-controlled enterprises may be established within its territory.

*Article VII*

With a view to promoting the successful integration into its economy of the nationals of the other Party, and subject to its economic policies current from time to time, each Party will examine the possibility of removing any limitations, which might be shown to exist, other than limitations applying to its own nationals or arising from generally accepted commercial principles, on the extension of credit facilities to the nationals of the other Party or to businesses or companies established by them.

*Article VIII*

Subject to the laws and regulations which are or may be in force from time to time within the territory of the other Party, nationals of one Party shall, within the territory of the other Party, be treated as if they were nationals of the other Party with respect to freedom of religion and education, and to engaging in scientific research and in cultural, philanthropic and similar activities, and to forming associations for that purpose under the laws of the other Party.

*Article IX*

Each Party shall accord sympathetic consideration to such representations as the other Party may make with respect to any question affecting the application of the present Agreement, and shall afford opportunity for the exchange of views relating thereto.

*Article X*

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Canberra as soon as possible.

*Article XI*

This Agreement shall enter into force on the date on which the instruments of ratification are exchanged and shall remain in force for five years and thereafter until one year after the date on which one Party has given notice to the other Party of its intention to terminate it. The Agreement shall however be applied provisionally as from the date on which it is signed.

*Article XII*

This Agreement shall apply to the territory of the Kingdom of the Netherlands in Europe and to the territory of the States and mainland Territories of the Commonwealth of Australia.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed the present Agreement.

DONE in duplicate this First day of June One thousand nine hundred and sixty-five, at The Hague in the Netherlands and the English languages, both texts being equally authentic.

For the Kingdom of the Netherlands :

L. DE BLOCK

For the Commonwealth of Australia :

Hubert F. OPPERMAN

W. R. CROCKER

EXCHANGE OF NOTES BETWEEN THE NETHERLANDS  
AND AUSTRALIAN GOVERNMENTS CONSTITUTING  
AN AGREEMENT<sup>1</sup> RELATING TO ARTICLE II OF THE  
MIGRATION AND SETTLEMENT AGREEMENT OF  
1 JUNE 1965. THE HAGUE, 1 JUNE 1965

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I

The Hague, June 1st, 1965

Your Excellency,

I have the honour to refer to the Migration and Settlement Agreement between the Kingdom of the Netherlands and the Commonwealth of Australia which was signed today and which provides in Article II that :

“The Parties shall give joint assistance to such special migration schemes as may be mutually agreed. The details of such schemes and the conditions of such assistance shall be established by exchange of diplomatic notes.”

Pursuant to these provisions, the Australian Government proposes that—

- (a) a special scheme be established for assisted migration from the Netherlands to Australia in accordance with the provisions set out in the attachment to this Note;
- (b) this special scheme be known as the Netherlands-Australia Assisted Passage Migration Arrangement; and
- (c) the Netherlands-Australia Assisted Passage Migration Arrangement enter into force on the day on which the Migration and Settlement Agreement enters into force and, in the normal course, have the same duration as the Migration and Settlement Agreement; but
- (d) should either Government give to the other Government written notice of its desire, during the currency of the Migration and Settlement Agreement, to terminate the Netherlands-Australia Assisted Passage Migration Arrangement, the Arrangement shall be terminated with effect from the 180th day following the day on which the notice is given.

I would be grateful for Your Excellency's confirmation that the Netherlands Government approves the proposals contained in this Note.

Furthermore I take this opportunity of recalling the Australian Government's acceptance, during the course of the negotiation of the Agreement signed today, of a proposal of the Netherlands authorities that the Parties of the Agreement

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<sup>1</sup> Applied provisionally from 1 June 1965 and came into force on 30 December 1965, in accordance with the provisions of the said notes.

should examine the possibilities of removing any obstacles that may be shown to exist to the entry of nationals of one Party into the territory of the other Party as temporary visitors for any lawful purpose. The Australian Government confirms that it is willing to join with the Netherlands Government in examining this matter.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. R. CROCKER

His Excellency Mr. L. de Block  
State Secretary for Foreign Affairs  
of the Kingdom of the Netherlands

## II

The Hague, June 1st, 1965

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today, reading as follows :

[*See note I*]

I have pleasure to confirm that the Netherlands Government approves the proposals contained in Your Excellency's Note.

I have noted with appreciation Your Excellency's confirmation that the Australian Government is willing to join with the Netherlands Government in examining the possibilities of removing any obstacles that may be shown to exist to the entry of nationals of one Party into the territory of the other Party as temporary visitors for any lawful purpose.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

L. DE BLOCK

His Excellency Mr. W. R. Crocker  
Ambassador Extraordinary and Plenipotentiary  
of the Commonwealth of Australia  
at The Hague

## ANNEX

## A SCHEME MADE PURSUANT TO ARTICLE II OF THE NETHERLANDS-AUSTRALIA MIGRATION AND SETTLEMENT AGREEMENT OF 1st JUNE, 1965

## NETHERLANDS-AUSTRALIA ASSISTED PASSAGE MIGRATION ARRANGEMENT

*General clauses*

1. The two Governments undertake to co-operate closely in rendering active support to the migrants selected under this Arrangement.
2. The number of migrants to arrive in Australia under this Arrangement for the twelve months ending on the 30th June of each year shall be the subject of negotiation between the two Governments prior to the commencement of such periods of twelve months.
3. Assistance under this Arrangement shall be given only to those selected migrants who actually depart from the Netherlands to Australia during the operation of this Arrangement.

*Selection and preparation*

4. The Netherlands Government assumes the obligation to permit any of its nationals who desire to emigrate to Australia to apply for assisted passages under this Arrangement and to bring them forward for admission to Australia to the Immigration representative to be appointed by the Australian Government to undertake the final selection and such other duties as are specified in this Arrangement.
5. The Australian Government assumes the obligation to select migrants under this Arrangement only from such persons as shall be brought forward by the Netherlands Government.
6. The Australian Government shall provide the Netherlands Government with information concerning conditions generally in Australia, including conditions of and opportunities for employment, for the guidance of all prospective migrants who may desire it. No official pamphlet relating to this Arrangement shall be issued without the concurrence of the two Governments. The Netherlands Government shall provide the Australian Government with information relating to conditions which might affect emigration from the Netherlands to Australia.
7. The Netherlands Government assumes the obligation to attend to initial selection, medical examination and documentation of applicants and to provide and operate for these purposes and for final selection by the Australian Government representatives all necessary establishments and facilities. Where necessary the Netherlands Government shall render all assistance possible to the Australian Government in securing at reasonable cost suitable office accommodation and equipment and living accommodation for Australian Government representatives in the Netherlands engaged upon duties in



connection with this Arrangement. Where necessary the Netherlands Government shall make available interpreters and minor clerical assistance for Australian Government representatives engaged in the selection of migrants.

8. Persons eligible for selection under this Arrangement shall be Netherlands nationals resident in the Netherlands or any other persons or groups of persons so resident as may be mutually agreed who apply or who are nominated by persons resident in Australia and who

- (a) are able to comply with the medical and other selection criteria required for entry into Australia, and
- (b) come within the following age groups :
  - (i) 18 to 45 for single men;
  - (ii) 18 to 35 for single women;
  - (iii) 18 to 45 for childless married couples;
  - (iv) 18 to 50 for married men with wives and children.

In the case of a married man in class (iv), his wife and unmarried children, irrespective of age, shall also be eligible for assisted passages subject to their complying with the medical and other criteria hereinafter specified.

In special cases the Australian Government may accept as migrants under this Arrangement persons who do not come within the foregoing age groups.

9. The procedure for the selection of migrants under this Arrangement shall be as follows subject to such variations as may be agreed upon from time to time :

- (a) Application forms shall be prepared by the Australian Government in consultation with the Netherlands Government and shall be distributed by the Netherlands Emigration Service to prospective migrants.
- (b) Such application forms shall be completed by applicants and returned to the Netherlands Emigration Service, together with such certificates of trade proficiency and character as may be required by the Australian Government. A copy of each form and certificate shall be delivered to an Australian Government representative appointed pursuant to clause 4 hereof.
- (c) The Netherlands Emigration Service shall check the application and accompanying certificates and shall arrange for a medical examination of those applicants considered to be eligible pursuant to clause 8 of this Arrangement. Such medical examination shall be carried out by a Medical Officer approved by the Australian Government and shall be in accordance with the provisions of a Medical Examination Form approved by the Australian Government. The completed Medical Examination Form shall be delivered to the Australian Government representative. The Australian Government shall have the right to have applicants further examined by its own medical officers before they are finally approved. The cost of medical examination

shall be borne by the applicant or by the Netherlands Government, except when it is conducted by an Australian Medical Officer.

- (d) The Australian Government in collaboration with the Netherlands Government shall arrange, where necessary, for selection representatives appointed by it to travel to centres in the Netherlands for the purpose of interviewing, examining and finally selecting applicants brought forward by the Netherlands Government. The location of such centres shall be decided by arrangement between the immigration representative of the Australian Government in the Netherlands and the Netherlands Emigration Service.
- (e) The Australian Government, in the interviewing and selecting of applicants who claim to be skilled tradesmen in the metal and electrical trades shall arrange for
  - (i) assessments to be made of the applicants' trade skills or special qualifications according to the standards applying in Australia in the trades or occupations concerned; and
  - (ii) information to be given to such applicants concerning their likely prospects of obtaining employment appropriate to their trade skills or special qualifications.
- (f) The Australian Government shall have the final responsibility for deciding the suitability of each applicant for settlement in Australia. The Netherlands Government shall afford every assistance and co-operation to the Australian Government representatives to enable them to assess the suitability of applicants for settlement in Australia.
- (g) Having completed the final examination and selection of applicants, the Australian Government representative shall notify to the Netherlands Emigration Service the names of the applicants who have been selected.

10. Migrants aged 18 years or more shall not be embarked for Australia until they have undertaken in writing :

- (a) that, in the event of departure from Australia for any reason within two years from the date of arrival, they will repay to the Australian Government prior to such departure the amount contributed by it pursuant to clause 20 of this Arrangement;
- (b) that they will use every endeavour to learn the English language and regularly attend night classes or use other facilities which are provided for all migrants at the Australian Government's expense for the purpose of teaching them the English language.

11. The document containing the undertakings referred to in the last preceding clause shall be drawn up in the English and the Netherlands languages, and be signed in duplicate by the migrant and witnessed by an Australian Government representative, who shall retain one copy and hand the other to the migrant; and such document shall set out, for the information of the migrant :

- (a) that employment in Australia will be at award wages and upon general conditions such as are enjoyed by Australians engaged in the same type of employment;
- (b) that he will be informed, upon allocation to employment in Australia, of the rate of wages and general conditions applicable to that employment.

12. All official documents covering travelling formalities, including passports and visas, shall be supplied free of charge or at a nominal charge to migrants selected under this Arrangement.

*Embarkation and transport*

13. For the embarkation and transport of selected migrants the following obligations shall be assumed by the Netherlands Government in regard to this Arrangement :

- (a) To procure the necessary transport for migrants and arrange to disembark them at those ports or airports in Australia nominated by the Australian Government, after consultation with the Netherlands Government, and according to schedules of departures periodically agreed upon by the two Governments.
- (b) To arrange for selected migrants to be moved from their normal place of residence to embarkation points and to notify the Australian Government representative of the time and place of all embarkations and to permit him to be present or be represented thereat.
- (c) Immediately after migrants have been embarked on any ship or aircraft, to arrange for nominal rolls of such migrants to be delivered to the Australian Government representative for transmission to the Secretary, Department of Immigration, Canberra.
- (d) To accept the principle that the international airlines of both countries shall be equally entitled to participate in any air transport arrangements which may be made pursuant to this clause.

14. The Australian Government shall communicate to the Netherlands Government, as soon as possible before the date of departure of ships or aircraft, the ports or airports of disembarkation referred to in clause 13, sub-clause (a), of this Arrangement provided always that where the Netherlands or Australian Government considers that an emergency has arisen they shall consult and retain the right to require the cancellation or deferment of a scheduled departure on reasonable notice. The Australian Government shall have the right to vary the nominated ports or airports of disembarkation as necessitated by the emergency and to notify the Netherlands Government accordingly.

15. The Australian Government shall have the right to appoint a representative or representatives to accompany each ship carrying migrants from the Netherlands to Australia in order to advise them concerning Australian conditions, to teach them the English language, and generally to attend their welfare during the voyage.

The Netherlands Government shall likewise have the right to appoint similar representatives. They will co-operate with any such Australian Government representatives.

16. Any selected migrant not proceeding directly to private accommodation in Australia who wishes to bring with him household effects for the purpose of establishing a home in Australia, shall arrange for such effects to be stored until he obtains private

accommodation in Australia. When such private accommodation has been obtained the Netherlands Government shall, if such effects are stored in the Netherlands, arrange with the shipping company by which the migrant travelled, or such other company as may be decided upon by the Netherlands Government, to transport free of charge to the migrant an amount of household effects equal to that which, in addition to the migrant's personal effects, would have been transported free of charge had the household effects accompanied the migrant in the first instance.

### *Reception and placement*

17. The Australian Government assumes the obligation to arrange for the reception and placement of the migrants selected under this Arrangement. Where necessary, the representatives of the Netherlands Government in Australia shall render assistance in these activities. In meeting this obligation the Australian Government shall :

- (a) Where necessary, temporarily accommodate selected migrants at a Migrant Accommodation Centre during the period they are awaiting employment. Such accommodation shall be provided without cost to the migrants for a period of seven days after their arrival in Australia. 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. This will continue until such time as suitable employment has been found for the migrant. When suitable employment has been offered to the migrant, he shall thereupon become responsible for the payment of his own board and lodging as from the date on which he is due to commence employment and 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 Australian Government in Migrant Accommodation Centres.
- (b) Where a migrant cannot arrange private accommodation for his dependants when he has been placed in employment, accommodate his dependants at the Migrant Accommodation Centre situated as near to the place of employment as circumstances will permit. The migrant will remain primarily responsible for the payment of the accommodation charges for his dependants, upon his commencing employment irrespective of the Migrant Accommodation Centre in which they are residing. Notwithstanding the foregoing provisions of this sub-clause, where practicable and subject to accommodation being available, family units will be accommodated in Hostels conducted by Commonwealth Hostels Ltd. and the rates applicable for accommodation at such Hostels will apply.
- (c) Where an employer offers accommodation for the migrant or for the migrant and his dependants, ensure that the standard of accommodation offered and the charges therefor shall be the same as those applying to Australian workers of the same category in the same area.

- (d) Arrange transport, free of cost to the migrants
- (i) from ship's side to a Migrant Accommodation Centre or to approved 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 for in sub-clause (b) above and
  - (iv) for the transfer of dependants from a Migrant Accommodation Centre to private or other accommodation found by or arranged for the migrant, provided that such accommodation is situated within reasonable proximity of the place of initial employment of the migrant.
- (e) Render every assistance to migrant workers, through the Commonwealth Employment Service
- (i) to obtain suitable employment; and
  - (ii) where a migrant who claims to be a skilled tradesman in the metal and electrical trades is concerned, to apply for tradesman status.
- (f) 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 benefits, medical benefits and pharmaceutical benefits.
- (g) Provide after-care for migrants, in that the Australian Department of Immigration and associated voluntary 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.
- (h) Ensure that the amount of personal or household effects carried free by the ship on which the migrants travel to Australia or by any subsequent ship, as provided for in clause 16 of this Arrangement, shall be moved, at the expense of the Australian Government, from the place of disembarkation to the initial place of private accommodation in Australia. All costs relating to any excess amount of such personal or household effects brought to or introduced into Australia by the migrant will be his own responsibility.

### *Settlement*

18. In order to assist the settlement in Australia of selected migrants, the Netherlands Government shall facilitate the transfer of reasonable funds from the Netherlands by them. The Australian Government shall likewise facilitate the transfer to the Netherlands, by migrants, of reasonable funds for the support of their dependant relatives.

19. The Australian Government shall have the right to return to the Netherlands any Netherlands national who arrived as a migrant under this Arrangement who may become

deportable under any law of the Commonwealth of Australia. Any other person who arrived as a migrant under this Arrangement who may become deportable under any law of the Commonwealth of Australia may also be returned to the Netherlands by the Australian Government within two years of his arrival in Australia.

#### *Financing*

20. The net passage costs from the point of embarkation in the Netherlands to the port of disembarkation in Australia of migrants selected under this Arrangement shall be borne by the Netherlands and Australian Governments in equal shares. The net passage costs to be borne jointly and equally by the contracting Governments shall be that amount of the total costs for such transport which remains after deducting from the total costs any amount forthcoming from international or other sources for migrant transport, and any amount paid by the migrants under terms and conditions determined by the contracting governments.

21. At the commencement of operation of this Arrangement the passage rate or rates for the transportation of migrants selected under this Arrangement shall be agreed between the Netherlands and Australian Governments and any variation in the rate or rates thereafter shall be agreed between the two Governments prior to the introduction of such new rates.

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

23. The Netherlands Government assumes the obligation to attend to payment of the claims of the transport companies in respect of the passages of migrants embarked. On submission of these accounts by the Netherlands Government at the end of each period of three months the Australian Government at Canberra shall pay to the Netherlands Government the sums payable pursuant to clause 20 of this Arrangement.

24. The Netherlands Director for Emigration shall produce to the Secretary, Department of Immigration, Canberra, or his representative, and the Secretary, Department of Immigration, Canberra, shall produce to the Netherlands Director for Emigration or his representative, any documents or accounts, whether in the Netherlands or in Australia, relating to the financial arrangements provided for in clauses 20 and 23 of this Arrangement if such documents or accounts are required to be produced to either Government for audit or other purposes.

#### *Final provisions*

25. This Arrangement has been drawn up in the Netherlands and English languages, both texts being equally authentic.

26. The Netherlands Minister of Social Affairs and Public Health and the Australian Minister for Immigration or officers authorised by those ministers may agree upon any variations in procedures or any further procedures under this Arrangement which are necessary in the interests of migration generally from the Netherlands to Australia.