

No. 9457

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**AUSTRALIA  
and  
TURKEY**

**Agreement concerning the residence and employment of  
Turkish citizens in Australia. Signed at Canberra on  
5 October 1967**

*Authentic texts: English and Turkish.*

*Registered by Australia on 6 march 1969.*

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**AUSTRALIE  
et  
TURQUIE**

**Accord concernant la résidence et l'emploi des citoyens turcs  
en Australie. Signé à Canberra le 5 octobre 1967**

*Textes authentiques: anglais et turc.*

*Enregistré par l'Australie le 6 mars 1969.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE  
COMMONWEALTH OF AUSTRALIA AND THE GOV-  
ERNMENT OF THE REPUBLIC OF TURKEY CONCERN-  
ING THE RESIDENCE AND EMPLOYMENT OF TURK-  
ISH CITIZENS IN AUSTRALIA

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The Government of the Commonwealth of Australia and the Government of the Republic of Turkey,

Believing that the residence and employment of Turkish workers in Australia shall be beneficial to both countries, and

For the purposes of arranging the selection, transport and employment of Turks and their dependants desiring to proceed to Australia,

Have agreed as follows :

*Article 1*

For the purpose of this Agreement, unless the context otherwise requires :

“ Australia ” means the territory comprising the States and mainland Territories of the Commonwealth of Australia;

“ Turkish citizen ” means a person possessing Turkish nationality in accordance with the laws in force in Turkey;

“ Turkish worker ” means a Turkish citizen who, with the intention of working, wishes to enter Australia or has entered Australia, for residence, and includes a self-employed person;

“ dependants ” means a Turkish worker’s wife and his unmarried children under 21 years of age;

“ hostel ” means temporary accommodation in Australia in which food is supplied and which is provided by or subsidized by the Australian Government;

“ single men and women ” means persons who are unmarried, divorced or widowed and who have no dependent children.

*Article 2*

1. The Australian Government shall establish an office in Turkey (hereinafter referred to as “ the Australian Office ”) to carry out the procedures of selection and recruitment of Turkish workers and their dependants.

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<sup>1</sup> Came into force on 5 October 1967 by signature, in accordance with article 29 (1).

2. The Australian Government may also send temporary missions to Turkey for this purpose.
3. The Turkish Government shall take the necessary measures to facilitate the activities of the Australian Office which in the conduct of its activities shall co-operate with the Turkish Employment Service (hereinafter referred to as "Kurum"). The expenses of the Australian Office shall be met by the Australian Government.
4. Kurum shall assist officials and employees of the Australian Office in obtaining their residence and labour permits required by any relevant Turkish law.

#### *Article 3*

1. The Australian Office shall inform Kurum annually of its requirement of Turkish workers, indicating the industry groups and occupations for which the Turkish workers are needed, their wages, ages and marital status and the requirements of skill and physical fitness.
2. Kurum shall inform the Australian Office in the shortest time possible of the extent to which it can meet this requirement.
3. The types of Turkish workers to be selected shall be the subject of annual consultation between the Australian Office and Kurum to maintain a reasonable balance of skilled, semi-skilled and unskilled workers.

#### *Article 4*

1. The age limits of Turkish citizens eligible for selection under this Agreement shall be as follows :
  - (a) Single men and women between the ages of 21 and 35 years inclusive;
  - (b) Married couples, without children, between the ages of 21 and 45 years inclusive;
  - (c) Married couples, with children, who are not older than 50 years of age.
2. In special cases the above age limits may be varied by agreement between Kurum and the Australian Office.

#### *Article 5*

The annual requirement for Turkish workers shall normally be notified to Kurum without specifying names. Requests for individual Turkish workers by name to be considered under this Agreement shall be made to Kurum only when the persons concerned already have relatives resident in Australia. Kurum shall decide the conditions for meeting any such special request made by name after appropriate consultation with the Australian Office.

*Article 6*

The preselection of Turkish workers shall be effected by Kurum taking into account the requirement notified under Article 3. The preselection shall include medical examination of the workers and their dependants, issuance of health certificates and assessment of occupational skill and physical capacity for the employment concerned.

*Article 7*

1. The final selection of Turkish workers and their dependants preselected by Kurum in accordance with Article 6 shall be made by the Australian Office, to determine whether they meet normal requirements for entry to Australia.
2. The following procedures shall operate in connexion with the final selection :

(a) Kurum shall, together with other necessary documents, supply to the Australian Office medical examination reports and X-ray films concerning pre-selected Turkish workers and their dependants.

(b) The Australian Office shall as soon as possible after receiving the documents concerning a Turkish worker and his dependants from Kurum as indicated in sub-paragraph (a) of this paragraph, notify Kurum whether final selection action is to take place and if so on what date and at what place.

(c) Should the Australian Office require a special check of the occupational skill of a Turkish worker, the costs shall be met by the Australian Office.

(d) Where possible Kurum shall assist the Australian Office in obtaining occupational checks by making available appropriate Turkish facilities.

(e) The Australian Office shall notify Kurum and each applicant concerned, within the shortest time possible, of the decision on each application which has proceeded to final selection. Where the Australian Office has rejected a pre-selected applicant, it shall notify the Director-General of Kurum of the reasons therefor when requested by him to do so.

*Article 8*

1. A document containing the particulars set out in paragraphs 2 and 3 of this Article shall be completed by the Australian Office and each applicant who has been finally selected.

2. The part of the document to be signed by a responsible officer of the Australian Office shall set out :

(a) That the necessary cost of the applicant's passage from the point of embarkation in Turkey to the locality of his employment in Australia shall be met by the Australian authorities, except for the equivalent of 25 Australian dollars per person to be paid by the applicant before departure for himself and for his wife and his children 19 years of age or over should they travel with him;

- (b) The assistance and facilities to be provided by the Australian authorities for the dependants of the applicant whether they travel with him to Australia or join him there afterwards;
  - (c) That food and accommodation for the applicant and his dependants shall be provided under the conditions specified in paragraph 2 of Article 14 until he enters suitable employment;
  - (d) The nature and the amount of the social and financial assistance in addition to food and accommodation until the applicant enters suitable employment;
  - (e) The type of employment intended for the applicant in Australia according to his occupational capacity and physical aptitude as assessed in the process of selection;
  - (f) The minimum wage the applicant can expect to receive in his likely employment;
  - (g) That the applicant shall enjoy the same social benefits and rights as Australian and other foreign workers working in Australia including unemployment benefit, conditions of employment and industrial safety, health benefits and holidays with pay;
  - (h) That the applicant's dependants resident in Australia shall enjoy the same social benefits as the dependants of Australian and other foreign workers.
3. The part of the document to be signed by the applicant shall set out :
- (a) That the applicant shall contribute the equivalent of 25 Australian dollars per person towards the cost of passages for himself, his wife and his children 19 years of age or over who accompany him to Australia;
  - (b) That, should an applicant or any of his dependants wish to leave Australia within 24 months of their arrival, he shall refund the amount paid by the Australian authorities towards the cost of his passage to Australia or that of his dependants.
4. The document referred to in this Article shall be prepared in three copies both in Turkish and in English. One copy of each shall be given to Kurum, the Australian Office and the applicant.
5. The form of the document shall be agreed by Kurum and the Australian Office.

#### *Article 9*

Before the departure of Turkish workers from Turkey the Australian Government shall take all necessary measures for informing them in writing in the Turkish language about working and living conditions in Australia and their likely employment.

*Article 10*

1. The two Governments shall take the necessary measures in order to expedite and simplify the administrative procedures relating to departure from Turkey, transport to and arrival in Australia of the workers and their dependants selected in accordance with this Agreement.
2. The transport of the workers and their dependants from Turkey to Australia shall be arranged by the Australian Office with the co-operation of Kurum. Kurum shall ensure that the workers and their dependants appear at the appointed place and hour for departure and shall assist their embarkation.
3. Subject to paragraph 4 of this Article the Australian Office and Kurum shall arrange for a Turkish-speaking escort officer to travel to Australia with Turkish workers and their dependants selected in accordance with this Agreement to provide general assistance during the journey and on arrival in Australia, to instruct them about living and working conditions in Australia and to prepare them for acquiring knowledge of the English language.
4. Where transport is by aircraft, an escort officer shall be appointed when the total number of Turkish workers and their dependants exceeds thirty-five persons. Where transport is by ship, an escort officer shall be appointed when the total number of Turkish workers and their dependants exceeds one hundred persons.
5. The Australian Government shall meet the costs of the return fares for escort officers and, in the case of escort officers from Turkey, shall meet reasonable expenses during any period spent in Australia.

*Article 11*

Kurum shall assist Turkish citizens finally selected under this Agreement to obtain their passports and other necessary documents without delay according to the legislation in force. The competent Australian authorities shall issue visas and any other documentation which may be necessary, free of charge, to Turkish citizens finally selected under this Agreement.

*Article 12*

1. Subject to normal entry requirements, the dependants of a Turkish worker finally selected under this Agreement may either accompany him to Australia or travel later to join him.
2. Aged parents may be included as dependants of a Turkish worker for the purpose of this Article provided that Kurum certifies that the parents are already dependent upon him in Turkey.

*Article 13*

1. The Australian Government shall arrange the necessary transport from Turkey to Australia by passenger aircraft or passenger ship, for Turkish workers and their dependants finally selected under this Agreement and shall pay the transport companies for the passages so arranged.
2. The Australian Office shall collect from each Turkish worker before departure from Turkey the equivalent of 25 Australian dollars per person for himself and his wife and any children 19 years of age or over should they travel with him to Australia.
3. The transport arrangements made by the Australian Government shall include provision for a reasonable amount of baggage, not less than the allowance normally provided for by passenger tickets, to be carried at no expense to the Turkish workers and their dependants, or to the Turkish Government.

*Article 14*

1. The Australian authorities shall accept responsibility for actively participating in the placement of Turkish workers and members of their families of working age in suitable employment in Australia in the shortest time possible.
2. Where, upon arrival in Australia, a Turkish worker and his dependants are accommodated in a hostel, the Australian Government shall :
  - (a) provide free board and lodging in that hostel for the first seven days while the worker is awaiting employment; and
  - (b) from the eighth day when normally a special social service benefit will be payable to a worker who is not yet in employment, deduct from any such benefit an amount in settlement of the board and lodging charges for the worker and his dependants.
3. When suitable employment has been offered to a worker who is accommodated in a hostel he will thereupon become responsible for the payment of his board and lodging and that of his dependants, if they are accommodated with him at the hostel, at the weekly rates applicable at the time.

*Article 15*

1. Turkish citizens who are residents of Australia shall have the same rights as Australian citizens and other foreign citizens in respect of housing matters according to the legislation in force in Australia.
2. The Australian authorities shall use their good offices to assist Turkish workers in finding suitable accommodation in Australia for themselves and their dependants.
3. Should a Turkish worker and his dependants be offered accommodation by an employer, the Australian authorities shall investigate any complaint by

the worker that the accommodation is unsatisfactory or that the rental is higher than that paid by Australian workers or other foreign workers in the same area and shall take whatever steps may be appropriate.

#### *Article 16*

Upon the arrival in Australia of a Turkish worker and his dependants the Australian Government shall :

- (a) provide free transport from the wharf or airport where they disembark to private accommodation, to accommodation provided by his employer or to hostel accommodation in the area where it is expected that the worker will be employed;
- (b) provide free transport for their baggage, which was transported from Turkey, from the wharf or airport to the accommodation to which they are taken in accordance with paragraph (a) of this Article; and
- (c) where, to facilitate the employment of a worker, transfer to another hostel appears desirable, provide free transport for the worker, his dependants and baggage to enable the transfer to be made.

#### *Article 17*

1. The Australian authorities shall supply information to the Turkish authorities from time to time as follows :
  - (a) Statistics of the arrival in Australia of Turkish workers and their dependants during agreed periods of time; and
  - (b) Details of any special circumstances which have arisen during the transport to Australia of Turkish workers and their dependants.
2. The Australian authorities shall forward periodically to the Turkish Embassy lists showing the initial work addresses in Australia of Turkish workers who have entered Australia under this Agreement, and whose employment has been arranged by the Commonwealth Employment Service.

#### *Article 18*

1. Turkish citizens who are residents of Australia shall receive the social service and national assistance benefits (including the social services benefit applicable to migrant workers awaiting initial employment in Australia) which Australia provides to its own citizens on the same terms as apply to its own citizens.
2. Turkish citizens employed in Australia shall have in matters relating to their employment, including wages, the same rights, obligations and working conditions as Australian workers and the same rights and protection as Australian workers with respect to industrial legislation, industrial safety, health standards and lodgings.



*Article 19*

1. Subject to financial regulations in force at the time of transfer, Turkish workers in Australia shall be entitled to transfer to Turkey funds necessary for the support of their families from their wages or as savings from their wages.
2. Turkish workers who leave Australia permanently because of retirement or disablement or, in the case of the death of Turkish workers in Australia, their next of kin, shall be entitled to transfer lump sum payments, indemnities and, where applicable, the estate of the deceased, to Turkey under conditions not less favourable than those applying in respect of any other resident of Australia.

*Article 20*

It shall be suggested by the Australian authorities to employers that part of the paid leave of Turkish workers should be granted to them on Turkish religious and national holidays.

*Article 21*

1. Turkish workers and their dependants shall be eligible, on the same basis as Australian workers and their dependants, to apply for vocational training, rehabilitation or retraining in Australia and on completion of that training to receive assistance from the Commonwealth Employment Service in obtaining employment appropriate to that training.
2. The Australian Authorities shall promote facilities in Australia, including the establishing of classes, to assist Turkish workers and their dependants to acquire knowledge of the English language.

*Article 22*

The Australian authorities shall co-operate with the Turkish authorities in Australia in any practicable measures for giving the children of Turkish citizens the opportunity of tuition in the Turkish language.

*Article 23*

Without prejudice to the provisions of Article 24 Turkish citizens shall, subject to Australian laws, be entitled to visit Turkey and for that purpose to participate in any special travel arrangements applicable to them.

*Article 24*

1. Turkish workers and their dependants wishing to leave Australia, for whatever reasons, within 24 months of their arrival, shall repay to the Australian Government the amounts paid by it towards their passages to Australia.

2. Where the Australian Government considers that special circumstances apply the obligation to repay provided for in paragraph 1 of this Article may be waived by the Australian Government.

#### *Article 25*

1. The Australian authorities agree to consider sympathetically any application by a Turkish citizen who is a resident of Australia for repatriation to Turkey on the grounds of incapacity, through disease or disability, or for any other special reason.

2. When the Turkish authorities in Australia believe there are sufficient grounds for the repatriation of a Turkish citizen who is a resident of Australia, the Turkish authorities may present the case to the Australian authorities who shall sympathetically consider it.

3. Repatriation, if so arranged in either case, shall be at the expense of the Australian Government.

#### *Article 26*

1. A Turkish citizen lawfully resident in Australia shall not be liable to expulsion proceedings, or other measures to enforce his departure, except in accordance with the Australian law.

2. If the Australian authorities take proceedings for the expulsion of a Turkish citizen, they shall forthwith inform the Turkish Embassy in Australia.

3. A Turkish citizen, whose expulsion from Australia has been ordered, shall be given the opportunity to appeal against the order where a right of appeal has been conferred by Australian law.

#### *Article 27*

1. Turkish workers and their dependants who are granted financial assistance towards the cost of their passages to Australia under this Agreement shall be entitled to all the benefits of this Agreement.

2. Turkish workers and their dependants who enter Australia without financial assistance under this Agreement shall be entitled to the benefits of Articles 15, 18, 19, 20, 21, 22, 23, 25 and 26 of this Agreement.

#### *Article 28*

1. A Joint Commission composed of at least two representatives of each Government shall, upon the request of either Government, convene in Turkey or in Australia.

2. The duty of the Commission shall be to examine any major difficulties arising from the operation of this Agreement with a view to resolving them, and to submit proposals on any matters that have not been so resolved.

*Article 29*

1. This Agreement shall enter into force on the date of signature and shall continue in force until terminated in accordance with the provisions of paragraph 2 of this Article.

2. Either Government may, at any time, give to the other Government notice in writing of its desire to terminate the Agreement, and in that event the Agreement shall cease to have effect 90 days after the date of the notice.

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

DONE in duplicate this fifth day of October one thousand nine hundred and sixty-seven at Canberra in the English and Turkish languages, both texts being equally authentic.

For the Government  
of the Commonwealth of Australia :

B. M. SNEDDEN

For the Government  
of the Republic of Turkey :

Bahier KARATAY