

**No. 10660**

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**AUSTRALIA  
and  
YUGOSLAVIA**

**Agreement on the residence and employment of Yugoslav  
citizens in Australia. Signed at Canberra on  
12 February 1970**

*Authentic texts: English and Serbo-Croatian.*

*Registered by Australia on 11 August 1970.*

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**AUSTRALIE  
et  
YOUGOSLAVIE**

**Accord relatif à la résidence et à l'emploi des citoyens yougo-  
slaves en Australie. Signé à Canberra le 12 février 1970**

*Textes authentiques : anglais et serbo-croate.*

*Enregistré par l'Australie le 11 août 1970.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE  
COMMONWEALTH OF AUSTRALIA AND THE  
GOVERNMENT OF THE SOCIALIST FEDERAL REPUB-  
LIC OF YUGOSLAVIA ON THE RESIDENCE AND EM-  
PLOYMENT OF YUGOSLAV CITIZENS IN AUSTRALIA

The Government of the Commonwealth of Australia and  
The Government of the Socialist Federal Republic of Yugoslavia,  
Desiring to make provisions with respect to the residence and employ-  
ment of Yugoslav citizens in Australia,  
Convinced that agreement on these matters is in the interest and to the  
benefit of both countries,  
Have agreed as follows:

*Article 1*

For the purpose of this Agreement, unless the context otherwise re-  
quires:

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

“Yugoslav citizen” means a person possessing Yugoslav citizenship in  
accordance with the laws in force in the Socialist Federal Republic of  
Yugoslavia.

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

“Family” means the spouse of a Yugoslav worker, the children (in-  
cluding adopted children, stepchildren, foster children and natural children)  
of a worker, grandchildren of a worker, and the parents of a worker or of the  
spouse of a worker.

*Article 2*

(1) Yugoslav workers, after entry into Australia for residence, shall  
have the same rights and obligations as Australian workers in respect of

<sup>1</sup> Came into force on 20 May 1970, the date on which the Australian Government acknowledged the receipt of a notice from the Yugoslav Government that the requirements of the Yugoslav legislation had been fulfilled, in accordance with article 25.

- (a) conditions of employment, freedom to change their employment or activity, unemployment benefits, workers' compensation, standards of industrial safety, health standards and lodgings; and
- (b) other matters provided for by Australian industrial laws and regulations.

(2) The Australian authorities shall take all reasonable steps to ensure that these provisions are observed.

### *Article 3*

(1) Yugoslav citizens resident in Australia shall receive social service and national assistance benefits which Australia provides to Australian citizens on the same terms as apply to them.

(2) The social service and national assistance benefits which Australia provides to Australian citizens and citizens of other countries and which it also provides to citizens of Yugoslavia in Australia on the same terms are: age and invalid pensions and wives' allowances, widows' pensions, funeral benefits, maternity allowances, child endowment, unemployment, sickness and special benefits, sheltered employment allowances, rehabilitation services, and medical, hospital and pharmaceutical benefits.

(3) The two Governments shall study the possibility of and make efforts towards reaching agreement on reciprocity for the payment of Australian social service and health benefits and the corresponding Yugoslav social security benefits.

(4) Subject to Australian laws and regulations relating to reciprocity Yugoslav workers who suffer injury or who as a result of a work accident or due to occupational disease or their dependants shall be accorded the same treatment in respect of workers' compensation including the same rights to transfer outside Australia such compensation as are granted to Australian citizens and the citizens of other countries under the laws and regulations of the Commonwealth and the States. Where compensation payments do not extend to dependants outside Australia the Australian Government will use its best endeavours to seek such extension of benefit.

(5) The two Governments shall study the possibility of and make efforts towards reaching reciprocal arrangements on payment of compensation to members of the family of workers who have died or who have been injured as a result of a work accident or due to occupational disease in the country of one of the parties to this Agreement if members of the family have remained in the country of the other party.

(6) Yugoslav citizens resident in Australia, the members of whose families are in Yugoslavia, may pay contributions for the social insurance of those members to a Yugoslav social insurance institution and transfer the necessary amounts to Yugoslavia.

*Article 4*

(1) The Australian authorities shall use their good offices to assist Yugoslav workers in finding suitable accommodation in Australia for themselves and their families, particularly in order to facilitate family reunion.

(2) Subject to laws and regulations in force in Australia Yugoslav citizens who are residents of Australia shall enjoy the same rights in respect of housing matters as Australian citizens.

(3) Should a Yugoslav worker be offered accommodation by an employer for himself and his family, 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 5*

(1) Subject to financial regulations in force at the time of transfer, Yugoslav workers in Australia shall be entitled to transfer to Yugoslavia or to any other country funds from their earnings and savings as well as funds acquired from insurance schemes by virtue of their payments under conditions no less favourable than those applying to any other resident of Australia.

(2) When the funds are for the support of members of their families who reside in Yugoslavia or in any other country, Yugoslav workers shall be entitled to transfer such funds under conditions no less favourable than those applying to any other resident of Australia.

(3) Yugoslav workers leaving Australia permanently shall be entitled to transfer from Australia their savings and other assets under conditions not less favourable than those applying to any other resident of Australia.

(4) If any Yugoslav worker should die in Australia, his beneficiary shall be entitled to transfer from Australia lump-sum payments and indemnities and the estate of the deceased, under conditions not less favourable than those applying to any other resident of Australia.

*Article 6*

(1) Yugoslav citizens in Australia shall have the same opportunities and facilities as Australian citizens to attend schools of every type in Australia.

(2) Yugoslav workers and their families shall be eligible, on the same basis as Australian workers and their families, to apply for vocational training, rehabilitation or re-training in Australia. Upon completion of that training the Commonwealth Employment Service shall assist them to obtain employment appropriate to their acquired qualifications.

(3) The Australian authorities and the Yugoslav diplomatic and consular missions shall encourage and assist Yugoslav workers and their families to take advantage of the facilities described in paragraph 2 of this Article.

#### *Article 7*

(1) The Australian Government, in the light of the first hand investigations by an Australian tripartite mission on training of skilled workers in Yugoslavia, shall continue to use its good offices to advance the recognition and acceptance of Yugoslav qualifications in Australia within the framework of Australian laws, regulations and practices.

(2) The Australian Government shall arrange with respect to Yugoslav workers in Yugoslavia who claim to be skilled tradesmen in the metal and electrical trades that:

- (a) assessment is made of their trade skill or special qualifications in terms of the standards applying in Australia in the vocation concerned;
- (b) written advice is forwarded to them of the extent to which their qualifications meet the criteria established for acceptance of Yugoslav skilled workers in Australia.

(3) If Yugoslav workers other than workers described in paragraph 2 of this Article submit to the competent Australian authorities in Yugoslavia evidence of their vocational qualifications and request advice from these authorities on whether their vocational qualifications are likely to be recognised and accepted in Australia for the purpose of employment in their vocation, the Australian authorities shall provide them with that advice and, if necessary, inform them of any additional requirements with which they must comply in order to have their vocational qualifications recognised and accepted in Australia.

(4) In the recognition of qualifications Yugoslav workers shall not be treated less favourably than the workers of other countries entering Australia as migrants.

#### *Article 8*

The two Governments shall as soon as possible ascertain the extent of recognition to be given in Australia to vocational qualifications acquired in

schools and other institutions of education in Yugoslavia and shall determine procedures for the authentication and evaluation of school certificates of all kinds obtained in the territory of each Government.

*Article 9*

(1) The Yugoslav authorities and the Australian authorities shall cooperate in activities which may facilitate the adjustment of Yugoslav workers and their families to their new environment in Australia.

(2) Subject to the laws and regulations in force in Australia Yugoslav citizens in Australia shall be treated equally with the citizens of Australia as regards social cultural and recreational activities and the freedom of religion. In this connection and subject to the laws and regulations in force in Australia, Yugoslav citizens may establish appropriate societies.

*Article 10*

(1) The Australian authorities shall promote facilities in Australia, including the establishment of classes to assist Yugoslav workers and their families to acquire knowledge of the English language.

(2) Courses of English language instruction may also be provided in Yugoslavia for Yugoslav citizens interested in migration to Australia. The organisation of the courses and other related arrangements shall be agreed upon between the Yugoslav authorities and the Australian authorities.

(3) The costs of the conduct of the courses of English language instruction provided for in paragraphs 1 and 2 of this Article shall be met by the Australian Government.

*Article 11*

(1) The Australian authorities shall use their good offices to encourage special courses which children of Yugoslav workers may attend to facilitate their integration into the Australian education system.

(2) The Australian authorities shall co-operate with the Yugoslav diplomatic and consular missions in Australia in any practicable measures for giving the children of Yugoslav workers in Australia the opportunity of learning their mother tongue.

*Article 12*

Yugoslav workers resident in Australia shall have equality with Australian workers in joining and participating in the affairs of trade unions.

*Article 13*

(1) Yugoslav citizens resident in Australia shall have equality with Australian citizens in respect of

- (a) the constant protection and security of their persons, their property and their rights under the law;
- (b) legal aid (free of charge where applicable); and
- (c) access to all courts of justice.

(2) Yugoslav citizens shall, in respect of any criminal proceedings in which they may be involved in Australia, be accorded the benefit of all jurisdictional guarantees and safeguards to which Australian citizens are entitled.

*Article 14*

Yugoslav workers shall be entitled, on the same basis as Australian workers, to be represented in proceedings before Australian courts and tribunals in matters relating to rates of pay and conditions of employment or to any other matters arising from their employment. Where it is not contrary to established Australian laws, regulations and practices Yugoslav diplomatic or consular representatives may be present during the proceedings.

*Article 15*

If a Yugoslav citizen is taken into custody in Australia, he shall be informed that, upon his request, the nearest Yugoslav diplomatic or consular mission will be informed of his detention. Where such request is made and subject to the laws and regulations in force in Australia, facilities shall be offered to a Yugoslav diplomatic or consular representative to visit and to communicate with the Yugoslav citizen taken into custody.

*Article 16*

The Australian authorities shall take all practicable measures to ensure that a Yugoslav diplomatic or consular mission is informed, as soon as possible, of any work accidents in Australia resulting in the death of Yugoslav workers and of any cases where death results from Yugoslav workers having contracted notifiable diseases directly due to the nature of their employment. In the case of serious disablement of Yugoslav workers arising from work accidents in Australia, the Australian Government will endeavour to make arrangements for similar notification to be given to a Yugoslav diplomatic or consular mission.

*Article 17*

The Yugoslav diplomatic or consular mission in Australia may, in accordance with the existing Australian laws and regulations, authorize legal representatives to protect before the courts and administrative bodies the interests of relatives or heirs of deceased Yugoslav citizens if they are absent or have not appointed their attorneys.

*Article 18*

(1) Yugoslav citizens resident in Australia may apply to the Australian Government to be repatriated to Yugoslavia at the expense of the Australian Government on grounds of incapacity, disease or disability or for any other special reason. The Australian Government shall consider sympathetically such requests.

(2) If the Yugoslav authorities believe that grounds for the repatriation of Yugoslav citizens, referred to in paragraph 1 of this Article, exist, they also may present the cases to the Australian authorities for sympathetic consideration.

*Article 19*

(1) Yugoslav citizens resident in Australia shall not be liable to expulsion proceedings or other measures to enforce their departure, except in accordance with the laws and regulations in force in Australia.

(2) If the Australian authorities institute any proceedings for the expulsion of a Yugoslav citizen, they shall forthwith inform a Yugoslav diplomatic or consular mission in Australia of the action that is being taken. Unemployment is not a ground for expulsion.

*Article 20*

(1) A Yugoslav citizen not previously resident in Australia who arrives in Australia after the age of twenty years and one month will not be liable for military service in Australia.

(2) Should a Yugoslav citizen arrive in Australia before the age of twenty years and one month and be liable for military service under Australian law:

(a) he shall be relieved of that liability if he produces a certificate from the competent Yugoslav authority that he has fulfilled his obligation of rendered continuous full-time military service under Yugoslav law which is 18 months in the army or 2 years in the navy; and



(b) where he is not covered by sub-paragraph (a), if he applies to the Department of Labour and National Service before the date on which he is required to report for military service for permission to leave Australia rather than render such service, he shall be granted such permission.

(3) Should a Yugoslav citizen arrive in Australia and after residing there leave before he is liable for military service under Australian law, and on returning to Australia be so liable, the provisions of subparagraphs (a) and (b) or paragraph 2 shall apply.

#### *Article 21*

(1) Applications for employment in Australia by Yugoslav citizens resident in Yugoslavia may be considered by the Australian Government on the basis of

- (a) sponsorships by relatives or friends already resident in Australia who lodge nomination forms in Australia; or
- (b) direct applications in Yugoslavia by the lodgement of application forms.

(2) The final acceptance of Yugoslav citizens for employment in Australia who have been sponsored from Australia or who have applied direct in Yugoslavia as either assisted or unassisted migrants shall be determined in a manner laid down in Articles 22 and 23 of this Agreement.

#### *Article 22*

(1) The two Governments shall make special arrangements on assisted passages to Australia and on matters related to the migration of Yugoslav citizens to Australia, in accordance with this Agreement.

(2) Special arrangements referred to in paragraph 1 of this Article shall be established by the exchange of diplomatic notes.

#### *Article 23*

(1) With a view to the implementation of this Agreement the two Governments shall establish in Yugoslavia a Joint Standing Committee consisting of four representatives, two from each Government.

(2) The Joint Standing Committee shall receive all application forms of Yugoslav workers and their families accepted for employment by the Australian authorities and unanimous agreement of the Committee shall be necessary for their acceptance in accordance with this Agreement.

(3) The Australian Government shall from time to time notify the Yugoslav Government of conditions and criteria for acceptance of Yugoslav citizens for residence and employment in Australia under the terms of this Agreement.

*Article 24*

(1) At the request of either Government a Joint Commission consisting of representatives of each Government shall be established. The number of the members of the Commission shall be agreed upon by the two Governments.

(2) The Joint Commission shall examine any difficulties that may arise in the implementation of this Agreement. The Commission shall also deal with any other matters referred to it by the two Governments.

(3) The Joint Commission shall make recommendations to the Governments concerning the matters examined by it.

(4) The Joint Commission shall establish rules for its operation. It shall meet either in Yugoslavia or Australia as may be agreed by the two Governments having regard to the matters to be considered.

*Article 25*

(1) This Agreement shall enter into force on the day on which the Australian Government shall have acknowledged the receipt of a notice from the Yugoslav Government that the requirements of Yugoslav legislation for the implementation of the Agreement have been fulfilled.

(2) The Agreement shall continue in force for 180 days after the day on which either Government shall have received from the other notice in writing of its desire to terminate the Agreement.

DONE in Canberra this twelfth day of February, one thousand nine hundred and seventy in four originals, two in the English and two in the Serbo-Croat languages, both texts being equally authentic.

For the Government  
of the Commonwealth  
of Australia:

PHILLIP LYNCH

For the Government  
of the Socialist Federal Republic  
of Yugoslavia:

ANTON POLAJNER