

**No. 11839**

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**AUSTRALIA  
and  
ITALY**

**Migration and Settlement Agreement. Signed at Canberra on 26  
September 1967**

*Authentic texts : English and Italian.*

*Registered by Australia on 16 June 1972.*

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et  
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**Accord relatif à la migration et à l'établissement. Signé à Canberra  
le 26 septembre 1967**

*Textes authentiques : anglais et italien.*

*Enregistré par l'Australie le 16 juin 1972.*

MIGRATION AND SETTLEMENT AGREEMENT<sup>1</sup> BETWEEN  
THE GOVERNMENT OF THE COMMONWEALTH OF  
AUSTRALIA AND THE GOVERNMENT OF THE RE-  
PUBLIC OF ITALY

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

Desiring to maintain and strengthen the spirit of friendship and co-operation that exists between them,

Taking into account the changes that have occurred in the economic circumstances of the two countries since the arrangements currently applicable to the migration of Italian citizens to Australia were concluded,

Desiring in these changed circumstances to agree on other measures relating not only to the migration of Italian citizens to Australia but also to the employment and settlement of citizens of either country in the other country,

Convinced that agreement on those matters will serve the common interests of the people of the two countries and foster their economic and social progress,  
Have agreed as follows :

*Article 1*

DEFINITIONS

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

(a) “ country ” means Australia or Italy.

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

(c) “ Italian worker ” means an Italian citizen who wishes to migrate, or has migrated, to Australia with the intention of working, and includes a self-employed person.

(d) “ head of a family ” means an Italian citizen upon whom the spouse or the children of that citizen are financially dependent.

(e) “ family ” means the head of a family, the spouse of a head of a family, the children (including adopted children, step children, foster children and natural children) of a head of a family, the grand-children of a head of a family,

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<sup>1</sup> Came into force on 8 July 1971, i.e. the thirtieth day after the day (9 June 1971) on which the instruments of ratification were exchanged in Rome, in accordance with article 38.

the parents of a head of a family and of his spouse, the brothers and the sisters of a head of a family and of his spouse, and the spouses and children of those brothers and sisters.

(f) “ Australian citizen ” means a person possessing Australian citizenship in accordance with the laws in force in Australia from time to time.

(g) “ Italian citizen ” means a person possessing Italian nationality in accordance with the laws in force in Italy from time to time.

(h) “ resident of Australia ” means a person who has his domicile in Australia and who is entitled to remain indefinitely in Australia.

(i) “ resident of Italy ” means a person who has his permanent domicile in Italy.

### Article 2

#### SUPPLY OF INFORMATION

The Australian Government shall supply to the Italian Government, from time to time, comprehensive and up-to-date information concerning living and working conditions in Australia so that prospective Italian migrants to Australia may have adequate information on those conditions.

Information concerning Australia shall also be supplied free of charge by the Australian authorities in Italy to Italian citizens who are interested in migrating to Australia.

The information supplied in accordance with the provisions of paragraphs 1 and 2 of this Article concerning living and working conditions in Australia shall include general information about Australia and information on :

- Procedures for the issue of visas, free of charge, to persons who intend to emigrate to Australia
- Employment conditions
- Wages, prices and taxation
- Housing
- Social Services and Health Insurance
- Education
- Facilities for learning the English language
- The law governing the acquisition of Australian citizenship
- Customs and quarantine requirements
- Public and private agencies and bodies which may provide information and assistance to migrants free of charge
- Obligations applicable to aliens under Australian laws.

*Article 3*

## FORMS OF MIGRATION

- The migration of Italian citizens to Australia shall be initiated by—
- (a) nominations submitted to the Australian authorities by residents of Australia;
  - (b) direct agreements between Italian citizens and Australian employers;
  - (c) direct applications submitted to the Australian authorities; and
  - (d) special migration programmes as provided for in Article 14.

*Article 4*

## SETTLEMENT FACILITIES

Italian citizens on entry into Australia for residence will be entitled to not less favourable conditions and facilities for settlement than are provided by Australian laws for citizens of other countries of Continental Europe entering Australia as migrants.

Should temporary accommodation be provided by the Australian authorities for Italian citizens entering Australia as migrants from Italy or from any other country, that accommodation shall be in hostels conducted by Commonwealth Hostels Limited or other equally satisfactory accommodation as agreed between the two Governments.

*Article 5*

## MIGRATION BY NOMINATION

Residents of Australia may submit to the Australian authorities nominations for the migration to Australia of Italian citizens who are members of their families or friends. Each nominator shall, at the time when the nomination is submitted, undertake to provide adequate accommodation into Australia for the persons nominated by him if their entry in Australia is approved by the Australian authorities.

Particulars of each nomination shall be given, as soon as possible, by the Australian authorities to the Italian consular authorities in or for the State or mainland Territory of Australia where the nominator resides.

The Italian consular authorities may transmit to the Australian authorities representations in respect of nominations.

*Article 6*MIGRATION AS A RESULT OF DIRECT AGREEMENT BETWEEN EMPLOYER'S  
AND EMPLOYEES

Employers in Australia, who have the approval of the Australian authorities to do so, may request the Italian authorities in Australia or in Italy to assist

them in recruiting by direct agreement, workers in Italy for employment in Australia.

In each case the Australian authorities shall obtain from the employer in writing, and shall provide to the Italian authorities, the terms and conditions of employment offered, including information on travelling expenses, the duties to be performed, the rates of pay, the hours of work (including overtime), the arrangements for accommodation, any benefits available to the worker and his family and the working and living conditions in the area where the worker is to be employed.

The Italian authorities shall notify the Australian authorities and the employer in each case of—

- (a) the acceptability or otherwise of the terms and conditions of employment offered, and
- (b) the arrangements that will apply in respect of the recruitment of the workers.

The Italian authorities shall facilitate contacts between the Australian authorities in Italy and workers who are interested in offers by Australian employers, and, if so requested by the Australian authorities in Italy, shall assist recruitment operations under this Article.

The conditions and benefits specified elsewhere in this Agreement shall apply to the workers referred to in the preceding paragraphs of this Article and to their families.

### *Article 7*

#### DIRECT APPLICATIONS

Applications to migrate to Australia may be submitted to the Australian authorities in Italy by persons resident in Italy. The Italian authorities shall facilitate contacts between the Australian authorities in Italy and Italian citizens who are interested in migrating to Australia and who possess special qualifications, including professional degrees or diplomas or other vocational certificates, or desire to establish their own business enterprises in Australia.

In addition to the other information specified in Article 2 of this Agreement, the Australian authorities shall provide the persons referred to in paragraph 1 of this Article with information concerning their employment prospects in Australia, having regard to their educational background and to their degrees, diplomas or vocational certificates.

The conditions specified elsewhere in this Agreement shall apply to the persons referred to in the preceding paragraphs of this Article.

*Article 8*

## RECOGNITION OF VOCATIONAL QUALIFICATIONS

The Australian authorities shall arrange with respect to Italian workers who claim to be skilled tradesmen for the purpose of recognition under the Tradesmen's Rights Regulation Act 1946-1958 that :

- (a) assessments are made of their trades skills or special qualifications in terms of standards applying in Australia in the vocations concerned; and
- (b) written advice is forwarded to them concerning the degree of recognition of their trades skills that they may expect to receive on their arrival in Australia.

If an Italian worker, other than a worker described in paragraph 1 of this Article, submits to the competent Australian authorities in Italy evidence of his vocational qualifications and requests advice from those authorities on whether his vocational qualifications are likely to be accepted in Australia for the purpose of employment in his vocation, the Australian authorities shall provide him with that advice in addition to the other information specified in Article 2 of this Agreement and, if necessary, inform him of any additional requirements with which he must comply in order to have his vocational qualifications accepted in Australia.

The Australian Government recognises the concern of the Italian Government that Italian workers who migrate to Australia are able to use their vocational qualifications to the best advantage, and agrees to use its best offices to advance the acceptance of Italian qualifications in Australia within the framework of Australian legislation and practice.

*Article 9*

## MEDICAL EXAMINATION

The Australian authorities in Italy may require Italian citizens desiring to migrate to Australia to undergo a medical examination (including a chest X-ray).

In the event that the medical examinations required by the Australian authorities in Italy have been satisfactorily completed by a family and the head of the family migrates to Australia in advance of any other members of the family, the examination of a member of the family shall, subject to the provisions of paragraph 3 of this Article, be acceptable for the subsequent entry into Australia of the member provided that he departs for Australia within two years of his examination.

The X-ray examination of a member of a family, the head of which migrates in advance of the member, shall remain acceptable for the entry into Australia of the member only if he departs for Australia within one year of the examination.

### *Article 10*

#### VISAS

The Australian authorities shall :

- (a) where a visa is issued to an Italian citizen desiring to migrate to Australia, issue that visa free of charge; and
- (b) where a visa is refused to an Italian citizen desiring to migrate to Australia, orally inform the Italian Director-General of Migration of the reasons therefor when requested by him to do so.

### *Article 11*

#### CUSTOMS REQUIREMENTS

On being issued with visas for entry to Australia, Italian citizens shall be supplied by the Australian authorities in Italy with information concerning Australian customs requirements, which are applied on a non-discriminatory basis so far as the nationality of the owner is concerned, and, in particular, with information concerning—

- (a) goods and articles, the importation of which into Australia is prohibited or restricted;
- (b) articles that may be admitted into Australia without payment of Customs Duties; and
- (c) any relevant conditions and formalities.

Italian citizens shall be exempted, on the same basis as Australian citizens and any other passenger's arriving in Australia, from the payment of import duties and taxes on personal effects and furniture, their working tools and instruments and a family car.

### *Article 12*

#### REUNION OF FAMILIES

The two Governments recognise the desirability of facilitating the reunion of families and, without prejudice to more favourable provisions that may be established under special migration programmes, Italian citizens who migrate to Australia shall have the right to submit to the Australian authorities, nominations for the migration to Australia of members of their families. Such family

members shall be admitted into Australia for residence provided that they comply with requirements for entry.

*Article 13*

SOCIAL WELFARE

The Australian Government shall appropriately assist Italian workers and their families in overcoming practical problems they may have, especially during their initial period of settlement in Australia. For this purpose the Australian Government may avail itself of the services of voluntary organisations.

*Article 14*

SPECIAL MIGRATION PROGRAMMES

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

In carrying out these special migration programmes, the two Governments may avail themselves of the co-operation of the Inter-Governmental Committee for European Migration (I.C.E.M.) and other international bodies.

Conditions not less favourable than those specified in this Agreement shall apply with respect to persons who migrate to Australia under the programmes referred to in paragraph 1 of this Article.

*Article 15*

RIGHT OF WORKING

Italian workers and their families residing in Australia shall have the same entitlement to enter the employment, profession, trade or business of their choice as is available to citizens of other countries of Continental Europe entering Australia as migrants taking account of any Australian laws and regulations relating to entry to employment, profession, trade or business.

*Article 16*

EQUALITY WITH AUSTRALIAN WORKERS

Italian workers employed in Australia shall have :

(a) in matters relating to their employment, 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; and

- (b) the same freedom as Australian workers to change their employment or activity.

The Australian authorities shall take all reasonable steps to ensure that these conditions are observed.

### *Article 17*

#### TRADE UNIONS

Italian workers residing in Australia have equality with Australian workers in joining and participating in the affairs of trade unions.

### *Article 18*

#### PROTECTION OF INTERESTS OF ITALIAN WORKERS

Italian workers shall be eligible, on the same basis as Australian workers, to be represented in proceedings before Australian courts and tribunals in matters arising out of their employment or relating to rates of pay or conditions of employment. Where it is not contrary to established forms or practices, Italian workers shall be eligible to arrange, if they so desire, for Italian consular representatives to be present during the proceedings.

The Australian authorities shall take all possible action to ensure that the Italian consular authorities are informed, as soon as possible, of any work accidents in Australia which result in the death of Italian workers and of any cases where Italian workers have contracted notifiable diseases directly due to the nature of their work in Australia.

The personal representatives of any Italian worker who has died as a result of a fatal work accident in Australia may appoint, or may authorise an Italian consular representative in Australia to appoint on their behalf, legal representatives for the protection of their interests in Australia. The persons so appointed, if qualified to do so in accordance with the law in force from time to time, may appear on behalf of the personal representatives in Australian Courts.

### *Article 19*

#### ACCOMMODATION FOR ITALIAN WORKERS AND THEIR FAMILIES

The Australian authorities shall use their good offices to assist Italian workers in finding suitable accommodation in Australia for themselves and members of their families, particularly in order to assist family reunion.

Italian workers shall have the same rights and facilities as Australian workers in all matters regarding the allocation and purchase of homes under Government housing programmes.

Should an Italian worker and his dependants be offered accommodation by an employer in accordance with Article 6 of this Agreement, 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 in the same area and shall take whatever steps may be appropriate.

### *Article 20*

#### VOCATIONAL TRAINING

Italian 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 and on completion of that training to receive assistance from the Commonwealth Employment Service in obtaining employment appropriate to that training.

The Australian authorities and the Italian consular authorities shall encourage and assist Italian workers and their families to take advantage of the facilities described in paragraph 1 of this Article.

### *Article 21*

#### LANGUAGE INSTRUCTION

The Australian authorities shall promote facilities in Australia, including the establishing of classes, to assist Italian workers and their families to acquire knowledge of the English language.

The Australian authorities shall use their good offices to encourage special courses for the children of Italian workers to facilitate their integration into the Australian education system.

The Australian authorities shall co-operate with the Italian consular representatives in Australia in any practicable measure for giving the children of Italian workers who desire it the opportunity of tuition in the Italian language.

### *Article 22*

#### ADJUSTMENT TO NEW ENVIRONMENT AND USE OF FREE TIME

The Australian authorities shall co-operate with the Italian authorities in activities which may facilitate the adjustment of Italian workers and their families in Australia to their new environment and, in conjunction with the Italian authorities, shall help and co-ordinate the activities of private and public Italian and Australian organisations, particularly in the recreational, sporting, artistic and cultural fields.

*Article 23*

## TRANSFER OF FUNDS

Italian workers in Australia shall be entitled to transfer to Italy or to any other country in which their families reside funds from their earnings necessary for the support of their families (in the case of three dependants fifty per cent, of more than three dependants, seventy-five per cent of their wages) or as savings from their earnings.

Italian workers who leave Australia permanently shall be entitled to transfer their savings from Australia under conditions not less favourable than those applying to other residents of Australia.

*Article 24*

## ENTRY AND SOJOURN

The citizens of each country shall be permitted to enter, travel freely within, settle in or leave the other country, subject to the laws and regulations in force from time to time in that other country and to matters affecting its national interest, including public order, security, public health and national defence.

*Article 25*

## ESTABLISHMENT OF PRIVATE ENTERPRISES

The citizens of each country settling in the other country shall, subject to the laws and regulations in force from time to time within that other country, be entitled to the same rights as the citizens of that other country to establish companies, commercial and industrial business enterprises and to undertake arts and crafts activities.

*Article 26*

## PROTECTION UNDER THE LAW AND ACCESS TO THE COURTS

The citizens of each country and the juridical persons incorporated in each country shall within the other country be accorded treatment not less favourable than that accorded to the citizens of that other country and the juridical persons incorporated in that other country respectively, with respect to :

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

They shall not by reason of their nationality or place of residence or domicile, or, in the case of juridical persons by reason of their place of incorporation, be required to furnish bonds or securities in respect of judicial proceedings when these would not be required in equivalent circumstances from citizens of the country in which the proceedings are being conducted or juridical persons incorporated in that country respectively.

### *Article 27*

#### FREEDOM OF RELIGION AND ASSOCIATION

The citizens of each country within the other country shall be treated, subject to the laws and regulations in force from time to time within that other country, as if they were citizens of that other country with respect to freedom of religion, association and education, and, in particular to engaging in scientific research and in cultural, philanthropic and similar activities and to forming associations for these purposes.

### *Article 28*

#### PURCHASE AND POSSESSION OF PROPERTY AND GOODS

The citizens of each country and the juridical persons incorporated in each country shall have within the other country the same legal capacities as citizens of that other country and juridical persons incorporated in that other country :

- (a) to acquire, whether by purchase or otherwise,
- (b) to hold and enjoy, and
- (c) to dispose of, whether by sale, gift, will or otherwise, movable and immovable property, including, in particular, stocks, bonds, shares and rights in action. Limitations shall not be applied to the exercise of these capacities except;
  - (i) for reasons of national interest or in accordance with the laws in force in each country, or
  - (ii) by the registration requirements that, under the law of a particular State or Territory of Australia, must be complied with by juridical persons incorporated outside that State or Territory.

The Government of each country shall accord to the citizens of the other country and to juridical persons incorporated in that other country treatment equal to that accorded to its own citizens and juridical persons incorporated in its own country in matters of rental of houses, buildings, premises and lands for commercial, industrial or agricultural purposes, except so far as limitations may still exist on leases of crown lands to aliens.

*Article 29*

## EXPROPRIATION AND REQUISITION

Proceedings for the resumption or expropriation for a public purpose or for the requisition in the national interest of movable and immovable property of any kind in one country which is owned by citizens of the other country or by juridical persons incorporated in that other country shall not be taken where the proceedings would not have been taken had the property been owned by citizens of, or juridical persons incorporated in, the country in which it is situated, or by citizens of, or juridical persons incorporated in, any third country.

The principle of equal treatment shall apply in relation to compensation arising from such proceedings.

*Article 30*

## RIGHTS IN CRIMINAL PROCEEDINGS

The citizens of each country shall, in respect of criminal proceedings in which they may be involved in the other country, be accorded the benefit of all jurisdictional guarantees and safeguards to which the citizens of that other country are entitled.

*Article 31*

## ARREST

If a citizen of one country is taken into custody in the territory of the other country, the competent authorities of that other country shall inform him that, if he so desires, his nearest consular representative will be notified without delay; subject to the laws and regulations in force from time to time, facilities shall be offered to a consular representative who is so notified to visit and communicate with the person taken into custody.

*Article 32*

## EXPULSION

The citizens of each country lawfully resident in the other country, shall not be liable to expulsion proceedings or other measures to enforce their departure, except in accordance with the laws of that other country. Unemployment is not a ground for expulsion under the laws of either country.

If the authorities of either country take any proceedings for the expulsion

from that country of a citizen of the other country, they shall forthwith inform the consular authorities of the other country of the action that is being taken.

A person whose expulsion from either country has been ordered shall be given the opportunity to appeal against the order where a right of appeal is conferred under the laws of the country.

### *Article 33*

#### MILITARY SERVICE

The attitudes of the two Governments on the principle of the liability for military service of persons who are not citizens of but have chosen to make their home in the other country have been made clear one to the other in diplomatic exchanges in Canberra and in Rome during the year 1966.

Without prejudice to the substance of these exchanges it is reaffirmed that :

- (a) a citizen of either country who is in possession of a certificate from the proper Military Authorities of his country establishing that he has already undertaken continuous full-time service in the Naval, Military or Air Forces of his country shall, upon making his home in the other country, be regarded as having discharged so much of his obligation for military service in that country as is provided for by the laws and regulations in force from time to time in that other country;
- (b) an Italian citizen resident in Australia who wishes to leave Australia rather than be called up for national service will, on application to the Australian Department of Labour and National Service, be free to do so.

### *Article 34*

#### EDUCATION

The citizens of each country resident in the other country shall be accorded the same opportunities and facilities as the citizens of the other country to attend schools of every type and level and universities in that other country; they shall also be accorded the same treatment as equally qualified citizens of that other country with respect to their admission to schools and universities in that other country.

### *Article 35*

#### SOCIAL SECURITY

Each Government shall, to the extent permitted by the laws and regulations which are in force from time to time within its territory, ensure that the citizens of the other country settling in its territory receive such social service and national assistance benefits as it provides to its own citizens on the same terms as apply to its own citizens.

The two Governments will continue to study the possibility of entering a reciprocal agreement on the payment of the benefits contemplated by the respective social security systems.

*Article 36*

TRANSFER OF CAPITAL FUNDS

The two Governments note that the principle of liberty shall operate concerning the transfer of capital funds and within the framework of national policies shall endeavour to follow that principle.

*Article 37*

JOINT COMMISSIONS

The two Governments, as soon as practicable after the entry into force of this Agreement, shall make arrangements for the establishment of a Joint Commission which shall :

- (a) meet at the request of either Government;
- (b) establish rules for its operations;
- (c) make recommendations to the two Governments upon methods for the implementation of this Agreement;
- (d) study and report to the two Governments on any problem, raised by either Government, in connexion with this Agreement;
- (e) examine and make recommendations to the two Governments concerning any controversy arising from the interpretation and implementation of this Agreement;
- (f) propose to the two Governments any additions and amendments to this Agreement that it may consider necessary;
- (g) examine periodically the progress of migration under this Agreement;
- (h) examine matters relative to the employment, trade qualifications (as contemplated in Article 8) and settlement of Italian workers and their families in Australia; and
- (i) deal with any other matters referred to it by mutual agreement of the two Governments.

*Article 38*

ENTRY INTO FORCE

This Agreement shall be ratified and shall enter into force on the thirtieth day after the day on which instruments of ratification are exchanged; the exchange will take place in Rome.

The Agreement shall remain in force for five years, and thereafter shall continue in force until terminated in accordance with paragraph 3 of this Article.

After the Agreement has been in force for five years either party may give to the other party notice in writing of its desire to terminate the Agreement, and in that event the Agreement shall cease to have effect from the one hundred and eightieth day after the day on which the notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed at Canberra the present Agreement this twenty-sixth day of September One thousand nine hundred and sixty-seven in duplicate in the English and Italian languages, both texts being equally authentic.

For the Government  
of the Commonwealth of Australia :

P. HASLUCK  
B. M. SNEDDEN

For the Government  
of the Republic of Italy :

FANFANI

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