

**No. 11521**

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**AUSTRALIA  
and  
MALTA**

**Migration and Settlement Agreement. Signed at Canberra on  
14 December 1970**

*Authentic text: English.*

*Registered by Australia on 13 January 1972.*

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**AUSTRALIE  
et  
MALTE**

**Accord relatif à la migration et à l'établissement. Signé à  
Canberra le 14 décembre 1970**

*Texte authentique: anglais.*

*Enregistré par l'Australie le 13 janvier 1972.*

MIGRATION AND SETTLEMENT AGREEMENT<sup>1</sup> BETWEEN  
THE GOVERNMENT OF THE COMMONWEALTH OF  
AUSTRALIA AND THE GOVERNMENT OF MALTA

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The Government of the Commonwealth of Australia (hereinafter referred to as the Australian Government) and the Government of Malta (hereinafter referred to as the Maltese Government),

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

Desiring to agree on measures relating to the migration and settlement of Maltese 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*

DEFINITIONS

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

- (a) “country” means Australia or Malta.
- (b) “Australia” means the territory comprising the States and mainland Territories of the Commonwealth of Australia.
- (c) “Maltese worker” means a Maltese citizen who wishes to migrate or has migrated, to Australia with the intention of working, and includes a self-employed person.
- (d) “family” means the head of a family, the spouse of a head of a family, the children (including adopted children, stepchildren, foster children and natural children) of a head of a family, the grand-children of a head of a family, the parents of a head of a family and of his spouse.

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<sup>1</sup> Came into force with retroactive effect on 1 July 1970, in accordance with article 19.

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

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

### *Article 2*

#### AUSTRALIAN IMMIGRATION STAFF AND OFFICE IN MALTA

1. The Australian Government shall appoint a representative (hereinafter referred to as the Australian Immigration Representative) and staff and shall establish an office (hereinafter referred to as Australian Migration Office) as part of the Australian High Commission in Malta for the purpose of interviewing and deciding the acceptability of Maltese citizens interested in migrating to Australia.

2. The Maltese Government shall take the necessary measures to facilitate the activities of the Australian Migration Office which in the conduct of its activities shall co-operate with the Maltese Ministry of Labour, Employment and Welfare (hereinafter referred to as the Ministry). The expenses of the Australian Migration Office shall be met by the Australian Government.

### *Article 3*

#### SUPPLY OF INFORMATION

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

2. Information concerning Australia shall also be supplied free of charge by the Australian authorities in Malta to Maltese citizens who are interested in Australia. Subject to regular consultation with the competent Maltese authorities the Australian authorities in Malta may engage in appropriate activities in all media of public information within Malta concerning Australia.

3. 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:

- Employment conditions
- Wages, prices and taxation
- Housing
- Social Services and Health Insurance

- Education
- Facilities for learning the English language
- Procedures for the issue of passport endorsements to persons who intend to emigrate to Australia
- 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.

#### *Article 4*

##### LEGAL PROTECTION FOR MALTESE CITIZENS

1. Maltese 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. Maltese 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.

3. If a Maltese citizen who is taken into custody so requests, the Maltese diplomatic mission shall be informed of his detention. Where such a request is made and subject to the laws and regulations in force in Australia, facilities shall be offered to an accredited representative of the Maltese Government to visit and to communicate with the Maltese citizen taken into custody.

#### *Article 5*

##### SOCIAL SECURITY

1. Maltese citizens resident in Australia shall receive social service and health benefits which Australia provides to Australian citizens on the same terms as apply to them.

2. The social service and health benefits which Australia provides to Australian citizens and to citizens of Malta 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 services and health benefits and the corresponding Maltese social security benefits.

4. Subject to Australian laws and regulations relating to reciprocity Maltese citizens who suffer injury or who die 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.

#### *Article 6*

##### TRANSFER OF FUNDS

1. Subject to financial regulations in force at the time of transfer, Maltese citizens in Australia shall be entitled to transfer to Malta 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 Malta or in any other country, Maltese citizens shall be entitled to transfer such funds under conditions no less favourable than those applying to any other resident of Australia.

3. Maltese citizens 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 Maltese citizen 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 7*

## INDUSTRIAL EQUALITY FOR MALTESE CITIZENS

1. Maltese citizens, after entry into Australia for residence, shall have the same rights and obligations as Australian citizens in respect of—

- (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 the Australian industrial laws and regulations.

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

3. The facilities of the Commonwealth Employment Service shall be available to Maltese citizens in Australia to obtain suitable employment.

4. Maltese citizens residing in Australia shall have equality with Australian citizens in joining and participating in the affairs of trade unions.

*Article 8*

## VOCATIONAL TRAINING

1. Maltese 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 in obtaining employment appropriate to that training.

2. The Australian authorities and the Maltese diplomatic mission shall encourage and assist Maltese workers and their families to take advantage of the facilities described in paragraph 1 of this Article.

*Article 9*

## RECOGNITION OF VOCATIONAL QUALIFICATIONS

1. The Australian Government shall arrange with respect to Maltese Workers in Malta 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 vocations concerned;

(b) written advice is forwarded to them of the extent to which their qualifications meet the criteria established in Australia.

2. If Maltese workers other than workers described in paragraph 1 of this Article submit to the competent Australian authorities in Malta evidence of their vocational qualifications and request information 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 as far as possible provide them with that information.

3. Maltese workers in Australia who submit evidence of vocational qualifications acquired in Malta shall have the right to request from a competent body to have their skill examined in accordance with Australian regulations and to obtain appropriate information. The competent Australian authorities shall, if a worker requests so, provide an interpreter during examination.

4. In the recognition of qualifications Maltese workers shall not be treated less favourably than the workers of any other country who settle in Australia.

5. The Australian Government shall continue to use its good offices to advance the recognition and acceptance of Maltese trade qualifications in Australia within the framework of Australian laws, regulations and practices.

#### *Article 10*

##### NOTIFICATION IN THE EVENT OF DEATH ARISING OUT OF INDUSTRIAL ACCIDENTS

1. The Australian authorities shall take all practicable measures to ensure that an accredited representative of the Maltese Government is informed, as soon as possible, of any work accidents in Australia resulting in the death of Maltese citizens.

2. The personal representatives of any Maltese citizen who has died as a result of a work accident in Australia may appoint, or may authorise an accredited representative of the Maltese Government 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 11*

## EDUCATION AND LANGUAGE INSTRUCTION

1. Maltese citizens in Australia shall have the same opportunities and facilities as Australian citizens to attend schools of every type and level and universities in Australia; they shall also be accorded the same treatment as equally qualified citizens of Australia with respect to their admission to schools and universities in Australia.

2. The Australian authorities shall promote facilities in Australia, including the establishing of classes, to assist Maltese migrants including their families to acquire knowledge of the English language.

3. The Australian authorities shall use their good offices to encourage special courses which the children of Maltese migrants may attend to facilitate their integration into the Australian education system.

4. Courses of English language instruction may also be provided in Malta for Maltese citizens interested in migration to Australia. The organisation of the courses and other related arrangements will be agreed upon between the Maltese authorities and the Australian authorities.

5. The costs of the conduct of the courses of English language instruction provided for in paragraphs 2 and 4 of this Article shall be met by the Australian Government.

6. The Australian authorities shall co-operate with the Maltese diplomatic mission in Australia in any practicable measure for giving the children of Maltese migrants who desire it the opportunity of learning the Maltese language.

*Article 12*

## ADJUSTMENT TO NEW ENVIRONMENT

1. Maltese citizens on entry into Australia for residence shall be entitled to not less favourable conditions and facilities for settlement than are provided by Australian laws and regulations for citizens of any other European country.

2. To facilitate the adjustment of Maltese citizens and their families to their new environment the Australian Government shall make available the services of social workers and welfare officers free of charge. The services provided by community agencies to assist the settlement of migrants in Australia shall also be available to Maltese citizens.



3. Subject to the laws and regulations in force in Australia, Maltese citizens in Australia shall be treated equally with the citizens of Australia as regards social, cultural and recreational activities and in this connection may establish appropriate societies.

### *Article 13*

#### FREEDOM OF RELIGION AND ASSOCIATION

Subject to the laws and regulations in force in Australia, Maltese citizens in Australia shall be treated equally with the citizens of Australia 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 14*

#### EXPULSION

1. Maltese 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 Maltese citizen, they shall forthwith inform the Maltese diplomatic mission in Australia of the action that is being taken.

### *Article 15*

#### FORMS OF MIGRATION

1. The Maltese Government shall permit all Maltese citizens who desire and who are found eligible by the Australian Migration Office to migrate to Australia.

2. The Australian Government may from time to time request the Maltese Government to cooperate with it in the recruitment of numbers of suitable workers in particular occupational categories that it may specify, and the Maltese Government shall, so far as possible, render the Australian Government every assistance in this regard.

3. The migration of Maltese citizens to Australia may be considered on the basis of:

- (a) direct applications submitted to the Australian Migration Office; and
- (b) nominations submitted to the Australian authorities in Australia.

4. The two Governments shall co-operate in such special assisted migration programmes as may be agreed. The details of such programmes and the conditions of assistance shall be established by exchange of diplomatic notes.

5. 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 4 of this Article.

6. The final acceptance of Maltese citizens for settlement in Australia shall be determined by the Australian Government.

### *Article 16*

#### MEDICAL EXAMINATION

1. The Australian authorities in Malta may require Maltese citizens desiring to migrate to Australia to undergo a medical examination and a chest X-ray.

2. Should the head of the family migrate to Australia in advance of any other members of the family and provided that the results of the medical examinations and chest X-rays of the family required by the Australian authorities in Malta have been satisfactory:

- (a) the medical examination of a member of the family shall be acceptable for the subsequent entry into Australia of the member provided that he departs for Australia within two years of his examination; and
- (b) the X-ray examination of a member of the family shall remain acceptable for the entry into Australia of the member only if he departs for Australia within one year of the examination.

### *Article 17*

#### ACCOMMODATION FOR MALTESE CITIZENS AND THEIR FAMILIES

1. Subject to laws and regulations in force in Australia, Maltese citizens who are residents of Australia shall enjoy the same rights in respect of private accommodation as Australian citizens.

2. Should a Maltese 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 migrant workers in the same area and shall take whatever steps may be appropriate.

*Article 18*

## MILITARY SERVICE

1. A Maltese 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. If a Maltese citizen ordinarily resident in Australia and liable for military service under Australian law produces a certificate from the proper authorities in Malta that he has rendered continuous full time service in the naval, military or air forces in Malta or a country other than Australia, he shall be regarded as having discharged so much of his obligation for Australian military service as is provided for in the laws and regulations in force in Australia from time to time.

3. A Maltese citizen in Australia who was liable to register for military service after 1 January 1967 and who is called up for Australian military service may decide to leave Australia rather than render such service. On application to the Australian Department of Labour and National Service before the date notified in his call up notice, he shall be given permission to leave.

4. For the purpose of this article any person who has acquired Australian citizenship by a voluntary act or by birth will be regarded as an Australian citizen.

*Article 19*

## ENTRY INTO FORCE

This Agreement shall enter into force on the first day of July, one thousand nine hundred and seventy and shall remain in force until the one hundred and eightieth day after the day on which either Government shall have received from the other notice in writing of its desire to terminate the Agreement.

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

DONE at Canberra this fourteenth day of December one thousand nine hundred and seventy in duplicate in the English language.

For the Government  
of the Commonwealth  
of Australia :

P. LYNCH

For the Government  
of Malta :

V. TABONE