

No. 19630



**AUSTRALIA
and
CHINA**

**Exchange of notes constituting an agreement concerning the
establishment of consulates-general. Beijing, 18 Sep-
tember 1978**

Authentic texts: Chinese and English.

Registered by Australia on 11 March 1981.



**AUSTRALIE
et
CHINE**

**Échange de notes constituant un accord relatif à l'établis-
sment de consulats généraux. Beijing, 18 septembre
1978**

Textes authentiques : chinois et anglais.

Enregistré par l'Australie le 11 mars 1981.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
CONCERNING THE ESTABLISHMENT OF CONSULATES-
GENERAL

I

[CHINESE TEXT — TEXTE CHINOIS]

(78)部领字第1323号

澳大利亚驻华大使伍达德阁下：

我谨代表中华人民共和国政府确认：中华人民共和国政府和澳大利亚政府本着发展两国友好关系的共同愿望，经过友好协商，就双方互设总领事馆问题，达成协议如下：

一、中华人民共和国政府同意澳大利亚政府在上海或广州设立总领事馆。澳大利亚政府同意中华人民共和国政府在悉尼设立总领事馆。

两国总领事馆的领事区域，将由双方另行商定。

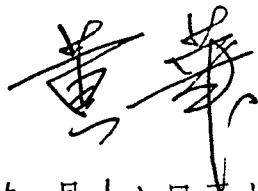
、两国政府应根据本国的有关法律和规定，为对方总领事馆的设立提供一切必要的协助，并对其职务的执行给予方便。

¹ Came into force on 18 September 1978, the date of the note in reply, in accordance with the provisions of the said notes.

上述内容。如蒙阁下代表澳大利亚政府复照确认，本照会和阁下的复照即成为我们两国政府之间的一项协议，并自阁下复照之日起生效。

顺致最崇高的敬意。

中华人民共和国外交部长



一九七八年九月十八日于北京

Peking [18 September] 1978

(78) Pu Ling Tzu No. 1323

Your Excellency,

On behalf of the Government of the People's Republic of China, I have the honour to confirm that the Government of the People's Republic of China and the Government of Australia, out of the common desire to develop the friendly relations between the two countries, have through friendly consultations reached the following agreement on the establishment of consulates-general in each other's countries:

1. The Government of the People's Republic of China agrees to the establishment by the Government of Australia of a consulate-general in Shanghai or Kwangchow. The Government of Australia agrees to the establishment by the Government of the People's Republic of China of a consulate-general in Sydney.

The consular district of the consulate-general of each country shall be decided later through mutual consultations.

2. Each Government shall, in accordance with its relevant laws and regulations, provide all necessary assistance for the establishment of, and facilitate the performance of the functions of, the consulate-general of the other side.

3. The consulates-general of the two countries shall handle consular affairs through friendly consultations on the basis of equality and mutual benefit and in accordance with the general principles and practice of international law.

4. Prior to being admitted to the exercise of his functions, the head of the consulate-general shall present his consular commission to, and obtain an exequatur from, the receiving State. Pending the receipt of the exequatur, he may exercise his functions on a provisional basis with the consent of the Government of the receiving State.

5. The main functions of the consular officers shall include:

- a) Protecting in the receiving State the legitimate rights and interests of the sending State and of its nationals and bodies corporate within the limits permitted by international law;

- b) Issuing passports or identity papers to nationals of the sending State, and visas or other appropriate documents to persons wishing to travel to the sending State;
- c) Attesting and certifying documents of birth, marriage, divorce and death of nationals of the sending State, and authenticating signatures and seals on documents issued by organs of the sending State or of the receiving State; and
- d) Subject to the regulations and procedures obtaining in the receiving State, arranging appropriate representation for nationals of the sending State for the purpose of applying for, in accordance with the laws and regulations of the receiving State, provisional measures for the protection of the legitimate rights and interests of these nationals, when, because of absence or any other reason, such nationals are unable at the proper time to defend their own legitimate rights and interests.

6. Consular officers and nationals of the sending State may communicate with and interview each other.

7. In case a national of the sending State dies in the receiving State, the competent authorities of the receiving State shall inform the consulate-general of the sending State of the relevant information if it is available to them.

8. In case a national of the sending State is arrested or detained in any manner in the receiving State and if he so requests, the competent authorities of the receiving State shall without delay inform the consulate-general of the sending State of the relevant information if it is available to them, and will, in response to a consular officer's request for a meeting with the arrested or detained person, make appropriate arrangements in the light of the circumstances. A consular officer shall refrain from taking action on behalf of a detained national if the national expressly opposes such action.

9. The consular premises and consular archives and documents shall be inviolable.

10. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes in accordance with accepted international practices.

11. Consular officers shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions in accordance with international practice.

12. Articles for the official use of the consulate-general or for the personal use of its members and the exemption of these articles from customs duties and taxes shall be dealt with in conformity with international practice and the relevant laws and regulations of the receiving State.

13. Matters of consular relations not covered in the foregoing shall be regulated in accordance with the general principles and practices of international law and, where appropriate, the laws and regulations of the receiving State.

If Your Excellency confirms the above contents on behalf of the Government of Australia in a note of reply, this note and your reply shall constitute an agreement between our two Governments, which shall come into effect on the date of Your Excellency's reply.

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

HUANG HUA
Minister of Foreign Affairs of
the People's Republic of China

His Excellency C. G. Woodard
Ambassador Extraordinary and Plenipotentiary
of Australia to China
Peking

18 September 1978

Your Excellency,

I have the honour to refer to Your Excellency's Note of 18 September concerning the proposed Agreement between the Government of Australia and the Government of the People's Republic of China on the establishment of consulates-general. That Note reads as follows:

[See note I]

I have the honour to confirm, on behalf of the Government of Australia, that the contents of Your Excellency's Note are acceptable to the Government of Australia, which agrees that Your Excellency's Note together with this reply shall constitute an agreement between the two Governments which shall come into effect on the date of this reply.

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

C. G. WOODARD
Ambassador

His Excellency Huang Hua
Minister of Foreign Affairs
of the People's Republic of China
Peking
