

No. 24086

**AUSTRALIA
and
UNITED STATES OF AMERICA**

Exchange of notes constituting an agreement on employment opportunities for dependents of officials overseas. Canberra, 5 and 9 November 1984

Authentic text: English.

Registered by Australia on 2 May 1986.

**AUSTRALIE
et
ÉTATS-UNIS D'AMÉRIQUE**

Échange de notes constituant un accord relatif aux facilités d'emploi accordées aux personnes à la charge de fonctionnaires affectés dans l'autre pays. Canberra, 5 et 9 novembre 1984

Texte authentique : anglais.

Enregistré par l'Australie le 2 mai 1986.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON EMPLOYMENT OPPORTUNITIES FOR DEPENDENTS OF OFFICIALS OVERSEAS

I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 177

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs of Australia and has the honor to refer to recent discussions concerning the employment of dependents of employees of the Governments of the United States of America and Australia while assigned to official duty in the other State.

Arising from these discussions, the Embassy of the United States of America has the honor to propose the following:

1. Dependents of employees of the Government of the United States of America assigned to Official Duty in Australia (called "United States dependents") and dependents of employees of the Government of Australia assigned to official duty in the United States of America (called "Australian dependents") shall be authorized to be employed in the receiving country without restriction as to the type of employment provided that the said employees are holding citizenship of the sending country.

2. For the purposes of this agreement, "Dependent" shall include:

- I. Spouses;
- II. Unmarried dependent children under 21 years of age;
- III. Unmarried dependent children under 25 years of age who are in full-time attendance as students at a post-secondary educational institution; and
- IV. Unmarried children who are incapable of self support.

3. In the case of Australian dependents, the Embassy of Australia in Washington shall inform the Office of the Chief of Protocol in the Department of State of the requests of any Australian dependent for permission to accept employment. Upon verification that the person is a dependent of an official employee of the Government of Australia, the Office of the Chief of Protocol shall inform the Embassy that the person has permission to accept employment.

4. In the case of United States dependents, the Embassy of the United States of America in Canberra shall inform the Protocol Branch of the Department of Foreign Affairs of the request of any United States dependent for permission to accept employment. Upon verification that the person is a dependent of an official employee of the Government of the United States of America, the Protocol Branch shall inform the Embassy that the dependent has permission to accept employment.

¹ Came into force on 9 November 1984, the date of the note in reply, in accordance with the provisions of the said notes.

5. The Government of the sending state of official employees whose dependents obtain employment under this agreement and where those dependents have immunity from the jurisdiction of the receiving state in accordance with Article 37 of the Vienna Convention on Diplomatic Relations,¹ or any other applicable international agreement, shall waive immunity from civil and administrative jurisdiction by the receiving state with respect to all matters arising out of such employment. Such dependents who accept employment under this agreement shall be liable for payment of income and other taxes and social security contributions imposed on any remuneration received from employment in the receiving state. Authorization to accept or continue employment in the receiving state under this agreement shall terminate upon the departure of the official employee from the receiving state or termination of the official employee's official assignment, whichever is earlier.

The Embassy of the United States of America has the honor to propose that if the foregoing is acceptable to the Government of Australia, then this note and confirmatory reply of the Department of Foreign Affairs shall together constitute an Agreement between our two Governments which shall enter into force from the date of the Department's reply and shall remain in force until terminated by either Government at the expiration of ninety days' written notice to the other.

The Embassy of the United States of America avails itself of this opportunity of renewing to the Department of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America

Canberra, November 5, 1984

II

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The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's Note No. 177 of 5 November 1984 which reads as follows:

[*See note I*]

The Department of Foreign Affairs has the honour to confirm that the foregoing is acceptable to the Government of Australia and that the Embassy's Note together with this Note in reply shall together constitute an Agreement between our two Governments which shall enter into force from the date of this reply and shall remain in force until terminated by either Government at the expiration of ninety days' written notice to the other.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Canberra, A.C.T., 9 November 1984

¹ United Nations, *Treaty Series*, vol. 500, p. 95.