

No. 26651

**AUSTRALIA
and
NEW ZEALAND**

Agreement for the reciprocal protection of classified information of defence interest. Signed at Waouru, New Zealand, on 10 February 1989

Authentic text: English.

Registered by Australia on 8 June 1989.

**AUSTRALIE
et
NOUVELLE-ZÉLANDE**

Accord relatif à la protection réciproque de renseignements classés secrets touchant à la défense. Signé à Waouru (Nouvelle-Zélande) le 10 février 1989

Texte authentique : anglais.

Enregistré par l'Australie le 8 juin 1989.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NEW ZEALAND FOR THE RECIPROCAL PROTECTION OF CLASSIFIED INFORMATION OF DEFENCE INTEREST

The Government of Australia and the Government of New Zealand (hereinafter referred to as “the Parties”),

Having regard to the tradition of close and friendly relations between them,

Taking account of the close cooperation between them in defence matters,

Recognising the desirability of promoting the exchange of information, including classified information, to further that cooperation,

Being mindful that the protection of classified information exchanged between them is essential to the national interests of each Party,

Have agreed as follows:

Article 1. (1) This Agreement shall apply to classified information, excluding intelligence information, exchanged between the Department of Defence of Australia and the Ministry of Defence of New Zealand and the Armed Forces of the Parties.

(2) For the purposes of this Agreement the term “classified information” includes all information, documents and material in any form which is subject to a security classification irrespective of whether it is transmitted orally or in writing or through the handing over of material or by electro-magnetic or visual dissemination.

Article 2. (1) The Parties shall apply, in accordance with their national laws and regulations, the following rules for the protection of classified information to which this Agreement applies:

- (a) The receiving Party shall accord to all classified information a standard of physical and legal protection not less than that which it accords to its own information of equivalent classification;
- (b) The receiving Party shall not use the information for any purpose other than that for which it is given;
- (c) The receiving Party shall not disclose the information to any third party without the prior written consent of the originating Party;
- (d) The receiving Party shall not alter any security classification on the information or destroy the information without the prior written consent of the originating Party;
- (e) The receiving Party shall mark all reproductions with the same classification as the original information;
- (f) The originating Party shall inform the receiving Party of any change in the classification of information previously exchanged.

¹ Came into force on 10 February 1989 by signature, in accordance with article 11 (1).

(2) The Parties may agree to such additional requirements for security protection as they jointly determine to be necessary for the purpose of facilitating the exchange and protection of classified information to which this Agreement applies.

Article 3. Access to classified information to which this Agreement applies shall be limited to those who require it for the performance of their duties and who have been given a security clearance to the appropriate level in accordance with each Party's national laws and regulations.

Article 4. (1) Any industrial or intellectual property or private rights associated with classified information to which this Agreement applies, including patents, registered designs, copyrights and business secrets, shall be identified as such by the originating Party at the time of the transmission of the information.

(2) The receiving Party shall respect and protect such industrial or intellectual property or private rights in accordance with its national laws and regulations.

Article 5. Each Party shall ensure that establishments, contractors sub-contractors and other organisations within its jurisdiction that handle classified information to which this Agreement applies protect such information in accordance with the provisions of this Agreement, including by security inspection as appropriate.

Article 6. Appropriate administrative arrangements, the provisions of which may include the duration of such arrangements, shall be made between the Secretary, Department of Defence of Australia and the Secretary of Defence of New Zealand for the elaboration of details regarding the application of this Agreement.

Article 7. Nothing in this Agreement shall be interpreted or operate as a restriction on the continuing tradition of close consultation and cooperation between the Parties.

Article 8. Any dispute concerning the interpretation or implementation of this Agreement shall be resolved amicably and as expeditiously as possible by consultation between the Parties.

Article 9. Each Party shall be responsible for meeting its own costs incurred in implementing this Agreement.

Article 10. This Agreement shall not apply to the Cook Islands, Niue or Tokelau.

Article 11. (1) This Agreement shall enter into force on the date of signature.

(2) This Agreement may be amended at any time by the mutual agreement of the Parties.

Article 12. Either Party may at any time withdraw from this Agreement by giving written notice to the other Party of its intention to withdraw. Withdrawal shall take effect six months after the receipt of such notice.

(2) Any classified information exchanged under this Agreement prior to withdrawal shall continue to be protected in accordance with the provisions of this Agreement.

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

DONE at Waiouru, this 10th day of February 1989 in two originals.

For the Government
of Australia:

[Signed — Signé]¹

For the Government
of New Zealand:

[Signed — Signé]²

¹ Signed by Kim Beazley — Signé par Kim Beazley.

² Signed by R. Tizard — Signé par R. Tizard.