

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

AGREEMENT BETWEEN
AUSTRALIA AND THE KINGDOM OF BELGIUM
ON THE GAINFUL EMPLOYMENT OF CERTAIN DEPENDENTS
OF DIPLOMATIC AND CONSULAR PERSONNEL

(Sydney, 19 November 2002)

Not yet in force No.

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**AGREEMENT BETWEEN AUSTRALIA AND THE KINGDOM OF
BELGIUM ON THE GAINFUL EMPLOYMENT OF CERTAIN
DEPENDENTS OF DIPLOMATIC AND CONSULAR PERSONNEL**

The Government of Australia

and

The Government of the Kingdom of Belgium

Desiring to conclude an agreement which aims to facilitate the gainful occupation of certain family members of personnel of diplomatic missions from the sending State or of consular posts of the latter on the territory of the receiving State

Agree on the following:

ARTICLE 1

Scope of the Agreement

1. On a reciprocal basis, the following are authorised to engage in gainful occupation in the receiving state:

a) the spouse of a diplomatic agent or of another member of the personnel of the mission of the sending State - as defined in Article 1 of the Vienna Convention on Diplomatic Relations (1961) - accredited to

(i) the receiving state, or

(ii) any international organisation in the receiving State;

b) the spouse of a consular official or of another member of the consular post of the same State, as defined in Article 1 of the Vienna Convention on Consular Relations (1963)

c) other members of the family forming part of the official household of the above mentioned agents, officials and members of the personnel of the mission or of the consular post of the sending State, insofar as permitted by the domestic laws and regulations of the receiving State. These last categories of beneficiaries shall be defined, where appropriate, in a later exchange of letters between the Parties to this Agreement.

2. Authorisation to engage in a gainful occupation is given by the authorities of the receiving State in accordance with the laws and regulations in force in this State and subject to the provisions of this Agreement.

3. Such authorisation does not extend to nationals of the receiving State or permanent residents on its territory.

4. Unless the receiving State decides otherwise, authorisation shall not be given to those beneficiaries who, having engaged in a gainful occupation, cease to form part of the household of the personnel described in the first paragraph of this Article.

5. The authorisation shall apply during the period in which the personnel, covered in paragraph 1 of this Article, is assigned to the diplomatic mission or consular post of the sending State in the territory of the receiving State until the conclusion of the term of the assignment (or within an acceptable timeframe following this event).

ARTICLE 2

Procedures

1. All requests for authorisation to engage in a gainful occupation shall be sent, on behalf of the beneficiary, by the Embassy of the sending State to the responsible agency of the receiving State for foreign affairs matters.

2. The procedures followed shall be applied in a way which will permit the beneficiary of the authorisation to engage in a gainful occupation as soon as possible; all requirements relating to work permits and any other similar formalities shall be favourably applied.

3. Authorisation for the beneficiary to engage in a gainful occupation shall not imply exemption from any legal or other requirements relating to personal characteristics, professional or other qualifications that the individual concerned must demonstrate in engaging in a gainful occupation.

ARTICLE 3

Civil and administrative privileges and immunities

In cases where the beneficiary of the authorisation to engage in a gainful occupation enjoys immunity from the civil and administrative jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions on diplomatic and consular relations or of any other applicable international instrument, such immunity shall be waived in respect of all matters arising out of the gainful employment and falling within the civil or administrative law of the receiving State. The sending State shall also waive immunity from execution of any judgement in relation to these matters.

ARTICLE 4

Criminal Immunity

In cases where a beneficiary of the authorisation to engage in a gainful occupation enjoys immunity from the criminal jurisdiction of the receiving State, in accordance with the provisions of the Vienna Conventions referred to above or of any other international instrument:

a) the sending State shall waive the immunity from criminal jurisdiction enjoyed by the beneficiary of the authorisation with regard to the receiving State in respect of any act or omission arising from the gainful occupation, except in special instances where the sending State considers that such a waiver could be contrary to its own interests.

b) such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentences, for which a specific waiver will be required. In the case of such a request, the sending State shall give serious consideration to the request of the receiving State.

ARTICLE 5

Taxation and social security regimes

In accordance with the provisions of the Vienna Conventions aforementioned or of any other applicable international instrument, beneficiaries of the authorisation to engage in a gainful occupation shall be subject to the taxation and social security regimes of the receiving State for all matters connected with their gainful occupation in that State.

ARTICLE 6

Duration and termination

This Agreement shall remain in force for an indefinite period, either Party being able to terminate it at any time by giving six (6) months' notice in writing to the other Party.

ARTICLE 7

Entry into Force

This Agreement shall enter into force one month after the date of exchange of the last notification of the completion of all necessary constitutional and legal procedures.

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

DONE at Sydney, on the Nineteenth day of the month of November of the year two thousand and two, in two original copies, each in the English, French and Dutch languages, each text being equally authentic. The English language text will prevail in case of differences in interpretation.

For the Government
of Australia

Alexander Downer
Minister for Foreign Affairs

For the Government
of the Kingdom of Belgium

Annemie Neyts-Uyttebroeck
Federal Minister and
Deputy for Foreign Affairs