

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA  
AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE ON  
EMPLOYMENT OF DEPENDANTS OF AGENTS OF OFFICIAL  
MISSIONS OF ONE OF THE TWO STATES IN THE OTHER  
STATE**

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE  
REPUBLIC OF FRANCE

DESIRING to satisfy the legitimate aspirations of dependants of Agents of Official Missions of one of the two States, who enjoy the same status as the Agent of Official Mission to whom they are dependent of in the other State, to engage in Paid Employment,

HAVE AGREED as follows:

**ARTICLE 1**

The Parties agree that Dependants of Agents of one of the two states assigned to an Official Mission of the Government of the said State in the other State, are authorised, on the basis of reciprocity, to undertake any Paid Employment in the other State, provided they meet the legislative and regulatory conditions required for the exercise of the employment envisaged, and public order or national security considerations do not prevent such employment.

**ARTICLE 2**

For the purpose of this Agreement, it is understood that:

- "Official Mission" means diplomatic missions, consular posts and the permanent representations of each of the States to international organisations which have concluded a headquarters agreement with the other State;
- "Agent" means the members of the staff of diplomatic missions and the members of the staff of consular posts, as well as the members of the staff of the above mentioned permanent representations, who have been issued a residence permit by way of derogation by the Ministry of Foreign Affairs;
- "Dependant" means:
  - (a) the spouse
  - (b) unmarried physically or mentally handicapped dependant children
  - (c) unmarried dependant children issued a residence permit by way of derogation by the Ministry of Foreign Affairs;
- "Paid Employment" means all employment commanding remuneration following from a contractual link governed by the law of the host State.

### **ARTICLE 3**

When a Dependant wishes to undertake Paid Employment in France or in Australia, an official application must be made, depending on the case, either by the Embassy of the Republic of France in Australia to the Protocol Branch of the Department of Foreign Affairs and Trade, or by the Embassy of Australia in France to the Protocol Division of the Ministry of Foreign Affairs.

The application must give the full identity of the applicant and the nature of the employment sought. After having verified that the person meets the conditions of this Agreement and fulfils the necessary formalities, the respective protocol divisions must inform the Embassy concerned, as soon as possible, whether the Dependant is authorised to undertake the employment sought.

Within three months of the receipt of the authorisation to undertake Paid Employment, the Embassy shall provide the receiving authorities with proof that the Dependant and his or her employer conform to the obligations imposed upon them by the social security legislation of the receiving State.

### **ARTICLE 4**

Authorisation for a Dependant to undertake Paid Employment shall not imply an exemption from conditions governing its exercise, such as diplomas and professional qualifications. In the case of professions said to be 'regulated', for which authorisation to work can only be accorded on the basis of certain criteria, the Dependant shall not be exempted from fulfilling those criteria.

### **ARTICLE 5**

With respect to Dependents who have been authorised to undertake Paid Employment and who enjoy immunity from civil and administrative jurisdiction by virtue of Articles 31 and 37 of the Vienna Convention on Diplomatic Relations of 18 April 1961, the sending State shall waive this immunity in all matters relating to their Paid Employment. In such cases, the sending State shall also waive immunity from execution of a judgement, for which a separate waiver is necessary.

### **ARTICLE 6**

Where a Dependant who enjoys immunity from jurisdiction pursuant to the Vienna Convention on Diplomatic Relations is accused of having committed a criminal offence relating to his or her paid employment, immunity from criminal jurisdiction shall be waived by the sending State if the receiving State so requests and when the sending State considers that the waiving of this immunity is not prejudicial to its essential interests.

### **ARTICLE 7**

Any judicial proceedings must be carried out without leading to the infringement of the inviolability of the person or that of the household's residence.

#### **ARTICLE 8**

The waiving of immunity from criminal jurisdiction shall not be interpreted as the waiving of immunity from execution of a sentence, for which a separate waiver is necessary. The sending State shall take into consideration such a demand for a waiver.

#### **ARTICLE 9**

Dependants authorised to undertake Paid Employment shall, from the date of authorisation, cease to enjoy the customs privileges provided for in Articles 36 and 37 of the Vienna Conventions on Diplomatic Relations, and in Article 50 of the Vienna Convention on Consular Relations, or in the headquarters agreements.

#### **ARTICLE 10**

Subject to the relevant provisions of France-Australia convention designed to avoid double taxation, income earned by dependants from their Paid Employment in the receiving State shall be taxable in the receiving State in accordance with the latter's fiscal legislation.

#### **ARTICLE 11**

A Dependant who undertakes Paid Employment shall be subject to the social security scheme applying in the receiving State.

#### **ARTICLE 12**

Dependants authorised to undertake Paid Employment within the framework of the current Agreement are authorised to transfer their remuneration and related allowances under the same conditions as those provided for in the regulations governing foreign workers in the receiving State.

#### **ARTICLE 13**

A Dependant authorised to undertake Paid Employment by virtue of the current Agreement shall be exempted from any obligation under the laws and regulations of the receiving State with respect to the registration of foreigners and residence permits.

#### **ARTICLE 14**

Authorisation to undertake Paid Employment as provided for in this Agreement shall be accorded to a Dependant from the date the Agent of the Official Mission commences his or her tour of duty. It shall be terminated the moment the beneficiary of the authorisation ceases to be a Dependant, at the end of the Dependant's employment, and in any case, on the date the Agent of the Official Mission ceases his or her tour of duty, allowing, however, for a reasonable period as stipulated in

Articles 39.2 and 39.3 of the Vienna Convention on Diplomatic Relations and in Article 53.3 of the Vienna Convention on Consular Relations.

#### **ARTICLE 15**

Either State shall, at the time of signature or later, by an exchange of letters, be able to designate the territory or territories to which its consent to be bound by the current Agreement shall apply.

#### **ARTICLE 16**

1. Each State shall notify the other of the completion of the procedures required for the current Agreement to take effect, which shall happen on the first day of the second month following the date of receipt of the latter notifications.
2. The current Agreement shall remain in force until the expiry of a period of one hundred and eighty days from the date of written notification by either State to the other State expressing its intention to terminate the Agreement.

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

DONE at Adelaide on the 2nd day of the month of November of the year two thousand and one, in two originals, in the English and French languages, both texts being equally authoritative.

FOR THE GOVERNMENT OF  
AUSTRALIA:

FOR THE GOVERNMENT OF  
THE REPUBLIC OF FRANCE: