

**AGREEMENT BETWEEN  
THE GOVERNMENT OF AUSTRALIA AND  
THE GOVERNMENT OF THE ITALIAN REPUBLIC  
REGARDING THE UNDERTAKING OF WORK BY  
COHABITING FAMILY MEMBERS OF DIPLOMATIC,  
CONSULAR AND TECHNICAL AND ADMINISTRATIVE  
STAFF**

The Government of Australia and the Government the Italian Republic (hereafter “the Parties”) wish to conclude an Agreement in order to facilitate the undertaking of work by cohabiting family members of diplomatic, consular and technical and administrative staff of the diplomatic and consular missions of one Party in the territory of the other Party, and have agreed as follows.

**Article 1  
Scope of the Agreement**

1. Cohabiting family members who form part of the official household of diplomatic, consular and technical and administrative staff of the diplomatic missions and consular posts of Australia in the Italian Republic and of the Italian Republic in Australia shall be authorised by the receiving State to carry out self-employed or salaried work in the latter’s territory, in compliance with the provisions of this Agreement and on the basis of reciprocity.
2. The expression “family members” in the previous paragraph shall include:
  - a. spouses;
  - b. unmarried dependent children aged 16 to 25;
  - c. other members of the family pursuant to Article 37 of the Vienna Convention on Diplomatic Relations of 18 April 1961 and Article 46 of the Vienna Convention on Consular Relations of 24 April 1963, recognised by the receiving State;
3. This benefit does not apply to family members of staff recruited locally by diplomatic missions and consular posts.

4. The aforementioned benefit will be extended equally to the cohabiting family members who form part of the official household of the aforementioned staff accredited to the Holy See or accredited to international organisations located within the territory of either Party.

## **Article 2**

### **Authorisation procedure in Italy**

1. The Embassy of Australia will send a Third Person Note requesting authorisation to the Diplomatic Protocol Office of the Italian Republic informing it of the name of the family member in Italy who has received a work offer which they intend to accept, and including a brief description of the nature of the proposed work.
2. In the case of salaried work, the Diplomatic Protocol Office of the Italian Republic will advise the Embassy of Australia of its agreement to establish the employment relationship. Subsequently, the employer may refer to this Agreement and employ the family member on the basis of the law in force in Italy.
3. The Embassy of Australia will promptly inform the Diplomatic Protocol Office of the Italian Republic of the termination by the family member of the authorised salaried work. Should the family member wish to undertake new gainful employment or restart work that has already ended, the Embassy of Australia shall make a new authorisation request pursuant to this Agreement.
4. In the case of self-employed work, the Embassy of Australia will send a Third Person Note to the Diplomatic Protocol Office of the Italian Republic informing it of the name of the family member in Italy who intends to start self-employed work, including a brief description of the nature of the proposed work. The Diplomatic Protocol Office of the Italian Republic, having verified that the person in question falls under the categories defined by this Agreement, and having consulted the competent ministries, will advise the Embassy of Australia of its agreement.

5. The Embassy of Australia will promptly inform the Diplomatic Protocol Office of the Italian Republic of the termination by the family member of the authorised self-employed work.

### **Article 3**

#### **Authorisation procedure in Australia**

1. In Australia, the Embassy of Italy will send a Third Person Note requesting authorisation to the Protocol Branch of the Department of Foreign Affairs and Trade, informing it of the name of the family member in Australia who has received a work offer which they intend to accept and include a brief description of the nature of the proposed work.
2. Australia, having verified that the person in question falls under the categories defined by this Agreement and after having observed the internal procedures in force, will inform the Embassy of Italy of its agreement to the proposed employment relationship.
3. The Embassy of Italy will promptly inform the Protocol Branch of the Department of Foreign Affairs and Trade of the termination, by the family member, of the authorised employment. Should the family member wish to undertake new employment or restart employment which has already ended, the Embassy of Italy must make a new authorisation request pursuant to this Agreement.
4. In the case of self-employed work, the Embassy of Italy will send a Third Person Note to the Protocol Branch of the Department of Foreign Affairs and Trade informing it of the name of the family member in Australia who intends to start self-employed work, including a brief description of the nature of the proposed work. The Department of Foreign Affairs and Trade, having verified that the person in question falls under the categories defined by this Agreement, will advise the Embassy of Italy of its agreement.
5. The Embassy of Italy will promptly inform the Department of Foreign Affairs and Trade of the termination by the family member of the authorised self-employed work

### **Article 4**

### **Applicability of local law**

1. The Parties agree that family members who have been authorised to undertake gainful employment will be subject to the applicable taxation, social security and employment law in force in the receiving State for all matters connected with their work. The Parties agree that there will be no restrictions as regards the nature or type of work which may be pursued, except for constitutional and legal limits contemplated in the legal system of the receiving State.
2. However, it is understood that in professions where particular qualifications are required, it will be necessary for the family member to meet those qualifications.
3. This Agreement does not imply the recognition of academic or other qualifications between the two Parties.
4. The matters covered in this Article are without prejudice to the provisions of the domestic law of each Party and the bilateral or multilateral agreements in force between the Parties.

### **Article 5 Immunity**

1. The Parties agree that family members authorised to work under this Agreement, who enjoy immunity from the jurisdiction of the receiving State pursuant to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations or any other international agreement, will have no immunity from civil and administrative jurisdiction in respect of all matters arising out of such aforementioned work. The sending State will also waive immunity from execution of any judgment against the family member in relation to these matters.
2. In the case of family members authorised to work under this Agreement who enjoy immunity from the criminal jurisdiction of the receiving State pursuant to the aforementioned Vienna Convention or international agreements, the sending State will waive the immunity of the member of the family concerned from the criminal jurisdiction of the receiving State in respect of any act or omission arising from the work, except in special instances

when the sending State considers that such a waiver could be contrary to its interests.

3. The Parties agree that this waiver of immunity from criminal jurisdiction will not be construed as extending to immunity from execution of the sentence, for which an express waiver will be required. In such cases, the sending State will give serious consideration to waiving the latter immunity.
4. In all the cases envisaged by this Article, the consideration of the request and the response of the sending State must occur in as short a time as reasonable.
5. Where the sending State elects not to waive immunity under paragraphs 2 and 3 of this Article, the sending State will consider whether to recall the officer on whom the family member involved is dependent. The receiving State may, at its discretion, also withdraw its authorisation for the family member to work.

#### **Article 6**

##### **Limits to the authorisation**

1. The Parties agree that the family member will be authorised to engage in self-employed or salaried work from the time of arrival of the member of the diplomatic mission or consular post in the receiving State until the time of departure of the latter.
2. The Parties agree that the aforementioned authorisation terminates at the time of departure of the member of the diplomatic mission or consular post from the receiving State or at such time as the person ceases to be a family member forming part of the household of a member of the diplomatic missions or consular post.
3. Each Party may refuse authorisation in cases where the family member has illegally worked in the receiving State or has violated the laws and regulations on tax and social security. Authorisation may also be refused in those cases where, for reasons of security, only citizens of the receiving State may be employed.

#### **Article 7**

##### **Entry into force, duration and termination**

1. The Parties shall notify each other in writing through diplomatic channels of the completion of the domestic procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the second month following the date of the last notification.
2. The Parties agree to adopt any measures necessary to implement this Agreement.
3. This Agreement shall remain in force for an indefinite period.
4. Each Party may propose amendments to this Agreement in writing. Any agreed amendments shall enter into force pursuant to the procedures set out in Article 7.1.
5. Any dispute between the Parties regarding the interpretation or application of this Agreement shall be settled through consultations between the Parties.
6. Either Party may terminate this Agreement at any time by notifying the other Party in writing through diplomatic channels of its intention to terminate the Agreement. The termination will take effect three months from the date of receipt of the aforementioned notification.

Done in Canberra on the 27<sup>th</sup> day of November 2017, in two original versions in Italian and English, both texts being equally authentic.

FOR THE GOVERNMENT OF  
AUSTRALIA

FOR THE GOVERNMENT OF  
THE ITALIAN REPUBLIC

The Hon Julie Bishop MP  
Minister for Foreign Affairs

Angelino Alfano  
Ministro degli Affari Esteri e della  
Cooperazione Internazionale

