

**EMPLOYMENT OF DEPENDANTS OF DIPLOMATIC AND CONSULAR  
PERSONNEL**

***AUSTRALIAN MODEL TEXT***

**1. Authorisation to engage in gainful occupation**

a. The members of the family forming part of the official household of a member of the diplomatic mission or a consular post of the sending State are authorised to engage in a gainful occupation in the receiving State in accordance with the provisions of the law of the receiving State and subject to the provisions of this Arrangement.

b. For the purposes of this Arrangement:

i. "a member of a diplomatic mission or consular post" means any employee of the sending State (who is not a national or permanent resident of the receiving State) in a diplomatic mission, consular post or mission to an international organisation in the receiving State;

ii. "a member of the family" means a person who the receiving State has accepted as such and who forms part of the official household of a member of a diplomatic mission or consular post; and

iii. "Diplomatic Convention" means the *Vienna Convention on Diplomatic Relations* of 18 April 1961.

c. Authorisation will not normally be given if the applicant would, by entering into the proposed employment, cease to form part of the household of the member of the diplomatic mission or consular post.

d. A member of the family is authorised to engage in gainful employment from the time of arrival of the member of a diplomatic mission or consular post in the receiving State until the time of departure of the latter or until the end of a reasonable period thereafter.

**2. Procedures**

a. A request for authorisation to engage in a gainful occupation will be sent on behalf of the member of the family by the Embassy of the sending State to the Ministry of Foreign Affairs of the receiving State.

b. The procedures followed will be applied in a way which enables the member of the family to engage in a gainful occupation as soon as possible and any requirements relating to work permits and similar formalities will be favourably applied.

c. Authorisation for a member of the family to engage in a gainful occupation will not imply exemption from any requirements which may ordinarily apply to any employment, whether relating to personal characteristics, professional or trade qualifications or otherwise.

### **3. Civil and administrative privileges and immunities**

In the case of members of the family who enjoy immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Diplomatic Convention such immunity will be waived by the sending State in respect of all matters arising out of the gainful employment and falling within the civil or administrative law of the receiving State. In such cases, the sending State will also waive immunity from execution of any judgment against a member of the family.

### **4. Criminal immunity**

In the case of members of the family who enjoy immunity from the criminal jurisdiction of the receiving State in accordance with the Diplomatic Convention:

- a. 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 gainful occupation except in special instances when the sending State considers that such a waiver would be contrary to its interests;
- b. A waiver of immunity from criminal jurisdiction will not be construed as extending to immunity from execution of the sentence, for which a specific waiver will be required. In such cases, the sending State will give serious consideration to waiving the latter immunity.

### **5. Taxation and social security regimes**

In accordance with the Diplomatic Convention or under any other applicable international instrument, members of the family will be subject to the taxation and social security regimes of the receiving State for all matters connected with their gainful occupation in that State.

### **6. Duration and termination**

This Arrangement will remain in operation for an indefinite period. Either State may terminate it at any time by giving six (6) months' notice in writing to the other State.