

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF AUSTRALIA
ON EMPLOYMENT OF THE DEPENDANTS OF DIPLOMATIC AND CONSULAR
PERSONNEL**

The Government of the Republic of Lithuania and the Government of Australia (the Participants) have mutually determined the following:

**1
Definitions and Interpretation**

For the purposes of this Memorandum:

1. **“mission employee”** means any employee of the sending State:
 - (a) who is not a national or permanent resident of the receiving State; and
 - (b) who is employed in a diplomatic mission or a consular post which is located in the receiving State.
2. **“family member”** means any member of the family of a mission employee:
 - (a) who has been accepted as such a member by the receiving State; and
 - (b) who forms part of the official household of that mission employee.
3. **“Ministry for Foreign Affairs”** means the Ministry of Foreign Affairs where the Republic of Lithuania is the receiving State and the Department of Foreign Affairs and Trade where Australia is the receiving State.
4. **“Diplomatic Relations Convention”** means the *Vienna Convention on Diplomatic Relations* of 18 April 1961 as amended from time to time.
5. **“Consular Relations Convention”** means the *Vienna Convention on Consular Relations* of 24 April 1963 as amended from time to time.

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Scope of this Memorandum**

1. On a reciprocal basis, the receiving State will permit a family member from the sending State to engage in gainful employment in the receiving State in accordance with this Memorandum and the laws and regulations in force in the receiving State.
2. Subject to this Memorandum and the laws and regulations in force in the receiving State (as amended from time to time), the receiving State will not restrict the type of gainful employment of a family member. However it is understood that:

- (a) in order to be eligible for employment in those professions where particular qualifications are required in order to be gainfully employed, a family member must satisfy those qualifications; and
- (b) employment in an occupation may be denied to a family member in cases where, for security reasons, only nationals of the receiving State may be employed in that occupation.

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Procedures for notification

1. Before a family member commences gainful employment, the Embassy of the sending State will send on behalf of that family member, by email, to the Ministry of Foreign Affairs of the receiving State, a 'Notice of Intention' to engage in gainful employment. A standard 'Notice of Intention' is attached at Appendix A.

2. A family member will:

- (a) pay applicable income tax in the receiving State on the income earned from the employment;
- (b) remain part of the household of the mission employee
- (c) acknowledge that his/her immunity could be waived, should the need arise in relation to an issue relating to his/her employment.

3. Any requirements of the laws and regulations in force in the receiving State, relating to work permits and similar formalities for the family member's employment, will be favourably applied by the receiving State.

4. If the family member is a student, they will be limited to working no more than 20 hours per week, unless provided for by the laws and regulations in force in the receiving State.

5. Where a family member on whose behalf the sending State has already provided a 'Notice of Intention' to engage in gainful employment under this arrangement wishes to engage in other gainful employment, the procedures for notice as set out in this paragraph will be followed.

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Expiry of permission

1. The permission for the family member to engage in gainful employment in the receiving State will expire upon the occurrence of the following events (whichever occurs first):

- (a) the date of termination of the functions of the mission employee; or
- (b) the legal separation or divorce of the mission employee and the family member; or
- (c) the family member ceasing to form part of the official household of the mission employee; or
- (d) the final departure of the mission employee or the family member from the receiving State;

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Civil and administrative jurisdiction

1. Where a family member has, in accordance with the Diplomatic Relations Convention, immunity from the civil and administrative jurisdiction of the receiving State, such immunity will be waived by the sending State in respect of all matters arising out of the gainful employment of that family member and which also fall within the civil or administrative jurisdiction of the receiving State. In such cases, the sending State will also waive immunity from execution of any judgment against the family member.

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Criminal jurisdiction

1. Where a family member has, in accordance with the Diplomatic Relations Convention, immunity from the criminal jurisdiction of the receiving State:

- (a) the sending State will expressly waive the immunity of the family member concerned from the criminal jurisdiction of the receiving State in respect of any act or omission arising from the gainful employment, except in those cases where the sending State considers that a waiver of immunity would be contrary to its interests
- (b) a waiver of immunity from criminal jurisdiction under this paragraph will not be construed as extending to a waiver of immunity from execution of any sentence made pursuant to the exercise of that jurisdiction, for which a separate waiver will be required. In such cases the sending State will give serious consideration to waiving the latter immunity.

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Taxation and social security regimes

1. In accordance with the Diplomatic Relations Convention, the Consular Relations Convention and subject to any other applicable international instruments, a family member will be subject to the taxation and social security regimes of the receiving State for all matters connected with their gainful employment within the territory of that State.

8

Settlement of disputes

1. Disputes between the Participants arising from the interpretation or application of this Memorandum will be settled amicably through consultations.

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Revision

1. This Memorandum may be amended by mutual determination of the Participants. The amendments will take effect in accordance with the terms of paragraph 10.

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Date of effect, duration, termination and review

- 1. This Memorandum will take effect on the date on which it is signed by both Participants.
- 2. This Memorandum remains in effect until the date that it is terminated under this paragraph.

3. Either Participant may terminate this Memorandum, by giving written notice to the other Participant, through diplomatic channels, of its intention to terminate this Memorandum.

4. This Memorandum will terminate ninety (90) days after the receipt of the notice described in sub paragraph 3.

5. The Participants will meet to review the operation of the Memorandum within **5 (five)** years after it enters into effect. However, a failure to review the operation of the Memorandum within **{Insert agreed date}** will not affect the ongoing operation of the Memorandum.

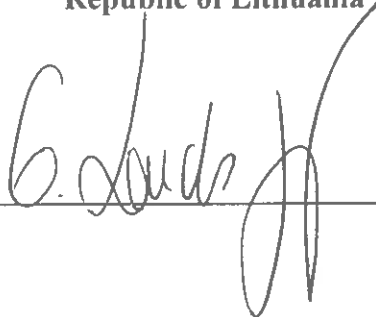
Signed at *Canberra*
each text being equally valid.

on *9th Feb 2022* in the Lithuanian and English languages,

**For the Government of
Australia**

A handwritten signature in black ink, appearing to read "Mark Payne", written over a horizontal line.

**For the Government of the
Republic of Lithuania**

A handwritten signature in black ink, appearing to read "G. Duda", written over a horizontal line.

NOTICE OF INTENTION TO ENGAGE IN GAINFUL EMPLOYMENT

To be used by a family member of a mission or consulate official

Please return the completed form, by email, to the Ministry of Foreign Affairs of the Receiving State prior to commencing employment

Diplomatic/Consular official

Name _____

Mission _____

Position/title _____

Location of mission
(state/region) _____

Date of commencement _____

Family member

Name _____

Date of birth (dd/mm/yyyy) _____

Relationship to the official _____

Proposed employer _____

Location of proposed
employment (state/region) _____

Date of proposed commencement
of employment (dd/mm/yyyy) _____

Pursuant to the Memorandum of Understanding between the Government of the Republic of Lithuania and the Government of Australia

dated (dd/mm/yyyy) _____ the above mentioned family member
_____ agrees to:

- pay applicable income tax of the receiving state on the income earned from the employment
- remain part of the diplomatic or consular official's household
- acknowledges that his/her immunity could be waived, should the need arise in relation to an issue relating to his/her employment.