

**ARRANGEMENT  
BETWEEN  
THE AUSTRALIAN AND NEW ZEALAND GOVERNMENTS  
ON  
OVERARCHING PRINCIPLES FOR THE EXCHANGE OF INFORMATION  
ON TRAVEL DOCUMENTS AND VISAS**

**Context**

1. In keeping with the Trans-Tasman Travel Arrangement and the free flow of people that it supports between Australia and New Zealand, and given the confidence the Governments of both countries hold in each other's systems for the handling and disclosure of information about passengers and travel documents, the Australian and New Zealand Governments (The Governments) are committed to the reciprocal and mutually beneficial development and operation of information exchange arrangements that will:
  - a) facilitate international travel;
  - b) detect the use of lost, stolen, fraudulent, or otherwise invalid travel documents;
  - c) complement (and where possible be interoperable with) the existing and future border management arrangements of each country, and other regional or multilateral systems that may be developed for the purposes of facilitating international travel and enhancing border management and security; and
  - d) operate as seamlessly as possible with the departure control systems operated by airlines.

**Purpose**

2. The purpose of this Arrangement is to create a framework for the disclosure by agencies in one country to agencies in the other country of information to assist with the assessment of the 'bona fides' of prospective incoming passengers, and to facilitate the travel of genuine passengers. The information will include:
  - a) Biographical (including biometric) data held about the holders of travel documents and visas issued by the Governments;
  - b) Information about the current status of such travel documents and visas; and
  - c) Other information that may be necessary to establish the validity and authenticity of a travel document and to establish the right of the individual concerned to hold that travel document.

### **Means of Disclosure**

3. The disclosure of such information may occur as part of automated electronic processes that are operating as part of systems for screening and processing passengers seeking to travel to Australia or New Zealand, or manually to complement the operation of such electronic processes. In either case, the minimum necessary information will be disclosed to achieve the purpose of the disclosure.

### **Memoranda of Understanding on Disclosure**

4. Information will be disclosed under this Arrangement in accordance with memoranda of understanding entered into between the two Governments or the relevant agencies concerned. The terms of these memoranda of understanding will be consistent with, and will be read subject to, the contents of this Arrangement, and with any relevant and applicable domestic legal requirements of either country.
5. Such memoranda will include arrangements for equitable sharing of the costs of developing and operating agreed disclosure arrangements.
6. Agencies which enter into memoranda of understanding under this Arrangement will ensure that the disclosure of information under those memoranda is appropriately supported and resourced, having regard to the purposes for which information is being disclosed.

### **Status of Arrangement and Memoranda of Understanding**

7. This Arrangement and memoranda of understanding entered into:
  - Will not be governed by international law.
  - Will not create any legally enforceable rights or obligations.
  - Will not prevent either Government from cooperating or granting assistance in accordance with their national laws or international treaties and agreements such as the *Convention on International Civil Aviation*.
  - Will not create or confer any right or benefit on any person or party, private or public.

### **Right to Make Decisions Not Affected**

8. Nothing in this Arrangement will affect the sovereign right of the Governments to make decisions on who will be permitted to enter their country and on what terms.

### **Protection of Privacy**

9. Nothing in this Arrangement will affect the obligations of each Government to comply with applicable laws affecting the protection of individual privacy.
10. The Governments will protect information disclosed under this Arrangement against unauthorised access, use, or disclosure, and against other misuse. The level of protection provided will be equivalent to the protection provided for comparable information that is generated and held by agencies in the country concerned.

### **Scope of Cooperation**

11. The Governments will ensure that agencies engaged in the disclosure and receipt of information under this Arrangement cooperate with each other, particularly in relation to:
  - a) Developing and operating agreed disclosure arrangements
  - b) Further developing and reviewing advance passenger screening and processing arrangements
  - c) Developing and operating procedures in relation to inward travel in cases where:
    - a. The holder of a travel document issued by the other Government is involved; or
    - b. A person is proposing to travel to New Zealand in transit through Australia, or vice versa
  - d) Supplying information that may be requested about laws or binding schemes that apply to the operation of advance passenger screening and processing systems and the treatment of personal information by each country
  - e) Promptly and amicably resolving any issues or concerns which may arise from the operation of agreed disclosure arrangements
  - f) Examining practical and co-operative arrangements to enable the impounding of lost, stolen or otherwise invalid Australian and New Zealand Travel Documents.

### **Disclosure, Protection, and Use of Information**

12. The Governments will exercise due care in the disclosure, protection and use of information under this Arrangement.

### **Amendment**

13. The Governments may amend this Arrangement at any time through an exchange of diplomatic notes. Such amendments will take effect on the date specified in those notes.

**Withdrawal, Termination**

14. A Government may withdraw from this Arrangement by giving written notice of that intent. Termination will take effect at the expiration of six months from the date of such notice, or on the date specified by mutual arrangement through an exchange of diplomatic notes.

**General Review**

15. The Governments will undertake a periodic general review of the operation of the Arrangement to assess whether any changes to the Arrangement are required to improve its operation or coverage.

**Effective Date**

16. The Governments will notify each other through diplomatic channels of completion of the internal requirements necessary to implement the Arrangement. This Arrangement will take effect on the date of the latter of those notifications.

Signed at Auckland, this                      day of December 2004

For the Government of Australia

For the Government of New Zealand