

Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 2) 2002 No. 32

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 32

Issued by the Authority of the Minister for Family and Community Services

Social Security (International Agreements) Act 1999

Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 2)

Subsection 7(1) of the *Social Security (International Agreements) Act 1999* (the Act) provides that the regulations may amend a Schedule to the Act that sets out the text of an agreement between Australia and another country, if the agreement relates to reciprocity in social security matters.

Subsection 8(1) of the Act provides that the regulations may add a Schedule setting out the terms of an agreement between Australia and another country, if the agreement relates to reciprocity in social security matters.

Section 25 of the Act provides that the Governor-General may make regulations for the purposes of the Act.

The purpose of the Amendment Regulations is to:

- replace the existing Schedule 4 (the Agreement on Social Security between Australia and Canada done at Canberra on 4 July 1988) of the Act with a new Schedule 4 (the Agreement on Social Security between Australia and Canada done at Ottawa on 26 July 2001) (Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No.2));
- replace the existing Schedule 7 (the Agreement on Social Security between Australia and the Kingdom of The Netherlands done at The Hague on 4 January 1991) of the Act with a new Schedule 7 (the Agreement on Social Security between Australia and the Kingdom of The Netherlands done at The Hague on 2 July 200 1) (Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No.2));
- replace the existing Schedule 9 (the Agreement on Social Security between Australia and the Republic of Portugal done at Lisbon on 30 April 1991) of the Act with a new Schedule 9 (the Agreement on Social Security between Australia and the Republic of Portugal done at Lisbon on 3 September 2001) (Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 2)); and
- amend the existing Schedule 10 (the Agreement on Social Security between Australia and the Republic of Austria done at Canberra on 1 April 1992) by adding the Protocol done at Vienna on 26 June 2001 as Part B to Schedule 10 and specifying that the text of the Agreement is Part A.

The Agreement on Social Security between Australia and Canada, the Agreement on Social Security between Australia and the Kingdom of The Netherlands, the Agreement on Social Security between Australia and the Republic of Portugal and the amended Agreement on Social Security between Australia and the Republic of Austria coordinate the social security schemes of

the countries to give better welfare protection for people who move between Australia and Canada, between Australia and The Netherlands, between Australia and Portugal and between Australia and Austria respectively.

Significant changes have occurred in the social security systems of Australia, Canada, The Netherlands, Portugal and Austria since the original Agreements were signed. The revised Agreements update the bilateral arrangements between the countries to provide for these changes. The Agreements with The Netherlands and with Portugal include provisions modifying Australia's Superannuation Guarantee arrangements to avoid double coverage of Dutch and Portuguese employees respectively seconded to work temporarily in Australia. Reciprocal exemptions are provided for Australian workers sent temporarily to The Netherlands and to Portugal, respectively.

The Agreement on Social Security between Australia and Canada was signed on 26 July 2001 by Ms Frances Lisson, Australia's Acting High Commissioner to Canada and Mr Paul Migus, Assistant Deputy Minister for Human Resources Development.

Article 22 of the Agreement on Social Security between Australia and Canada provides for the entry into force of the Agreement. The Agreement will enter into force on a date specified in an exchange of notes between Australia and Canada through the diplomatic channel notifying each other that all constitutional and legislative matters as are necessary to give effect to the Agreement have been finalised. The Regulations specify that the commencement date is 1 July 2002. This will enable the Regulations to be tabled in both Houses of the Parliament and for the period of disallowance of the Regulations to pass before the exchange of notes takes place. The exchange of notes must be completed by or on 30 June 2002.

The Agreement on Social Security between Australia and the Kingdom of The Netherlands was signed on 2 July 2001 by His Excellency Mr Peter Hussin, Australia's Ambassador to the Netherlands and Mr J F Hoogervorst, State Secretary for Social Affairs and Employment.

Article 29 of the Agreement on Social Security between Australia and the Kingdom of The Netherlands provides for the entry into force and termination of the Agreement. The Agreement will enter into force on the first day of the third month following the date of the last notification between Australia and the Kingdom of The Netherlands through the diplomatic channel notifying each other that all constitutional and legislative matters as are necessary to give effect to the Agreement have been finalised. The Regulations specify that the commencement date is 1 October 2002. This will enable the Regulations to be tabled in both Houses of the Parliament and for the period of disallowance of the Regulations to pass before the date of the last notification takes place. The last notification must be completed by or on 31 July 2002.

The Agreement on Social Security between Australia and the Republic of Portugal was signed on 3 September 2001 by Ms Janet Gardiner, Australia's Ambassador to Portugal and Mr Jose Simoes de Almeida, Secretary of State for Solidarity and Social Security.

Article 32 of the Agreement on Social Security between Australia and the Republic of Portugal provides for the entry into force of the Agreement. The Agreement will enter into force on the first day of the second month following an exchange of notes between Australia and the Republic of Portugal through the diplomatic channel notifying each other that all constitutional and legislative matters as are necessary to give effect to the Agreement have been finalised. The Regulations specify that the commencement date is 1 October 2002. This will enable the Regulations to be tabled in both Houses of the Parliament and for the period of disallowance of the Regulations to pass before the exchange of notes takes place. The exchange of notes must be completed by or on 31 August 2002.

The Protocol to the Agreement on Social Security between Australia and the Republic of Austria was signed on 26 June 2001 by His Excellency Mr Max Hughes, Australia's Ambassador to Austria and Dr C Prosl, Head of Legal Section, Ministry of Foreign Affairs.

Article III, paragraph 1 of the Protocol to the Agreement between Australia and the Republic of Austria on Social Security provides for the entry into force of the Protocol. The Protocol will enter into force on the first day of the third month following the date of the last notification between Australia and the Republic of Austria through the diplomatic channel notifying each other that all constitutional and legislative matters as are necessary to give effect to the Protocol have been finalised. The Regulations specify that the commencement date is 1 October 2002. This will enable the Regulations to be tabled in both Houses of the Parliament and for the period of disallowance of the Regulations to pass before commencement. The exchange of notes must be completed by or on 31 July 2002.