

Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 5) 2002 No. 165

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 165

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. 5)

Subsection 8(1) of the *Social Security (International Agreements) Act 1999* (the Act) provides that a Schedule setting out the terms of an agreement between Australia and another country, if the agreement relates to reciprocity in social security matters, may be added by regulations.

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 5 (the Agreement on Social Security between Australia and Spain done at Canberra on 10 February 1990) of the Act with a new Schedule 5 (the Agreement on Social Security between Australia and Spain done at Madrid on 31 January 2002) (Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 5)).

The Agreement on Social Security between Australia and Spain coordinates the social security schemes of both countries to give better welfare protection for people who move between Australia and Spain.

Significant changes have occurred in the social security systems of Australia and Spain since the original Agreement was signed. The revised Agreement updates the bilateral arrangements between the countries to provide for these changes.

The Agreement on Social Security between Australia and Spain was signed on 31 January 2002 by the Hon. Alexander Downer NT, Minister for Foreign Affairs and Trade for Australia and the Hon. Josep Piqué Camps, Minister for Foreign Affairs for Spain.

Article 30 of the Agreement on Social Security between Australia and Spain provides for the entry into force of the Agreement. The Agreement will enter into force one month after an exchange of notes by Australia and Spain 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 January 2003. 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 on 1 December 2002.