

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Families, Housing, Community Services and Indigenous Affairs

Subject: *Social Security (International Agreements) Act 1999*

*Social Security (International Agreements) Act 1999
Amendment Regulations 2008 (No. 2)*

*Commencement (Agreement between Australia and Finland on
Social Security) Instrument 2009*

Paragraph 2(1)(b) of the *Social Security (International Agreements) Act 1999 Amendment Regulations 2008 (No. 2)* (the Amendment Regulations) provides for Schedule 1 to the Amendment Regulations to commence on a day fixed by legislative instrument made by the Minister.

The Amendment Regulations amend the *Social Security (International Agreements) Act 1999* (the Act) by inserting (in its correct numerical position) the Agreement on Social Security between Australia and the Republic of Finland (the Agreement) done at Helsinki on 10 September 2008 as new Schedule 24 to the Act.

The Agreement provides, in accordance with the requirements of Article 25, for entry into force on the first day of the second month following the month in which notes are exchanged by the Parties through the diplomatic channel notifying each other that all constitutional or legislative matters as are necessary to give effect to the Agreement have been finalised. The notes were exchanged on 19 May 2009.

Paragraph 2(2)(a) of the Amendment Regulations provides that the legislative instrument made for the purposes of commencing Schedule 1 is prescribed for the table in subsection 44(2) of the *Legislative Instruments Act 2003* (the LIA), so that it is not subject to disallowance.

In addition, paragraph 2(2)(b) of the Amendment Regulations provides that the legislative instrument made for the purposes of commencing Schedule 1 is prescribed for the table in subsection 54(2) of the LIA, so that it is not subject to sunseting.

These exemptions are appropriate given that the legislative instrument is similar in effect to a commencement Proclamation, which is exempt from disallowance and sunseting under the LIA.

The commencement provision also satisfies the requirement in subsection 8(2) of the Act that regulations not come into operation on a day earlier than the day the relevant agreement comes into effect for Australia, and also satisfies paragraph 12(1)(c) of the LIA.

The legislative instrument specifying the commencement of the Agreement also ensures that the Federal Register of Legislative Instruments contains a complete record in relation to the commencement of the Amendment Regulations.

Consultation was unnecessary for this legislative instrument as this instrument is of a minor or machinery nature and does not substantially alter existing arrangements. It has no direct, or indirect effect on business.