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 2010 (No. 2)


Paragraph 2(1)(b) of the Social Security (International Agreements) Act 1999 Amendment Regulations 2010 (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. That day is 1 April 2011.

The Amendment Regulations amend the Social Security (International Agreements) Act 1999 (the Act) by inserting (in its correct numerical position) the Agreement between the Government of Australia and the Government of the former Yugoslav Republic of Macedonia on Social Security (the Agreement) done at Canberra on 26 October 2009 as new Schedule 26 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 the Parties notify each other in writing of the completion of their respective internal constitutional and legislative conditions required for the entry into force of the Agreement. The notification was completed on 23 February 2011.

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 sunsetting.

These exemptions are appropriate given that the legislative instrument is similar in effect to a commencement Proclamation, which is exempt from disallowance and sunsetting 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 Schedule 1 to 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.