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Social Security (International Agreements) Act 1999 Amendment Regulations 2000 (No. 3)

Statutory Rules 2000 No. L

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I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Social Security (International Agreements) Act 1999*.

Dated **21 JUN 2000** 2000

WILLIAM DEANE

Governor-General

By His Excellency's Command

JOCELYN NEWMAN

Minister for Family and Community Services



Social Security (International Agreements) Act 1999 Amendment Regulations 2000 (No. 3)¹

Statutory Rules 2000 No. 3²

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made under the

Social Security (International Agreements) Act 1999

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Regulation 1

1 Name of Regulations

These Regulations are the *Social Security (International Agreements) Act 1999 Amendment Regulations 2000 (No. 1)*.

3

2 Commencement

These Regulations commence on 1 October 2000.

3 Amendment of *Social Security (International Agreements) Act 1999*

Schedule 1 amends the *Social Security (International Agreements) Act 1999*.

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*Social Security (International Agreements) Act 1999
Amendment Regulations 2000 (No. 1)*

2000, 1

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Schedule 1 Amendments

(regulation 3)

[1] Schedule 2, after the heading

insert

PART A

**[2] Schedule 2, after the Agreement on Social Security
between Australia and the Republic of Italy of
13 September 1993**

insert

PART B

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT, DONE AT CANBERRA ON 31 MAY 2000, AMENDING AND CLARIFYING THE AGREEMENT ON SOCIAL SECURITY BETWEEN AUSTRALIA AND THE REPUBLIC OF ITALY OF 13 SEPTEMBER 1993

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of Italy and has the honour to refer to the Agreement on Social Security between Australia and the Republic of Italy, done at Rome on 13 September 1993 (“the Agreement”) and to recent discussions between the relevant authorities of Australia and the Republic of Italy.

The Department notes that since the agreement was signed there have been changes to the legislation of both Parties which affect the interpretation and implementation of the Agreement.

Therefore the Department has the honour to propose the following amendments to, and clarifications of the Agreement:

1. The definition in Article 1.1(g) of the Agreement shall be read as follows:

“(g) *institution* – means an institution apart from the competent authority, which is responsible for the application of this Agreement as specified in the administrative arrangements for this Agreement.”
2. The definition in Article 1.1(h) of “Italian integration” shall be read so as to include also the differential amount according to Law 335/95 of Italy in addition to that which is already covered in that definition.
3. The benefit referred to as “carer pension” in Article 1.1(m) shall read “carer payment”.
4. The benefit referred to as “widowed person allowance” in subparagraph (v) of Article 2.1(a) shall read “bereavement allowance”.
5. In the interpretation of Article 8.1 where reference is made to the rate of the benefit being determined under Australian legislation, that rate shall always be read so as not to exceed the rate payable to the relevant person if that person were in Australia and had met the residential requirements for that benefit.

If the foregoing proposal is acceptable to the Embassy of Italy, the Department of Foreign Affairs and Trade has the honour to propose that this Note and the reply from the Embassy of Italy to that effect, shall constitute an agreement between the Government of Australia and the Government of the Republic of Italy, which shall enter into force on the same day as the Agreement enters into force.

The Department of Foreign Affairs and Trade avails itself of this opportunity to renew to the Embassy of Italy the assurance of its highest consideration.

The Embassy of Italy presents its compliments to the Department of Foreign Affairs and Trade and has the honour to refer to the Department's Note No. LGB 00/838 of 31 May 2000 which reads as follows:

“The Department of Foreign Affairs and Trade presents its compliments to the Embassy of Italy and has the honour to refer to the Agreement on Social Security between Australia and the Republic of Italy, done at Rome on 13 September 1993 (“the Agreement”) and to recent discussions between the relevant authorities of Australia and the Republic of Italy.

The Department notes that since the Agreement was signed there have been changes to the legislation of both Parties which affect the interpretation and implementation of the Agreement.

Therefore the Department has the honour to propose the following amendments to and clarifications of the Agreement:

1. The definition in Article 1.1(g) of the agreement shall be read as follows: “(g) *institution* – means an institution apart from the competent authority which is responsible for the application of this Agreement as specified in the administrative arrangements for this Agreement,”
2. The definition in Article 1.1(h) of “Italian integration” shall be read so as to include also the differential amount according to Law 335/95 of Italy in addition to that which is already covered in that definition.
3. The benefit referred to as “carer pension” in Article 1.1(m) shall read “carer payment”.
4. The benefit referred to as “widowed person allowance” in sub-paragraph (v) of Article 2.1(a) shall read “bereavement allowance”.

5. In the interpretation of Article 8.1 where reference is made to the rate of the benefit being determined under Australian legislation, that rate shall always be read so as not to exceed the rate payable to the relevant person if that person were in Australia and had met the residential requirements for that benefit.

If the foregoing proposal is acceptable to the Embassy of Italy, the Department of Foreign Affairs and Trade has the honour to propose that this Note and the reply from the Embassy of Italy to that effect, shall constitute an agreement between the Government of Australia and the Government of the Republic of Italy, which shall enter into force on the same day as the Agreement enters into force.

The Department of Foreign Affairs and Trade avails itself of this opportunity to renew to the Embassy of Italy the assurance of its highest consideration.”

The Embassy of Italy has the honour to confirm that the foregoing is acceptable to the Government of the Republic of Italy and that the Department’s Note and this reply shall together constitute an agreement between the Government of the Republic of Italy and the Government of Australia which shall enter into force on the date the Agreement enters into force.

The Embassy of Italy avails itself of this opportunity to renew to the Department of Foreign Affairs and Trade the assurances of its highest consideration.

Embassy of Italy
Canberra
31 May 2000

Notes

1. These Regulations amend Act No. 173, 1999, as amended by Act No. 45, 2000 and Statutory Rules 2000 Nos. 104 and 105.
2. Made by the Governor-General on *L* 2000, and notified in the *Commonwealth of Australia Gazette* on *L* 2000.

21 June
22 June

6 *Social Security (International Agreements) Act 1999* 2000,
Amendment Regulations 2000 (No.)