

Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 4) 2002 No. 164

EXPLANATORY STATEMENT

Statutory Rules 2002 No. 164

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. 4)

Section 25 of the *Social Security (International Agreements) Act 1999* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Subsection 8(1) of 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.

Subsection 8(2) of the Act provides that regulations made by virtue of subsection 8(1) of the Act must not come into operation on a day earlier than the day on which the agreement concerned comes into operation for Australia.

The purpose of the proposed Regulations is to amend the Social Security (International Agreements) Act 1999 Amendment Regulations 2002 (No. 2) (Statutory Rules 2002 No. 32) by substituting a new commencement clause to change the date of commencement for the Agreement on social security between Australia and Canada (the Agreement) from 1 July 2002 to 1 January 2003.

Regulation 2 of Statutory Rules 2002 No. 32 specifies that regulations 1 to 3 and Schedule 1 (the Agreement) were to have commenced on 1 July 2002 and Schedule 2 (the Agreements on social security between Australia and The Netherlands and Australia and Portugal and the Protocol amending the Agreement on social security between Australia and Austria) were to have commenced on 1 October 2002.

The proposed Regulations would provide that regulations 1 to 3 and Schedule 2 would commence on 1 October 2002 and that Schedule 1 would commence on 1 January 2003.

The change in commencement dates for the Agreement is required because the Canadian Government advised the Australian Government that Canada would not be able to complete all of the necessary legislative and constitutional requirements to bring the Agreement into force on 1 July 2002. The revised commencement date of 1 January 2003 has been agreed following negotiations between the respective governments.

The proposed Regulations are required to be gazetted before 1 July 2002 to prevent the Agreement from purporting to commence earlier than it is validly able to in accordance with subsection 8(2) of the Act.

The proposed Regulations would commence on gazettal.