

Social Security (International Agreements) Act 1999 Amendment Regulations 2003 (No. 1) 2003 No. 207

EXPLANATORY STATEMENT

Statutory Rules 2003 No. 207

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 2003 (No. 1)

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.

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.

Section 25 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient for carrying out or giving effect to the Act.

The purpose of the proposed Regulations is to:

- add the Agreement on Social Security between Australia and the Republic of Chile, done at Canberra on 25 March 2003, at new Schedule 15 to the Act;
- add the Agreement on Social Security between Australia and the Republic of Croatia, done at Zagreb on 13 May 2003, at new Schedule 16 to the Act; and
- add the Agreement on Social Security between Australia and the Republic of Slovenia, done at Vienna on 19 December 2002, at new Schedule 17 to the Act.

The Agreements on Social Security between Australia and the Republic of Chile, the Agreement on Social Security between Australia and the Republic of Croatia and the Agreement on Social Security between Australia and the Republic of Slovenia coordinate the social security schemes of the countries to give better welfare protection for people who move between Australia and Chile, between Australia and Croatia and between Australia and Slovenia respectively.

When they come into operation, the Agreements will enable people with contribution records in Chile, Croatia or Slovenia, now living in Australia, to claim and qualify for part pensions from the Governments of the Republic of Chile, the Republic of Croatia or the Republic of Slovenia respectively. Similarly, many former Australian residents living in Chile, Croatia or Slovenia will be able to claim and qualify for a part Australian pension. The Agreements with the Republic of Chile and with the Republic of Croatia also include provisions modifying Australia's Superannuation Guarantee arrangements to avoid double coverage of Chilean or Croatian employees seconded to work temporarily in Australia. Reciprocal exemptions are provided for Australian workers seconded to work temporarily in Chile or Croatia.

The Agreement on Social Security between Australia and the Republic of Chile was signed on 25 March 2003 at Canberra by Senator the Hon Amanda Vanstone, Minister for Family and Community Services and His Excellency Mr Cristobal Valdez, Chile's Ambassador to Australia.

Article 29 of the Agreement on Social Security between Australia and the Republic of Chile provides for the entry into force of the Agreement. The Agreement will enter into force on the first day of the third month following the month in which an exchange of notes between Australia and the Republic of Chile through the diplomatic channel notifying each other that all constitutional, legislative and other matters as are necessary to give effect to the Agreement have been finalised. The Regulations specify that the commencement date is 1 January 2004. 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 by or on 31 October 2003.

The Agreement on Social Security between Australia and the Republic of Croatia was signed on 13 May 2003 at Zagreb by His Excellency Mr Neil Francis, Australia's Ambassador to Croatia and Mr Davorko Vidovic, Minister of Labour and Social Welfare.

Article 24 of the Agreement on Social Security between Australia and the Republic of Croatia provides for the entry into force of the Agreement. The Agreement will enter into force on the first day of the month following the month in which an exchange of notes between Australia and the Republic of Croatia through the diplomatic channel notifying each other that all matters as are necessary to give effect to the Agreement have been accomplished. The Regulations specify that the commencement date is 1 January 2004. 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 by or on 31 December 2003.

The Agreement on Social Security between Australia and the Republic of Slovenia was signed on 19 December 2002 at Vienna by His Excellency Mr Max Hughes, Australia's Ambassador to Slovenia and His Excellency Mr Ernst Petric, Slovenia's Ambassador to Australia.

Article 19 of the Agreement on Social Security between Australia and the Republic of Slovenia provides for the entry into force of the Agreement. The Agreement will enter into force on the first day of the month following the month in which an exchange of notifications between Australia and the Republic of Slovenia through the diplomatic channel notifying each other that all constitutional matters as are necessary to give effect to the Agreement have been fulfilled. The Regulations specify that the commencement date is 1 January 2004. 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 notifications must be completed by or on 31 December 2003.