

AUSTRALIA



Treaty Series No. 89 (1975)

Exchange of Notes ^{✓ 2/27}

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Australia

further amending the Agreement
on Social Security signed at Canberra
on 29 January 1958

Canberra, 6 March 1975

[The Exchange of Notes entered into force on 6 March 1975]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 1975*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF AUSTRALIA FURTHER AMENDING THE
AGREEMENT ON SOCIAL SECURITY SIGNED AT CANBERRA
ON 29 JANUARY 1958**

No. 1

*The United Kingdom High Commissioner at Canberra to the Minister for
Social Security of Australia*

*British High Commission,
Canberra.*

Sir,

6 March 1975

I have the honour to refer to the Agreement on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia, which was signed at Canberra on 29 January 1958,⁽¹⁾ as amended by the Agreement signed at Canberra on 16 August 1962,⁽²⁾ (which for the purposes of this Note are together referred to as "the Agreement"), and to recent discussions between the Department of Health and Social Security of the United Kingdom and the Department of Social Security of Australia concerning the need further to amend the Agreement in the light of the Australian Social Services Act (No. 2) 1973 and the Australian Social Services Act 1974, which allow Australian pensions to be paid abroad, the National Insurance Act 1971, which introduced invalidity benefit into the United Kingdom, the Social Services (Parity) Order (Northern Ireland) 1971, which made similar provision for invalidity benefit in Northern Ireland and the National Insurance (Isle of Man) Order 1972, which made similar provision for invalidity benefit in the Isle of Man.

Pending the outcome of these discussions the Government of the United Kingdom takes the view that some immediate steps are necessary to prevent the possibility of duplicate payments of United Kingdom and Australian pensions by virtue of the Agreement. Accordingly, they propose that the following amendments to the Agreement should be made forthwith as an interim measure and without prejudice to any other amendments which may be agreed subsequently between the United Kingdom and Australian Governments:

- (a) Article 17 of the Agreement shall be amended in the heading and in paragraphs (1) and (2) by inserting the words "or invalidity" after the word "sickness", and in paragraph (3) by substituting the words "sickness or invalidity benefit is payable" for the words "sickness benefit is payable for an indefinite period".

⁽¹⁾ Cmnd. 378.

⁽²⁾ United Nations Treaty Series No. 6328 (Vol. 439, page 163), available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY Tel. 01-928 6977, ext. 410.

- (b) Where a person is entitled to receive a benefit by virtue of the provisions of Article 3 or 9, or of paragraphs (1) and (3) of Article 17 of the Agreement as amended by sub-paragraph (a) of this paragraph:
- (i) the rate of benefit which he would otherwise be entitled to receive, but for this sub-paragraph, by virtue of the provisions of Article 3 or 9 shall be reduced by the amount of benefit which is payable by virtue of the Australian Social Services Act (No. 2) 1973 and the Australian Social Services Act 1974; and
 - (ii) the rate of benefit which he would be entitled to receive, but for this sub-paragraph, by virtue of the provisions of paragraphs (1) and (3) of Article 17 of the Agreement as amended by sub-paragraph (a) of this paragraph shall be reduced by the total amount of invalid pension and wife's pension which may be payable by virtue of the Australian Social Services Act (No. 2) 1973 and the Australian Social Services Act 1974.
- (c) Article 1, paragraph (a) of the Agreement shall be amended as follows:
- (i) omit the words “, ‘ wife’s allowance ’ ” and substitute the words “ and ‘ wife’s pension ’ ”;
 - (ii) omit the words “ and ‘ child’s allowance ’ ”.
- (d) Article 1 of the Agreement shall be amended as follows:
- (i) omit the full-stop after paragraph (q) and substitute a semi-colon;
 - (ii) after paragraph (q) insert the following paragraph:
“(r) ‘ invalidity benefit ’ means, in relation to the United Kingdom, invalidity benefit as defined under the legislation of the United Kingdom.”.
- (e) Article 16, paragraph (2) of the Agreement shall be amended by omitting the words from “ wife’s allowance ” to the end of the paragraph and substituting the words “ wife’s pension.”.
- (f) Article 16, paragraph (3) of the Agreement shall be amended as follows:
- (i) omit the words “ , wife’s allowance and child’s allowance ” and substitute the words “ and wife’s pension ”;
 - (ii) omit the word “ sickness ” and substitute the word “ invalidity ”.
- (g) Article 16, paragraph (4) of the Agreement shall be amended by omitting the words “ or more ”.
- (h) Article 19, sub-paragraph (b) of the Agreement shall be amended by omitting the words “ allowance, a child’s allowance ” and substituting the word “ pension ”.
- (i) Article 20, paragraph (1) of the Agreement shall be amended by omitting the words “ and children’s allowances ” and substituting the word “ pensions ”.
- (j) Article 25, paragraph (1) of the Agreement shall be amended by omitting the word “ allowances ” and substituting the word “ pensions ”.

(k) Article 26 of the Agreement shall be amended by inserting the words "or invalidity" after the word "sickness".

I have the honour to suggest that, if these proposals are acceptable to the Government of Australia, this Note and your reply to that effect shall constitute an Agreement between our two Governments to enter into force on the date of your reply.

Either Government may terminate this Agreement within six months of the date of entry into force by giving written notice to the other of its intention to do so, in which case termination shall take effect immediately upon receipt of such notice.

I avail myself of this opportunity, Sir, to renew to you the assurance of my highest consideration.

MORRICE JAMES

No. 2

*The Minister for Social Security of Australia to the United Kingdom High
Commissioner at Canberra*

Minister for Social Security.

6 March 1975

Sir,

I have the honour to acknowledge the receipt of your Note of today's date which reads as follows:

[As in No. 1]

I have the honour to inform you that these proposals are acceptable to the Government of Australia, and that they agree that your Note and this reply shall constitute an Agreement between our two Governments which shall enter into force on the date of this reply.

Please accept, Sir, the assurance of my highest consideration.

W. G. HAYDEN