



Treaty Series No. 27 (1987)

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

London, 29 and 31 December 1986

[The Exchange of Notes entered into force on 9 February 1987]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 1987*

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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 Secretary of State for Foreign and Commonwealth Affairs to the High Commissioner of
Australia at London*

*Foreign and Commonwealth Office
London*

29 December 1986

Your Excellency,

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 1958¹, as amended by the Agreement signed at Canberra on 16 August 1962², and by an Exchange of Notes at Canberra on 6 March 1975³ (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 so as to preclude working holidaymakers from receiving unemployment benefit under the Agreement and to make other minor modifications.

I now have the honour to propose the following amendments to the Agreement:

- (a) Article 3 shall be amended by deleting paragraph (2) and the proviso to paragraph (4).
- (b) Article 17 shall be amended by inserting after paragraph (3) the following new paragraph:

“(4) For the purposes of any claim to invalidity pension under the legislation of the United Kingdom, any period in respect of which a person was qualified to receive a sickness benefit or an invalid pension under the legislation of Australia shall be treated as if it were a period of entitlement to sickness benefit or invalidity pension completed under the legislation of the United Kingdom.”
- (c) Article 18 shall be amended—
 - (i) by inserting after paragraph (2) the following new paragraph:

“(3) The provisions of this Article shall not apply to a person—

 - (a) who is in Australia having been granted an entry permit pursuant to a visa issued on an application for a visa to enter that country for a working holiday; or
 - (b) who is in the United Kingdom by virtue only of his having obtained leave to enter that country given in accordance with any provision of the immigration rules (as defined in section 33(1) of the Immigration Act 1971 of the United Kingdom) which required him to satisfy an immigration officer at the date upon which that obligation last arose that—
 - (i) he was seeking permission to enter the United Kingdom for an extended holiday, and
 - (ii) he intended to take only employment within the United Kingdom which was incidental to that holiday.”;
 - (ii) by renumbering the existing paragraph (3) as paragraph (4), deleting the word and figure “paragraph (2)” and substituting the words and figures “paragraphs (2) and (3)”.
- (d) Article 22 shall be amended by deleting from paragraph (1) the words:

“unless the dependant is a child for whom child endowment is payable under the legislation of Australia”.

¹ Cmnd. 378.

² United Nations Treaty Series No. 6328 (Vol. 439, page 163), available through Agency Section, Her Majesty's Stationery Office, P.O. Box 276, London, SW8 5DT.

³ Treaty Series No. 89 (1975), Cmnd. 6090.

If the foregoing proposals are acceptable to the Government of Australia I have the honour to propose that this Note and Your Excellency's reply to that effect shall constitute an Agreement between our two Governments which shall enter into force on 9 February 1987.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

A. E. FURNESS

(for the Secretary of State for Foreign and Commonwealth Affairs)

No. 2

The High Commissioner of Australia at London to the Secretary of State for Foreign and Commonwealth Affairs

*Australian High Commission
London*

31 December 1986

Dear Sir Geoffrey,

I have the honour to acknowledge receipt of your Note of 29 December 1986 which reads as follows:

[As in No. 1]

I have the honour to confirm that the foregoing proposals are acceptable to the Government of Australia, who therefore agree that your Note together with this reply, shall constitute an Agreement between our two Governments which shall enter into force on 9 February 1987.

Yours sincerely,

A. R. PARSONS