RECIPROCAL AGREEMENTS

1953 No. 1772

The National Insurance (Reciprocal Agreement with Australia) Order, 1953

Made - - - - *4th December,* 1953
Coming into Operation *7th January,* 1954

At the Court of Saint James, the 4th day of December, 1953

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.

Lord Chancellor **Mr. Thomas**
Mr. Sandys **Sir David Eccles**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

And Whereas at London on the eighth day of June, nineteen hundred and fifty-three an agreement on social security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia (hereinafter referred to as "the Agreement") was signed on behalf of those Governments:

And Whereas the Agreement contains amongst others the provisions set out in the Schedule hereto:

And Whereas by Article 18 of the Agreement it was provided that the Agreement should enter into force at a date to be agreed between the Contracting Parties:

And Whereas the said Contracting Parties have agreed that the Agreement shall enter into force on the seventh day of January, nineteen hundred and fifty-four:

And Whereas by section 64 of the National Insurance Act, 1946(a), it is provided that Her Majesty may by Order-in-Council make provision for modifying or adapting that Act in its application to cases affected by agreements with other governments providing for reciprocity in the matters specified in that section:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorised thereto by the said Letters Patent, and in pursuance of the said section 64 of the National Insurance Act, 1946, and of all other powers in that behalf, do hereby, by and with

(a) 9 & 10 Geo. 6. c. 67.

the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows :—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Insurance (Reciprocal Agreement with Australia) Order, 1953, and shall come into operation on the 7th January, 1954.

(2) The Interpretation Act, 1889(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

2. Those provisions of the Agreement which are set out in the Schedule hereto shall, as from the 7th January, 1954, have full force and effect so far as the same relate to England, Wales and Scotland, and the National Insurance Acts, 1946 to 1953, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

W. G. Agnew.

SCHEDULE

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA

London, 8th June, 1953

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia,

Being resolved to co-operate in the social field,

Desiring to make arrangements enabling persons who go from one country to the other to receive social security benefits in respect of old age, widowhood, invalidity, sickness, unemployment and children, as far as possible at the same rates and under the same conditions as persons who have been resident in the latter country,

Have agreed as follows:

PART I.—DEFINITIONS AND GENERAL PROVISIONS

Article 1

For the purposes of the present Agreement—

(*a*) "benefit", "pension" and "allowance" include any increase payable in respect of a dependant and any additional allowance payable with a benefit, pension or allowance;

(*b*) "child" means, in relation to any person, a child, as defined in the legislation which is being applied, who would be treated under that legislation as being a child of that person or included in his family;

(*c*) "competent authority" means, in relation to the United Kingdom, the Minister of National Insurance, the Ministry of Labour and National Insurance for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Australia, the Director-General of Social Services;

(*d*) "country" means, according to the context, the United Kingdom or Australia;

(*e*) "earnings rule" means any provision of the legislation of the United Kingdom under which the weekly rate of benefit or pension is reduced on account of earnings;

(a) 52 & 53 Vict. c. 63.

(*f*) "full standard rate" in relation to any benefit or pension payable under the legislation of the United Kingdom, means, subject to the provisions of paragraph (6) of Article 3, the rate at which the benefit or pension would be paid to the person concerned, subject to any earnings rule which may be appropriate, if the relevant contribution conditions were fully satisfied in his case;

(*g*) "legislation" means, according to the context, the laws, orders and regulations specified in Article 2 which are or have been or may hereafter be in force in any part of one (or the other) country;

(*h*) "means test" means any provision of the legislation of Australia which affects the payment or rate of the benefit, pension or allowance in question on account of income or property;

(*i*) "qualified to receive" means, in relation to the United Kingdom, entitled to receive subject to any earnings rule which may be appropriate and, in relation to Australia, qualified to receive after taking into account any means test which may be appropriate;

(*j*) "retirement pension" means a retirement pension as defined in the legislation of the United Kingdom and includes a contributory old age pension payable under that legislation;

(*k*) "United Kingdom" means England, Scotland, Wales, Northern Ireland and the Isle of Man;

(*l*) "widow's benefit" means a widow's allowance, a widowed mother's allowance or a widow's pension, as defined in the legislation of the United Kingdom.

Article 2

(1) The provisions of the present Agreement shall apply—

(*a*) in relation to the United Kingdom, to the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts; and

(*b*) in relation to Australia, to the *Social Services Consolidation Act*, 1947-1952.

(2) Subject to the provisions of paragraph (3) of this Article, the Agreement shall also apply to any law, order or regulation which carries into effect, amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Agreement shall apply, only if the Contracting Parties so agree, to laws, orders or regulations which amend or supplement the legislation specified in paragraph (1) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with the government of a third country.

PART II.—RETIREMENT PENSIONS AND AGE PENSIONS

Article 3

(1) Where, under the legislation of the United Kingdom, a person would be qualified to receive a retirement pension if he were in that country, he shall be qualified, while he is in Australia, to receive that pension at a rate which shall be determined in accordance with the provisions of the legislation of the United Kingdom which was in force at the time when he was last resident in that country or at the time when, in accordance with the provisions of this paragraph or otherwise, he was first qualified to receive such a pension, whichever is the later; provided that no increase of pension shall be paid for any child in respect of whom an allowance is payable under the legislation of Australia.

(2) Where a person, after having received a retirement pension under the legislation of the United Kingdom, is proceeding from one country to the other, the provisions of paragraph (1) of this Article shall apply to him as if he were in Australia provided that he arrives in the latter country within three months after his departure from the former country.

(3) Where a person who is permanently resident in Australia is qualified to receive a retirement pension under the legislation of the United Kingdom in accordance with the provisions of paragraph (1) of this Article, or would be so qualified if contributions were credited to him under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, and the conditions concerning residence in Australia which are specified in the legislation of Australia in relation to age pensions are not satisfied in his case, he shall be treated, for the purposes of any claim to receive an age pension under that legislation, as if those conditions were satisfied in his case; and the amount of any age pension which he is qualified to receive under that legislation shall be calculated in accordance with the provisions of paragraph (4) or (5) of this Article, whichever is appropriate.

(4) Where a person is qualified to receive a retirement pension at the full standard rate under the legislation of the United Kingdom, or would be so qualified if contributions were credited to him under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, the amount of any age pension which he is qualified to receive under the legislation of Australia by virtue of paragraph (3) of this Article shall be the amount of any age pension which he would have been qualified to receive under that legislation if the conditions concerning residence in Australia had been satisfied in his case, less the amount of any retirement pension which he is entitled to receive under the legislation of the United Kingdom.

(5) Where a person, other than a person to whom the provisions of paragraph (4) of this Article apply, is qualified to receive a retirement pension at less than the full standard rate under the legislation of the United Kingdom, or would be so qualified if contributions were credited to him under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, the amount of any age pension which he is qualified to receive under the legislation of Australia by virtue of paragraph (3) of this Article shall be a part of the amount of any age pension which he would have been qualified to receive under that legislation if the conditions concerning residence in Australia had been satisfied in his case, namely, that part which bears the same relation to the whole as the rate of the retirement pension which he would be qualified to receive under the legislation of the United Kingdom, if contributions were so credited to him, bears to the full standard rate of such pension, less the amount of any retirement pension which he is entitled to receive under the legislation of the United Kingdom.

(6) For the purposes of applying the provisions of paragraphs (3), (4) and (5) of this Article—

(*a*) a contribution credited to a person shall be deemed to mean a contribution credited to the husband of a person in those cases where the person concerned is a woman claiming an age pension under the legislation of Australia by reason of the fact that she is qualified to receive a retirement pension under the legislation of the United Kingdom by virtue of her husband's insurance or would be so qualified if contributions were credited to her husband at the rate of fifty contributions for each year during which he was resident in Australia; and

(*b*) in cases where a woman claims an age pension under the legislation of Australia by reason of the fact that she is qualified to receive a retirement pension under the legislation of the United Kingdom by virtue of her husband's insurance or would be so qualified if contributions were credited to her husband at the rate of fifty contributions for each year during which he was resident in Australia, the full standard rate of retirement pension payable under that legislation shall be deemed to mean the rate at which she would have been qualified to receive such a pension if she had fully satisfied the contribution conditions by virtue of her own insurance and had retired from regular employment on reaching the age of sixty years.

(7) Where a person is qualified to receive a retirement pension or a widow's benefit under the legislation of the United Kingdom and the conditions concerning residence in Australia which are specified in the legislation of Australia in

relation to age pensions are satisfied in the case of that person, the amount of any age pension which the person is qualified to receive under the legislation of Australia shall be reduced by the amount of the retirement pension or widow's benefit which the person is entitled to receive under the legislation of the United Kingdom.

Article 4

(1) Subject to the provisions of paragraph (2) of this Article, a person who is permanently resident in the United Kingdom shall, for the purposes of any claim to receive a retirement pension under the legislation of that country, be treated, while he is there, as if he, or, in the case of a married woman, her husband, had paid contributions under that legislation at the rate of fifty contributions for each year during which he was resident in Australia after he had reached the age of sixteen years and before he had reached pensionable age; and, if the said person has drawn an age pension in Australia, he shall be deemed to have retired from regular employment.

(2) Where a person, other than a widow who was qualified, in accordance with the provisions of Article 6, to receive a widow's benefit under the legislation of the United Kingdom immediately before she reached pensionable age, has been resident in Australia after reaching pensionable age, or within the five years immediately before that age, he shall not be qualified by virtue of the provisions of paragraph (1) of this Article to receive a retirement pension at a higher rate than the rate of the age pension which he would have received in Australia if he had been resident there and had claimed an age pension.

(3) Where a person, after having received a retirement pension in accordance with the provisions of paragraphs (1) and (2) of this Article, is proceeding to Australia, the provisions of those paragraphs shall continue to apply to him as if he were still in the United Kingdom and still permanently resident there, provided that he arrives in Australia within three months after his departure from the United Kingdom.

(4) Where a person—

(*a*) is temporarily absent from Australia and arrives in the United Kingdom within three months after his departure from Australia; and

(*b*) was qualified to receive, and was in receipt of, an age pension under the legislation of Australia immediately before his departure from Australia,

that pension shall not cease to be payable, and may be paid, during that temporary absence, but payment in respect of the period after his departure from the United Kingdom until his arrival in Australia shall not be made unless that period is less than three months.

(5) A person—

(*a*) who is temporarily absent from Australia and arrives in the United Kingdom within three months after his departure from Australia;

(*b*) who, if he had not left Australia, would have become qualified to receive an age pension under the legislation of Australia at a time during that temporary absence; and

(*c*) who, if that time is between the date of his departure from the United Kingdom and the date of his arrival in Australia, arrives in Australia within three months after his departure from the United Kingdom,

shall be treated as if he had become qualified to receive that pension at that time, and the pension shall be payable, and may be paid, during his temporary absence, but payment in respect of the period after his departure from the United Kingdom until his arrival in Australia shall not be made unless that period is less than three months.

(6) Where—

(*a*) a person is, by virtue of the last preceding paragraph, treated as if he had become qualified to receive an age pension under the legislation of Australia at a time after his departure from Australia but before his arrival in the United Kingdom or after his departure from the United Kingdom but before his arrival in Australia; and

(*b*) he lodges a claim for pension within fourteen days after his arrival in the United Kingdom or in Australia, as the case may be,

the claim shall be treated, for the purpose of determining the date from which the pension may be paid, as if it had been lodged at the time when the person is treated as having so qualified.

(7) Where a person—

(*a*) leaves Australia to reside permanently in the United Kingdom and arrives in the United Kingdom within three months after his departure from Australia ; and

(*b*) was qualified to receive, and was in receipt of, an age pension under the legislation of Australia immediately before his departure from Australia,

that pension shall not cease to be payable, and may be paid, in respect of the period while the person is proceeding to the United Kingdom.

PART III.—WIDOWS' BENEFITS AND WIDOWS' PENSIONS

Article 5

(1) Where, under the legislation of the United Kingdom, a woman would be qualified to receive a widow's benefit if she were in the United Kingdom, she shall be qualified, while she is in Australia, to receive that benefit at a rate which shall be determined in accordance with the provisions of paragraph (5) of this Article.

(2) Where, under the legislation of the United Kingdom, a woman would be qualified to receive a widowed mother's allowance on account of a child if the child were in the United Kingdom, she shall be qualified, while that child is in Australia, to receive the allowance at a rate which shall be determined in accordance with the provisions of paragraph (5) of this Article.

(3) Where a woman, after having received a widow's benefit under the legislation of the United Kingdom, is proceeding from one country to the other, the provisions of paragraph (1) of this Article shall apply to her as if she were in Australia, provided that she arrives in the latter country within three months after her departure from the former country.

(4) Where a child, on account of whom a woman has received a widowed mother's allowance under the legislation of the United Kingdom, is proceeding from one country to the other, the provisions of paragraph (2) of this Article shall apply to him as if he were in Australia, provided that he arrives in the latter country within three months after his departure from the former country.

(5) Where, in accordance with the provisions of paragraphs (1), (2), (3) and (4) of this Article, a woman is qualified to receive a widow's benefit under the legislation of the United Kingdom, she shall be qualified to receive that benefit at a rate which shall be determined in accordance with the provisions of the legislation of the United Kingdom which was in force at the time when she was last resident in the United Kingdom or at the time when, in accordance with the provisions of this Article or otherwise, she was first qualified to receive a widow's benefit, whichever is the later, provided that—

(*a*) no increase of widow's benefit shall be paid for any child in respect of whom an allowance is payable under the legislation of Australia ; and

(*b*) if allowances are so payable in respect of all the children on whose account the woman is qualified to receive a widowed mother's allowance, she shall be qualified to receive that allowance at the rate at which she would have been qualified to receive a widow's pension in accordance with the foregoing provisions of this paragraph if the conditions for receiving such a pension had been satisfied in her case.

(6) Where a woman who is permanently resident in Australia is qualified to receive a widow's benefit under the legislation of the United Kingdom in accordance with the provisions of paragraph (1) of this Article, or would be

so qualified if contributions had been credited to her husband under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, and the conditions concerning residence in Australia which are specified in the legislation of Australia in relation to widows' pensions are not satisfied in her case, she shall be treated for the purposes of any claim to receive a widow's pension under that legislation as if those conditions were satisfied in her case; and the amount of any widow's pension which she is qualified to receive under that legislation shall be calculated in accordance with the provisions of paragraphs (7) or (8) of this Article, whichever is appropriate.

(7) Where a woman is qualified to receive a widow's benefit at the full standard rate under the legislation of the United Kingdom, or would be so qualified if contributions had been credited to her husband under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, or where her husband was resident in Australia when he died, the amount of any widow's pension which she is qualified to receive under the legislation of Australia by virtue of paragraph (6) of this Article shall be the amount of any widow's pension which she would have been qualified to receive under that legislation if the conditions concerning residence in Australia had been satisfied in her case, less the amount of any widow's benefit which she is entitled to receive under the legislation of the United Kingdom.

(8) Where a woman, other than a woman to whom the provisions of paragraph (7) of this Article apply, is qualified to receive a widow's benefit at less than the full standard rate under the legislation of the United Kingdom, or would be so qualified if contributions had been credited to her husband under that legislation at the rate of fifty contributions for each year during which he was resident in Australia, and where her husband was not resident in Australia when he died, the amount of any widow's pension which she is qualified to receive under the legislation of Australia by virtue of paragraph (6) of this Article shall be a part of the amount of any widow's pension which she would have been qualified to receive under that legislation if the conditions concerning residence in Australia had been satisfied in her case, namely, that part which bears the same relation to the whole as the rate of widow's benefit which she would be qualified to receive under the legislation of the United Kingdom, if contributions had been so credited to her husband, bears to the full standard rate of such benefit, less the amount of any widow's benefit which she is entitled to receive under that legislation.

(9) Where a woman is qualified to receive a widow's benefit or a retirement pension under the legislation of the United Kingdom and the conditions concerning residence in Australia which are specified in the legislation of Australia in relation to widows' pensions are satisfied in her case, the amount of any widow's pension which she is qualified to receive under the legislation of Australia shall be reduced by the amount of the widow's benefit or retirement pension which she is entitled to receive under the legislation of the United Kingdom.

Article 6

(1) Where a widow who is permanently resident in the United Kingdom claims a widow's benefit under the legislation of that country, she shall, for the purposes of that claim, be treated, while she is there, as if her husband had paid contributions at the rate of fifty contributions for each year during which he was resident in Australia after reaching the age of sixteen years and before reaching pensionable age; provided that she shall not, by virtue of her husband's residence in Australia, be qualified, under the transitional regulations which maintain the rights and prospective rights of women whose husbands were insured under the legislation in force before the 5th July, 1948, to receive a widow's benefit without full regard to the provisions of subsequent legislation which concern the age, duration of marriage, children and earnings of a person claiming a widow's benefit.

(2) Where a widow who is permanently resident in the United Kingdom was qualified to receive a widow's pension under the legislation of Australia at the time when she was last in that country, but is not qualified to receive a widow's benefit at the full standard rate under the legislation of the United Kingdom by

virtue of the provisions of paragraph (1) of this Article, she shall be treated, while she is in the United Kingdom, as if the contribution conditions for receiving a widow's benefit under that legislation were satisfied in her case; and she shall be qualified, while she is in the United Kingdom, to receive a widow's pension at the full standard rate under that legislation if, at the time when she was last in Australia—

(*a*) she had reached the age of fifty years; or

(*b*) she had reached the age of forty years and had after the death of her husband had the care of a child of his.

(3) Where a widow who is permanently resident in the United Kingdom was qualified to receive an invalid pension under the legislation of Australia from the time when her husband died until the time when she was last in Australia, she shall, for the purposes of any claim to receive a widow's pension under the legislation of the United Kingdom, be treated, while she is in the United Kingdom, as if, at the time when she arrived in the United Kingdom, she ceased to be entitled to a widow's allowance under that legislation.

(4) Where a widow, after having received a widow's benefit in accordance with the provisions of paragraphs (1), (2) and (3) of this Article, is proceeding to Australia, those provisions shall continue to apply to her as if she were still in the United Kingdom and still permanently resident there, provided that she arrives in Australia within three months after her departure from the United Kingdom.

(5) Where a woman—

(*a*) is temporarily absent from Australia and arrives in the United Kingdom within three months after her departure from Australia; and

(*b*) was qualified to receive, and was in receipt of, a widow's pension under the legislation of Australia immediately before her departure from Australia,

that pension shall not cease to be payable, and may be paid, during that temporary absence, but payment in respect of the period after her departure from the United Kingdom until her arrival in Australia shall not be made unless that period is less than three months.

(6) A woman—

(*a*) who is temporarily absent from Australia and arrives in the United Kingdom within three months after her departure from Australia;

(*b*) who, if she had not left Australia, would have become qualified to receive a widow's pension under the legislation of Australia at a time during that temporary absence; and

(*c*) who, if that time is between the date of her departure from the United Kingdom and the date of her arrival in Australia, arrives in Australia within three months after her departure from the United Kingdom,

shall be treated as if she had become qualified to receive that pension at that time, and the pension shall be payable, and may be paid, during her temporary absence, but payment in respect of the period after her departure from the United Kingdom until her arrival in Australia shall not be made unless that period is less than three months.

(7) Where—

(*a*) a woman is, by virtue of the last preceding paragraph, treated as if she had become qualified to receive a widow's pension under the legislation of Australia at a time after her departure from Australia but before her arrival in the United Kingdom or after her departure from the United Kingdom but before her arrival in Australia; and

(*b*) she lodges a claim for pension within fourteen days after her arrival in the United Kingdom or in Australia, as the case may be,

the claim shall be treated, for the purpose of determining the date from which the pension may be paid, as if it had been lodged at the time when she is treated as having so qualified.

(8) Where a woman—

(*a*) leaves Australia to reside permanently in the United Kingdom and arrives in the United Kingdom within three months after her departure from Australia; and

(*b*) was qualified to receive, and was in receipt of, a widow's pension under the legislation of Australia immediately before her departure from Australia,

that pension shall not cease to be payable, and may be paid, in respect of the period while she is proceeding to the United Kingdom.

Part IV.—Sickness Benefits and Invalid Pensions

Article 7

(1) If a person in Australia claims a sickness benefit under the legislation of that country, he shall be treated, for the purposes of that claim, as if he had been resident in Australia and gainfully occupied there—

(*a*) during any period when he was paying contributions as an employed or self-employed person under the legislation of the United Kingdom; and

(*b*) if, at the time when he was last in the United Kingdom, he satisfied the contribution conditions under which sickness benefit is payable under the legislation of that country and the period after his departure from the United Kingdom until his arrival in Australia is less than three months—during that period.

(2) Where a person who is permanently resident in Australia would be qualified to receive an invalid pension under the legislation of Australia if—

(*a*) the conditions concerning residence in Australia which are specified in that legislation in relation to invalid pensions were satisfied in his case; and

(*b*) in the case of a person who became permanently incapacitated for work or permanently blind while in the United Kingdom or while proceeding from the United Kingdom to Australia, he were treated as if he had become permanently incapacitated for work or permanently blind, as the case may be, while in Australia,

he shall be qualified, subject to the provisions of paragraphs (4) and (5) of this Article, to receive an invalid pension under the legislation of Australia if at the time when he was last in the United Kingdom he satisfied the contribution conditions under which sickness benefit is payable for an indefinite period under the legislation of the United Kingdom.

(3) If a person is qualified to receive an invalid pension by virtue of the provisions of paragraph (2) of this Article, then, subject to the provisions of paragraph (4) of this Article and to the provisions of the legislation of Australia, his wife shall be qualified to receive a wife's allowance and he or his wife shall be qualified to receive a child's allowance.

(4) Where a person, at the time when he arrives in Australia, is qualified to receive an invalid pension by virtue of the provisions of paragraph (2) of this Article—

(*a*) he shall not receive more by way of such pension than the amount of the sickness benefit which he would have received under the legislation of the United Kingdom if he had remained in that country;

(*b*) his wife shall not receive more by way of a wife's allowance under the legislation of Australia than the amount by which the amount of the sickness benefit which he would have received under the legislation of the United Kingdom exceeds the amount of the invalid pension which he is qualified to receive under the legislation of Australia; and

(*c*) any child's allowance which he or his wife is qualified to receive under the legislation of Australia shall not exceed the amount by which the amount of the sickness benefit which he would have received under the legislation of the United Kingdom exceeds the total amount of the invalid pension and the wife's allowance which he and his wife are respectively qualified to receive under the legislation of Australia.

(5) Where a widow in Australia is qualified to receive a widow's benefit under the legislation of the United Kingdom, the amount of any invalid pension which she is qualified to receive under the legislation of Australia shall be reduced by the amount of the widow's benefit which she is entitled to receive under the legislation of the United Kingdom.

Article 8

(1) If a person who has paid one or more contributions as an employed or self-employed person under the legislation of the United Kingdom since the time when he last arrived in that country claims a sickness benefit under that legislation, then, for the purposes of his claim, he shall be treated as if he had paid contributions as an employed or self-employed person under that legislation for any period during which he was gainfully occupied in Australia, and, provided that the period during which he was proceeding from Australia to the United Kingdom is less than three months, as if he had paid contributions as a non-employed person for that period.

(2) Where a person who is permanently resident in the United Kingdom was receiving an invalid pension under the legislation of Australia at the time when he was last in Australia, and is incapable of work at the time when he arrives in the United Kingdom, he shall be treated, while he is in that country as if, at that time, he satisfied the contribution conditions under which sickness benefit is payable for an indefinite period under the legislation of that country.

PART V.—UNEMPLOYMENT BENEFITS

Article 9

If a person in one country claims an unemployment benefit under the legislation of that country, he shall be treated, for the purposes of his claim—

(*a*) as if he had been resident in that country during any period when he was resident in the other country and as if he had been employed under a contract of service in the former country during any period when he was so employed in the latter country;

(*b*) if the former country is the United Kingdom—as if he had paid contributions as an employed person under the legislation of that country for any period during which he was employed under a contract of service in Australia, and, provided that the period during which he was proceeding from Australia to the United Kingdom is less than three months, as if he had paid contributions as a non-employed person for that period; and

(*c*) if the former country is Australia and, at the time when he was last in the United Kingdom, he satisfied the contribution conditions under which unemployment benefit is payable under the legislation of that country and the period after his departure from the United Kingdom until his arrival in Australia is less than three months—as if he had been resident in Australia and employed there under a contract of service during that period.

* * * * * * *

PART VII.—PROVISIONS ABOUT DEPENDANTS

Article 11

(1) Where a person, who is qualified to receive any benefit or pension under the legislation of the United Kingdom, other than a person who is so qualified by virtue of the provisions of paragraph (1) of Article 4 of the present Agreement, would be qualified to receive also an increase of that benefit or pension in respect of a dependant if the dependant were in the United Kingdom, he shall be qualified to receive that increase while the dependant is in Australia unless the dependant is a child in respect of whom an allowance is payable under the legislation of Australia.

(2) Where the dependant of any person is proceeding from one country to the other, the provisions of paragraph (1) of this Article shall apply to that person as if the dependant were in Australia provided that the dependant arrives in the latter country within three months after his departure from the former country.

PART VIII.—PROVISIONS ABOUT RESIDENCE

Article 12

For the purposes of applying the provisions of paragraph (3) of Article 3, paragraphs (1), (4), (5) and (7) of Article 4, paragraph (6) of Article 5, paragraphs (1), (2), (3), (5), (6) and (8) of Article 6, paragraph (2) of Article 7 and paragraph (2) of Article 8, a person shall be treated as permanently resident in one country and shall not be treated as temporarily absent from the other country—

(*a*) if the competent authority of the former country is satisfied that he is likely to remain there for at least three years ; or

(*b*) if he has been temporarily resident in the former country for at least one year and the competent authorities of both countries have not agreed that he should not be treated as permanently resident in that country.

Article 13

For the purposes of applying the provisions of paragraphs (3), (4) and (5) of Article 3, paragraph (1) of Article 4, paragraphs (6), (7) and (8) of Article 5 and paragraph (1) of Article 6, any period during which a person was absent from Australia but was treated as being resident there for the purposes of the legislation of Australia shall be treated as a period during which he was resident there.

PART IX.—ADMINISTRATION

Article 14

The competent authorities—

(*a*) shall make such administrative arrangements as may be required for the purpose of giving effect to the present Agreement and shall determine all matters of an incidental and supplementary nature which in their opinion are relevant for that purpose ;

(*b*) shall communicate to each other information regarding any measure taken by them to give effect to the Agreement ;

(*c*) shall supply to each other, on request, information regarding the circumstances of any person who claims a benefit, pension or allowance in accordance with the provisions of the Agreement ; and

(*d*) shall communicate to each other, as soon as possible, information regarding any changes made in the legislation of their countries which affect the application of the Agreement.

Article 15

(1) Subject to paragraph (2) of this Article, nothing in the present Agreement shall be construed as requiring the competent authority of one country to pay a benefit, pension or allowance under the legislation of the other country.

(2) Where, under the provisions of Articles 3, 4, 5 or 6 of the present Agreement, any benefit, pension or allowance is payable under the legislation of one country to a person who is in the other country, the payment may, at the request of the competent authority of the former country, be made by the competent authority of the latter country as agent for the competent authority of the former country.

PART X.—TRANSITIONAL AND FINAL PROVISIONS

Article 16

(1) No provision of the present Agreement shall confer any right to receive any payment of a benefit, pension or allowance for a period before the date of the entry into force of the Agreement.

(2) Any benefit, pension or allowance which is payable in accordance with the provisions of the Agreement on and from the date of entry into force of the Agreement shall be paid, subject to these provisions, as from the date of the entry into force of the Agreement, provided that—

(*a*) in the case of sickness benefit or unemployment benefit, the claim therefor is submitted within one month after that date or within such longer period

as may be prescribed in the legislation under which the benefit is claimed; and

(*b*) in the case of any other benefit or pension, the claim therefor is submitted, and any relevant notice of retirement is given, within twelve months after that date.

(3) Any contribution which a person has paid under the legislation of the United Kingdom before the date of the entry into force of the Agreement, and any period during which a person has been resident in either country before that date, shall be taken into account for the purpose of determining the right to receive a benefit, pension or allowance in accordance with the provisions of the Agreement.

(4) No provision of the Agreement shall diminish any rights which a person has acquired under the legislation of either country before the date of the entry into force of the Agreement, and a person who—

(*a*) within five years after that date, makes a claim to receive any benefit, pension or allowance under the legislation of either country, other than a widow's pension under the legislation of Australia; or

(*b*) within three years after that date, makes a claim to receive a widow's pension under the legislation of Australia,

shall have the right to have the claim determined without regard to the provisions of the Agreement.

Article 17

In the event of the termination of the present Agreement, any rights acquired by a person in accordance with its provisions shall be maintained, and the Contracting Parties shall negotiate for the settlement of any rights then in course of acquisition by virtue of those provisions.

Article 18

The present Agreement shall enter into force at a date to be agreed between the Contracting Parties and shall remain in force for a period of one year from that date. Thereafter it shall continue in force from year to year unless notice of termination is given in writing by either Party at least six months before the expiry of any such yearly period.

* * * * * * *

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

Done in duplicate at London, this eighth day of June, nineteen hundred and fifty-three.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

WINSTON S. CHURCHILL.

For the Government of the Commonwealth of Australia:

ROBERT MENZIES.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order gives effect in England, Wales and Scotland to those provisions (set out in the Schedule to the Order) of the Agreement made between the Governments of the United Kingdom and the Commonwealth of Australia which provide for reciprocity in relation to the National Insurance Acts, 1946 to 1953, and modifies those Acts in their application to cases affected by such provisions of the Agreement.