

No. 27463

**AUSTRALIA
and
CANADA**

**Reciprocal Agreement on social security. Signed at Canberra
on 4 July 1988**

Authentic texts: English and French.

Registered by Australia on 30 July 1990.

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et
CANADA**

**Accord réciproque de sécurité sociale. Signé à Canberra le
4 juillet 1988**

Textes authentiques : anglais et français.

Enregistré par l'Australie le 30 juillet 1990.

RECIPROCAL AGREEMENT¹ ON SOCIAL SECURITY BETWEEN
THE GOVERNMENT OF AUSTRALIA AND THE GOVERN-
MENT OF CANADA

The Government of Australia and the Government of Canada,

Wishing to strengthen the existing friendly relations
between the two countries, and

Resolved to co-operate in the field of social security,

Have agreed as follows:

PART I
INTERPRETATION AND SCOPE

ARTICLE 1
Interpretation

1. In this Agreement:

"benefit" means, in relation to a Party, a benefit for which provision is made in the legislation of that Party, and includes any additional amount, increase or supplement that is payable, in addition to that benefit, to or in respect of a person who qualifies for that additional amount, increase or supplement under the legislation of that Party;

"Canadian creditable period" means a period, or the total of two or more periods, of residence or

¹ Came into force on 1 September 1989, the date specified in an exchange of notes of 14 and 21 August 1989 by which the Parties informed each other that all necessary matters had been finalized, in accordance with article 22 (1).

contributions which has been or can be used to acquire the right to a Canadian benefit, but does not include any period considered under paragraph 2 of Article 10 as a Canadian creditable period;

"carer's pension" means a carer's pension payable to a spouse under the legislation of Australia;

"competent authority" means, in relation to Australia, the Secretary to the Department of Social Security and, in relation to Canada, the Minister of National Health and Welfare;

"Government of Canada" means the Government in its capacity as representative of her Majesty the Queen in right of Canada and represented by the Minister of National Health and Welfare;

"legislation" means, in relation to a Party, the laws specified in Article 2 in relation to that Party;

"period of residence in Australia", in relation to a person, means a period defined as such in the social security laws of Australia, but does not include any period deemed pursuant to Article 6 to be a period in which that person was an Australian resident;

"social security laws" means:

- (i) in relation to Australia, the Social Security Act 1947 as amended, not including amendments effected by laws made for the purpose of giving effect to an agreement on social security; and
- (ii) in relation to Canada, the laws specified in subparagraph 1(b) of Article 2;

"widow" means, in relation to Australia:

- (i) a de jure widow; or
- (ii) a woman who, for not less than 3 years immediately prior to the death of a man, lived with him on a permanent basis as his de facto spouse and was wholly or mainly maintained by him,

but does not include a woman who is the de facto spouse of a man.

2. In the application by a Party of this Agreement to a person, any term not defined in this Article shall, unless the context otherwise requires, have the meaning assigned to it in the social security laws of either Party or, in the event of a conflict of meaning, by whichever of those laws is the more applicable to the circumstances of that person.

ARTICLE 2

Legislative Scope

1. Subject to paragraphs 2 and 3, this Agreement shall apply to the following laws, as amended at the date of signature of this Agreement, and to any laws that subsequently amend, supplement or replace them:

- (a) in relation to Australia, the Social Security Act 1947 to the extent that the Act provides for and applies to:
 - (i) age pensions;
 - (ii) invalid pensions;
 - (iii) wives' pensions;
 - (iv) carers' pensions; and
 - (v) pensions payable to widows; and

- (b) in relation to Canada:
 - (i) the Old Age Security Act and the regulations made thereunder; and
 - (ii) the Canada Pension Plan and the regulations made thereunder.

2. In relation to Australia, the legislation to which this Agreement applies shall not include any laws made, whether before or after the date of signature of this Agreement, for the purpose of giving effect to any agreement on social security.

3. This Agreement shall apply to laws of a Party which extend the existing legislation of that Party to new categories of beneficiaries unless the competent authority of that Party communicates in writing an objection in regard to those laws to the competent authority of the other Party prior to the commencement of those laws.

ARTICLE 3 Personal Scope

This Agreement shall apply to any person who:

- (a) is or has been an Australian resident; or
- (b) is residing or has resided in Canada within the meaning of the Old Age Security Act or is making or has made contributions under the Canada Pension Plan

and, where applicable, to any spouse, dependant or survivor of such a person.