

[TRANSDUCTION — TRANSLATION]

No. 32142. AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF NEW ZEALAND ON SOCIAL SECURITY. SIGNED AT WELLINGTON ON 19 JULY 1994¹

N° 32142. ACCORD ENTRE LE GOUVERNEMENT DE L'AUSTRALIE ET LE GOUVERNEMENT DE LA NOUVELLE-ZÉLANDE SUR LA SÉCURITÉ SOCIALE. SIGNÉ À WELLINGTON LE 19 JUILLET 1994¹

FIRST PROTOCOL² TO THE ABOVE-MENTIONED AGREEMENT. SIGNED AT SYDNEY ON 7 SEPTEMBER 1995

PREMIER PROTOCOLE² À L'ACCORD SUSMENTIONNÉ. SIGNÉ À SYDNEY LE 7 SEPTEMBRE 1995

Authentic text: English.

Texte authentique : anglais.

Registered by New Zealand on 11 October 1996.

Enregistré par la Nouvelle-Zélande le 11 octobre 1996.

¹ United Nations, *Treaty Series*, vol. 1889, No. I-32142.

² Came into force on 1 January 1995 by notification, except for article III which entered into force on 1 July 1995, in accordance with article VIII.

Vol. 1938, A-32142

¹ Nations Unies, *Recueil des Traités*, vol. 1889, n° I-32142.

² Entré en vigueur le 1^{er} janvier 1995 par notification, à l'exception de l'article III qui est entré en vigueur le 1^{er} juillet 1995, conformément à l'article VIII.

FIRST PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF
NEW ZEALAND AND THE GOVERNMENT OF AUSTRALIA ON SOCIAL
SECURITY

THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF
AUSTRALIA

WISHING to amend and supplement the Agreement on Social Security between the two
States signed at Wellington on the nineteenth day of July 1994, have agreed as follows:

Article I

1. In this Protocol "Agreement" means the Agreement between the Government of New Zealand and the Government of Australia on Social Security signed on the nineteenth day of July 1994 at Wellington.
2. In the application of this Protocol (the first Protocol to the Agreement) any term defined in the Agreement shall, unless the context otherwise requires, have the same meaning.
3. In the application of this Protocol any term not defined in the Agreement or this Protocol shall, unless the context otherwise requires, have the meaning assigned to it by the legislation of either Party.

Article II

Subparagraph (j) of paragraph 1 of Article 1 of the Agreement shall be deleted and substituted by the following:

- "(j) "period of New Zealand working life residence" means,
in relation to New Zealand, a period of ordinary residence in New Zealand between the ages of 16 and 65, but includes any period during which the person to whom it relates relied on Article 4(2)(b) of the Agreement between the Government of Australia and the Government of New Zealand providing for reciprocity in matters relating to Social Security signed at Canberra on 31 October 1988 or relies on Article 7(2)(b)(ii) or (iii) of the Agreement to be eligible for a New Zealand benefit."

Article III

Subparagraph (a) of paragraph 1 of Article 2 of the Agreement shall be deleted and substituted by the following:

- "(a) in relation to Australia: the Social Security Act 1991 in so far as the Act provides for, applies to or affects the following benefits:
- (i) age pension;
 - (ii) disability support pension;
 - (iii) widow B pension;
 - (iv) sole parent pension;
 - (v) wife pension;
 - (vi) partner allowance payable to the female partner of a person in receipt of an age pension or a disability support pension (referred to in this Agreement as partner allowance);
 - (vii) parenting allowance payable to the female partner of a person in receipt of an age pension or a disability support pension (referred to in this Agreement as parenting allowance); and
 - (viii) additional family payment payable to persons in receipt of the above benefits; and"

Article IV

In order to clarify the original intentions of the Parties when first drafting Article 3 of the Agreement, paragraph 1 of Article 3 of the Agreement shall be deleted and substituted by the following:

- "1. This Agreement shall apply to any person who:
- (a) is or has been an Australian resident; or
 - (b) is or has been ordinarily resident in the territory of New Zealand; and
- to any other person who derives rights to a benefit from a person who is eligible for a benefit under this Agreement."

Article V

Subparagraph (b) of paragraph 1 of Article 12 of the Agreement shall be deleted and substituted by the following:

"(b) by multiplying the nominal benefit rate (as calculated below) by the smaller of:

- (i) the result obtained under subparagraph (a); or
- (ii) one "

Article VI

Paragraph 3 of Article 14 of the Agreement shall be deleted and substituted by the following:

"3. Subject to paragraph 4, the amount determined in paragraph 1 shall be payable in equal quarterly instalments by the competent institution of a Party to the competent institution of the other Party on 1 July, 1 October, 1 January and 1 April or, if those dates are not banking days, on the first banking day thereafter."

Article VII

Paragraph 4 of Article 15 of the Agreement shall be deleted and substituted by the following:

"4. For the purposes of this Article only, benefits for the unemployed means, in relation to Australia:

- (i) job search allowance; and
- (ii) newstart allowance; and

in relation to New Zealand:

- (i) unemployment benefit;
- (ii) job search allowance;
- (iii) training benefit; and
- (iv) independent youth allowance."

Article VIII

Upon an exchange of notes by the Parties through the diplomatic channel notifying each other that all matters as are necessary to give effect to this Protocol have been finalised, this Protocol shall be deemed to have entered into force on 1 January 1995, except for Article III which shall be deemed to have entered into force on 1 July 1995.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Sydney this seventh day of September 1995.

For the Government
of New Zealand:



¹

For the Government
of Australia:



²

¹ Graham Fortune.

² Peter Jeremy Baldwin.