

1987 No. 231

SOCIAL SECURITY

**The Social Security (Australia) Order
(Northern Ireland) 1987**

Made 18th May 1987
Coming into operation 18th May 1987

In exercise of the powers conferred on me by section 134 of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling me in that behalf, I hereby make the following order:

Citation and commencement

1. This order may be cited as the Social Security (Australia) Order (Northern Ireland) 1987 and shall come into operation on 18th May 1987.

Modification of Act and Variation of Orders

2. The Social Security (Northern Ireland) Act 1975 shall be modified and the Family Allowances and National Insurance (Reciprocal Agreement with Australia) Order (Northern Ireland) 1962(b) and the Social Security (Australia) (Northern Ireland) Order 1975(c) shall be varied so as to give effect to the agreement made on 31st December 1986 the terms of which are contained in the Note from the Australian High Commissioner to the Secretary of State for Foreign and Commonwealth Affairs which is set out in the Schedule to this order, so far as the same relate to Northern Ireland.

Dated this 18th day of May 1987.

Tom King
One of Her Majesty's Principal
Secretaries of State

(a) 1975 c. 15; section 134 was amended by section 20(3) of, and extended by section 20(4) of, the Social Security (Miscellaneous Provisions) Act 1977 (1977 c. 5), and subsection (1A) of section 134 was inserted by Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(b) S.R. & O. (N.I.) 1962 No. 218, as amended by S.I. 1975/1041

(c) S.I. 1975/1041

**Note from the Australian High Commissioner to the Secretary of State
for Foreign and Commonwealth Affairs**

Sir,

31st December 1986

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

“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 29th January 1958, as amended by the Agreement signed at Canberra on 16th August 1962, and by an Exchange of Notes at Canberra on 6th March 1975 (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 of 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”.

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 9th February 1987.

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

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 9th February 1987.

A. R. Parsons

EXPLANATORY NOTE

(This note is not part of the Order.)

This order makes provision for the modification of the Social Security (Northern Ireland) Act 1975 so as to give effect in Northern Ireland to the agreement (set out in the Schedule) contained in Notes exchanged between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia amending the Agreement contained in the Family Allowances and National Insurance (Reciprocal Agreement with Australia) Order (Northern Ireland) 1962 and the Social Security (Australia) (Northern Ireland) Order 1975. The principal amendment precludes payment of unemployment benefit under the Agreement to visitors from one country who are on holiday in the other country and who are entitled, under their terms of entry, to work during their stay.