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STATUTORY INSTRUMENTS

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**2000 No. 3255**

**SOCIAL SECURITY**

**The Social Security (Australia) Order 2000**

*Made* - - - - - *13th December 2000*

*Coming into force* - - - - - *1st March 2001*

At the Court at Buckingham Palace, the 13th day of December 2000

Present,

The Queen's Most Excellent Majesty in Council

Whereas at London on 1st October 1990 an Agreement on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia (which Agreement is hereinafter referred to as "the Agreement")<sup>(1)</sup> was signed on behalf of those Governments and effect was given to the Agreement by the Social Security (Australia) Order 1992<sup>(2)</sup> (hereinafter referred to as "the Australia Order"):

And Whereas the provisions in the Agreement were amended by an Exchange of Notes<sup>(3)</sup> and effect was given to those amendments by the Australia Order:

And Whereas by Article 26(1) of the Agreement it is provided that the Agreement shall remain in force until the expiration of twelve months from the date on which either Party receives from the other written notice through the Diplomatic Channel of the intention of the other Party to terminate the Agreement:

And Whereas on 1st March 2000 the Government of the United Kingdom of Great Britain and Northern Ireland received from the Government of Australia written notice of the latter Party's intention to terminate the Agreement (which notice and confirmation of receipt whereof are set out in the Schedule to this Order):

And Whereas by Article 26(2) of the Agreement it is provided that in the event that the Agreement is terminated in accordance with Article 26(1) the Agreement shall continue to have effect in relation to all persons who by virtue of the Agreement are in receipt of benefits at the date of termination or who prior to that date had lodged claims for and would be entitled to receive benefits:

And Whereas by section 179(1)(a), (2) and (5) of the Social Security Administration Act 1992<sup>(4)</sup> it is provided that Her Majesty may by Order in Council make provision for modifying or adapting

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(1) See Cm 1589.

(2) S.I.1992/1312 as modified by S.I. 1995/767 and S.I. 1996/1928. S.I. 1992/1312 modified the Social Security Act 1975 (c. 14) and Part I of the Child Benefit Act 1975 (c. 61), whose provisions were consolidated in the Social Security Contributions and Benefits Act 1992 (c. 4) and the Social Security Administration Act 1992 (c. 5). S.I. 1992/1312 was modified by S.I. 1996/1928 to take account of changes made by the Jobseekers Act 1995 (c. 18).

(3) See Cm 1955.

(4) Section 179 was amended by the Jobseekers Act 1995, section 41(4), Schedule 2, paragraph 70.

that Act, the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995, and regulations made under the Social Security Contributions and Benefits Act 1992 or the Social Security Administration Act 1992<sup>(5)</sup> (which Acts and regulations are hereinafter referred to as “the legislation”), in their application to cases affected by agreements with the governments of countries outside the United Kingdom providing for reciprocity in matters specified in the said section:

Now, therefore, Her Majesty, in pursuance of the said section 179(1)(a), (2) and (5) of the Social Security Administration Act 1992 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

### **Citation and commencement**

1. This Order may be cited as the Social Security (Australia) Order 2000 and shall come into force on 1st March 2001.

### **Modification of the legislation**

2.—(1) Subject to paragraph (2) of this Article, modifications made to the legislation by the Australia Order shall cease to have effect.

(2) Modifications made to the legislation by the Australia Order shall continue to have effect in relation to any person who—

- (a) was on 28th February 2001 in receipt of benefit by virtue of those modifications; or
- (b) made a claim on or before 28th February 2001 for benefit to which he was entitled on or before that date by virtue of those modifications.

### **Revocation of the Australia Order and amendment of Orders**

3.—(1) The Australia Order is hereby revoked.

(2) The references to the Social Security (Australia) Order 1992 shall be omitted in Schedule 2 to the Social Security (Reciprocal Agreements) Order 1995<sup>(6)</sup> and Schedule 2 to the Social Security (Reciprocal Agreements) Order 1996<sup>(7)</sup>.

*A. K. Galloway*  
Clerk of the Privy Council

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(5) See section 179(5) of the Social Security Administration Act 1992, as amended by the Jobseekers Act 1995, section 41(4), Schedule 2, paragraph 70.

(6) S.I. 1995/767.

(7) S.I. 1996/1928.

## SCHEDULE

### NOTICE FROM THE GOVERNMENT OF AUSTRALIA TO THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND CONFIRMATION OF RECEIPT THEREOF

[No.1]

#### **No. 360/00**

The Australian High Commission presents its compliments to the Foreign and Commonwealth Office and has the honour to refer to the Agreement on Social Security between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland, done at London on 1 October 1990 (the Agreement), and the Exchange of Notes, done at Canberra on 22 April 1992, constituting an Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland to amend the Social Security Agreement of 1 October 1990 (the amending Agreement).

The High Commission has the further honour to advise that, pursuant to Article 26, paragraph (1), of the Agreement, it is the intention of the Government of Australia to terminate the Agreement and the amending Agreement with effect from the expiration of twelve months from the date of receipt by the Foreign and Commonwealth Office of this Note.

The High Commission would appreciate receiving from the Foreign and Commonwealth Office a notification of the date of receipt of this Note.

The Australian High Commission avails itself of this opportunity to renew to the Foreign and Commonwealth Office the assurances of its highest consideration.

LONDON

1 March 2000

[No.2]

#### **Note No. FEH/01/00**

North East Asia and Pacific Department of the Foreign and Commonwealth Office presents its compliments to the Australian High Commission and has the honour to confirm receipt of the Australian High Commission's note 360/00 of 1 March stating the Government of Australia's intention to terminate the Agreement on Social Security between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland, done at London on 1 October 1990 (the Agreement).

North East Asia and Pacific Department of Foreign and Commonwealth Office notes that the termination of the Agreement by the Government of Australia will take effect twelve months from the date of the Australian High Commission's note.

North East Asia and Pacific Department of the Foreign and Commonwealth Office avails itself of this opportunity to renew to the Australian High Commission the assurances of its highest consideration.

LONDON

1 March 2000

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision for the removal of modifications to the Social Security Administration Act 1992, the Social Security Contributions and Benefits Act 1992 and the Jobseekers Act 1995 that gave effect to the Agreement on Social Security made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia, following termination of that Agreement. The modifications will continue to have effect for all persons who by virtue of the Agreement were in receipt of benefit, or had lodged claims for and were entitled to receive benefit, when the Agreement terminated.

This Order does not impose any costs on business.