

**No. 47180**

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**Australia  
and  
Slovenia**

**Agreement on social security between the Government of Australia and the Government of the Republic of Slovenia. Vienna, 19 December 2002**

**Entry into force:** *1 January 2004 by notification, in accordance with article 19*

**Authentic texts:** *English and Slovene*

**Registration with the Secretariat of the United Nations:** *Australia, 19 February 2010*

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**Australie  
et  
Slovénie**

**Accord de sécurité sociale entre le Gouvernement de l'Australie et le Gouvernement de la République de Slovénie. Vienne, 19 décembre 2002**

**Entrée en vigueur :** *1<sup>er</sup> janvier 2004 par notification, conformément à l'article 19*

**Textes authentiques :** *anglais et slovène*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Australie, 19 février 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF  
AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA**

The Government of Australia and the Government of the Republic of Slovenia (hereinafter “the Parties”),

Wishing to strengthen the existing friendly relations between the two countries, and resolved to cooperate in the field of social security; have agreed as follows:

**GENERAL PROVISIONS**

**ARTICLE 1**

**Definitions**

1. In this Agreement, unless the context otherwise requires;
  - (a) **"Slovenia"** means the Republic of Slovenia;
  - (b) **"benefit"** means, in relation to a Party, any of the benefits, pensions or allowances listed in paragraph 1 of Article 2, and includes any amount, increase or supplement that is payable in addition to that benefit, pension or allowance to a person who is qualified for that amount, increase or supplement under the legislation of that Party;
  - (c) **"Competent Authority"** means,  
  
in relation to Australia:  
the Secretary of the Commonwealth Department responsible for the legislation specified in subparagraph 1(a) of Article 2, and  
  
in relation to Slovenia:  
the Ministry of Labour, Family and Social Affairs;
  - (d) **"Competent Institution"** means,  
  
in relation to Australia: the Institution or Agency which has the task of implementing the applicable Australian legislation, and  
  
in relation to Slovenia:  
the Institute for Pension and Disability Insurance of Slovenia;
  - (e) **"legislation"** means, the laws and other regulations relating to benefits specified in paragraph 1 of Article 2;

- (f) **"period of Australian working life residence"** means, in relation to a person, the period defined as such under the legislation of Australia but does not include any period deemed pursuant to Article 8 to be a period in which that person was an Australian resident;
- (g) **"period of insurance"** means any period of contribution and any other period taken into account under Slovenian legislation; and
- (h) **"territory"** means,
  - in relation to Australia:  
Australia as defined in the legislation of Australia; and
  - in relation to Slovenia:  
the territory of the Republic of Slovenia.

2. Unless the context otherwise requires, any term not defined in this Agreement has the meaning assigned to it in the applicable legislation.

## ARTICLE 2

### Legislative Scope

1. Subject to paragraph 2, this Agreement shall apply to the legislation effective at the date of signature of this Agreement, and to any legislation that subsequently amends, supplements, supersedes or replaces it:

- (a) in relation to Australia, the Acts forming the social security law in so far as the law provides for, applies to or affects the following benefits:
  - (i) age pension; and
  - (ii) disability support pension for the severely disabled;

and

- (b) in relation to Slovenia, the legislation that governs the Pension and Invalidity Insurance except for the provisions concerning the benefits for residual ability to work.

2. This Agreement shall apply to laws or regulations which extend the existing legislation to other categories of beneficiaries only if both Parties so agree in a Protocol to this Agreement.

3. Notwithstanding the provisions of paragraph 1, the legislation of the Parties shall not include treaties or other international agreements concluded between either of them and a third State, except as otherwise provided in this Agreement.

### **ARTICLE 3**

#### **Personal Scope**

This Agreement shall apply to any person who:

- (a) is or has been an Australian resident; or
- (b) is or has been subject to the legislation of Slovenia.

### **ARTICLE 4**

#### **Equality of Treatment**

Subject to this Agreement, all persons to whom this Agreement applies shall be treated equally by a Party in regard to rights and obligations which arise whether directly under the legislation of that Party or by virtue of this Agreement.

### **PROVISIONS RELATING TO BENEFITS**

### **ARTICLE 5**

#### **Export of Benefits**

1. Australian benefits which are payable by virtue of this Agreement shall be payable in the territory of Slovenia.
2. Slovenian benefits to which a person is entitled under Slovenian legislation or by virtue of this Agreement shall be paid to that person in the territory of Australia if that person moves to Australia permanently. It shall be considered that a person has moved to the territory of Australia permanently if this person has informed the Competent Institution that he or she will reside in Australia for a period exceeding 12 months.
3. Where there is a time limit on the continued qualification for an Australian benefit for a person who leaves Australia, then the same time limit shall apply to that benefit for a person who leaves Slovenia.
4. Slovenian benefits to which a person is entitled on the basis of Slovenian legislation or acquired by virtue of this Agreement shall be paid to Australian and Slovenian citizens who permanently reside in the territory of a third country.
5. Australian benefits to which a person is entitled under the legislation of Australia or by virtue of this Agreement shall be paid to Slovenian and Australian citizens who permanently reside in the territory of a third country.

6. If a Party imposes legal or administrative restrictions on the transfer of currency outside of its territory, that Party shall implement measures as soon as practicable to guarantee the rights to payment and delivery of benefits payable under the legislation of that Party or by virtue of this Agreement. The measures shall operate retrospectively to the time when the restrictions were imposed.

7. While the measures in paragraph 6 are being implemented, the Party not imposing the restrictions set out in paragraph 6 may impose restrictions on the payment of its benefits paid under the Agreement in the territory of the other Party, until the other Party has lifted all such restrictions. On the lifting of the restrictions by the other Party and the payment of arrears by that other Party then the first Party shall also pay arrears of its benefits in relation to the entire time during which the first Party's restrictions were imposed.

8. Where a Party has imposed legal or administrative restrictions on the transfer of its currency outside of its territory as mentioned in paragraph 6, it shall inform the other Party of those restrictions within one calendar month of their imposition and shall implement the measures described in that paragraph within 3 months of the imposition of the restrictions. A failure to comply with either requirement may be treated by the other Party as a material breach of the Agreement for the purposes of Article 60 of the Vienna Convention on the Law of Treaties.

9. Benefits paid by a Party outside its territory shall be paid in the currency of the United States of America or another internationally convertible currency.

10. A benefit payable by a Party by virtue of this Agreement or under its legislation shall be paid by that Party without deduction of administrative fees and charges by the government or the corresponding Competent Institution for processing and paying that benefit, whether the person qualifying for the benefit is in the territory of the other Party or in a third country.

11. For Australia, the provisions of this Article shall not apply to rent assistance, pharmaceutical allowance or any other allowance which is not payable indefinitely outside Australia.

12. For Slovenia, the provisions of this Article shall not apply to income supplementary allowances, attendance allowance and cash indemnities payable in respect of disability or any other allowance which is not payable outside Slovenia under the legislation of Slovenia.

## **ARTICLE 6**

### **Medical Examinations**

1. For the purposes of assessing a person's degree of disability or the person's ability to work where this is relevant for a claim for a benefit or for continued payment of a benefit, the Competent Institution of a Party shall apply the legislation of that Party.

2. To assist in the assessment referred to in paragraph 1, the Competent Institution of the Party in whose territory the person resides shall, at the request of the Competent Institution of the other Party forward to the latter free of charge any existing relevant medical reports and documents that it has available.