

**No. 47183**

---

**Australia  
and  
Greece**

**Agreement between Australia and the Hellenic Republic on social security. Canberra, 23 May 2007**

**Entry into force:** *1 October 2008 by notification, in accordance with article 22*

**Authentic texts:** *English and Greek*

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

---

**Australie  
et  
Grèce**

**Accord de sécurité sociale entre l'Australie et la République hellénique. Canberra, 23 mai 2007**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2008 par notification, conformément à l'article 22*

**Textes authentiques :** *anglais et grec*

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

[ ENGLISH TEXT – TEXTE ANGLAIS ]

## **AGREEMENT BETWEEN AUSTRALIA AND THE HELLENIC REPUBLIC ON SOCIAL SECURITY**

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

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

and

Being desirous of regulating the relationship between their two countries with respect to social security benefits and coverage,

Have agreed as follows:

### **PART I**

#### **GENERAL PROVISIONS**

##### **Article 1 Definitions**

1. In this Agreement, unless the context otherwise requires:

“**benefit**” means, in relation to Australia, a benefit, pension or allowance for which provision is made in the legislation of Australia, and includes any additional amount, increase or supplement that is payable in addition to that benefit, pension or allowance to or in respect of a person who qualifies for that additional amount increase or supplement under the legislation of Australia but, does not include any benefit, payment or entitlement under the law concerning the superannuation guarantee; and, in relation to Hellas, the old age pension for which provision is made in the legislation of Hellas, and includes any additional amount, increase or supplements or readjustments that are payable in addition to the amount of the old age pension;

“**Competent Authority**” means, in relation to Australia, the Secretary to the Commonwealth Department responsible for the legislation specified in subparagraph 1(a)(i) of Article 2, except in relation to the application of Part II of the Agreement (including the application of other Parts of the Agreement as they affect the application of that Part) where it means the Commissioner of Taxation or an authorised representative of the Commissioner; and, in relation to Hellas, the Minister of Hellas, who has the competency of the social security systems referred to in subparagraph 1 (b) of Article 2;

“**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 Hellas, the social security institution which has the task of implementing the applicable Hellenic legislation which is defined in Article 2;

**“legislation”** means, in relation to Australia, the laws specified in subparagraph 1(a)(i) of Article 2 except in relation to the application of Part II of the Agreement (including the application of other Parts of the Agreement as they affect the application of that Part) where it means the laws specified in subparagraph 1(a)(ii) of Article 2; and, in relation to Hellas the laws which are specified in subparagraph 1(b) of Article 2;

**“period of Australian working life residence”** means, a period defined as such in the legislation of Australia but does not include any period deemed pursuant to Article 11 to be a period in which that person was an Australian resident;

**“period of insurance”** means, in relation to Hellas, each period of paid contributions which gives a right to an entitlement on the basis of Article 2 and each period which is recognized as such, according to this legislation; and, especially for OGA, a period of insurance is also a period of employment in the agricultural sector.

**“territory”** means, in relation to Australia, Australia as defined in the legislation of Australia; and, in relation to Hellas, Hellas as defined in the legislation of Hellas;

2. Unless the context otherwise requires, any term not defined in this Article shall have the meaning assigned to it in the legislation of either contracting 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 paragraph 2, 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, consolidate, supplement or replace them:
  - (a) in relation to Australia:
    - (i) the Acts forming the social security law in so far as the law provides for, applies to or affects age pension;
    - (ii) the law concerning the superannuation guarantee (which at the time of signature of this Agreement is contained in the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992* and the *Superannuation Guarantee (Administration) Regulations*);
  - (b) in relation to Hellas regarding the old age pension:
    - i. the general legislation of social insurance covering the employed and the equivalent to them.
    - ii. the legislation provided under the specific systems of social insurance covering all the categories of the employed.

- iii. the legislation provided under the system of social insurance covering the self employed.
- iv. the legislation covering the persons, who are insured under the OGA social security system (Organization of Agricultural Insurance).

This Agreement (other than Part II) shall not apply to the specific social security systems covering the civil servants and the merchant marines who are only subject to the provisions of Article 5 of this Agreement.

- 2. Unless otherwise provided in this Agreement, the legislation referred to in paragraph 1 of this Article shall not include treaties or other international agreements on social security that may be concluded between one contracting Party and a third party.
- 3. This Agreement shall apply to laws or regulations which extend the existing legislation of either Party to new categories of beneficiaries only if the two Parties so agree in a Protocol to 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 Hellas,

and, where applicable, to other persons in regard to the rights they derive from the person described above.

### **Article 4**

#### **Equality of Treatment**

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

### **Article 5**

#### **Export of Benefits**

- 1. Benefits of one Party, when payable by virtue of this Agreement, shall be payable to persons who are residents of, or in, the territory of either Party.
- 2. In relation to Australia, any additional amount, increase or supplement that is payable in addition to a benefit under this Agreement. shall be payable outside the territory of

Australia only according to the provisions of the Acts forming the social security law.

3. In relation to Hellas, any additional amount, increase or supplement that is payable in addition to a benefit under this Agreement, shall be payable outside the territory of Hellas only according to the Hellenic legislation.

## **PART II**

### **PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

#### **Article 6**

##### **Purpose of this Part**

The purpose of this Part is to ensure that employers and employees who are subject to the legislation of Australia or Hellas do not have a double liability under the legislation of Australia and Hellas, in respect of the same work of an employee.

#### **Article 7**

##### **Application of this Part**

This Part only applies if an employee and/or the employer of the employee would, apart from this Part, be subject to the legislation of both Parties.

#### **Article 8**

##### **Provisions related to the affiliation with Social Security and Superannuation Guarantee**

1. Unless otherwise provided in this article, an employee working in the territory of one of the contracting Parties will be subject only, in respect of this work, to the legislation of that Party.
2. If an employee:
  - (a) is covered by the legislation of one contracting Party ('the first contracting Party');
  - (b) was sent, whether before, on or after the commencement of this Part, by the Government of the first contracting Party to work in the territory of the other contracting Party ('the second contracting Party');
  - (c) is working in the territory of the second contracting Party in the employment of the Government of the first contracting Party; and
  - (d) is not working permanently in the territory of the second contracting Party;