

No. 47746

**Australia
and
Japan**

Agreement between Australia and Japan on social security. Canberra, 27 February 2007

Entry into force: *1 January 2009 by notification, in accordance with article 30*

Authentic texts: *English and Japanese*

Registration with the Secretariat of the United Nations: *Australia, 14 September 2010*

**Australie
et
Japon**

Accord de sécurité sociale entre l'Australie et le Japon. Canberra, 27 février 2007

Entrée en vigueur : *1^{er} janvier 2009 par notification, conformément à l'article 30*

Textes authentiques : *anglais et japonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Australie, 14 septembre 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between Australia and Japan on Social Security

Australia and Japan,

Being desirous of regulating the relationship between
them in the field of social security,

Have agreed as follows:

Part I General Provisions

Article 1 Definitions

1. For the purpose of this Agreement,

(a) "territory" means,

as regards Japan,
the territory of Japan,

as regards Australia,
the territory of the Commonwealth of Australia
excluding all external territories other than
those external territories that are:

(i) included in the definition of
'Australia' in the legislation of Australia;
and

(ii) one of the following external
territories: the Territory of Cocos
(Keeling) Islands, the Territory of
Christmas Island, the Territory of Norfolk
Island, the Territory of Ashmore and Cartier
Islands, the Territory of Heard Island and
McDonald Islands, and the Coral Sea Islands
Territory;

(b) "national" means,

as regards Japan,
a Japanese national within the meaning of the
national statute on nationality of Japan,

as regards Australia,
a citizen within the meaning of the law on
citizenship of Australia;

(c) "legislation" means,

as regards Japan,
the national statutes and regulations of Japan
concerning the Japanese pension systems specified
in paragraph 2 of Article 2,

as regards Australia,
the Acts specified in subparagraph 1(a) of
Article 2 except in relation to the application
of Articles 6 to 13 of this Agreement (including
the application of other Articles of this
Agreement as they affect the application of those
Articles) where it means the law specified in
subparagraph 1(b) of Article 2,

however, the treaties or other international
agreements on social security concluded between
Australia and a third state shall not be
included;

(d) "competent authority" means,

as regards Japan,
any of the Governmental organisations competent
for the Japanese pension systems specified in
paragraph 2 of Article 2,

as regards Australia,
the Secretary of the Commonwealth Department
responsible for the Acts specified in
subparagraph 1(a) of Article 2 in relation to the
application of those Acts, and the Commissioner
of Taxation or an authorised representative of
the Commissioner in relation to the application
of the law specified in subparagraph 1(b) of
Article 2;

(e) "competent institution" means,

as regards Japan,
any of the insurance institutions, or any
association thereof, responsible for the
implementation of the Japanese pension systems
specified in paragraph 2 of Article 2,

as regards Australia,
the institution or agency which has the task of
implementing the applicable legislation of
Australia;

(f) "period of coverage under the legislation of
Japan" means,

a period of contribution under the legislation of Japan and any other period taken into account under that legislation for establishing entitlement to benefits,

however, a period which shall be taken into account, for the purpose of establishing entitlement to benefits under the legislation of Japan, pursuant to other agreements on social security comparable with this Agreement shall not be included;

- (g) "period of Australian working life residence" means,

unless otherwise provided in this Agreement, a period defined as such in the legislation of Australia, during which a person was employed or self-employed,

however, any period of coverage under the legislation of Japan deemed pursuant to Article 15 to be a period in which that person was an Australian resident shall not be included;

- (h) "benefit" means,

as regards Japan,
a pension or any other cash benefit under the legislation of Japan,

as regards Australia,
a pension or any other benefit under the Acts specified in subparagraph 1(a) of Article 2, including any additional amount, increase or supplement, which is payable to a person who qualifies under those Acts.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the respective legislation of either Party.

Article 2 Matters Covered

1. As regards Australia, this Agreement shall apply to the following Acts and law effective at the date of entry into force of this Agreement, and to any Acts and law that subsequently amend, consolidate, supplement or replace them:

- (a) the Acts forming the social security law insofar

as the law provides for, applies to or affects age pension; and

- (b) the law concerning the superannuation guarantee, which is contained in the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992 and the Superannuation Guarantee (Administration) Regulations,

however, for the purpose of this Agreement, Articles 6 to 13, 18, 19 and paragraph 3 of Article 29 shall not apply to the Acts referred to in subparagraph (a) and Articles 4, 5, 14 to 21, 29 (except paragraph 3) and paragraph 2 of Article 31 shall not apply to the law referred to in subparagraph (b).

2. As regards Japan, this Agreement shall apply to the following Japanese pension systems:

- (a) the National Pension (except the National Pension Fund);
- (b) the Employees' Pension Insurance (except the Employees' Pension Fund);
- (c) the Mutual Aid Pension for National Public Officials;
- (d) the Mutual Aid Pension for Local Public Officials and Personnel of Similar Status (except the pension system for members of local assemblies); and
- (e) the Mutual Aid Pension for Private School Personnel;

(the Japanese pension systems specified in (b) to (e) shall hereinafter be referred to as the "Japanese pension systems for employees");

however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources.

Article 3 Persons Covered

This Agreement shall apply to any person who is or has been an Australian resident, whose employer is or has been