

**No. 47864**

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**Poland  
and  
Australia**

**Agreement between the Republic of Poland and Australia on social security (with administrative arrangement). Warsaw, 7 October 2009**

**Entry into force:** *1 October 2010 by notification, in accordance with article 26*

**Authentic texts:** *English and Polish*

**Registration with the Secretariat of the United Nations:** *Poland, 6 October 2010*

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**Pologne  
et  
Australie**

**Accord sur la sécurité sociale entre la République de Pologne et l'Australie (avec arrangement administratif). Varsovie, 7 octobre 2009**

**Entrée en vigueur :** *1<sup>er</sup> octobre 2010 par notification, conformément à l'article 26*

**Textes authentiques :** *anglais et polonais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Pologne, 6 octobre 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN  
THE REPUBLIC OF POLAND  
AND  
AUSTRALIA  
ON SOCIAL SECURITY**

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

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

and

Being desirous of regulating their mutual relations with respect to social security benefits and compulsory coverage,

Have agreed as follows,

## **PART I**

### **GENERAL PROVISIONS**

#### **Article 1**

##### **Definitions**

1. For the purposes of this Agreement,

(1) “legislation” means,

- (a) in relation to Australia, the laws specified in subparagraph 1(1)(a) of Article 2 except in relation to the application of Part II of this Agreement (including the application of other Parts of this Agreement as they affect the application of that Part) where it means the laws specified in subparagraph 1(1)(b) of Article 2,
- (b) in relation to the Republic of Poland the laws and other regulations specified in subparagraph 1(2) of Article 2;

(2) “Competent Authority” means,

- (a) in relation to Australia, the Secretary to the Commonwealth Department responsible for the legislation specified in subparagraph 1(1)(a) of Article 2, except in relation to the application of Part II of this Agreement (including the application of other Parts of this Agreement as they affect the application of that Part) where it means the Commissioner of Taxation or an authorised representative of the Commissioner,
- (b) in relation to Republic of Poland, the Minister responsible for Social Security;

(3) “Competent Institution” means, the institution responsible for applying the legislation;

- (4) "Liaison Institution" means the institution which ensures coordination and exchange of information between the institutions of both Parties, which participates in applying this Agreement;
- (5) "benefit" means a pension or other benefit specified in Article 2 including any additional amount, increase or supplement which is payable to a qualified person but, for Australia, does not include any benefit, payment or entitlement under the law concerning the superannuation guarantee;
- (6) "period of insurance" means in relation to the Republic of Poland, period of contributions, equivalent period and non-contributory period;
- (7) "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;
- (8) "public servant" means,
  - (a) in relation to Australia, an employee of a government of Australia. For this purpose, government includes a political subdivision or local authority of Australia,
  - (b) in relation to the Republic of Poland, an employee of public administration.

2. In the application by a Party of this Agreement, any term not defined shall, unless the context otherwise requires, have the meaning which it has under the legislation of that Party.

## **Article 2**

### **Material Scope**

- 1. This Agreement shall apply to the following laws:
  - (1) in relation to Australia,
    - (a) the Acts forming the social security law in so far as the law provides for, applies to or affects age pension,
    - (b) 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*;

- (2) in relation to the Republic of Poland, legislation on the compulsory coverage and the following benefits within social insurance and social insurance for farmers:
    - (a) Age pensions, disability pensions, survivors pensions,
    - (b) Work accidents and occupational diseases compensation and pensions,
    - (c) Funeral benefits.
2. This Agreement is also applied to laws and regulations which amend, supplement or replace the legislation specified in paragraph 1.
3. Notwithstanding the provisions of paragraph 1, the legislation referred to in this Article shall not include treaties or other international agreements on social security that may be concluded between one Party and a third State.
4. This Agreement shall not apply to future legislation which extends the existing legislation of one Party to new categories of beneficiaries unless the Competent Authorities of the Parties agree otherwise within 3 months of the entry into force of such legislation.

### **Article 3**

#### **Personal Scope**

This Agreement shall apply to any person who:

- (1) is or has been an Australian resident, or
  - (2) is or has been subject to the legislation of the Republic of Poland
- and, where applicable, to other persons in regard to the rights they derive from the person described above.

### **Article 4**

#### **Equality of Treatment**

Unless otherwise provided in this Agreement, 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 under the social security law of Australia or the legislation of the Republic of Poland or by virtue of this Agreement.