

No. 49350

**Australia
and
The former Yugoslav Republic of Macedonia**

Agreement between the Government of Australia and the Government of the former Yugoslav Republic of Macedonia on social security. Canberra, 26 October 2009

Entry into force: *1 April 2011 by notification, in accordance with article 25*

Authentic texts: *English and Macedonian*

Registration with the Secretariat of the United Nations: *Australia, 28 February 2012*

**Australie
et
Ex-République yougoslave de Macédoine**

Accord entre le Gouvernement de l'Australie et le Gouvernement de l'ex-République yougoslave de Macédoine relatif à la sécurité sociale. Canberra, 26 octobre 2009

Entrée en vigueur : *1^{er} avril 2011 par notification, conformément à l'article 25*

Textes authentiques : *anglais et macédonien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Australie, 28 février 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA ON
SOCIAL SECURITY**

The Government of Australia and the Government of the former Yugoslav Republic of Macedonia, hereinafter “the Contracting 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 to conclude the following Agreement:

PART I

GENERAL PROVISIONS

Article 1

Definitions

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

(1) “**benefit**” means a benefit, pension or allowance that is payable under the legislation of a Contracting Party and includes any additional amount, increase or supplement that is payable but, for Australia, does not include any benefit, payment or entitlement under the law concerning the superannuation guarantee;

(2) “**Competent Authority**” means:

in relation to Australia, the Secretary of the Australian Government Department responsible for the legislation specified in Article 2.1.1.1, except in Part II of the Agreement, and other Parts of the Agreement as they affect that Part, where it means the Commissioner of Taxation or an authorised representative of the Commissioner; and

in relation to the former Yugoslav Republic of Macedonia, the Ministry of Labour and Social Policy;

(3) “**Competent Institution**” means:

in relation to Australia, the institution or agency which has the task of implementing the applicable legislation; and

in relation to the former Yugoslav Republic of Macedonia, the Pension and

Disability Insurance Fund;

- (4) **“insurance periods”** means, in relation to the former Yugoslav Republic of Macedonia, periods for which contributions are paid and periods related to such contributions;
- (5) **“legislation”** means:
- in relation to Australia, the laws specified in Article 2.1.1.1, except in Part II of the Agreement, and other Parts of the Agreement as they affect that Part, where it means the laws specified in Article 2.1.1.2; and
- in relation to the former Yugoslav Republic of Macedonia, the legislation specified in Article 2.1.2;
- (6) **“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.

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

Article 2
Legislation

1. Subject to paragraph 2 and 3 of this Article, 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:

1.1 in relation to Australia:

- 1.1.1 the Acts forming the social security law in so far as the law provides for, applies to or affects the age pension;
- 1.1.2 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);

1.2 in relation to the former Yugoslav Republic of Macedonia, the *Law on*

Pension and Disability Insurance regarding:

1.2.1 old age pension;

1.2.2 disability pension;

1.2.3 survivor pension (widows, widowers, children and other members of the family who have rights to benefits) and other pension and disability insurance benefits of the former Yugoslav Republic of Macedonia.

2. Unless otherwise provided in this Agreement, the legislation referred to in this Article shall not include treaties on social security entered into by either Contracting Party with a third State.

3. This Agreement shall apply to future legislation which extends the existing legislation of either Contracting Party to new categories of beneficiaries only if the Competent Authorities so agree in writing.

Article 3 Personal Scope

This Agreement shall apply to any person who is or has been an Australian resident, or is or has been subject to the legislation of the former Yugoslav Republic of Macedonia and, where applicable, to other persons in regard to the rights they derive from a 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 Contracting Party in regard to rights and obligations regarding eligibility for and payment of benefits which arise whether directly under the legislation of that Contracting Party or by virtue of this Agreement.

PART II

PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 5

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 the former Yugoslav Republic of Macedonia do not have a double liability under the legislation of Australia and the former Yugoslav Republic of Macedonia, in respect of the same work of an employee and the remuneration paid for the work.

Article 6

Application of this Part

This Part only applies if an employee and/or their employer would, apart from this Part, be subject to the legislation of both Contracting Parties in respect of work of the employee and remuneration paid for the work.

Article 7

Diplomatic and Consular Relations

This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961, or the Vienna Convention on Consular Relations of 24 April 1963.

Article 8

Avoidance of Double Coverage

1. Unless otherwise provided in this Part, if an employee works in the territory of one Contracting Party, the employee and their employer shall in respect of the work and the remuneration paid for the work be subject only to the legislation of that Contracting Party.
2. If an employee:
 - 2.1 is covered by the legislation of one Contracting Party ('the first Contracting Party'); and
 - 2.2 was sent, whether before, on or after the commencement of this Agreement, by the Government of the first Contracting Party to work in the territory of the other Contracting Party ('the second Contracting Party'); and