

No. 50824

**Latvia
and
Australia**

**Agreement between the Republic of Latvia and Australia on social security. Riga,
7 September 2011**

Entry into force: *1 January 2013, in accordance with article 22*

Authentic texts: *English and Latvian*

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**Lettonie
et
Australie**

**Accord entre la République de Lettonie et l'Australie relatif à la sécurité sociale. Riga,
7 septembre 2011**

Entrée en vigueur : *1^{er} janvier 2013, conformément à l'article 22*

Textes authentiques : *anglais et letton*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Lettonie, 17 mai
2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Republic of Latvia and Australia (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:

as regards the Republic of Latvia,

a pension or any other benefit under the Acts specified in subparagraph 1(b) of Article 2, including any additional amounts, increases or supplements, which is payable to a person under those Acts;

as regards Australia,

a pension or any other benefit under the Acts specified in subparagraph 1(a)(i) of Article 2, including any additional amount, increase or supplement, which is payable to a person under those Acts;

“Competent Authority” means, in relation to the Republic of Latvia, the Ministry of Welfare; and in relation to Australia, the Secretary of 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;

“Competent Institution” means, in relation to the Republic of Latvia, the institution which is responsible for providing benefits under the legislation of the Republic of Latvia; and, in relation to Australia, the institution or agency which has the task of implementing the applicable Australian legislation;

“insurance period” means, in relation to the Republic of Latvia, a period of contributions used to acquire the right to a benefit under the legislation of the Republic of Latvia, including a period deemed as equivalent to an insurance period;

“legislation” means:

in relation to the Republic of Latvia, the laws specified in subparagraph 1(b) of Article 2;

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;

“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 a person was an Australian resident;

“residence” and **“resides”** mean, in relation to the Republic of Latvia, that a person has his or her place of actual residence in the territory of the Republic of Latvia, including a person who has a temporary or permanent residence permit to stay in the Republic of Latvia.

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

Article 2

Legislative Scope

1. Subject to paragraph 2, this Agreement shall apply to the following legislation:
 - (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;
 - and

- (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 the Republic of Latvia:
 - (i) the Law on State Social Insurance, but only to the extent that it applies to the pension insurance;
 - (ii) the Law on State Pensions, but only to the extent that it applies to the old age pension and the survivor's pension, death grant and allowance for the deceased's spouse;
 - (iii) the Law on State Funded Pensions, but only to the extent that it applies to the old age pension and the survivor's pension; and
 - (iv) the Law on State Social Allowances, but only to the extent that it applies to the state social security benefit in cases of old age and the survivors.
- 2. Subject to paragraphs 4 and 5, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraph 1.
- 3. Notwithstanding the provisions of subparagraph 1(a), this Agreement shall apply to women who are receiving an Australian wife pension at the date this Agreement comes into force and are the wives of persons receiving an Australian age pension.