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**New Zealand  
and  
Australia**

**Agreement on social security between the Government of New Zealand and the Government of Australia (with schedule). Wellington, 8 December 2016**

**Entry into force:** *1 July 2017, in accordance with article 27*

**Authentic text:** *English*

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**Nouvelle-Zélande  
et  
Australie**

**Accord relatif à la sécurité sociale entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de l'Australie (avec annexe). Wellington, 8 décembre 2016**

**Entrée en vigueur :** *1<sup>er</sup> juillet 2017, conformément à l'article 27*

**Texte authentique :** *anglais*

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**Agreement on Social Security between the Government of  
New Zealand and the Government of Australia**

The Government of New Zealand, and

The Government of Australia

Referred to in this Agreement as “the Parties”

WISHING to strengthen the existing friendly relations between the two countries, and

DESIRING to coordinate the operation of their respective social security systems and to enhance the equitable access by people covered by this Agreement to specified social security benefits provided for under the laws of both countries, and

WISHING to modify and replace the Agreement providing for matters relating to social security entered into at Canberra on 28 March 2001, as amended on 21 February 2002

HAVE agreed as follows:

**PART I**  
**DEFINITIONS AND SCOPE**

**ARTICLE 1**

**Definitions**

1. In this Agreement unless the context otherwise requires:
  - (a) "Australian resident" has the meaning given to it under Article 5;
  - (b) "benefit", in relation to a Party, means the benefits as listed and defined in Article 2 and, unless otherwise stated, includes any amount, increase or supplement that is payable in addition to that benefit or in respect of a person who is eligible for that amount, increase or supplement under the social security law of that Party;
  - (c) "competent authority", in relation to New Zealand, means the chief executive of the department for the time being responsible for the implementation of the *Social Security Act 2016* and in relation to Australia, the Secretary of the Australian Government department responsible for the legislation specified in Article 2(1)(a);
  - (d) "competent institution", in relation to a Party, means the institution or institutions that are responsible for the administration or implementation of the social security law of that Party;
  - (e) "date of severe disablement" means the date a person who applies for a disability support pension or supported living payment was first assessed as meeting the criteria for a disability support pension or supported living payment under

this Agreement or, where evidence supports an earlier date, the competent institutions may agree on an earlier date ;

- (f) "legislation" in relation to a Party, means the laws, orders and regulations of that Party specified in Article 2 ;
- (g) "living alone", in relation to New Zealand superannuation or veteran's pension, has the meaning given to it under the social security law of New Zealand; and "not living alone" has a corresponding meaning;
- (h) "month", in relation to New Zealand, means a calendar month, but where fractions of a month are to be aggregated, a month means 30 days;
- (i) "New Zealand resident" has the meaning given to it under Article 5;
- (j) "pension age", means the qualifying age for New Zealand superannuation or the qualifying age for the Australian age pension, whichever is the higher age at the relevant time. For the avoidance of doubt, the "pension age" so determined will operate as the qualifying age wherever the "pension age" is referred to in this Agreement, irrespective of whether it is in the Australian or New Zealand context;
- (k) "permanent resident of Australia" has the meaning given to it under Article 5;
- (l) "present long term" means when a person is physically present in the territory of either Party and either has been in the territory of that Party for at least 26 weeks, or intends to remain in the territory of that Party for one year or more;
- (m) "severely disabled" means a person who:
  - (i) has a physical impairment, a psychiatric impairment, an intellectual impairment, or two or all of such

impairments, which makes the person, without taking into account any other factor, totally unable:

- (ii) to work for at least the next 2 years; and
- (iii) unable to benefit within the next 2 years from participation in a program of assistance or a rehabilitation program; or
- (iv) is permanently blind;

For the avoidance of doubt, a person can be severely disabled even if they are not of working age.

- (n) "social security law" means,
  - (i) in relation to Australia, the *Social Security Act 1991*, the *Social Security (Administration) Act 1999* and the *Social Security (International Agreements) Act 1999*; and
  - (ii) in relation to New Zealand the *New Zealand Superannuation and Retirement Income Act 2001*, the *Social Security Act 2016* and the Orders in Council and Regulations made under those Acts;
- (o) "supported living payment" means a New Zealand payment on the grounds of sickness, injury, disability, or total blindness but does not include a payment on the grounds of caring for a person requiring full-time care;
- (p) "territory", in relation to New Zealand, means: New Zealand only and not the Cook Islands, Niue or Tokelau; and, in relation to Australia, means: Australia as defined in the social security law of Australia; and references to "New Zealand", "Australia" or the "territory" of either shall be read accordingly;