

ADMINISTRATIVE ARRANGEMENT

FOR THE APPLICATION OF THE AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND AUSTRALIA ON SOCIAL SECURITY

In accordance with paragraph 1 of Article 18 of the Agreement between the Republic of Austria and Australia on Social Security, signed on 12 August 2015, the competent authorities:

for Austria,

the Federal Minister of Labour, Social Affairs and Consumer Protection;

for Australia,

the Secretary of the Department of Social Services,

the Commissioner of Taxation;

have arranged for the purposes of applying the Agreement as follows:

PART I

GENERAL PROVISIONS

Section 1

Definitions

(1) For the purposes of this Administrative Arrangement, "Agreement" means the Agreement between the Republic of Austria and Australia on Social Security, signed at Canberra on 12 August 2015.

(2) The terms used in this Administrative Arrangement will have the meaning given to them in the Agreement.

Section 2

Liaison agencies

(1) The following are designated as liaison agencies in accordance with paragraph 4 of Article 18 of the Agreement:

for Austria,

the Main Association of Austrian Social Insurance Institutions;

for Australia,

the Department of Human Services (International Programme), except for the purposes 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 is the Australian Taxation Office.

(2) The liaison agencies shall have the duties stated in this Administrative Arrangement. For the implementation of the Agreement they may communicate directly with one another and with any person affected by the Agreement. They will assist one another in the implementation of the Agreement.

(3) The liaison agencies will agree on the forms and procedures necessary to implement the Agreement.

Section 3

Certificates of coverage

(1) Where the legislation of one Party is applicable in accordance with Part II of the Agreement, the institutions designated in paragraph 2 of this Section will issue upon request of the employer a certificate stating that the employee is subject to the legislation and indicating the duration for which the certificate will be valid. This certificate will be proof that the employee is exempt from the legislation on compulsory coverage of the other Party. Where there is justified doubt with regard to the authenticity or correctness of a certificate, the institutions designated in paragraph 2 of this Section will consult directly to settle the discrepancy.

(2) The certificate referred to in paragraph 1 of this Section will be issued:
where the legislation of Austria applies by the competent sickness insurance institution;
where the legislation of Australia applies by the Commissioner of Taxation or an authorised representative of the Commissioner.

(3) The institution of a Party which issues the certificate referred to in paragraph 1 of this Section will furnish this certificate to the applicant and a copy to the liaison agency of the other Party.

Part II

APPLICATION OF THE PROVISIONS CONCERNING BENEFITS

Section 4

Endorsement of date of receipt

Any claim, notice or appeal received by the institution of one Party, for which the institution of the other Party is competent, will be endorsed with the date of its receipt by the former institution and sent to the institution of the latter Party.

Section 5

Treatment of claims

(1) Where a claim for benefit is received by the institution of a Party under the legislation of the other Party the former institution or liaison agency will verify all necessary particulars of the claimant, the insured person and dependants and send the completed claim and all other necessary forms and documents (either as originals in paper, as scanned document or as certified copies) to the liaison agency of the other Party.

(2) In relation to claims on the basis of disability, the institution of each Party will also send any existing medical information it holds.

(3) For the purposes of Article 16 of the Agreement the institutions of each Party will, on request, send to each other such information as may be required to enable recovery of overpayments of benefit to be made.

(4) The institutions of each Party will notify each other of the decision on the claim.

Part III

MISCELLANEOUS PROVISIONS

Section 6

Medical examinations and other necessary enquiries

For the purpose of paragraphs 3 and 6 of Article 18 of the Agreement, where a person, who is resident in the territory of one Party is claiming or receiving benefit or appeals against a decision given under the legislation of the other Party, the institution of the former Party, at the request of the institution of the latter Party, will arrange for a medical examination or for any necessary enquiries to be made concerning the person or his dependants. The institution of the former Party will send the result of the examination or enquiries to the institution of the latter Party accordingly.

Section 7

Payment of benefits

(1) The competent institutions will pay pensions and other benefits directly to the claimants, or as the case may be, to his/her legal representative.

(2) The competent institutions are entitled to demand from the beneficiaries, or, as the case may be, from their legal representatives, proof that the conditions for the continued payment of the pensions or benefits are still met (especially life-certificates).

Section 8

Electronic data exchange

Notwithstanding paragraph 3 of Section 2 of the Administrative Arrangement, the liaison agencies will agree upon an electronic exchange of data as soon as possible, with a view to implementation when both Parties are able to comply with the identified technical requirements.

Section 9

Statistics

(1) The competent institutions or liaison agencies of both Parties will exchange annual statistics regarding the payments which have been made under the Agreement in a form to be agreed.

(2) The liaison agencies of both Parties will exchange annual statistics regarding the number of certificates issued under Section 3 of this Administrative Arrangement.

Section 10

Entry into force

This Administrative Arrangement will take effect on the date of entry into force of the Agreement and will have the same duration.

SIGNED in two copies at Canberra, this 2nd day of August, 2016 in the German and English language, each text being equally authoritative.

For the Competent Authority
of the Republic of Austria:

Helmut Böck

Ambassador Extraordinary and Plenipotentiary
of the Republic of Austria to Australia

For the Competent Authorities
of Australia:

Finn Pratt

Secretary, Department of Social Services