

New Zealand



ANALYSIS

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1943, No. 18

AN ACT to provide for Reciprocity in relation to Age- benefits and Invalids' Benefits between the Dominion of New Zealand and the Commonwealth of Australia. Title.

[25th August, 1943

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Age-benefits and Invalids' Benefits (Reciprocity with Australia) Act, 1943. Short Title and commencement.

(2) This Act shall come into force on a day to be appointed for the commencement thereof by the Governor-General by Proclamation.

2. The execution, by or on behalf of the Dominion of New Zealand, of an agreement in the form set out in the Schedule to this Act is hereby approved. Approval of reciprocity agreement.

Residence in Australia to be treated as residence in New Zealand.

1938, No. 7

Persons becoming incapacitated in Australia to be eligible for invalids' benefits.

1938, No. 7

More restrictive conditions of laws to be complied with.

Repeal.

See Reprint of Statutes, Vol. VI, p. 792

3. Where a person resident in New Zealand was, immediately prior to becoming resident in New Zealand, resident in Australia, the residence of that person in Australia shall, for the purposes of the Social Security Act, 1938, in its application to age-benefits and invalids' benefits, be treated as if it were residence in New Zealand.

4. Where a person resident in New Zealand became totally blind or permanently incapacitated for work in Australia that person shall, for the purposes of the Social Security Act, 1938, be treated as if he had become totally blind or permanently incapacitated for work, as the case may be, in New Zealand.

5. A person shall not be qualified to receive an age-benefit or an invalid's benefit by virtue of the provisions of this Act unless that person complies with the more restrictive conditions of the laws, whether as to residence or otherwise, of New Zealand and of the Commonwealth of Australia in respect of the grant of that benefit and of the corresponding pension in Australia, and the rate of benefit shall not exceed the maximum rate of benefit or pension payable under the law of the country which provides the lower maximum rate.

6. The Old-age Pensions Reciprocity Act, 1913, is hereby repealed.

Schedule.

SCHEDULE

AGREEMENT made this day of , one thousand nine hundred and between , the Prime Minister of the Commonwealth of Australia (in this agreement referred to as "the Commonwealth"), acting for the Government of the Commonwealth, of the one part, and , the Prime Minister of the Dominion of New Zealand (in this agreement referred to as "the Dominion"), acting for the Government of the Dominion, of the other part, whereby it is hereby agreed as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party thereto until it has been approved by the Parliaments of the Commonwealth and the Dominion.

2. There shall be reciprocity between the Commonwealth and the Dominion, on the terms set out in this agreement, with respect to the payment of old-age pensions and age-benefits and invalid pensions and invalids' benefits.

3. Where a person, resident within Australia, applies to the Commonwealth for an old-age pension and that person is disqualified from receiving the pension in respect of the condition of residence within Australia, the Commonwealth will, in dealing with the application, treat residence within New Zealand as if it were residence within Australia.

4. Where a person, resident within New Zealand, applies to the Dominion for an age-benefit and that person is disqualified from receiving the benefit in respect of the condition of residence within New Zealand, the Dominion will, in dealing with the application, treat residence within Australia as if it were residence within New Zealand.

5. Where a person, resident within Australia, applies to the Commonwealth for an invalid pension and that person is disqualified from receiving the pension—

(a) On account of failure to comply with the condition of residence; or

(b) By reason of the fact that he did not become permanently incapacitated whilst in Australia,—

or on both grounds, the Commonwealth will, in dealing with the application, treat residence within New Zealand as if it were residence within Australia and will treat permanent incapacity arising in New Zealand as if it had arisen in Australia.

6. Where a person, resident within New Zealand, applies to the Dominion for an invalid's benefit and that person is disqualified from receiving the benefit—

(a) On account of failure to comply with the condition of residence; or

(b) By reason of the fact that he did not become permanently incapacitated whilst in New Zealand,—

or on both grounds, the Dominion will, in dealing with the application, treat residence within Australia as if it were residence within New Zealand and will treat permanent incapacity arising in Australia as if it had arisen in New Zealand.

7. A pension or benefit as hereinbefore mentioned shall not be granted by either of the contracting Governments to any person in pursuance of the foregoing provisions of this agreement unless that Government is satisfied that the person complies with the more restrictive conditions of the laws, whether as to residence or otherwise, of both countries in respect of the grant of that pension or benefit, and the amount

of any pension or benefit so granted shall not exceed the maximum rate of old-age pension, or age-benefit, or invalid pension, or invalid's benefit (as the case may be) payable under the law of the country which provides the lower maximum rate.

8. A person who, in either Australia or New Zealand, is a British subject shall for the purposes of the foregoing provisions of this agreement be accepted as a British subject by the Government of the other country.

9. Where an aboriginal Native of New Zealand, resident within Australia, applies to the Commonwealth for an old-age pension or an invalid pension, that person shall not be disqualified from receiving pension by reason only of the fact that he is such an aboriginal Native.

10. Any pension or benefit payable in Australia or in New Zealand in pursuance of this agreement shall be paid in accordance with the conditions and practice from time to time in force in Australia or New Zealand, as the case may be, in relation to the payment of pensions or benefits of a similar nature.

11. This agreement may be terminated by either Government upon six months' notice to the other Government.
