

ADMINISTRATIVE ARRANGEMENT

concerning the terms of application of the Agreement on Social Security between the Kingdom of Belgium and Australia.

In application of article 20 of the Agreement on Social Security between the Kingdom of Belgium and Australia, the competent authorities of Belgium and Australia have mutually decided as follows:

PART I

General provisions

Section 1

Definitions

1. For the implementation of this Arrangement:
 - a) the term "Agreement" means the Agreement on Social Security between the Kingdom of Belgium and Australia signed on 20 November 2002;
 - b) the term "Arrangement" means the Administrative Arrangement concerning the terms of implementation of the Agreement on Social Security between the Kingdom of Belgium and Australia;
 - c) the term "contracting Parties" means the contracting parties to the Agreement on Social Security between the Kingdom of Belgium and Australia.
2. Terms defined in article 1 of the Agreement will have the same meaning when used in this Arrangement.

Section 2

Liaison bodies and competent institutions

1. For the implementation of the Agreement, the following liaison bodies are designated:

as regards Belgium:

1) Old-age and survivors' pensions:

- a) National Pension Office, Brussels;
- b) National Social Insurance Institute for the Self-Employed, Brussels.

2) Invalidity:

a) general invalidity:

National Sickness and Invalidity Insurance Institute, Brussels;

b) invalidity of sailors of the merchant marine:

Relief and Welfare Fund for Mariners, Antwerp.

as regards Australia:

Age pensions and disability support pensions:

Centrelink International Services, Hobart.

2. For the implementation of the Agreement, the following competent institutions are designated:

as regards Belgium:

- 1) Old-age and survivors' pensions:

- a) National Pension Office, Brussels;
- b) National Social Insurance Institute for the Self-Employed, Brussels.

- 2) Invalidity:

- a) general invalidity:

National Sickness and Invalidity Insurance Institute, Brussels, together with the insurance institution with which the salaried or the self-employed person is or has been affiliated;

- b) invalidity of sailors of the merchant marine:

Relief and Welfare Fund for Mariners, Antwerp.

as regards Australia:

Age pensions and disability support pensions:

Centrelink International Services, Hobart.

3. The duties of the liaison bodies and the competent institutions are stated in this Arrangement. They may communicate directly with each other as well as with the persons concerned or their representatives. Correspondence may be in one of the official languages of the contracting Parties. Where possible, information may be sent by electronic means such as facsimile transmission or electronic mail.

PART II

Provisions concerning the applicable legislation

Section 3

Certificates of Coverage

1. In the cases specified in articles 9 to 11 of the Agreement, the institution designated in paragraph 2 of this section, whose legislation remains applicable, will deliver to the salaried person, at his or her employer's request, a certificate stating that he or she remains subject to its legislation and indicating until which date.
2. The certificate described in paragraph 1 of this section will be delivered:

as regards Belgium:
 - a) concerning article 9 of the Agreement, by the National Social Security Office, Brussels;
 - b) concerning articles 10 and 11 of the Agreement, by the Federal Public Service of Social Security, Brussels.
as regards Australia:

by the Australian Taxation Office.
3. The original certificate described in paragraph 1 of this section will be given to the worker who is to keep it with him or her during the entire period of work posting in order to prove his or her situation of coverage in the receiving country.
4. A copy of the certificate delivered by the Australian Taxation Office will be sent to the Federal Public Service of Social Security, Social Inspection Service, Brussels. Similarly, a copy of the certificate delivered by the competent institution of Belgium will be sent to the Australian Taxation Office.

5. The competent authorities of the contracting Parties may mutually decide to make the delivered certificate void.

Section 4

Exercise of self-employed professional activities in both countries

1. When the legislation of a contracting Party is applicable, by virtue of article 8, paragraph 3 of the Agreement, to a self-employed person for a professional activity exercised in the territory of the other contracting Party in respect of a certain year, the competent institution referred to in paragraph 2 of this section will, to the extent permitted by the legislation it administers and on the request of the first contracting Party, communicate to the competent institution of the first contracting Party any available information which may be useful to determine or to verify the amount of professional income produced by this activity in respect of that year. As regards Belgium, in anticipation of the communication of the information, the competent institution may receive, as a provision, a contribution which amount is determined by the competent authority.

2. In the case specified in paragraph 1 of this section the competent institution is:

as regards Belgium: National Social Insurance Institute for the Self-employed,
Brussels;

as regards Australia: Centrelink International Services, Hobart.

PART III

Provisions concerning pensions

Section 5

Lodgement and processing

1. The liaison body receiving a claim for a pension payable by the competent institution of the other contracting Party will submit that claim without delay to the liaison body of the other contracting Party, using the forms provided to this end and indicating the date of receipt.
2. The competent institution of one of the contracting Parties receiving appeals and related documents under the legislation of the other contracting Party will indicate the date of receipt, register this receipt and send these as soon as possible to the liaison body of the other contracting Party.
3. The liaison body will submit all documents available that could be required so that the competent institution of the other contracting Party is able to determine the claimant's entitlement to the pension concerned.
4. Information concerning the claimant's identity, as required by the claim form will be authenticated by the liaison body, which will confirm that the information is corroborated by original documents.
5. a) The liaison body will submit to the liaison body of the other contracting Party a form specifying the insurance periods completed pursuant to the legislation of the first contracting Party.

b) After having received the form, the liaison body of the other contracting Party will add all information regarding the insurance periods completed pursuant to the legislation it applies, and will return it to the liaison body of the first contracting Party without delay.

6. a) Each of the competent institutions will determine the entitlement of the claimant, and where applicable, of the claimant's partner, and will directly inform them of the decision, indicating the insurance periods and the means and time allowed for appeal.

b) A competent institution that grants a pension will, by means of the liaison bodies, communicate a copy of its decision to the competent institution of the other contracting Party.
7. a) When the liaison body of Australia knows that a beneficiary of a Belgian invalidity, old-age or survivor's pension, who stays in Australia, or his or her partner, has not entirely stopped all professional activities or has effectively engaged in such activities, it will inform the Belgian liaison body without delay.

b) The liaison body of Australia will submit all information available concerning the nature of the work performed and the amount of the income of the person concerned and his or her partner.

c) The information mentioned in subparagraphs a) and b) will, after the pension has been granted, be submitted each time there is a change in the situation.
8. The liaison body of Belgium will inform the Australian liaison body each time there is a change in the amount of the pension or other incomes of the beneficiary and/or of the beneficiary's partner.
9. The liaison bodies of both contracting Parties will inform each other upon the death of a mutual beneficiary and/or of the beneficiary's partner.

Section 6

Medical examinations

1. The liaison body of one of the contracting Parties will, when requested, submit to the liaison body of the other contracting Party any medical information and documentation concerning the claimant's or the beneficiary's incapacity.
2. When a beneficiary of a Belgian invalidity pension or an Australian disability support pension stays or resides in the territory of a contracting Party other than that where the competent institution responsible for payment is located, the administrative and medical assessment will be performed, on the request of this competent institution, by the competent institution of the place where the beneficiary stays or resides, pursuant to the terms listed in the legislation applied by the latter competent institution. The competent institution responsible for payment reserves the option to proceed to a medical examination of the beneficiary by a medical practitioner of its choice.
3. The contracting Party in whose territory the person resides will meet the reasonable costs of medical examinations, including associated travel and accommodation costs.

Section 7

Payment of the pensions

The competent institutions will directly pay pensions to the beneficiaries.

PART IV

Section 8

Recovery from Arrears

1. When a competent institution refers a claim to the other competent institution, the referring competent institution will indicate on the liaison form whether or not it intends to request payment of a debt under Article 27 of the Agreement from arrears of a pension that may be paid by the other competent institution.
2. When such a request has been indicated, the other competent institution will, upon grant of a pension, hold any arrears and advise the referring competent institution of grant details on an agreed form.
3. Once the advice of grant of pension is received, the referring competent institution will calculate the amount of the debt and advise the other competent institution.
4. The other competent institution will deduct from the arrears due the debt amount calculated in its own currency at the time of the deduction and transfer the said amount as soon as possible to the competent institution which has claimed it.

PART V

Miscellaneous provisions

Section 9

Statistical information

The liaison bodies will annually exchange statistical information on the number of payments made under the Agreement as well as on the amounts concerned.

Section 10

Preparation of Forms

1. Forms, certificates and other documents required for the administration of the Agreement or this Arrangement will be prepared by the liaison bodies in consultation with each other and with the consent of the competent authorities.
2. The liaison bodies of the contracting Parties will agree on procedures necessary to administer the Agreement and this Arrangement.

Section 11

Claims under other agreements

1. A competent institution of one of the contracting Parties will accept, on behalf of the competent institution of the other contracting Party, a claim for a pension made by a person under an Agreement on social security between the other contracting Party and a third State.

2. The competent institution which has accepted the claim will forward the claim to the competent institution of the other contracting Party, with advice of the date of receipt and with any supporting documentation which may have been provided by the claimant or which might be available to the receiving competent institution.

Section 12

Review of the Arrangement

This Arrangement may be amended at any time upon the competent authorities reaching consensus.

Section 13


Commencement

This Arrangement will come into effect on the same date as the Agreement. It will have the same duration as the Agreement.

Done in two copies at *Canberra* on the *10th* day of *May* *2005* in English, Dutch and French, each text being equally authoritative.

For the competent authority of the Kingdom
of Belgium

For the competent authority of Australia


Ambassador of Belgium


Secretary to the Department of
Family and Community Services