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ADMINISTRATIVE ARRANGEMENT

FOR THE APPLICATION OF THE AGREEMENT

BETWEEN

AUSTRALIA

AND

THE REPUBLIC OF INDIA

ON SOCIAL SECURITY

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ADMINISTRATIVE ARRANGEMENT

The Competent Authorities of Australia and the Republic of India, in conformity with Article 20 (Administrative Arrangement) of the Agreement between Australia and the Republic of India on Social Security, done at Canberra on 18 November 2014, hereby make the Administrative Arrangement as set out in the following paragraphs in order to implement that Agreement.

Section 1 Definitions

1. In applying this Administrative Arrangement:

"Agreement" means the Agreement between Australia and the Republic of India on Social Security done at Canberra on 18 November 2014;

"Arrangement" means this Administrative Arrangement.
2. "Liaison Agency" means, for each Contracting Party, the organisation responsible for the coordination and exchange of information between the Competent Institutions of both Contracting Parties involved in the application of the Agreement.
3. A term not defined in this Arrangement, but defined in the Agreement will, when used in this Arrangement, have the same meaning as in the Agreement.

Section 2 Competent Institutions and Liaison Agencies

1. For the purpose of applying this Arrangement for the implementation of the Agreement, the Competent Institutions are:
 - (a) for Australia:
 - (i) for the Acts forming the social security law: Department of Human Services; and
 - (ii) for the law concerning the superannuation guarantee: the Australian Taxation Office;
 - (b) for India: Employees' Provident Fund Organisation.
2. For the purpose of applying this Arrangement for the implementation of the Agreement, the Liaison Agencies are:
 - (a) for Australia:

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- (i) for the Acts forming the social security law: International Programme, Department of Human Services; and
 - (ii) for the law concerning the superannuation guarantee: the Australian Taxation Office;
- (b) for India: Head Office, Employees' Provident Fund Organisation in New Delhi.

Section 3 Documents and Procedures

The Competent Authority and Competent Institution for India and the Liaison Agencies for Australia will mutually determine the forms and procedures required for the implementation of the Agreement and application of this Arrangement.

Section 4 Communications

1. Claims for benefits, appeals, any related documents and any notification or other communication by a person may be lodged with the relevant Competent Institution in either country.
2. The Competent Institutions or Liaison Agencies will be able to communicate directly with each other and with their customers.
3. Communications concerning the operation of this Arrangement will be sent to and from, as the case requires, between the appropriate Competent Institutions or Liaison Agencies.
4. Communications between the Competent Institutions or Liaison Agencies will be in English or Hindi, as mutually decided.
5. Wherever possible, any information or documentation required to be transmitted for the purposes of implementing this Arrangement will be sent between Competent Institutions or Liaison Agencies by secure electronic means.

Section 5 Certificates of Coverage

1. In conformity with Article 11 (Certificate of Coverage) of the Agreement, the Competent Institution of a Contracting Party will issue a Certificate of Coverage upon the request of the employer and/or employee, as the case may be, stating that the employee is subject to the legislation of that Contracting Party and indicating the duration of the validity of the Certificate.

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2. Where a Certificate is issued under Paragraph 1 of this Section, the Competent Institutions of the Contracting Parties specified in paragraphs 1(a)(ii) and 1(b) of Section 2 will send a copy of the Certificate and a report on the number of Certificates issued to the other Competent Institution on a quarterly basis. The report will be provided in a form to be mutually determined by the Competent Institutions.
 3. The Competent Institution of a Contracting Party that issues the certificate may cancel or modify a certificate and will inform the Competent Institution of the other Contracting Party.

Section 6 Processing of Claims

1. The Competent Institution or Liaison Agency of a Contracting Party that receives a claim for a benefit under the legislation of the other Contracting Party will, without delay:
 - (a) stamp the claim with the date of receipt;
 - (b) verify the claimant's identity in accordance with the administrative practices of that Contracting Party;
 - (c) validate the personal details contained in the claim from official records of that Contracting Party or on the basis of original documents supplied by the claimant;
 - (d) check for completeness and, if incomplete, arrange for outstanding details to be obtained; and
 - (e) whenever necessary, make certified copies of original documentation supporting the claim.
2. The Liaison Agency of the Contracting Party receiving a claim for a benefit under the legislation will, without delay:
 - (a) record receipt of the claim;
 - (b) complete a liaison form in respect of that claim indicating, in particular, appropriate periods of Australian working life residence or appropriate/creditable periods of insurance in India; and
 - (c) send:

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- (i) in the case of a claim for Indian benefits, the claim form in original and original or certified copies of documents necessary to establish the claim and the liaison form to the Indian Liaison Agency; and
 - (ii) in the case of a claim for an Australian benefit, the original or scanned claim form, certified copies of documents necessary to establish the claim and the liaison form to the Australian Liaison Agency.
3. A Competent Institution or Liaison Agency which determines a claim processed in accordance with Paragraph 1 of this Section, will, without delay, send the liaison form to the Liaison Agency of the other Contracting Party, indicating:
- (a) the result of the determination;
 - (b) any other information, as mutually determined; and
 - (c) wherever relevant, the manner and the time limit for an appeal according to the legislation of that Contracting Party.

Section 7
Medical Examinations

- 1. The Competent Institution or Liaison Agency of a Contracting Party will, upon request, submit to the Competent Institution or Liaison Agency of the other Contracting Party copies of any medical information and documentation concerning the applicant's incapacity that the Competent Institution may have in its possession.
- 2. If the Competent Institution or Liaison Agency of a Contracting Party requires further medical evidence, it may request the Competent Institution or Liaison Agency of the other Contracting Party to arrange another medical examination and produce a medical report.
- 3. The costs of a medical examination and production of the report under Paragraph 2 of this Section will be met by the requesting Competent Institution.
- 4. On presentation of detailed statement of the costs incurred as a result of applying Paragraph 2 of this Section, the Competent Institution or Liaison Agency of the first Contracting Party will, within 90 days, reimburse the Competent Institution of the other Contracting Party for the amounts due.

Section 8
Appeals and Related Documents

A Competent Institution or Liaison Agency which receives appeals and related documents under the legislation of the other Contracting Party will:

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- (a) stamp any documents with the date of receipt;
- (b) record receipt of the appeal and any documents; and
- (c) send a liaison form and any documents as soon as possible to the Liaison Agency of the other Contracting Party.

**Section 9
Mutual Assistance and Processing Standards**

- 1. The Competent Institutions and Liaison Agencies will cooperate in achieving timely processing of claims in accordance with this Arrangement.
- 2. The Competent Institutions and Liaison Agencies of both the Contracting Parties will by mutual consent arrange any measures deemed necessary and appropriate to improve the operation of this Arrangement.

**Section 10
Exchange of Data**

- 1. The Competent Institutions or Liaison Agencies will, on request, provide information to the other Contracting Party concerning benefits paid or any other available information in accordance with Article 19 (Exchange of Information and Mutual Assistance) of the Agreement.
- 2. In conformity with Paragraph 7 of Article 19 of the Agreement, the Competent Institutions or Liaisons Agencies will provide information to the other on:
 - (a) changes in circumstances of mutual beneficiaries, such as, death, change of relationship status or any other relevant information as mutually determined, on a mutually decided schedule; and
 - (b) information on increased benefits to their customers at the time those increases occur.

**Section 11
Exchange of Statistics**

In conformity with Article 21 (Exchange of Statistics) of the Agreement, the Competent Institution or Liaison Agency of one Contracting Party will send the Competent Institution or Liaison Agency of the other Contracting Party statistics on an annual basis at a mutually arranged time. The statistics will include data on the number of beneficiaries and the cash value of benefits paid into the other country, along with the type of benefits.

**Programme for Finalization of Forms of Social Security Agreement (SSA)
between India and Australia in New Delhi.**

Visit of a Delegation from Australia

**Venue: Room No. 911, Conference Hall, Akbar Bhawan, Chanakyapuri, New
Delhi**

Programme

Monday, 27th July, 2015

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| 1100-1130 hrs | Opening remarks by the Head of Australian delegation
Opening remarks by the Head of Indian delegation & |
| 1130- 1145 hrs | Tea/Coffee Break |
| 1145- 1330 hrs | Review of the of the last round of negotiations held in Canberra
on the pending issues related to Administrative Arrangement, if
any. |
| 1330-1430 hrs | Working Lunch at Akbar Bhawan |
| 1430 -1630 hrs | Discussion on Australian Forms |

Tuesday, 28th July, 2015

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| 1030-1130 hrs | Discussion on Australian Forms Continued |
| 1130- 1200 hrs | Tea/ coffee break |
| 1200- 1330 hrs | Continuation of discussion |
| 1330-1430 hrs | Working Lunch at Akbar Bhawan |
| 1430-1630 hrs | Continuation of discussion |

Wednesday, 29th July, 2015

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|----------------|-------------------------------|
| 1030-1130 hrs | Discussion on Indian Forms |
| 1130- 1200 hrs | Tea/ coffee break |
| 1200- 1330 hrs | Continuation of discussion |
| 1330-1430 hrs | Working Lunch at Akbar Bhawan |
| 1430 -1600 hrs | Continuation of discussions |

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1600-1630 hrs

Tea/ coffee break

1630-1730 hrs

Signing of the agreed minute

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Indian Delegation

Ministry of Overseas Indian Affairs

Mr. T. K. Manoj Kumar, Joint Secretary

Mr. Pradeep Kumar Sureka, Under Secretary

Ministry of Labour & Employment

Mr. Subhash Kumar, Under Secretary

Employees' Provident Fund Organization (EPFO)

Mr. Chandramouli Chakraborty, ACC

Mr. Naveen Juneja, RPFC- II

Australian Delegation

Department of Social Services

Mr. Peter Hutchinson, Director, International Agreements

Ms Peta Murray, Assistant Director, International Agreements

Australian Taxation Office

Mr. Rob Currie, Senior Policy Officer, Employer Segment/superannuation

Department of Human Services

Ms Pam Saunders, National Manager, Older Australians and International Branch

Mr. Noel Rossiter, Director, International Programme