

**ADMINISTRATIVE ARRANGEMENT  
FOR THE APPLICATION OF THE AGREEMENT  
BETWEEN  
THE CZECH REPUBLIC AND AUSTRALIA  
ON SOCIAL SECURITY**

In accordance with Article 15 of the Agreement between the Czech Republic and Australia on Social Security, signed on 16 September 2009 (hereinafter referred to as the 'Agreement'), the Competent Authorities hereby make the Administrative Arrangement (hereinafter referred to as the 'Arrangement') as set out in the following paragraphs in order to implement that Agreement.

## **Section 1**

### **Definitions**

A term defined in the Agreement will, when used in this Arrangement, have the same meaning as in the Agreement.

## **Section 2**

### **Liaison Bodies**

For the purpose of applying the Agreement and this Arrangement, the Liaison Bodies are:

for the Czech Republic, the Czech Social Security Administration; and

for Australia:

- (a) for the Acts forming the social security law: Centrelink International;
- (b) for the law concerning the superannuation guarantee: the Australian Taxation Office.

## **Section 3**

### **Communication between Competent Institutions and Liaison Bodies**

1. Communications concerning the operation of the Agreement and of this Arrangement will be sent to and from, as the case requires, the appropriate Competent Institutions or Liaison Bodies.
2. The Competent Institutions and Liaison Bodies will be able to communicate directly with each other and with their customers.
3. Where possible, information may be sent between Competent Institutions and Liaison Bodies by electronic means such as facsimile transmission or electronic mail.

## **Section 4**

### **Preparation of Forms and Documents**

1. The Liaison Bodies of both Contracting States will mutually decide upon the forms and documents necessary for the implementation of the Agreement and of this Arrangement.
2. The Liaison Bodies will mutually determine the procedures necessary to implement the Agreement and this Arrangement.

## **Section 5**

### **Certificates of coverage**

1. In cases referred to in Part II of the Agreement, the certificate of fixed duration indicating that the person is, in respect of the work referred, subject to the legislation of the Contracting State, will be issued on the request of an employee and/or an employer on the mutually determined form:
  - in the Czech Republic, by the Czech Social Security Administration,
  - in Australia, by the Commissioner of Taxation or an authorised representative of the Commissioner.
2. The issued certificate is sent to the person concerned and in cases referred to in Article 7 paragraph 2 and in Article 8 paragraph 2 of the Agreement, a copy of the certificate and a report on the number of certificates issued will be sent to the Liaison Body of the other Contracting State on a quarterly basis. The report will be provided in a form to be mutually determined by the Liaison Bodies.
3.
  - (a) The Competent Authorities, or agencies designated by them mentioned in paragraph 1 of this section, are authorized to grant exceptions from Part II under Article 9 of the Agreement.
  - (b) An employee and/or their employer will submit the request for an exception in written form to the Competent Authority, or to the agency designated by it mentioned in paragraph 1 of this section of the Contracting State whose legislation has to be applied pursuant to the request.
  - (c) The request for exception to the application of the legislation of the Contracting State of employment of posted workers referred to in Article 7 paragraph 2 of the Agreement, who have already been employed in this Contracting State and whose period of posting expires, will be submitted before the end of the running term of posting.
  - (d) The decision of the Competent Authorities, or agencies designated by them, on exception will be attested by a certificate issued and transferred in accordance with paragraphs 1 and 2 of this Section.
4. The Competent Authority, or agencies designated by them, that issues the certificate may cancel or modify that certificate in response to changes in the applicable circumstances. The Liaison Body will then advise the Liaison Body of the other Contracting State.

## **Section 6**

### **Conversion of Creditable Periods/Periods of Australian Working Life Residence**

Where necessary, the conversion for the purposes of totalisation within the meaning of Articles 11 and 13 of the Agreement will be carried out according to the following rules:

- (a) Every 30 days acquired under the Czech legislation will be equivalent to one month under the Australian legislation. If the conversion provided in the preceding sentence produces a remainder, that remainder will be treated as one additional month. The total period completed within one calendar year will not exceed 12 months.
- (b) One month acquired under the Australian legislation will be equivalent to 30 days under the Czech legislation. The total period completed within one calendar year will not exceed 365 days.

## **Section 7**

### **Lodgement**

Claims for benefits, appeals, any related documents and any notification or other communication by a person will be lodged with the Competent Institution of the Contracting state.

## **Section 8**

### **Processing of Claims**

1. The Competent Institution of a Contracting State which receives a claim for a benefit under the legislation of the other Contracting State will:
  - (a) record receipt and stamp the claim with the date of receipt;
  - (b) verify the claimant's identity and validate the personal details contained in the claim form from the official records or on the basis of the documents supplied by the claimant;
  - (c) check for completeness and, if incomplete, arrange for outstanding details to be obtained;
  - (d) make certified copies of original documentation, as required, to support the claim;
  - (e) complete a liaison form in respect of that claim indicating, in particular, periods of Australian working life residence or Czech creditable periods;
  - (f) send the claim form, original or certified copies of documents necessary to establish the claim, a copy of its own decision on benefit if it has been made and the liaison form to the Competent Institution of the other Contracting State.
2. The Competent Institution of the other Contracting State will subsequently determine the claimant's eligibility and notify its decision to the Competent Institution of the first Contracting State.

Along with its decision, it will also transmit, if necessary or upon request, to the Competent Institution of the first Contracting State:

- (a) details of the creditable periods/periods of Australian working life residence completed under the applicable legislation; and
  - (b) any other available documentation that may be necessary for the Competent Institution of the first Contracting State to establish the claimant's eligibility for a benefit from the first Contracting State.
3. The type of information to be verified by the Competent Institutions and the method of verification will be mutually determined by the Liaison Bodies of the two Contracting States.

## **Section 9**

### **Appeals and Related Documents**

A Competent Institution which receives appeals and related documents under the legislation of the other Contracting State will:

- (a) record the receipt and stamp the documents with the date of receipt; and
- (b) send the documents as soon as possible to the Competent Institution of the other Contracting State.

## **Section 10**

### **Administrative Assistance**

1. The Competent Institutions and Liaison Bodies of both Contracting States will cooperate in achieving timely processing of claims lodged under the Agreement and in all other aspects of the operation of the Agreement.
2. The Competent Institutions and Liaison Bodies of both Contracting States will arrange any measures deemed necessary and appropriate to improve the operation of the Agreement.
3. Each Competent Institution will, on request, provide information to the other concerning periods of residence, insurance or benefits paid, or any other available information in accordance with Article 19 of the Agreement.
4. The Competent Institution of the Czech Republic will supply to the Competent Institution of Australia, in electronic format, information on increased benefits to their customers at the time that general increases are applied.
5. Each Competent Institution will supply to the other, information on registered events affecting mutual beneficiaries, including death, change of address and change of marital status.

6. The Competent Institution of a Contracting State will furnish without costs, upon request, to the Competent Institution of the other Contracting State such medical information and documentation as are available concerning the disability of a claimant or a beneficiary. The request for the information and documentation, and their transmittal, will be made through the Liaison Bodies of the Contracting States.
7. If the Competent Institution of a Contracting State requires that a claimant or a beneficiary who resides in the territory of the other Contracting State undergo a medical examination, the Competent Institution of the latter Contracting State, at the request of the Competent Institution of the first Contracting State, will make arrangements for carrying out this examination according to its rules and at the expense of the Competent Institution which requires the medical examination.
8. The Competent Institution of one Contracting State will reimburse amounts owed under paragraph 7 of this Section upon presentation of a statement of expenses by the Competent Institution of the other Contracting State.
9. The Competent Institution will exchange statistics on an annual basis at a mutually arranged time. These statistics will include the number of beneficiaries and payments granted to beneficiaries under the Agreement and the total amount of the benefits, identified by the benefit type. These statistics will be furnished in a form to be mutually determined by the Liaison Bodies.

## **Section 11**

### **Review of Arrangement**

- (1) This Arrangement may be amended at any time in writing upon the Competent Authorities reaching consensus.
- (2) The Competent Authorities may notify each other, in writing, of changes in the names of the Liaison Bodies without the need to modify this Arrangement.

## **Section 12**

### **Date of Commencement**

This Arrangement will commence on the same day as the Agreement and will operate for the duration of the Agreement.

SIGNED in duplicate at *Canberra* this 28<sup>th</sup> day of *March* 2011 in the Czech and English languages, each text being equally authoritative.

***Radim Pecl, chargé d'affaires a. i.  
of the Czech Embassy in Canberra***

***Dr Jeff Harmer, Secretary  
to the Department of Families,  
Housing, Community Services and  
Indigenous Affairs***

**FOR THE COMPETENT AUTHORITY  
OF THE CZECH REPUBLIC**

**FOR THE COMPETENT AUTHORITY  
OF AUSTRALIA**