

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF THE KINGDOM OF NORWAY
ON SOCIAL SECURITY**

Canberra, 2 December 2005

Not yet in force
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AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY ON SOCIAL SECURITY

The Government of Australia and the Government of the Kingdom of Norway and (hereinafter “the Parties”)

Wishing to strengthen the existing friendly relations between the two countries, and

Resolved to coordinate their social security systems and to eliminate double coverage for workers;

Have agreed as follows:

PART I

GENERAL PROVISIONS

ARTICLE 1

Definitions

1. In this Agreement, unless the context otherwise requires:
 - (a) "**benefit**" means in relation to a Party, a benefit, pension or allowance for which provision is made in the legislation of that Party, and includes any additional amount, increase or supplement that is payable in addition to that pension, benefit or allowance to or in respect of a person who qualifies for that additional pension, benefit or allowance under the legislation of that Party but, for Australia, does not include any benefit, payment or entitlement under the law concerning the superannuation guarantee;
 - (b) "**Competent Authority**" means:
 - in relation to Australia:

the Secretary of the Commonwealth Department responsible for the legislation specified in subparagraph 1(a)(i) of Article 2 except in relation to the application of Part II Section A of the Agreement (including the application of other Parts of the Agreement as they affect the application of that Part) where it means the Commissioner of Taxation or an authorised representative of the Commissioner; and
 - in relation to Norway:

the Ministry of Labour and Social Affairs, except in relation to exception agreements in accordance with Article 11, where it means the National Insurance Administration;

- (c) **"Competent Institution"** means;
- in relation to Australia:
- the institution which has the task of implementing the applicable Australian legislation; and
- in relation to Norway:
- the National Insurance Administration;
- (d) **"legislation"** means;
- in relation to Australia:
- the laws specified in subparagraph 1(a)(i) of Article 2 except in relation to the application of Part II Section A of the Agreement (including the application of other Parts of the Agreement as they affect the application of that Part) where it means the laws specified in subparagraph 1(a)(ii) of Article 2; and
- in relation to Norway:
- the laws specified in subparagraph 1(b) of Article 2;
- (e) **"period of Australian working life residence"**, in relation to a person, means a period defined as such in Australian legislation, but does not include any period deemed pursuant to Article 16 to be a period in which that person was an Australian resident;
- (f) **"period of insurance in Norway"** means the period of contributions or period of residence according to Norwegian legislation;
- (g) **"territory"** means;
- in relation to Australia:
- the Commonwealth of Australia, including the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island; and
- in relation to Norway:
- the territory of the Kingdom of Norway, including Svalbard and Jan Mayen.
2. Other words and expressions which are used in this Agreement shall have the meaning respectively assigned to them in the legislation applied.

ARTICLE 2

Legislative Scope

1. Subject to paragraph 3, this Agreement shall apply to the following laws, as amended at the date of signature of this Agreement, and to any laws that subsequently amend, supplement or replace them:
 - (a) in relation to Australia:
 - (i) the Acts forming the social security law, in so far as the law provides for, applies to, or affects the following benefits:
 - A age pension; and
 - B disability support pension.
 - (ii) the law concerning the superannuation guarantee (which at the time of signature of this Agreement is contained in the *Superannuation Guarantee (Administration) Act 1992*, the *Superannuation Guarantee Charge Act 1992* and the *Superannuation Guarantee (Administration) Regulations*);
 - (b) in relation to Norway:
 - (i) the National Insurance Act of 28 February 1997 in so far as the Act provides for, applies to, or affects the following benefits:
 - A old-age pension, including supplements for supported wife or children;
 - B disability pension, including supplements for supported wife or children;
 - C rehabilitation benefits: and
 - D pensions to survivors;
 - (ii) for the application of Part II also all other provisions of the Act mentioned above and the Family Allowance Act of 8 March 2002.
2. For the purposes of reciprocating Norwegian supplements for supported children, Australian age and disability support pension shall include additional child amounts for dependent children, if applicable, when payable outside Australia under this Agreement.
3. Notwithstanding the provisions of paragraph 1, the legislation as defined shall not, unless otherwise provided, include any agreement on social security concluded by either Party with another state.
4. This Agreement shall apply to laws which extend the legislation of either Party to new categories of beneficiaries only if the two Parties so agree.

ARTICLE 3

Personal Scope

This Agreement shall apply to any person who:

- (a) is or has been an Australian resident; or
- (b) is or has been subject to Norwegian legislation,

and, where applicable, to other persons in regard to the rights they derive from the persons described above.

ARTICLE 4

Equality of Treatment

1. Unless otherwise provided in this Agreement, Norwegian and Australian nationals shall be treated equally in relation to Norwegian legislation in regard to rights and obligations which arise whether directly under Norwegian legislation or by virtue of this Agreement.
2. Unless otherwise provided in this Agreement, all persons to whom this Agreement applies shall be treated equally in relation to Australian legislation in regard to rights and obligations relating to benefits which arise whether directly under Australian legislation or by virtue of this Agreement.

ARTICLE 5

Payment of Benefits Abroad

1. Unless otherwise decided in this Agreement, the provisions of the legislation of a Party making the payment of cash benefits conditional upon residence or stay in the territory of that Party, shall not apply to persons who stay or reside in the territory of the other Party.
2. In respect of Australian legislation, rent assistance, pharmaceutical allowance and any other additional amount, increase or supplement payable with a benefit under this Agreement, shall, subject to the provisions of Article 2 paragraph 2, only be payable outside Australia to the extent provided in Australian legislation.
3. The provisions of this Article do not apply to Australian Disability Support Pensions paid to non-severely disabled persons.
4. In respect of Norwegian legislation, the provisions of this Article shall apply only to disability and old age pensions as designated in Article 2 paragraph 1 subparagraph (b)(i) A and B. However this Article shall not apply to such pensions, or parts of pensions, calculated under the provisions relating to a guaranteed minimum

supplementary pension for persons who are born disabled or who become disabled at an early age or under the special provisions governing the calculation of pensions to refugees and stateless persons.

5. In respect of Norwegian legislation, the provisions of this Article shall be applicable only if the person concerned has completed at least

(a) one year of occupational activity in Norway, or

(b) three years of residence in Norway

prior to the contingency and within the age limits which apply for pension earning in Norway.

PART II

COVERAGE PROVISIONS

SECTION A

PROVISIONS RELATING TO THE SUPERANNUATION GUARANTEE LEGISLATION OF AUSTRALIA EXCLUSIVELY AND TO NORWEGIAN LEGISLATION

ARTICLE 6

Purpose of the Section

The purpose of this section is to ensure that employers and employees who are subject to the legislation of Norway or Australia do not have a double liability under the legislation of Norway and Australia, in respect of the same work of an employee.

ARTICLE 7

Application of the Section

This Section shall only apply if an employee and/or the employer of the employee would, apart from this Section, be subject to the legislation of both Parties in respect of work of the employee or remuneration paid for the work.

ARTICLE 8

Diplomatic and Consular Relations

This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.

ARTICLE 9

Avoidance of Double Coverage

1. Unless otherwise provided in paragraphs 2, 3 or 5, if an employee works in the territory of one Party, the employer of the employee and the employee shall in respect of the work and the remuneration paid for the work be subject only to the legislation of that Party. This shall apply even if the employer or employee is resident in the territory of the other Party.

2. If an employee:

- (a) is covered by the legislation of one Party ('the first Party');
- (b) was sent, whether before, on or after the entry into force of this Agreement, by the Government of the first Party to work in the territory of the other Party ('the second Party');
- (c) is working in the territory of the second Party in the employment of the Government of the first Party; and
- (d) is not working permanently in the territory of the second Party;

the employer of the employee and employee shall be subject only to the legislation of the first Party in respect of the work performed after entry into force of this Agreement and the remuneration paid for that work.

3. If an employee:

- (a) is covered by the legislation of one Party ('the first Party') and in the case of Norway, is on a Norwegian payroll as determined by Norwegian legislation;
- (b) was sent, whether before, on or after the entry into force of this Agreement, by an employer who is subject to the legislation of the first Party to work in the territory of the other Party ('the second Party');
- (c) is working in the territory of the second Party in the employment of the employer or a related entity of that employer;
- (d) has not been in the territory of the second Party more than 3 years after being sent to work on that territory by the employer; and

(e) is not working permanently in the territory of the second Party;

the employer of the employee and employee shall be subject only to the legislation of the first Party in respect of the work performed after entry into force of this Agreement and the remuneration paid for that work.

4. For the purposes of subparagraph 9(3)(c), an entity is a related entity of an employer if the entity and the employer are members of the same wholly or majority owned group.
5. Employees on board vessels flying the Norwegian flag shall be subject to Norwegian legislation, as applied. However, if the employee is an Australian resident working for an Australian resident employer, then Australian legislation shall also apply. Exceptions to avoid double coverage may be made under Article 11.
6. Employees working for a Norwegian airline company on board an aircraft in international traffic shall be subject to Norwegian legislation as applied. An employee who is employed by an Australian resident employer as a member of the crew of an aircraft in international traffic shall, in respect of that employment and the remuneration paid for that employment, be subject only to the legislation of Australia if the employee is an Australian resident.

ARTICLE 10

Employees on the Continental Shelf

1. Subject to paragraph 2, employees on installations for the exploration and the exploitation of natural submarine deposits on the Norwegian continental shelf, shall be subject to Norwegian legislation, as applied on the Norwegian continental shelf.
2. The provisions of Article 9(3) shall apply correspondingly to an employee who is seconded to installations as mentioned in paragraph 1 of this Article.

ARTICLE 11

Exception agreements

1. The competent authorities may for the purposes of this Part by agreement in writing:
 - (a) extend the period of three years referred to in Article 9(3)(d) for any employee; or
 - (b) provide that an employee is taken to work in the territory of a particular Party or to work on a ship or aircraft in international traffic under the legislation of a particular Party and is covered only by the legislation of that Party.
2. Any agreement made under paragraph 1 may apply to:

- (a) a class of employees; and/or
- (b) particular work or particular type of work (including work that has not occurred at the time the agreement is made).

ARTICLE 12

Voluntary Insurance

This Agreement shall not preclude the opportunity for a person to be voluntarily insured under the Norwegian National Insurance Scheme.

SECTION B

PROVISIONS RELATING TO AUSTRALIAN LEGISLATION, THE SUPERANNUATION GUARANTEE LEGISLATION OF AUSTRALIA EXCLUDED, AND TO NORWEGIAN LEGISLATION

ARTICLE 13

Temporary Absence from Australia

An Australian resident shall not cease to be regarded as an Australian resident because he or she is staying temporarily in Norway for any reason.

ARTICLE 14

Spouse or Partner and Dependants of Employees

1. The spouse or partner and dependants who accompany a person mentioned in Article 9 paragraph 2 and Article 9 paragraph 3 to Australia shall be subject to Norwegian legislation for any period in which they are not occupationally active in the territory of Australia.
2. The spouse or partner and children who accompany a person mentioned in Article 9 paragraph 2 and Article 9 paragraph 3 to Norway shall not be subject to Norwegian legislation for any period in which they are not occupationally active in the territory of Norway.

PART III

PROVISIONS RELATING TO AUSTRALIAN BENEFITS

ARTICLE 15

Residence or Presence in Norway

1. Where a person would be qualified under Australian legislation or by virtue of this Agreement for a benefit except for not being an Australian resident and in Australia on the date on which the claim for that benefit is lodged, but:
 - (a) is an Australian resident or residing in the territory of Norway; and
 - (b) is in Australia, or the territory of Norway,that person, so long as he or she has been an Australian resident at some time, shall be deemed, for the purposes of lodging that claim, to be an Australian resident and in Australia on that date.
2. Australian legislation which provides for, applies to or affects disability support pension for a person who is not severely disabled shall not be affected by paragraph 1.

ARTICLE 16

Totalisation for Australia

1. Where a person to whom this Agreement applies has accumulated:
 - (a) a period as an Australian resident that is less than the period required to qualify that person, on that ground, under Australian legislation, for a benefit; and
 - (b) a period of Australian working life residence equal to or greater than the minimum period identified in accordance with paragraph 4; and
 - (c) a period of insurance in Norwaythen that period of insurance shall be deemed, only for the purposes of meeting any minimum qualifying periods for that benefit set out in Australian legislation, to be a period in which that person was an Australian resident.
2. For the purposes of paragraph 1, where a person:
 - (a) has been an Australian resident for a continuous period which is less than the minimum continuous period required by Australian legislation, for entitlement of that person to a benefit; and

- (b) has accumulated a period of insurance in Norway in two or more separate periods that equals or exceeds in total the period referred to in subparagraph (a),

the total of the periods of insurance shall be deemed to be one continuous period.

3. For all purposes of this Article, where a period by a person as an Australian resident and a period of insurance in Norway coincide, the periods of coincidence shall be taken into account once only by Australia.
4. The minimum period of Australian working life residence to be taken into account for the purposes of paragraph 1 shall be as follows:
 - (a) for the purposes of an Australian benefit that is payable to a person who is not an Australian resident, the minimum period required shall be 12 months, of which at least 6 months must be continuous; and
 - (b) for the purposes of an Australian benefit that is payable to an Australian resident, there will be no minimum period.

ARTICLE 17

Calculation of Australian Benefits

1. Where an Australian benefit is payable, whether by virtue of this Agreement or otherwise to a person who is outside Australia, Australia shall disregard for the purposes of the income test means tested Norwegian benefits and supplements, as well as Norwegian benefits aimed at covering specific costs and any social assistance payable, to that person or that person's partner.
2. Where an Australian benefit is payable, whether by virtue of this Agreement or otherwise to a person inside or outside Australia, Australia shall disregard the following benefits:
 - (a) Norwegian War Injury Pensions (NWIPs) paid to the partner of an Australian pensioner, if that partner does not receive, or is not entitled to receive a pension payable under the Social Security Act 1991 or a service pension payable under the Veteran's Entitlement Act 1986; and
 - (b) allowances paid to NWIP pensioners, for specific costs, as specified in the Administrative Arrangement made pursuant to Article 29.
3. Subject to paragraph 5, where an Australian benefit is payable, whether by virtue of this Agreement or otherwise, to a person who is outside Australia, the rate of that benefit shall be determined according to Australian legislation. However, when assessing the income of that person for the purposes of calculating the rate of the Australian benefit, only a proportion of the assessable Norwegian benefit which is received by that person, and if applicable by that person's partner, shall be regarded as income. That proportion shall be calculated by multiplying the number of whole months in that person's period of Australian working life residence (not exceeding 300

months) by the amount of the assessable Norwegian benefit and dividing the product by 300.

4. The provisions of paragraphs 1 and 3 shall continue to apply for 26 weeks where a person comes temporarily to Australia.
5. A person referred to in paragraph 3 shall only be entitled to receive the concessional assessment of income described in that paragraph for any period during which the rate of that person's Australian benefit is proportionalised under Australian legislation.
6. Subject to the provisions of paragraph 8, where an Australian benefit is payable only by virtue of this Agreement to a person who is in Australia, the rate of that benefit shall be determined by:
 - (a) calculating that person's income according to Australian legislation, but disregarding in that calculation the Norwegian benefit received by that person, and, if applicable, by that person's partner;
 - (b) deducting the amount of the Norwegian benefit received by that person from the maximum rate of that Australian benefit; and
 - (c) applying to the remaining benefit obtained under subparagraph (b) the relevant rate calculation set out in Australian legislation, using as the person's income the amount calculated under subparagraph (a).
7. The provisions of paragraph 6 shall continue to apply for 26 weeks where a person departs temporarily from Australia.
8. If an Australian benefit is only payable by virtue of this Agreement to a person under paragraph 6 and the rate of the benefit calculated is less than the rate of the same benefit which would be payable under paragraph 3, the first-mentioned rate shall be increased to the second-mentioned rate.
9. Where a member of a couple is, or both that person and his or her partner are, in receipt of a Norwegian benefit or benefits, each of them shall be deemed, for the purpose of paragraph 6 and for Australian legislation, to be in receipt of one half of either the amount of that benefit or total of both of those benefits, as the case may be.

PART IV

PROVISIONS RELATING TO NORWEGIAN BENEFITS

ARTICLE 18

Totalisation for Norway

1. In order to become entitled to a social insurance benefit under Norwegian legislation, periods of Australian working life residence and insurance periods completed under

Norwegian legislation shall, if necessary, be totalised, provided that the person concerned has completed at least

- (a) one year of occupational activity in Norway; or
- (b) three years residence in Norway

prior to the contingency and within the age limits which apply for pension earning under Norwegian legislation.

2. To become entitled to a supplementary pension under Norwegian legislation, pension points for at least one year must have been credited. In respect of such pensions, periods of Australian working life residence to be taken into account under the provisions of paragraph 1, shall be periods in which the person concerned was gainfully occupied in Australia.
3. In respect of entitlement to a pension as a surviving spouse or child, the periods to be totalised under paragraphs 1 and 2 shall be the deceased person's periods as mentioned.

ARTICLE 19

Calculation of Norwegian Benefits

1. If entitlement to a benefit exists under Norwegian legislation without recourse to the provisions of this Agreement, the benefit shall be calculated in accordance with the provisions of Norwegian legislation.
2. If entitlement to a benefit exists only according to the provisions of this Agreement, the benefit shall be calculated by:
 - (a) determining the benefit which would have been payable if the person's periods of Australian working life residence had been insurance periods in Norway, and
 - (b) multiplying the benefit arrived at under subparagraph (a) by the person's actual insurance periods in Norway and dividing the product by the sum of the person's insurance period in Norway and periods of Australian working life residence.
3. If the person's total insurance period in Norway, or the sum of such periods and periods of Australian working life residence, exceeds 40 years, the actual period, or sum of periods, shall be replaced by the figure "40" for the purposes of paragraph 2.
4. For the purposes of paragraphs 2 and 3, the provisions of Article 18 paragraphs 2 and 3 shall apply correspondingly. A supplementary pension under paragraph 2 shall be calculated on the basis of the average annual pension point figure for the years during which the person concerned has been credited with pension points under Norwegian legislation. If the person has been credited with pension points for more than 20 years, the basis shall be the average figure for the 20 best years.

5. In respect of pensioners who are resident in Australia, Australian income tested benefits shall not be taken into account for the purpose of the income testing of supplements under Norwegian legislation for supported spouse and/or children

ARTICLE 20

Transitional Provisions

In respect of entitlement to a supplementary pension under Norwegian legislation calculated under the rules of a reduced pension earning requirement for persons born before 1937, only periods of residence in Norway before 1967 may be taken into account.

ARTICLE 21

Totalisation concerning Voluntary Membership

In order to meet the requirement of previous insurance periods for obtaining voluntary membership of the Norwegian social security scheme, periods of Australian working life residence shall be totalised with insurance periods under Norwegian legislation. The requirements for totalisation according to Article 18 paragraph 1 shall apply.

PART V

MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS

ARTICLE 22

Implementation of the Secondment Provisions

A Party shall provide according to rules to be agreed in the Administrative Arrangement, pursuant to Article 29 of the Agreement, a document showing that a person is covered under Article 9.

ARTICLE 23

Lodgement of Documents

1. A claim, notice or appeal concerning a benefit, whether payable by a Party by virtue of this Agreement or otherwise, may be lodged in the territory of the other Party in accordance with the Administrative Arrangement made pursuant to Article 29 at any time after the Agreement enters into force.
2. For the purposes of assessing entitlement to a benefit, the date on which a claim, notice or appeal referred to in paragraph 1 is lodged with the Competent Institution of

the other Party shall be treated as the date of lodgement of that document with the Competent Institution of the first Party.

3. In relation to Australia, the reference in this Article to an appeal document is a reference to a document concerning an appeal that may be made to an administrative body established by the social security laws of Australia.

ARTICLE 24

Presentation of Claims

A claim for a benefit presented under the legislation of one Party will be considered as a claim for a similar benefit under the legislation of the other Party provided that the other Party receives this request within 6 months. This is not applicable if the applicant states or if it is otherwise evident that the claim shall only apply to a benefit under the legislation of the former Party.

ARTICLE 25

Determination of Claims

1. In determining the eligibility or entitlement of a person for a benefit by virtue of this Agreement:
 - (a) a period as an Australian resident and a period of insurance; and
 - (b) any event or fact which is relevant to that entitlement,shall, subject to this Agreement, be taken into account in so far as those periods or those events are applicable in regard to that person no matter when they were accumulated or occurred.
2. The commencement date for payment of a benefit payable by virtue of this Agreement shall be determined in accordance with the legislation of the Party concerned but shall never be earlier than the date on which this Agreement enters into force.

ARTICLE 26

Overpayment of Benefits

1. Where:
 - (a) a benefit is paid or payable by a Party to a person in respect of a past period;
 - (b) for all or part of that period, the other Party has paid to that person a benefit under its legislation; and

- (c) the amount of the benefit paid by that other Party would have been reduced, had the other benefit been paid by the first Party during that period;
- then
- (d) the amount that would not have been paid by the other Party had the benefit described in subparagraph (a) been paid on a periodical basis throughout that past period, shall be a debt due by that person to the other Party.
2. Where the first Party has not yet paid the benefit described in subparagraph 1(a) to the person:
 - (a) that Party shall, at the request of the other Party, pay from the arrears of the benefit the amount necessary to meet the debt described in subparagraph 1(d) to the other Party and shall pay any excess to the person; and
 - (b) any shortfall may be recovered by the other Party in accordance with the legislation of that Party.
 3. The Competent Institution receiving a request under paragraph 2 shall transfer from the lump sum arrears of its benefit the amount of the debt to the Competent Institution making the request.
 4. A reference in paragraphs 1 and 2 to a benefit, in relation to Australia, means a pension, benefit or allowance that is payable under the social security laws of Australia and, in relation to Norway, means any pension, benefit or allowance payable under the National Insurance Act of 28 February 1997 of Norway.
 5. A Party to which overpaid benefit is owing shall not, under this Article, seek to have the other Party recover those overpayments from continuing payments of benefit paid by the other Party.

ARTICLE 27

Export and Payment of Benefits

1. If a Party imposes legal or administrative restrictions on the transfer of its currency abroad, both Parties shall adopt measures as soon as practicable to guarantee the rights to payment of benefits derived under the Agreement. Those measures shall operate retrospectively to the time the restrictions were imposed.
2. A Party that imposes restrictions described in paragraph 1 shall inform the other Party of those restrictions within one calendar month of their imposition and shall adopt the measures described in paragraph 1 within three months of the imposition of those restrictions. If the other Party is not so informed or if the necessary measures are not adopted within the set time the other Party may invoke this as a ground for terminating the Agreement or suspending its operation in whole or in part.
3. A benefit payable by a Party by virtue of this Agreement shall be paid by that Party without deduction for government administrative fees and charges for processing and

paying that benefit when the beneficiary is in the territory of the other Party. In addition, neither party shall implement measures which would transfer to the beneficiary the costs of paying benefits into the other country.

4. Any exemption granted in the territory of one of the Parties from stamp duty, notarial or registration fees in respect of certificates and documents required to be submitted to the Competent Authorities and Competent Institutions in the same territory shall also apply to certificates and documents which, for the purposes of this Agreement, have to be submitted to the Competent Authorities and Competent Institutions in the territory of the other Party. Documents and certificates required to be produced for the purpose of this Agreement shall be exempt from authentication by diplomatic and consular authorities.

ARTICLE 28

Exchange of Information and Mutual Assistance

1. The Competent Authorities and Competent Institutions responsible for the application of this Agreement, shall:
 - (a) communicate to each other any information necessary for the application of this Agreement;
 - (b) lend their good offices and furnish assistance to one another, including the communication to each other of any necessary information, with regard to the determination or payment of any benefit under this Agreement or under the social security laws of either Party as if the matter involved the application of their own legislation;
 - (c) communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as these changes are relevant to the application of this Agreement; and
 - (d) at the request of one to the other, assist each other in relation to the implementation of agreements on social security entered into by either of the Parties with third States, to the extent and in the circumstances specified in the Administrative Arrangement made in accordance with Article 29.
2. The assistance referred to in paragraph 1 shall be provided free of charge, subject to the Administrative Arrangement made pursuant to Article 29.
3. Unless disclosure is required under the laws of a Party, any information about an individual which is transmitted in accordance with this Agreement to a Competent Authority or a Competent Institution of that Party by a Competent Institution of the other Party is confidential and shall be used only for purposes of implementing this Agreement and the social security laws of either Party.
4. In no case shall the provisions of paragraphs 1 and 3 be construed so as to impose on the Competent Authority or Competent Institution of a Party the obligation:

- (a) to carry out administrative measures at variance with the laws or the administrative practice of that or the other Party; or
 - (b) to supply particulars which are not obtainable under the laws or in the normal course of the administration of that or of the other Party.
5. In the application of this Agreement, the Competent Authority and the Competent Institution of a Party may communicate with the other in their own official language.

ARTICLE 29

Administrative Arrangement

The Competent Authorities of the Parties shall make whatever Administrative Arrangement is necessary in order to implement this Agreement.

ARTICLE 30

Resolution of Difficulties

Disputes arising in connection with the application of this Agreement are to be resolved by consultation and negotiations between the Competent Authorities.

ARTICLE 31

Review of Agreement

Where a Party requests the other to meet to review this Agreement, the Parties shall meet for that purpose no later than 6 months after that request was made and, unless the Parties otherwise agree, their meeting shall be held in the territory of the Party to which that request was made.

PART VI

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 32

Entry into Force and Termination

1. Subject to the legislation of either Party, this Agreement shall not result in any reduction in the amount of any benefit to which entitlement was established prior to its entry into force.

2. This Agreement shall enter into force on the first day of the third month following the month in which notes are exchanged by the Parties through the diplomatic channel notifying each other that all constitutional or legislative matters as are necessary to give effect to this Agreement have been finalised.
3. Subject to paragraph 4, this Agreement shall remain in force until the expiration of 12 months from the date on which either Party receives from the other a note through the diplomatic channel indicating the intention of the other Party to terminate this Agreement.
4. In the event that this Agreement is terminated in accordance with paragraph 3, the Agreement shall continue to have effect in relation to all persons who:
 - (a) at the date of termination, are in receipt of benefits; or
 - (b) prior to the expiry of the period referred to in that paragraph, have lodged claims for, and would be entitled to receive, benefits, by virtue of this Agreement; or
 - (c) immediately before the date of termination are subject only to the legislation of one Party by virtue of paragraphs 2 or 3 of Article 9 of Part II of the Agreement, provided the employee continues to satisfy the criteria of those paragraphs.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in 2 copies at Canberra on this second day of December two thousand and five in the English and Norwegian languages, each text being equally authoritative.

FOR THE GOVERNMENT OF
AUSTRALIA

FOR THE GOVERNMENT OF THE
KINGDOM OF NORWAY

Hon. Kay Patterson
Minister for Family and Community
Services

HE Lars Wensell
Ambassador