

PART V - FINAL PROVISIONS

ARTICLE 20

Transitional provisions

1. Subject to this Agreement, in determining the eligibility of a person for a benefit payable by virtue of this Agreement:
 - (a) a period as an Australian resident and/or a Canadian creditable period; and
 - (b) any event or fact which is relevant to that eligibility

shall 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. Subject to paragraphs 4 and 6, the start 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.
3. Subject to this Agreement, when this Agreement comes into force, the previous agreement shall terminate and persons who were receiving benefits by virtue of that agreement shall receive those benefits by virtue of this Agreement.
4. When a person, due to the operation of paragraph 3 of this Article, receives a carer payment in Australia by virtue of this Agreement, the rate of that carer payment shall be determined according to the legislation of Australia.
5. Where, on the date on which this Agreement enters into force, a person:
 - (a) is in receipt of a benefit under the legislation of either Party by virtue of the previous agreement; or
 - (b) is qualified to receive a benefit referred to in subparagraph (a) and, where a claim for that benefit is required, has claimed that benefit,

no provision of this Agreement shall affect that person's qualification to receive that benefit.

6. An Australian benefit that is payable only by virtue of the previous agreement to a person who:
 - (a) was an Australian resident on 8 May 1985; and
 - (b) commenced to receive that benefit before 1 January 1996

shall be paid, during any absence of that person from Australia that commenced before 1 January 1996, at a rate calculated in accordance with paragraphs 3 and 4 of Article 7 of this Agreement.