

AUSTRALIA



Treaty Series No. 41 (1986)

Agreement
on Health Services
between the Government of the United Kingdom of
Great Britain and Northern Ireland and the
Government of Australia

London, 21 March 1986

[The Agreement entered into force on 1 July 1986]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 1986

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**AGREEMENT
ON HEALTH SERVICES BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF AUSTRALIA**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia;

Desirous of providing immediately necessary medical treatment for residents of the territory of one Party temporarily in the territory of the other Party;

Have agreed as follows:

ARTICLE I

(1) For the purposes of this Agreement:

(a) "medical treatment" means:

- (i) in relation to the United Kingdom and to the Isle of Man, treatment by services provided under national health legislation, administered by health authorities or by the Isle of Man Health Services Board respectively;
- (ii) in relation to the Island of Jersey, hospital-based medical, nursing, ophthalmic and pharmaceutical services, provided by the Public Health Committee of the States of Jersey;
- (iii) in relation to the Bailiwick of Guernsey, hospital treatment as provided by the Board of Health of the States of Guernsey; and
- (iv) in relation to Australia, medical and hospital services provided, or in respect of which a benefit is payable, under the Health Insurance Act 1973, the National Health Act 1953 and any agreements or determinations made under the Health Insurance Act 1973 for and in relation to the provision in the States and Territories of Australia of hospital services and other health services;

(b) "resident" means:

- (i) in relation to the territory of the United Kingdom, a person who is ordinarily resident in any part of the territory of the United Kingdom; and
- (ii) in relation to Australia, a person who is an Australian resident, for the purposes of the Health Insurance Act 1973;

(c) "proof of residence" means:

- (i) in relation to the territory of the United Kingdom or any part of that territory, a current United Kingdom passport, including a passport issued in the Isle of Man, Jersey or Guernsey, or as appropriate one of the following:
 - (aa) National Health Service Medical Card in the case of Great Britain and the Isle of Man;
 - (bb) Health Service Medical Card in the case of Northern Ireland;

(cc) Certificate issued by the Social Security Committee of the States of Jersey;

(dd) Proof of insurance issued by the Guernsey States Insurance Authority or other proof of residence in the Bailiwick of Guernsey; and

(ii) in relation to the territory of Australia, a current Australian passport or a current Medicare card;

(d) "territory":

(i) in relation to the United Kingdom shall be construed as including the Isle of Man and the Island of Jersey and the Bailiwick of Guernsey; and

(ii) in relation to Australia shall be construed as excluding all external territories other than the territories of Cocos (Keeling) Islands and Christmas Island;

(e) a reference to the national health legislation of a Party is a reference to the legislation under which medical treatment is provided.

(2) For the purposes of this Agreement, unless the context otherwise requires, other words and expressions used in the Agreement have the meanings assigned to them respectively under the national health legislation of the Parties.

(3) This Agreement shall apply also to any legislation which replaces, amends, supplements or consolidates the national health legislation of a Party.

ARTICLE 2

(1) This Agreement applies to a resident of the territory of one Party who is able to provide proof of residence and who is either:

(a) temporarily in the territory of the other Party; or

(b) the head or a member of the staff of a diplomatic mission or consular post established there by the first-mentioned Party or a member of the family of that person, being a member who forms part of the household of that person.

(2) This Agreement does not apply to a resident of the territory of one Party who enters the territory of the other Party for the specific purpose of seeking treatment unless that person is a member of the crew or passenger on any ship, vessel or aircraft travelling to, leaving from, or diverted to the territory of the other Party and the need for the treatment arose during the voyage or flight.

(3) In paragraph (1), "temporarily in the territory" means:

(a) in relation to the territory of the United Kingdom, present but not ordinarily resident in that territory; and

(b) in relation to the territory of Australia, present in that territory for a period not exceeding six months.

ARTICLE 3

A resident of the territory of one Party, being a person to whom this Agreement applies, who needs immediate medical treatment while in the territory

of the other Party, shall be provided with such medical treatment as is clinically necessary for the diagnosis, alleviation or care of the condition requiring attention, on terms no less favourable than would apply to a resident of the latter territory.

ARTICLE 4

(1) Neither Party shall be liable to make any payment to the other Party in respect of medical treatment provided in accordance with this Agreement.

(2) Any charge which falls due in respect of medical treatment provided in the territory of a Party by virtue of this Agreement shall be borne by the person in respect of whom the medical treatment is provided.

(3) Each Party shall send to the other as soon as possible details of any changes in laws or regulations in force in their respective territories which may significantly affect the nature and scope of services provided under this Agreement.

(4) The Parties may agree, at any time, to amend this Agreement.

(5) Matters relating to the interpretation or application of this Agreement shall be resolved by consultation between the Parties.

ARTICLE 5

(1) This Agreement shall enter into force on the first day of July 1986 and shall remain in force until the expiration of 12 months from the date on which either Party receives from the other written notice through the diplomatic channel of its intention to terminate this Agreement.

(2) In the event that this Agreement is terminated in accordance with paragraph (1), the Agreement shall continue to have effect in relation to medical treatment which had been or was being provided prior to or at the expiry of the period of the notice referred to in that paragraph.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at London this 21st day of March 1986.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

TIM EGGAR

For the Government of Australia:

NEAL BLEWETT