



Australian Treaty Series

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Australian Treaty Series 1998 No 14

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

Agreement on Medical Treatment for Temporary Visitors between Australia and Ireland

(Dublin, 12 September 1997)

Entry into force: 25 May 1998

AUSTRALIAN TREATY SERIES

1998 No. 14

AGREEMENT ON MEDICAL TREATMENT FOR TEMPORARY VISITORS BETWEEN AUSTRALIA AND IRELAND

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF IRELAND,

DESIROUS of facilitating the provision of 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 1

(1) For the purpose of this Agreement:

(a) "medical treatment" means:

(i) in relation to Australia, public hospital services provided under the provisions of the Health Insurance Act 1973; any agreements or determinations made under the Health Insurance Act 1973 in relation to the provision in the States and Territories of Australia of hospital services; and

(ii) in relation to Ireland, public hospital services provided under Sections 51 to 57 of the Health Act, 1970, as amended by Sections 5 to 7 of the Health (Amendment) Act, 1991, to persons with limited eligibility, and reimbursement of certain expenditure on prescribed drugs, medicines and appliances under Section 59(2) of the Health Act 1970.

(b) "student" means, in relation to Australia, a person who is the holder of a student visa or student entry permit under the Migration Regulations.

(c) "resident" means:

(i) in relation to Australia, a person who is an Australian resident for the purposes of the Health Insurance Act 1973 and holds either a current Australian passport or any other current passport endorsed to the effect that the holder is entitled to reside indefinitely in Australia; and

(ii) in relation to Ireland, a person who is ordinarily resident in Ireland in accordance with Section 45 of the Health Act, 1970 (as amended by Section 2 of the Health (Amendment) Act, 1991), Section 46 of the Health Act, 1970 (as substituted by Section 3 of the Health (Amendment) Act, 1991) and Section 47A of the Health Act, 1970 (as inserted by Section 4 of the Health (Amendment) Act, 1991).

(d) "territory" means:

(i) in relation to Australia, the territory of Australia, excluding all external territories other than the territories of Cocos (Keeling) Islands and Christmas Island; and

(ii) in relation to Ireland, in the jurisdiction of the State.

(e) "temporarily in the territory" means lawfully present but not ordinarily resident in that territory.

(f) "public patient" means:

(i) in relation to hospital services provided in Australia, a person who is eligible for medical treatment as a public patient under the Health Insurance Act 1973; and

(ii) in relation to hospital services provided in Ireland, a person making use of hospital services as a public patient as defined in the Health Services (In-Patient) Regulations 1991 and the Health Services (Out-Patient) Regulations 1993.

(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 legislation referred to in paragraph (1)(a) of this Article.

(3) This Agreement shall apply also to any legislation which replaces, amends, supplements or consolidates the legislation referred to in paragraph (1)(a) of this Article and subordinate legislation enacted pursuant to such legislation.

Article 2

(1) This Agreement applies to a resident (other than as excluded in paragraphs (2) or (3) below) of the territory of one Party who is either:

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

(b) in the territory of the other Party as 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 such person, being a member who forms part of the household of such 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 medical 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) This Agreement does not apply to a resident of Ireland who is in the territory of Australia as a student as defined in Article 1(1)(b).

Article 3

(1) A person to whom paragraph (1)(a) of Article 2 applies, who needs immediately necessary 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, as a public patient within the public health care system on terms no less favourable than would apply to a resident of that territory.

(2) A person to whom paragraph (1)(b) of Article 2 applies, shall be provided with medical treatment whether or not immediately necessary and regardless of the length of stay in the territory of the Party in which the treatment is provided. For the purpose of this paragraph, Article 1 paragraph (1)(a)(i) does not apply and medical treatment means medical and hospital services provided under the Health Insurance Act 1973.

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 amount which is payable 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.

Article 5

(1) The competent authorities for the application of this Agreement are:

(a) in relation to Australia, the Department of Health and Family Services; and

(b) in relation to Ireland, the Department of Health and Children.

(2) The competent authorities shall send to each 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.

(3) Matters relating to the interpretation or application of this Agreement shall be resolved by consultation between the competent authorities.

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

Article 6

(1) This Agreement shall enter into force on the date specified in Notes exchanged between the Parties through the diplomatic channel notifying each other that all requirements necessary to give effect to this Agreement have been fulfilled.^[1]

(2) This Agreement 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.

(3) In the event that this Agreement is terminated in accordance with paragraph (2), the Agreement

shall continue to have effect in relation to medical treatment which 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 Dublin this twelfth day of September 1997.

FOR THE GOVERNMENT OF FOR THE GOVERNMENT OF

AUSTRALIA: IRELAND:

[Signed:] [Signed:]

WARWICK SMITH BRIAN COWEN

[1] Notes to this effect were exchanged at Canberra 16 January-25 May 1998, specifying 25 May 1998 as the date of entry into force of the Agreement.