

No. 26660

**AUSTRALIA
and
MALTA**

**Agreement on health services. Signed at Melbourne on
6 July 1988**

Authentic texts: English and Maltese.

Registered by Australia on 8 June 1989.

**AUSTRALIE
et
MALTE**

**Accord sur les prestations de santé. Signé à Melbourne le
6 juillet 1988**

Textes authentiques : anglais et maltais.

Enregistré par l'Australie le 8 juin 1989.

AGREEMENT¹ ON HEALTH SERVICES BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF MALTA

The Government of Australia and the Government of the Republic of Malta,
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. For the purpose of this Agreement:

(1) “Medical treatment” means:

- (a) In relation to Australia, medical and hospital services provided, or in respect of which a benefit is payable, under the Health Insurance Act 1973 or the National Health Act 1953, and hospital services and other health services provided under any agreement or determination made under the Health Insurance Act 1973 in relation to the provision of those services in a State or Territory of Australia; and
- (b) In relation to the Republic of Malta, medical and hospital services provided by the Department of Health of the Government of Malta for its residents.

(2) “Resident” means:

- (a) In relation to the territory of Australia, a person who is an Australian resident for the purposes of the Health Insurance Act 1973; and
- (b) In relation to the territory of Malta, a citizen of Malta who is ordinarily resident therein.

(3) “Proof of residence” means:

- (a) In relation to the territory of Australia, a current Australian passport or any other current passport endorsed to the effect that the holder is entitled to reside indefinitely in Australia, and
- (b) In relation to the territory of Malta, a current Maltese passport or a current Identity Card issued under the Identity Card Act, 1975,

or inclusion as a dependent in any of those documents.

(4) “Territory” means:

- (a) In relation to Australia, the territory of Australia, excluding all external territories other than the Territories of Cocos (Keeling) Island and Christmas Island; and
- (b) In relation to Malta, the Island of Malta, the Island of Gozo and the other Islands of the Maltese Archipelago.

(5) “Temporarily in the territory” means:

- (a) In relation to the territory of Australia, present in that territory for a period not exceeding 6 months; and

¹ Came into force on 6 July 1988 by signature, in accordance with article 6 (1).

(b) In relation to the territory of Malta, present in that territory for a period not exceeding 6 months.

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) 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 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 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.

Article 3. (1) A resident 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, on terms no less favourable than would apply to a resident of that territory.

(2) A resident to whom paragraph (1)(b) of Article 2 applies, shall be provided with medical treatment whether or not immediately necessary.

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 payable in respect of medical treatment provided to a person pursuant to this Agreement shall be borne by that person.

Article 5. (1) The competent authorities of each Party shall send, through the diplomatic channel, to each other as soon as possible details of any changes in legislation or policy in their respective territories which may significantly affect the nature and scope of medical treatment to be provided under this Agreement.

(2) This Agreement shall apply also to any new policy or to any legislation which replaces, amends, supplements or consolidates the legislation under which medical treatment is provided.

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

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

(5) For the purposes of this Article, the competent authorities shall be the Departments of Health of the respective Parties.

Article 6. (1) This Agreement shall enter into force on signature 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 the other Party's intention to terminate this Agreement.

(2) In the event that this Agreement is terminated in accordance with paragraph (1) of this Article, 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 in the English and Maltese languages, both texts being equally authoritative.

DONE in duplicate at Melbourne this sixth day of July one thousand nine hundred and eighty-eight.

For the Government
of Australia:

[Signed — Signé]¹

For the Government
of the Republic of Malta:

[Signed — Signé]²

¹ Signed by Neal Blewett — Signé par Neal Blewett.

² Signed by V. J. Gauci — Signé par V. J. Gauci.