

**Reprint  
as at 1 September 1999**



**Health Benefits (Reciprocity with  
Australia) Act 1999**

Public Act    1999 No 18  
Date of assent    7 April 1999  
Commencement    see section 1(2)

**Contents**

	Page
Title	1
1 Short Title and commencement	2
2 Reciprocity agreement to have effect	2
3 Repeals	2

**Schedule**

**Agreement on Medical Treatment for Temporary  
Visitors Between the Government of New Zealand and  
the Government of Australia**

3

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**An Act to provide for reciprocity with Australia in relation to  
pharmaceutical, hospital, and maternity benefits**

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Health.**

**1 Short Title and commencement**

- (1) This Act may be cited as the Health Benefits (Reciprocity with Australia) Act 1999.
- (2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

Section 1(2): Health Benefits (Reciprocity with Australia) Act 1999 brought into force, on 1 September 1999, by the Health Benefits (Reciprocity with Australia) Act Commencement Order 1999 (SR 1999/218).

**2 Reciprocity agreement to have effect**

The provisions contained in the agreement set out in the Schedule have effect so far as they relate to New Zealand.

**3 Repeals**

The following enactments are repealed:

- (a) the Health Benefits (Reciprocity with Australia) Act 1986;
  - (b) *Amendment(s) incorporated in the Act(s)*.
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## Schedule

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### **Agreement on Medical Treatment for Temporary Visitors Between the Government of New Zealand and the Government of Australia**

The Government of New Zealand 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 1

##### Interpretation

For the purpose of this Agreement:

- (1) “competent authorities” means:
  - (a) in relation to Australia, the Department of Health and Family Services, or such other department which may in the future carry out the relevant functions of the Department of Health and Family Services.
  - (b) in relation to New Zealand, the Ministry of Health, or such other department which may in the future carry out the relevant functions of the Ministry of Health.
- (2) “evidence of residence” means:
  - (a) in relation to an Australian resident temporarily in the territory of New Zealand, a current Australian passport or any other current passport endorsed to the effect that the holder is entitled to reside in Australia indefinitely; and
  - (b) in relation to a New Zealand resident temporarily in the territory of Australia:
    - (i) a current New Zealand passport; or
    - (ii) any other current passport or current certificate of identity endorsed to the effect that the holder is entitled to reside in New Zealand indefinitely; or
    - (iii) a current refugee travel document granted by the Government of New Zealand.

Article 1—*continued*

- (3) “medical treatment” means:
- (a) in relation to Australia, pharmaceutical benefits provided to a general patient as defined under the National Health Act 1953, and any public hospital service provided to a public patient within the public health system provided under the Health Insurance Act 1973, and any determination or authorisation made under the Health Insurance Act 1973; and
  - (b) in relation to the territory of New Zealand (excluding Niue) pharmaceutical benefits (excluding any additional pharmaceutical benefit provided to a holder of a community services card issued pursuant to the Health Entitlement Cards Regulations 1993 or any replacement regulations), and hospital services and maternity services provided in accordance with the relevant funding agreement (as defined in section 21(1) of the Health and Disability Services Act 1993);
  - (c) in relation to Niue, pharmaceutical benefits and hospital services provided under the Niue Act 1966.
- (4) “resident” means:
- (a) in relation to Australia, a person who is an Australian resident as defined in and for the purposes of the Health Insurance Act 1973; and
  - (b) in relation to New Zealand, a person who is a New Zealand resident of the territory of New Zealand.
- (5) “temporarily in the territory” means:
- (a) in relation to the territory of Australia, lawfully present but not resident in that territory; and
  - (b) in relation to the territory of New Zealand, lawfully present but not ordinarily resident in that territory.
- (6) “territory” means:
- (a) in relation to Australia, the territory of Australia, excluding all external territories other than the territories of Cocos (Keeling) Islands and Christmas Island; and
  - (b) in relation to New Zealand, the territory of New Zealand including Tokelau together with the associated self-governing State of Niue.

Article 1—*continued*

- (7) “public patient” means, in relation to a public hospital service in Australia, a person who is eligible for medical treatment as a public patient under the Health Insurance Act 1973.

Article 2

Persons to whom Agreement applies

- (1) Subject to paragraph (2) of this Article, this Agreement applies to a resident of the territory of one Party who, at the time of seeking medical treatment, is able to provide evidence of residence in that territory and who is temporarily in the territory of the other Party.
- (2) This Agreement does not apply to any resident of the territory of one Party who enters the territory of the other Party for the specific purpose of seeking medical treatment.
- (3) Notwithstanding paragraph (2) of this Article, where a resident of the territory of one Party is:
- (a) a member of the crew or passenger on an aircraft; or
  - (b) a passenger on any vessel, or crew on any non-commercial vessel;
- who is travelling to, leaving from, or diverted to the territory of the other Party and the need for medical treatment arose during that flight or voyage, that resident is entitled to that medical treatment.

Article 3

Medical treatment

A resident of the territory of one Party (being a person to whom this Agreement applies according to Article 2) who, in the opinion of the provider of medical treatment, 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 person who is a resident of the latter territory.

## Article 4

### Financial arrangements

- (1) Neither Party shall be liable to make any payment to the other Party in respect of medical treatment provided under Article 3.
- (2) Any amount payable for medical treatment provided under Article 3, pursuant to this Agreement, shall be borne by the person in respect of whom the medical treatment is provided.

## Article 5

### Communication between competent authorities

- (1) The competent authorities shall send to each other, as soon as possible, details of any changes in legislation, determinations, authorisations or funding agreements in force in their respective territories which may significantly affect the nature and scope of services provided under this Agreement.
- (2) Matters relating to the interpretation or application of this Agreement shall be resolved by consultation between the competent authorities.

## Article 6

### Application of Agreement

- (1) At any time, the Parties may agree to amend this Agreement in writing.
- (2) References in this Agreement to any legislation, determination, authorisation, or funding agreement also include any legislation, determination, authorisation, or funding agreement which replaces, amends, supplements, or consolidates the legislation, determination, authorisation, or funding agreement referred to.
- (3) 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 or funding agreement referred to in Article 1 paragraph (3).

## Article 7

### Term of Agreement

- (1) This Agreement shall enter into force on the date specified in the Notes exchanged between the Parties through diplomatic channels notifying each other in writing that all their respective requirements for the entry into force of this Agreement have been fulfilled.
- (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 diplomatic channels 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 immediately prior to or at the expiry of the period referred to in that paragraph.
- (4) On entry into force, this Agreement shall supersede the Agreement on Medical Treatment Between the Government of Australia and the Government of New Zealand, done at Rotorua on 2 April 1986.
- (5) Notwithstanding paragraph (4) of this Article, the Parties agree that the Agreement on Medical Treatment Between the Government of Australia and the Government of New Zealand, done at Rotorua on 2 April 1986, shall continue to have effect in relation to medical treatment which was being provided to any person under that Agreement immediately prior to or at the date of supersession.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DONE in duplicate at Melbourne this fourth day of May 1998.

Roger Sowry  
For the Government of  
New Zealand

Michael Richard Lewis  
Wooldridge  
For the Government of Australia

**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations  
Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent  
first)
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**Notes****1 General**

This is a reprint of the Health Benefits (Reciprocity with Australia) Act 1999. The reprint incorporates all the amendments to the Act as at 1 September 1999, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Health Benefits (Reciprocity with Australia) Act Commencement Order 1999  
(SR 1999/218)

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