



ANALYSIS

Title
1. Short Title

2. Modification of Part II of Social Security
Act 1964
Schedule

1986, No. 30

**An Act to provide for reciprocity with Australia in
relation to medical, hospital, and related benefits**

[25 June 1986]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Health Benefits (Reciprocity with Australia) Act 1986.

2. Modification of Part II of Social Security Act 1964—
(1) The provisions contained in the agreement set out in the Schedule to this Act shall have full force and effect so far as they relate to New Zealand.

(2) The provisions of Part II of the Social Security Act 1964 and of the regulations, orders, and notices in force under that Part shall have effect subject to such modifications as may be required for the purpose of giving effect to the provisions of the said agreement.

Section 2

SCHEDULE**AGREEMENT ON MEDICAL TREATMENT BETWEEN THE GOVERNMENT OF NEW
ZEALAND AND THE GOVERNMENT OF AUSTRALIA**

The Government of Australia, and the Government of New Zealand,

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

For the purpose of this Agreement:

(1) 'medical treatment' means:

- (a) in relation to the territory of 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;
- (b) in relation to the territory of New Zealand (excluding Niue), medical, hospital and other related services provided under Part II of the Social Security Act 1964 and all regulations, orders and notices in force made under that Part of that Act; and
- (c) in relation to Niue, medical and hospital services provided under the Niue Act 1966:

(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 New Zealand, a person who is ordinarily resident in the territory of New Zealand:

(3) 'evidence of residence' means:

- (a) in relation to the territory of Australia:
 - (i) a current Australian passport; or
 - (ii) a current Medicare card; and
- (b) in relation to the territory of New Zealand:
 - (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 be in New Zealand indefinitely; or
 - (iii) a current refugee travel document granted by the Government of New Zealand:

(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 New Zealand, the territory of New Zealand including Tokelau together with the associated self-governing State of Niue:

(5) 'temporarily in the territory' means:

SCHEDULE—*continued*

- (a) in relation to the territory of Australia, present in that territory for a period not exceeding 6 months; and
- (b) in relation to the territory of New Zealand, present but not ordinarily resident in that territory.

ARTICLE 2

(1) This Agreement applies to a resident of the territory of one Party who is able to provide in relation to that resident evidence of residence in that territory and who is temporarily in the territory of the other Party.

(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.

(3) Notwithstanding paragraph (2) of this Article, where a resident of the territory of one Party is a passenger on any ship, or is a member of the crew or a passenger on an aircraft travelling to, leaving from, or diverted to the territory of the other Party and the need for medical treatment arises during the voyage or flight, that resident shall be entitled to that medical treatment.

ARTICLE 3

A resident of the territory of one Party, being a person to whom this Agreement 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 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 pursuant to this Agreement.

(2) Any charge for medical treatment provided, pursuant to this Agreement, to any resident shall be borne by that resident.

ARTICLE 5

(1) Each Party shall send to the other, through diplomatic channels, as soon as possible details of any changes to legislation in force in their respective territories which may significantly affect the nature and scope of services provided pursuant to this Agreement.

(2) From time to time, the Parties may amend this Agreement in writing.

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

(4) This Agreement shall apply also to any legislation which replaces, amends, supplements, or consolidates the legislation of a Party under which medical treatment is provided.

ARTICLE 6

(1) This Agreement shall come into force on a date to be arranged by an Exchange of Notes between the Parties.

(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

SCHEDULE—*continued*

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) 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 referred to in that paragraph.

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

DONE in duplicate at Rotorua this 2nd day of April 1986.

NEAL BLEWETT
for the Government of
Australia

MICHAEL BASSETT
for the Government of
New Zealand

This Act is administered in the Department of Health.
