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DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

**Reciprocal Agreement between Australia and Italy in the matter of Health Assistance  
(Rome, 9 January 1986)**

**Entry into force: 1 September 1988**

**AUSTRALIAN TREATY SERIES**

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## RECIPROCAL AGREEMENT BETWEEN AUSTRALIA AND ITALY IN THE MATTER OF HEALTH ASSISTANCE

**AUSTRALIA, AND THE REPUBLIC OF ITALY,**

**WITH THE OBJECT** of facilitating the temporary stay of their respective citizens in the territory of the other country, and

**DESIRING** to ensure that such citizens are able to receive medical treatment under the national health system of the host country,

**HAVE AGREED** as follows:

### **Article 1**

#### **Legislative scope and interpretation**

1. For the purposes of this Agreement:

(a) "competent authority" means:

(i) in relation to Australia, the Secretary to the Department of Health or an authorised representative of the Secretary; and

(ii) in relation to Italy, the Minister of Health;

(b) "medical treatment" means:

(i) in relation to Australia, medical and hospital services provided, or in respect of which a benefit is payable, under the national health legislation; and

(ii) in relation to Italy, medical and hospital services provided under the national health legislation;

(c) "national health legislation" means:

(i) in relation to Australia, 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; and

(ii) in relation to Italy, Law No. 833 of 23 December 1978, as amended or integrated at the date on which this Agreement enters into force;

(d) "citizen" means:

(i) in relation to Australia:

(A) a citizen of Australia; or

(B) a person who is permitted to reside indefinitely in Australia, who is an eligible person for the purposes of the Health Insurance Act 1973; and

(ii) in relation to Italy, a citizen of Italy who is eligible for services under the national health legislation of Italy;

(e) "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 Italy, the territory of the Republic of Italy.

2. In the application of this Agreement in a Contracting Party, any term not defined in this Agreement shall, unless the context otherwise requires, have the meaning which it has under the national health legislation of that Contracting Party.

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

4. The competent authority of a Contracting Party shall promptly notify the competent authority of the other Contracting Party, through the diplomatic channel, of any legislation that replaces, amends or supplements the national health legislation of the first-mentioned Contracting Party which affects the scope, operation or intent of this Agreement.

## **Article 2**

### **Personal scope**

1. This Agreement applies to a citizen of a Contracting Party who enters the territory of the other Contracting Party:

(a) in the case of a person entering:

(i) the territory of Australia, with permission to remain there for a period not exceeding 6 months; or

(ii) the territory of Italy, with the intention to remain there for a period not exceeding 6 months from the time of entry to that territory; or

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

2. Medical treatment to be provided to the abovementioned persons shall be provided in accordance with article 4.

3. This Agreement does not apply to a citizen of a Contracting Party who enters the territory of the other Contracting 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, or leaving from, or diverted to the territory of the other Contracting Party and the need for the treatment arose during the voyage or flight.

### **Article 3**

#### **Equality of treatment**

A citizen of one Contracting Party, being a person to whom this Agreement applies, shall have the same entitlements and obligations as a citizen of the other Contracting Party with respect to the provision of medical treatment while in the territory of the other Contracting Party.

### **Article 4**

#### **Available services**

1. A citizen of one Contracting Party, being a person to whom this Agreement applies, who needs medical treatment while in the territory of the other Contracting Party, shall be provided with such treatment as is clinically necessary for the diagnosis, alleviation or care of his condition.

2. Such treatment may include the provision of prostheses and appliances to the extent that they are provided under the national health legislation of the Contracting Party in whose territory the treatment is provided.

3. Where medical treatment is provided to a person to whom paragraph 1.(a) of Article 2 applies and it is necessary that the treatment be continued in that territory after the 6 months period has expired, this Agreement shall continue to apply in relation to the provision of that treatment for such further period as is necessary.

4. In the case of a person to whom paragraph 1.(a) of Article 2 applies, only immediately necessary medical treatment shall be provided.

## **Article 5**

### **Financial adjustment**

The administrative arrangements made pursuant to Article 6 shall specify the basis for any financial adjustment to be made between the Contracting Parties in respect of medical treatment provided by each Contracting Party in accordance with this Agreement.

## **Article 6**

### **Administrative and related arrangements**

1. The competent authorities of the Contracting Parties shall make whatever administrative arrangements are necessary to implement this Agreement including any matter arising under their respective national health legislation, and shall co-operate where those arrangements are required to be made on a mutual basis.

2. The Contracting Parties may agree, at any time, to amend this Agreement.

3. The Contracting Parties shall, when agreed through the diplomatic channel, appoint representatives to a joint committee to meet or consult on the operation or efficacy of the Agreement and propose to the competent authorities amendments to this Agreement or administrative arrangements made pursuant to this Article.

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

5. Each Contracting Party shall bear the administrative costs associated with the operation of this Agreement in its territory.

## **Article 7**

### **Exchange of information**

1. The competent authorities of the Contracting Parties shall exchange such information as is necessary for the operation of this Agreement.

2. Any information received by a competent authority of a Contracting Party shall be treated with the same degree of confidentiality as provided for in the national health legislation of that Contracting Party.

## **Article 8**

## Entry into force

This Agreement shall be subject to ratification and shall enter into force on the first day of the month next following the month in which the instruments of ratification are exchanged.<sup>[1]</sup>

## Article 9

### Termination

1. Subject to paragraph 2, this Agreement shall remain in force until the expiration of 12 months from the date on which either Contracting Party receives from the other written notice, through the diplomatic channel, of a decision by the other Contracting Party 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 referred to in that paragraph.

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

**DONE** in duplicate at Rome this ninth day of January One thousand nine hundred and eighty-six in the English and Italian languages both texts being equally authoritative.

FOR AUSTRALIA: FOR THE REPUBLIC OF ITALY:

[Signed:] [Signed:]

NEAL BLEWETT CONSTANTE DEGAN

<sup>[1]</sup> Instruments of ratification were exchanged at Melbourne 25 August 1988. The Agreement entered into force 1 September 1988.