



DEPARTMENT OF IMMIGRATION AND MULTICULTURAL  
AND INDIGENOUS AFFAIRS

Ms Julia Morris  
Inquiry Secretary  
Joint Standing Committee on Treaties  
Parliament House  
CANBERRA ACT 2600

RECEIVED  
04 SEP 2003

BY: *Gillian Gould*

11 August 03  
Submission No: .....6.....

Dear Ms Morris

I am writing in relation to the reciprocal Working Holiday Maker Agreement between Australia and Belgium. I was requested to appear as a witness on behalf of the Department of Immigration and Multicultural and Indigenous Affairs, to provide further information on this agreement to the Joint Standing Committee on Treaties on Monday 18 August 2003. The Hansard transcript for the Joint Standing Committee on Treaties, Monday 18 August 2003, pages TR12 and TR13 refers to these issues. During my appearance, I was asked to provide some clarification on whether Belgian nationals coming to Australia would be able to access Medicare and whether they would be covered by workers' compensation.

#### Medicare

Access to Medicare is generally not available to overseas visitors or temporary resident visa holders during their stay in Australia. Some people have restricted access to Medicare while visiting Australia because they come from a country with which Australia has a Reciprocal Health Care Agreement (RHCA). Among the current working holiday arrangement countries, Australia has RHCAs with the United Kingdom, Republic of Ireland, the Netherlands, Finland, Malta, and Sweden. The level of access to Government funded health care varies between RHCA countries and generally does not cover all health services. Australia is currently negotiating a RHCA with Belgium. However, until such time as this agreement is signed with Belgium, Belgian working holiday makers will not be able to access Medicare.

#### Health Insurance

Working holiday makers are advised to take out adequate insurance to cover the full period of their stay. There is no reference to the issue of health insurance in the text of the Treaty. However, it is included at paragraph 5 of the Exchange of Letters (auxiliary to the Agreement) which addresses the need for working holiday visa applicants to take out, before their departure, medical insurance covering, for the period of their stay, medical costs, pharmaceutical costs, and hospitalisation costs in case of accident or disease. A copy of this document is attached for your information.



## **Workers Compensation**

The Department of Employment and Workplace Relations has confirmed that, provided there is a formal employer/employee relationship the holder of a visa which provides work rights is covered by workers compensation in accordance with relevant state and territory legislation.

I trust the above information adequately addresses the questions of the Joint Standing Committee. I can be contacted on telephone (02) 6264 1298 for further clarification on any of these matters.

Yours sincerely



Phil Thurbon  
Director  
Tourism and Working Holiday Makers Section  
| September 2003

Encl (1)

## Exchange of Letter

20 November 2002

Her Excellency Annemie Neyts-Uyttebroeck  
Federal Minister and Deputy for Foreign Affairs

Your Excellency

I refer to recent discussions in Brussels between officials of the Australian Government and representatives of the relevant Belgian Ministries regarding the development of a Working Holiday Maker arrangement between Australia and Belgium.

This letter sets out understandings regarding administrative matters relating to implementation of the Agreement between the Government of Australia and the Government of the Kingdom of Belgium relating to Working Holiday arrangements ("Working Holiday Agreement").

1. For both Australia and Belgium, the principal purpose of visits under the Working Holiday Agreement is a holiday, with work being incidental to the holiday.
2. Given (1) above, it is policy that the holder of a Working Holiday visa or other authorisation not work for the full twelve (12) months of the visit.
3. Applications for an Australian Working Holiday visa can be lodged at any Australian diplomatic or consular post abroad. Applications can also be lodged electronically through the internet, provided the applicant is outside Australia at the time of lodgement and at the time of the grant of the relevant visa.
4. Applications for a Belgian visa under the Agreement can be lodged at any Belgian diplomatic or consular post abroad competent for the country where the applicant is resident.
5. It is recommended that the nationals of each country wishing to enter into the other country under the Working Holiday Agreement take out, before their departure, medical insurance covering, for the period of their stay, medical costs, pharmaceutical costs, and hospitalisation costs in case of accident or disease.
6. Belgium and Australia encourage relevant agencies established in their territories to give appropriate advice to the nationals of the other country that are staying in its territory under the Working Holiday Agreement.
7. In Australia, Belgian nationals seeking to benefit from the Working Holiday Agreement will not be employed by any one employer for more than three (3) months without the permission of the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs.
8. In both Australia and Belgium, persons seeking to benefit from the Working Holiday Agreement will not be permitted to engage in any studies or training for more than three (3) months.
9. In both Australia and Belgium, there will be no restrictions on the type of employment working holiday makers may undertake. Employment in a profession in both Belgium and Australia, however, may be dependent upon recognition of qualifications and any rules of registration for practice in that profession.
10. For both Australia and Belgium, applicants will be interviewed when necessary by representatives of each government to determine their eligibility for the grant of a visa under the Working Holiday Agreement.

Yours sincerely

**Philip Ruddock**  
**Minister for Immigration and Multicultural and Indigenous Affairs**