

**AGREEMENT ON MEDICAL TREATMENT FOR TEMPORARY VISITORS
BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF
THE KINGDOM OF NORWAY**

The Government of Australia and the Government of the Kingdom of Norway,

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

Definitions

1. For the purpose of this Agreement,

(a) "medical treatment" means:

(i) in relation to Australia, pharmaceutical benefits provided to a general patient as defined under the *National Health Act 1953*, and medical and hospital services provided, or in respect of which a benefit is payable, under the *Health Insurance Act 1973*, the *National Health Act 1953* and any agreements or determinations made under the *Health Insurance Act 1973* in relation to the provision in the States and Territories of Australia of hospital services and other health services; and

(ii) in relation to Norway, benefits according to the *National Insurance Act 28 February 1997*, Chapter 5, the *Act on Specialised Health Services etc. 2 July 1999*, the *Act on Municipal Health Care 19 November 1982*.

(b) "public patient" means:

(i) in relation to medical treatment in Australia, a person who is eligible for medical treatment as a public patient under the *Health Insurance Act 1973*.

(c) "resident" means:

(i) 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 holds either a current Australian passport or any other current passport endorsed to the effect that the holder is entitled to reside indefinitely in Australia or a valid Medicare card; and

(ii) in relation to Norway, a person who is lawfully present and actually stays or intends to stay in the territory for more than twelve months and who holds either a current Norwegian passport or a document establishing that the person is a member of the National Insurance Scheme.

(d) "student" means:

(i) in relation to medical treatment in Australia, a person who is the holder of a student visa under the *Migration Act 1958* and its Regulations, and

(ii) in relation to medical treatment in Norway, a person who is undergoing education at a publicly approved institution in Norway.

(e) "temporarily in the territory" means:

(i) in relation to the territory of Australia, lawfully present but not ordinarily resident in that territory.

(ii) in relation to the territory of Norway, unless otherwise provided, lawfully present in that territory for a period of less than twelve months.

(f) "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 Norway, the Kingdom of Norway including Svalbard and Jan Mayen.

2. 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 referred to in paragraph (1)(a) of this Article.

3. This Agreement shall apply also to any legislation which replaces, amends, supplements or consolidates the legislation referred to in paragraph (1)(a) of this Article.

ARTICLE 2

Persons Covered

1. This Agreement applies to a person of one Party who is temporarily in the territory of the other Party and who is:

(a) in relation to Australia, a resident of the territory of Australia, and

(b) in relation to Norway, a member of the National Insurance Scheme.

2. This Agreement does not apply to a person to whom paragraph (1) of this article applies 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. Expenses in connection with the transport to the territory of the other Party shall not be covered under the legislation of that Party.

3. Notwithstanding the provisions in paragraphs (1) and (2), this Agreement does not apply to persons of one Party who are in the territory of the other Party as:

(a) students, or

(b) the head or a member of the staff of a diplomatic mission or consular post, or a member of the family of that person, being a member who forms part of the household of that person.

ARTICLE 3

Medical Treatment

A person of one Party to whom this Agreement applies according to Article 2, who needs immediately necessary medical treatment, that is, treatment for any episode of ill-health which requires prompt medical attention, 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, as a public patient within the public health care system on terms no less favourable than would apply to a person who is a resident of that 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 in accordance with this Agreement.

2. Any amount which is payable by a person as cost-sharing in respect of medical treatment provided in the territory of a Party by virtue of 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 for the application of this Agreement are:

(a) in relation to Australia, the Department of Health and Aged Care, or such other department which may in the future carry out the relevant functions of the Department of Health and Aged Care, and

(b) in relation to Norway, the Ministry of Health and Social Affairs, or such other competent authority as is designated by that Ministry.

2. The competent authorities shall send to each other as soon as possible details of any changes in laws or regulations in force in their respective territories which may significantly affect the nature and scope of services provided under this Agreement.

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

ARTICLE 6

Term of Agreement

1. This Agreement shall enter into force on the first day of the third month after the date of the last notification between the Parties through diplomatic channels notifying each other in writing that all their respective requirements for its entry into force have been fulfilled.
2. The Parties may agree, at any time in writing, to amend this Agreement.
3. This Agreement shall remain in force until the expiration of twelve (12) months from the date on which either Party receives from the other Party written notice through the diplomatic channel of the other Party's intention to terminate this Agreement.
4. In the event that this Agreement is terminated in accordance with paragraph (3), 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.

Done in duplicate at Canberra this twenty-eighth day of March 2003, in the English and Norwegian languages, both texts being equally authoritative.

For the Government of Australia

For the Government of the
Kingdom of Norway

Senator Kay Patterson
Minister for Health and Ageing

His Excellency Ove Thorsheim
Ambassador