

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Exchange of Notes constituting an Agreement between the Government of Australia and
the Government of the Kingdom of the Netherlands to amend the Agreement
concerning the Provision of Medical Treatment of 5 April 1991**

(Canberra, 2 July 2009)

Not yet in force
[2009] ATNIF 22

Embassy of the Kingdom of the
Netherlands
120 Empire Circuit
Yarralumla Act 2600

The Hon Nicola Roxon
Minister for Health and Ageing
Australian Government
Canberra ACT 2600

May 1,2009

Madam

I have the honour to refer to discussions between representatives of our Governments regarding the need to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment, in response to the entry into force of the Zorgverzekeringswet in the Netherlands on 1 January 2006. In light of the understanding reached in those discussions, I have the honour to propose on behalf of the Government of the Kingdom of the Netherlands that the Agreement of 5 April 1991 concerning the Provision of Medical Treatment shall be amended as follows:

A

Article 1, paragraph 1, shall be amended as follows:

1. In subsection (a), first dash, the words “Welfare, Health and Culture” shall be replaced by “Health, Welfare and Sport”.
2. In subsection (a), second dash, the words “Community Services and Health” shall be replaced by “Health and Ageing”.
3. In subsection (b), first dash, the phrase “sickness fund to which the person concerned is affiliated” shall be replaced by “health care insurer with which the person concerned is insured”.
4. In subsection (b), second dash, the words “Health Insurance Commission” shall be replaced by “Department of Health and Ageing or an institution authorised by this Department for this purpose”.
5. In subsection (c), first dash, the phrase “the Algemeen Nederlands Onderling Ziekenfonds (ANOZ), Utrecht” shall be replaced by “the health care insurer, appointed by the competent authority”.
6. In subsection (c), second dash, the words “Health Insurance Commission” shall be replaced by “Department of Health and Ageing or an institution authorised by this Department for this purpose”.
7. In subsection (e), first dash, the word “Ziekenfondsraad” shall be replaced by “College voor zorgverzekeringen (Health Care Insurance Board)”.
8. In subsection (e), second dash, the phrase “Secretary of the Department of Community Services and Health or an authorised representative of the Secretary” shall be replaced by “Department of Health and Ageing”.
9. Subsection (f) shall read as follows:

(f) “medical treatment” means:

- in relation to the Netherlands, the benefits provided under the *Zorgverzekeringswet* and the *Algemene Wet Bijzondere Ziektekosten*;

- in relation to Australia

- pharmaceutical benefits provided to a general patient as defined in the *National Health Act 1953* (Cth), as amended from time to time,
- professional and hospital services provided, or in respect of which services a benefit is payable, under the *Health Insurance Act 1973* (Cth) or the *National Health Act 1953* (Cth), both Acts as amended from time to time, and
- hospital services and other health services provided under any agreement or resolution made under the *Health Insurance Act 1973* (Cth), as amended from time to time, for and in relation to the provision of those services in a State or Territory of Australia;

10. In subsection (g), second dash, the phrase “present in that territory for a period not exceeding six (6) months” shall be replaced by “lawfully present but not resident”.

B

In article 2, subsection (a), the phrase “benefits in kind according to the *Ziekenfondswet*” shall be replaced by “benefits according to the *Zorgverzekeringswet*”.

C

1. In article 5, paragraph 3, first dash, the phrase “Algemeen Nederlands Onderling Ziekenfonds (ANOZ),” shall be replaced by “the health care insurer, appointed by the competent authority”.

2. In article 5, paragraph 4, first dash, the phrase “a certificate issued by the competent institution” shall be replaced by “a European Health Insurance Card issued by the competent institution, which carries the letters “NL””.

If these proposals are acceptable to the Government of Australia, I have the honour to propose that this letter and your Excellency’s letter in reply indicating such acceptance shall constitute an agreement between the Government of the Kingdom of the Netherlands and the Government of Australia to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment. This Agreement to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment shall enter into force thirty (30) days after the date on which the two Governments have notified each other in writing by an exchange of notes that they have completed their respective statutory and constitutional procedures required for the entry into force of this agreement, and shall have retrospective effect as from 1 January 2006.

Please accept, Madam, the renewed assurances of my highest consideration.

Willem Andreae
Ambassador
For the Government of
The Kingdom of the Netherlands

His Excellency Mr Willem Andreae
Ambassador of the
Kingdom of the Netherlands
120 Empire Circuit
Yarralumla ACT 2600

Excellency,

I have the honour to acknowledge receipt of your note of 1 May 2009, which reads as follows:

“I have the honour to refer to discussions between representatives of our Governments regarding the need to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment, in response to the entry into force of the Zorgverzekeringswet in the Netherlands on 1 January 2006. In light of the understanding reached in those discussions, I have the honour to propose on behalf of the Government of the Kingdom of the Netherlands that the Agreement of 5 April 1991 concerning the Provision of Medical Treatment shall be amended as follows:

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Article 1, paragraph 1, shall be amended as follows:

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- pharmaceutical benefits provided to a general patient as defined in the *National Health Act 1953* (Cth), as amended from time to time,
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- hospital services and other health services provided under any agreement or resolution made under the *Health Insurance Act 1973* (Cth), as amended from time to time, for and in relation to the provision of those services in a State or Territory of Australia;

10. In subsection (g), second dash, the phrase “present in that territory for a period not exceeding six (6) months” shall be replaced by “lawfully present but not resident”.

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In article 2, subsection (a), the phrase “benefits in kind according to the Ziekenfondswet” shall be replaced by “benefits according to the Zorgverzekeringswet”.

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2. In article 5, paragraph 4, first dash, the phrase “a certificate issued by the competent institution” shall be replaced by “a European Health Insurance Card issued by the competent institution, which carries the letters “NL””.

If these proposals are acceptable to the Government of Australia, I have the honour to propose that this letter and your Excellency’s letter in reply indicating such acceptance shall constitute an agreement between the Government of the Kingdom of the Netherlands and the Government of Australia to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment. This Agreement to amend the Agreement of 5 April 1991 between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment shall enter into force thirty (30) days after the date on which the two Governments have notified each other in writing by an exchange of notes that they have completed their respective statutory and constitutional procedures required for the entry into force of this agreement, and shall have retrospective effect as from 1 January 2006.

Please accept, Madam, the renewed assurances of my highest consideration,”

I have the honour to inform you that the above-mentioned proposals are acceptable to the Government of Australia. The Government considers your letter and this reply as constituting an agreement between the Government of the Kingdom of the Netherlands and the Government of Australia, which shall enter into force thirty (30) days after the date on which the two Governments have notified each other in writing by an exchange of notes that they have completed their respective statutory and constitutional procedures required for the entry into force of this agreement, and shall have retrospective effect as from 1 January 2006.

Please accept, Excellency, the renewed assurances of my highest consideration.

Nicola Roxon
For the Government of Australia

2 July 2009