

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

AGREEMENT CONCERNING THE PROVISION OF HEALTH CARE
BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA

Canberra, 11 March 2009

Not yet in force
[2009] ATNIF 8

**AGREEMENT CONCERNING THE PROVISION OF HEALTH CARE BETWEEN
THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA**

The Government of Australia and the Government of the Republic of Slovenia (“the Parties”), desirous of mutually regulating the field of health care of eligible persons of one Party during their presence in the territory of the other Party, have agreed as follows:

Article 1

DEFINITIONS

(1) Terms in this Agreement mean:

(a) “medical services”

- i) in relation to the Republic of Slovenia, medical services provided under the *Health Care and Health Insurance Act 1992*; and
- ii) in relation to Australia, pharmaceutical benefits provided to a general patient as defined under the *National Health Act 1953*, professional 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 any agreements or determinations made under the *Health Insurance Act 1973* in relation to provision in the States and Territories of Australia of public hospital services and other health services.

(b) “insured person”

in relation to the Republic of Slovenia, a person covered by compulsory health insurance under the *Health Care and Health Insurance Act 1992*.

(c) “resident”

in relation to Australia, a person who is an Australia resident under the *Health Insurance Act 1973*.

(d) “territory”

- i) in relation to the Republic of Slovenia, the territory of the Republic of Slovenia; and
- ii) in relation to Australia, the territory of Australia for the purposes of the *Health Insurance Act 1973*.

(e) “temporary stay”

lawful presence but not permanent residence in the territory of the Parties.

(f) “competent authority”

- i) in relation to the Republic of Slovenia, the Ministry of Health; and
- ii) in relation to Australia, the Department of Health and Ageing.

(g) “competent institution”

- i) in relation to the Republic of Slovenia, the Health Insurance Institute of Slovenia; and
- ii) in relation to Australia, the Department of Health and Ageing or an institution authorised by the Department for this purpose.

(2) For the purposes of this Agreement, unless the context otherwise requires, other terms and words shall have the meanings assigned to them by the respective legislations of the Parties as defined in paragraph (1) (a) of this Article.

(3) This Agreement shall also apply 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 shall apply to persons of one Party who are temporarily staying in the territory of the other Party and who are:

- (a) in relation to the Republic of Slovenia, persons covered by compulsory health insurance under the *Health Care and Health Insurance Act 1992*; and
- (b) in relation to Australia, residents under the *Health Insurance Act 1973*.

(2) This Agreement shall also apply to persons who are members of a diplomatic mission or consular post established by one Party in the territory of the other, and their family members living with them in the same household.

(3) This Agreement does not apply to a person who falls within the terms of paragraph (1) of this Article, where that person enters the territory of the other Party for the purpose of 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.

Article 3

MEDICAL SERVICES

(1) A person who falls within the terms of paragraph (1) of Article 2, while in the territory of the other Party, who needs necessary medical treatment for ill health which requires immediate medical attention, shall be provided with such medical services as are clinically necessary for the diagnosis, treatment or care of the condition on the same terms as would apply to insured persons when present in the territory of the Republic of Slovenia or residents when present in the territory of Australia.

(2) A person who falls within the terms of paragraph (2) of Article 2 shall be eligible for medical services at all times during that person’s stay in the territory of the other Party to the

same extent and under the same conditions as insured persons when present in the territory of the Republic of Slovenia or residents when present in the territory of Australia.

Article 4

FINANCIAL PROVISIONS

In accordance with this Agreement neither Party shall be liable to reimburse the other Party the costs of medical services provided.

Article 5

COMPETENT AUTHORITIES AND INSTITUTIONS

1) The competent authorities of the Parties must inform each other as soon as possible of any changes in their legislation which are applicable in their territories and may significantly affect the nature and scope of medical services envisaged under this Agreement.

(2) Matters relating to the interpretation of this Agreement shall be resolved by consultation between the competent authorities of the Parties.

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

(4) The competent institutions of the Parties shall make whatever administrative arrangements are necessary to implement this Agreement.

Article 6

DOCUMENTS

In order to receive medical services under this Agreement, a person who falls within the terms of paragraph (1) or paragraph (2) of Article 2 must submit a valid passport and evidence of eligibility for:

- (a) compulsory health insurance in the Republic of Slovenia; or
- (b) residence under the *Health Insurance Act 1973*.

Article 7

FINAL PROVISIONS

(1) This Agreement shall enter into force on the date that the Parties notify each other in writing, through the diplomatic channels, that all their respective requirements for its entry into force have been fulfilled.

(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 notice through the diplomatic channel of its intention to terminate this Agreement.

(3) In the event 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 was being provided prior to or at the expiry of the period of 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 on 11 March 2009 in the English and Slovene languages, both texts being equally authoritative.

FOR THE GOVERNMENT OF AUSTRALIA

FOR THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA

.....
The Hon. Nicola Roxon
Minister for Health and Ageing

.....
Gregor Kozovinc
Chargé d'Affaires a.i.

SPORAZUM O ZAGOTAVLJANJU ZDRAVSTVENEGA VARSTVA MED VLADO AVSTRALIJE IN VLADO REPUBLIKE SLOVENIJE

Vlada Avstralije in Vlada Republike Slovenije (v nadaljevanju pogodbenici) sta se v želji, da bi uredili zdravstveno varstvo upravičenih oseb ene pogodbenice, ko so na ozemlju druge pogodbenice, sporazumeli, kot sledi:

1. člen

POMEN IZRAZOV

(1) Izrazi v tem sporazumu pomenijo:

a) »zdravstvene storitve«

i) za Republiko Slovenijo zdravstvene storitve, zagotovljene po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*, in

ii) za Avstralijo zdravila, ki se državnemu pacientu zagotovijo po *Zakonu o varovanju zdravja, 1953*, zagotovljene zdravstvene in bolnišnične storitve ali tiste, za katere se izplača dajatev, po *Zakonu o zdravstvenem zavarovanju, 1973*, ali *Zakonu o varovanju zdravja, 1953*, in vseh sporazumih ali odločitvah po *Zakonu o zdravstvenem zavarovanju, 1973*, v zvezi z zagotavljanjem storitev javnih bolnišnic in drugih zdravstvenih storitev v državah in na ozemljih Avstralije;

b) »zavarovana oseba«

za Republiko Slovenijo oseba, ki je obvezno zdravstveno zavarovana po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*;

c) »prebivalec«

za Avstralijo oseba, ki je prebivalec Avstralije po *Zakonu o zdravstvenem zavarovanju, 1973*;

d) »ozemlje«

i) za Republiko Slovenijo ozemlje Republike Slovenije in

ii) za Avstralijo ozemlje Avstralije za namen uporabe *Zakona o zdravstvenem zavarovanju, 1973*;

e) »začasno bivanje«

zakonito, vendar ne stalno prebivanje na ozemlju pogodbenic;

f) »pristojni organ«

i) za Republiko Slovenijo Ministrstvo za zdravje in

ii) za Avstralijo Ministrstvo za zdravje in vprašanja staranja;

g) »pristojni nosilec«

i) za Republiko Slovenijo Zavod za zdravstveno zavarovanje Slovenije in

ii) za Avstralijo Ministrstvo za zdravje in vprašanja staranja ali nosilec, ki ga za to pooblasti ministrstvo.

(2) V tem sporazumu imajo drugi izrazi in besede, razen če ni drugače razvidno iz besedila sporazuma, pomen, kot izhaja iz zakonodaje pogodbenic, opredeljene v točki a prvega odstavka tega člena.

(3) Ta sporazum se nanaša tudi na zakonodajo, ki nadomešča, spreminja, dopolnjuje ali povzema zakonodajo, opredeljeno v točki a prvega odstavka tega člena.

2. člen

OSEBE, ZA KATERE SE UPORABLJA SPORAZUM

(1) Ta sporazum se uporablja za osebe ene pogodbenice, ki so začasno na ozemlju druge pogodbenice, in so:

- (c) za Republiko Slovenijo osebe, ki so obvezno zdravstveno zavarovane po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*, in
- (d) za Avstralijo prebivalci po *Zakonu o zdravstvenem zavarovanju, 1973*.

(2) Ta sporazum se uporablja tudi za osebe, ki so člani diplomatskega predstavništva ali konzulata, ki ga je na ozemlju ene pogodbenice odprla druga pogodbenica, ter za njihove družinske člane, ki živijo z njimi v skupnem gospodinjstvu.

(3) Ta sporazum se ne uporablja za osebo, za katero veljajo pogoji iz prvega odstavka tega člena, kadar ta oseba vstopi na ozemlje druge pogodbenice zaradi zdravljenja, razen če je ta oseba član posadke ali potnik na ladji, plovilu ali letalu, ki prihaja na ozemlje druge pogodbenice, odhaja z njega ali se je znašlo na njem, in se je potreba po zdravljenju pojavila med potovanjem ali poletom.

3. člen

ZDRAVSTVENE STORITVE

(1) Osebi, za katero veljajo pogoji iz prvega odstavka 2. člena, ki na ozemlju druge pogodbenice potrebuje nujno zdravljenje zaradi slabega zdravstvenega stanja, ki zahteva nujno zdravstveno oskrbo, se pod enakimi pogoji kot zavarovanim osebam, kadar je na ozemlju Republike Slovenije, ali prebivalcem, kadar je na ozemlju Avstralije, zagotovijo take zdravstvene storitve, ki so potrebne za klinično ugotavljanje bolezni, zdravljenje ali oskrbo tega stanja.

(2) Oseba, za katero veljajo pogoji iz drugega odstavka 2. člena, je upravičena do zdravstvenih storitev ves čas, ko prebiva na ozemlju druge pogodbenice, v enakem obsegu in pod enakimi pogoji kot zavarovane osebe, kadar je na ozemlju Republike Slovenije, oziroma kot prebivalci, kadar je ta oseba na ozemlju Avstralije.

4. člen

FINANČNE DOLOČBE

V skladu s tem sporazumom nobena pogodbenica ni dolžna povrniti stroškov za opravljene zdravstvene storitve drugi pogodbenici.

5. člen

PRISTOJNA ORGANA IN NOSILCA

(1) Pristojna organa pogodbenic sta se dolžna čim prej obveščati o vseh spremembah svoje zakonodaje, ki velja na njunih ozemljih in bi lahko bistveno vplivala na naravo in obseg zdravstvenih storitev, predvidenih po tem sporazumu.

(2) Zadeve v zvezi z razlago tega sporazuma se rešujejo s posvetovanjem pristojnih organov pogodbenic.

(3) Zadeve v zvezi z izvajanjem tega sporazuma se rešujejo s posvetovanjem pristojnih nosilcev pogodbenic.

(4) Pristojna nosilca pogodbenic lahko po potrebi skleneta dogovore o izvajanju tega sporazuma.

6. člen

DOKUMENTI

Za uveljavljanje zdravstvenih storitev po tem sporazumu mora oseba, za katero veljajo pogoji iz prvega ali drugega odstavka 2. člena, predložiti veljaven potni list in dokazilo o upravičenosti do:

- a) obveznega zdravstvenega zavarovanja v Republiki Sloveniji oziroma
- b) prebivanja po *Zakonu o zdravstvenem zavarovanju, 1973*.

7. člen

KONČNE DOLOČBE

(1) Ta sporazum začne veljati z dnem, ko se pogodbenici po diplomatski poti pisno obvestita, da so izpolnjene vse notranjepravne zahteve za začetek njegove veljavnosti.

(2) Sporazum se sklene za nedoločen čas ali do poteka 12 mesecev od dne, ko ena pogodbenica po diplomatski poti prejme pisno obvestilo druge pogodbenice o njeni nameri, da odpoveduje sporazum.

(3) Ob odpovedi tega sporazuma v skladu z drugim odstavkom tega člena se sporazum še naprej uporablja, če se je zdravljenje začelo pred potekom ali ob poteku odpovednega roka, navedenega v tem odstavku.

Da bi to potrdila, sta podpisana, ki sta ju njuni vladi za to pravilno pooblastili, podpisala ta sporazum.

Sestavljeno v dveh izvodih v Canberri dne 11. marca 2009 v angleškem in slovenskem jeziku, pri čemer sta besedili enako verodostojni.

ZA VLADO AVSTRALIJE

ZA VLADO REPUBLIKE
SLOVENIJE

.....
The Hon. Nicola Roxon
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