

**AUSTRALIAN GOVERNMENT**  
***HEALTH INSURANCE ACT 1973***

**Health Insurance (Eligible persons and citizens absent from Australia  
for five years) Order 2017**

I, GREG HUNT, Minister for Health, pursuant to subsection 6(1) of the *Health Insurance Act 1973* (the Act) hereby DECLARE that:

(a) Every person included in the specified class of persons:

Australian citizens who have been absent from Australia for a period of no longer than five (5) years from the date of last departure, at which time such person was an Australian resident as defined in the Act,

being a person who but for this order, would not be an eligible person for the purposes of the Act shall, during any period in which the person is in Australia, be treated as being an eligible person for the purposes of the Act.

(b) This order shall have effect from the date of signature.

Dated this 26th day of October 2017

GREG HUNT  
MINISTER FOR HEALTH

## ATTACHMENT - STATEMENT OF REASONS

*Health Insurance Act 1973*  
Class Order under subsection 6(1)

**ORDER NO:** 797

**DATE OF ORDER:** 2017

**RELATED ORDER:** 517, 365, 212, 762, 781

**NAME OF PERSON/GROUP:** Australian citizens absent from Australia up to five years

### REASON FOR APPROVAL:

Australian citizens absent overseas retain their Medicare entitlements on return visits to Australia for a period of up to five years from when they were last resident in Australia for Medicare purposes.

This policy addresses difficulties, for both the patient and Medicare, in proving residence upon return to Australia within a reasonable grace period. Where an absence exceeds five years, Australian citizens must provide proof of their resident status to regain their entitlements to Medicare. Each case is considered on its merits.

In 1992, concerns were raised in the Senate about missionaries being refused Medicare on their return from overseas, as they were unable to produce documentary evidence that they resided in Australia.

The Department undertook a review of Medicare eligibility in these circumstances, that is, for citizens absent from Australia for some years who could not provide evidence of residence in Australia to satisfy the Health Insurance Act. It affected mainly missionaries, but also those working overseas and on diplomatic postings.

The matter was addressed by an order under subsection 6(1), enabling an Australian citizen to remain eligible for Medicare on return visits to Australia within five years from the date of last departure as a permanent resident.

Note: The name of this instrument was amended on registration as the instrument as lodged did not have a unique name (see subsection 10(2), *Legislation Rule 2016*).