

AUSTRALIAN GOVERNMENT
HEALTH INSURANCE ACT 1973

Health Insurance (Eligible persons and citizens of Malta) Order 2020

I, Liz Dowd, delegate for the Minister for Health, pursuant to subsection 6(1) of the *Health Insurance Act 1973* ('the Act'), hereby DECLARE that:

- (1) Every person included in the class of persons specified in section (3) who, but for this Order, would not be an eligible person for the purposes of the Act shall, for the period from 17 March 2020 until the later of:
 - (a) the end of the period of six months after the person's last entry to Australia; or
 - (b) the end of the period for which a human biosecurity emergency is declared under section 475 of the *Biosecurity Act 2015* in relation to human coronavirus with pandemic potential;be treated as having been or as being an eligible person for the purposes of the Act.
- (2) Where:
 - (a) a person is in the class of persons specified in section (3) and, but for this Order, would not be an eligible person for the purposes of the Act; and
 - (b) that person was provided with necessary medical treatment in Australia on or before the end of the period in section (1); and
 - (c) it is necessary for the treatment to continue after the end of that period;that person shall be treated as having been or being an eligible person for the purposes of the Act for the period during which that further treatment is necessary.
- (3) The class is each person who:
 - (a) is a citizen of Malta who is ordinarily resident therein; and
 - (b) is a holder of a current Maltese passport or a current Identity Card issued under the *Identity Card Act 1975*, or included as a dependent in any of those documents; and
 - (c) is not a person who is the holder of a student visa under the *Migration Act 1958* and its Regulations; and
 - (d) is lawfully present but not ordinarily resident in Australia.
- (4) This Order revokes the Health Insurance (Eligible persons and citizens of Malta) Order 2017 made on 26 October 2017.
- (5) This Order shall have effect from the date of signature.

Dated this 27th day of March 2020

Liz Dowd
Assistant Secretary
MBS Policy and Specialist Services Branch
Department of Health

ATTACHMENT – STATEMENT OF REASONS

Health Insurance Act 1973

Class Order under Subsection 6(1)

Health Insurance (Eligible persons and citizens of Malta) Order 2020

ORDER NO: 813
DATE OF ORDER: 2020
RELATED ORDERS: 810
NAME OF PERSON OR GROUP: Maltese citizens

REASONS FOR APPROVAL:

Citizens of Malta who are lawfully present in Australia but not ordinarily resident in Australia are eligible for Medicare upon arrival in Australia, while on a visa that exceeds 6 months and also during the period for which a biosecurity emergency is declared in relation to COVID-19.

This is an interim measure to:

- (a) address an anomaly in the Australia-Malta Reciprocal Health Care Agreement. Currently, the agreement does not permit a person entering Australia on a visa exceeding a 6 month period to be eligible for Medicare; and
- (b) enable certain Maltese citizens in Australia during the COVID-19 pandemic to be eligible for Medicare, and to retain eligibility to continue necessary medical treatment commenced while in Australia.