

AUSTRALIAN GOVERNMENT
HEALTH INSURANCE ACT 1973

Health Insurance (Eligible persons and citizens of Malta) Order 2022

I, Nigel Murray, Assistant Secretary, Medical benefits Division, delegate for the Minister for Health, pursuant to subsection 6(1) of the *Health Insurance Act 1973* ('the Act'), hereby:

- (1) REVOKE the Health Insurance (Eligible persons and citizens of Malta) Order 2020, made on 27 March 2020; and
- (2) DECLARE that every person included in the class of persons specified in section (4) who, but for this Order, would not be an eligible person for the purposes of the Act shall, for the period from 17 March 2022 until the end of the period of six months after the person's last entry to Australia be treated as having been or as being an eligible person for the purposes of the Act.
- (3) Where:
 - (a) a person is in the class of persons specified in section (4) 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 (2); 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.
- (4) 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.
- (5) This Order shall have effect from 17 March 2022.

Dated this 11 day of March 2022

Nigel Murray
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 2022

ORDER NO: 816
DATE OF ORDER: 2022
RELATED ORDERS: 813
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.

This is an interim measure to 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.