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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Migration Amendment (Urgent Medical Treatment) Bill 2018

No. , 2018

(Dr Phelps, Mr Wilkie, Mr Bandt, Ms Banks and Ms Sharkie)

**A Bill for an Act to amend the *Migration Act 1958*,
and for related purposes**

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1 **A Bill for an Act to amend the *Migration Act 1958*,**
2 **and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act is the *Migration Amendment (Urgent Medical Treatment)*
6 *Act 2018*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Migration Act 1958

1 Paragraph 42(2A)(ca)

Omit “section 198B”, substitute “section 198B or 198C”.

2 At the end of section 198B

Add:

- (4) Without limiting the generality of subsection (1), a temporary purpose may include:
- (a) medical or psychiatric assessment or treatment; or
 - (b) accompanying a person who has or will be brought to Australia accordance with subsection (1) or section 198C, if that person is a member of the same family unit or if recommended by a medical practitioner.

3 After section 198B

Insert:

198C Transfer of legacy minors, relevant transitory persons and family members for medical treatment

Transfer of legacy minors

- (1) If an officer knows or reasonably suspects that a transitory person is a legacy minor, the officer must, as soon as practicable, bring the person to Australia for the temporary purpose of medical or psychiatric assessment or treatment.

Transfer of relevant transitory persons

- (2) If the Secretary is notified that a transitory person in a regional processing country has been assessed as a relevant transitory person by 2 or more treating doctors, the Secretary must cause an officer to, as soon as practicable, bring the person to Australia for the temporary purpose of medical or psychiatric assessment or treatment.

Transfer of family unit etc.

- (3) If an officer knows or reasonably suspects that a transitory person in a regional processing country is a member of the same family unit as another transitory person (the **relevant transferee**) who is being brought to or is in Australia for a temporary purpose, the officer must, for the temporary purpose referred to in paragraph 198B(4)(b), bring the transitory person to Australia at the same time as, or as soon as practicable after, the relevant transferee.
- (4) If an officer knows or reasonably suspects that a transitory person in a regional processing country has been recommended by a treating doctor to accompany another transitory person (the **relevant transferee**) who is being brought to or is in Australia for a temporary purpose, the officer must, for the temporary purpose referred to in paragraph 198B(4)(b), bring the transitory person to Australia at the same time as, or as soon as practicable after, the relevant transferee.
- (5) If an officer knows or reasonably suspects that a transitory person in a regional processing country is a member of the same family unit as a minor who is in Australia, the officer must, for a temporary purpose, bring the transitory person to Australia.

Miscellaneous

- (6) Nothing in this section shall affect the operation of section 198B.
- (7) An officer must not bring a person to Australia from a regional processing country in accordance with subsection (1), (3), (4) or (5) while the person does not consent to being brought to Australia.
- (8) In this section:
- legacy minor** means any transitory person who, on the day this subsection commences:
- (a) was in a regional processing country; and
 - (b) had not previously been the subject of the exercise of a power under subsection (1); and
 - (c) was under 18.

1 ***relevant transitory person*** means any transitory person in a
2 regional processing country:

- 3 (a) who is assessed by a treating doctor as requiring medical or
4 psychiatric assessment or treatment; and
5 (b) who is not receiving appropriate medical or psychiatric
6 assessment or treatment in the regional processing country.

7 ***treating doctor*** means:

- 8 (a) a medical practitioner who is registered or licensed to provide
9 medical or psychiatric services in a regional processing
10 country or Australia; and
11 (b) has assessed the transitory person either remotely or in
12 person.