

2019

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Migration Amendment (Repairing
Medical Transfers) Bill 2019**

No. , 2019

(Home Affairs)

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

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

The Parliament of Australia enacts:

1 Short title

This Act is the *Migration Amendment (Repairing Medical Transfers) Act 2019*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Repairing medical transfers

Part 1—Amendments

Migration Act 1958

1 Subsection 5(1)

Repeal the following definitions:

- (a) definition of *legacy minor*;
- (b) definition of *relevant transitory person*;
- (c) definition of *treating doctor*.

2 Paragraph 42(2A)(ca)

Omit “or 198C”.

3 Subsection 198(1A)

After “section 198B”, insert “or repealed section 198C”.

4 Subsection 198(1A) (note)

Omit “Note:”, substitute “Note 1:”.

5 At the end of subsection 198(1A)

Add:

Note 2: Section 198C was repealed by the *Migration Amendment (Repairing Medical Transfers) Act 2019*. It provided for certain transitory persons to be brought to Australia for a temporary purpose (including the temporary purpose of medical or psychiatric assessment or treatment).

6 Paragraph 198(1B)(a)

After “section 198B”, insert “or repealed section 198C”.

7 Paragraph 198AH(1A)(a)

After “section 198B”, insert “or repealed section 198C”.

8 At the end of subsection 198AH(1A)

Add:

Note: Section 198C was repealed by the *Migration Amendment (Repairing Medical Transfers) Act 2019*. It provided for certain transitory persons

Schedule 1 Repairing medical transfers
Part 1 Amendments

to be brought to Australia for a temporary purpose (including the temporary purpose of medical or psychiatric assessment or treatment).

9 Subsection 198B(4)

Repeal the subsection.

10 Sections 198C to 198J

Repeal the sections.

11 Subdivision D of Division 8 of Part 2

Repeal the Subdivision.

12 Subsection 474(4) (table items 1A to 1D)

Repeal the items.

13 Subsection 499(1)

Omit “(other than the panel established under section 199A)”.

Part 2—Application provisions etc.

14 Application of amendments relating to removal etc.

- (1) The amendments of subsection 198(1A) and paragraph 198(1B)(a) of the *Migration Act 1958* made by this Schedule apply in relation to an unlawful non-citizen brought to Australia under repealed section 198C of that Act before, on or after the commencement of this item.
- (2) The amendment of paragraph 198AH(1A)(a) of the *Migration Act 1958* made by this Schedule applies in relation to a transitory person brought to Australia under repealed section 198C of that Act before, on or after the commencement of this item.

15 Effect of repeal of medical transfer provisions

- (1) Subsection 7(2) of the *Acts Interpretation Act 1901* does not apply in relation to the repeal by this Schedule of a medical transfer provision.
- (2) Despite subitem (1), the repeal by this Schedule of a medical transfer provision does not affect rights or liabilities arising between parties to proceedings in which:
 - (a) judgment is reserved by a court as at the commencement of this item; or
 - (b) judgment has been delivered by a court before the commencement of this item;and the judgment sets aside, or declares invalid, a decision made under a medical transfer provision.
- (3) In this item:

medical transfer provision means any of the following provisions of the *Migration Act 1958*:

 - (a) subsection 198B(4);
 - (b) sections 198C to 198J;
 - (c) Subdivision D of Division 8 of Part 2;
 - (d) items 1A to 1D of the table in subsection 474(4).