EXPLANATORY STATEMENT

Migration Regulations 1994

REQUIRED MEDICAL ASSESSMENT

(Clauses 4005, 4006A and 4007)

1. Instrument IMMI 15/144 is made under clauses 4005, 4006A and 4007 of Schedule 4 to the *Migration Regulations 1994* (the Regulations).

2. The Instrument revokes IMMI 15/119 (F2015L01747), signed on 27 October 2015 under subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

3. The purpose of the Instrument is to update the medical assessment matrix by using a two tier approach to the categorisation of risk level and also update required medical assessments and to amend an inconsistency between schedules 1 and 2. This included minor changes to table headings.

4. The Instrument operates to specify a class of persons who must undertake the medical assessments specified in the Instrument; and a class of persons who must be assessed by a person specified in the Instrument.

5. External consultation to the Instrument was undertaken with the National Tuberculosis Advisory Committee and the Chief Medical Officer of the Department of Health.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 19363).

7.   Under section 44 of the *Legislative Instruments Act 2003*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.

8.   The Deputy Chief Medical Officer was delegated the powers contained in clauses 4005, 4006A and 4007 of Schedule 4 of the Regulations in Instrument of Delegation DEL 15/165, signed on 27 October 2015.

9.   This Instrument IMMI 15/144 commences on the day it is registered on the Federal Register of Legislative Instruments.