

## **EXPLANATORY STATEMENT**

*Migration Regulations 1994*

### **MIGRATION (LIN 19/046: ARRANGEMENTS FOR MEDICAL TREATMENT (VISITOR) (CLASS UB) VISA APPLICATIONS) INSTRUMENT 2018**

*(Subregulation 2.07(5))*

1. Instrument LIN 19/046 is made under subregulation 2.07(5) to the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals LIN 18/090 (F2018101194) (the old law) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states that 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 instrument operates to specify approved form and the approved place and manner of lodgement for an application for a Medical Treatment (Visitor) (Class UB) visa (Medical Treatment visa) to be valid.
4. The purpose of the instrument is to provide the approved place and manner for making a Medical Treatment visa application. From 2 March 2019, the approved form can be lodged using the online Form 48ME form or by the paper Form 48ME method that existed under the old law. The lodgement of the non-internet application by submitting a paper form 48ME will be in accordance with the directions provided by the Department of Home Affairs either verbally or through email.
5. In accordance with subsection 17(1) of the *Legislation Act 2003*, consultation was undertaken with internal and external stakeholders. External consultation included engagement with impacted stakeholders as follows:
  - a. service delivery partners – discussions involved addressing ways to manage the impact of the move away from paper form lodgement; and
  - b. organisations in the medical aid sector, including with relevant overseas posts.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required 24704.
7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. The instrument commences on 2 March 2019.