



AUSTRALIAN GOVERNMENT
HEALTH INSURANCE ACT 1973

Health Insurance (Eligible persons – Participants in the family accompaniment pilot under the Pacific Australia Labour Mobility (PALM) scheme) Order 2024

I, Louise Riley, Acting First Assistant Secretary, Medicare Benefits and Digital Health Division, Health Resourcing Group, delegate for the Minister for Health and Aged Care, for the purposes of subsection 6(1) of the *Health Insurance Act 1973* (the Act) hereby DECLARE that:

- (1) Every person included in the specified class of persons to whom clause 2 applies, being a person who, but for this Order, would not be an eligible person for the purposes of the Act shall, during any period in which the person is in Australia, be treated as being an eligible person for the purposes of the Act.
- (2) This applies to:
 - (a) a person who is the holder of a Subclass 403 Temporary Work (International Relations) visa (in the Pacific Australia Labour Mobility stream or Pacific Labour Scheme stream) and:
 - (i) the person is participating in the Pacific Australia Labour Mobility scheme family accompaniment pilot to bring members of the family unit (within the meaning of subsection 5(1) of the *Migration Act 1958*) of the person to Australia; and
 - (ii) a member of the person's family unit has entered Australia and is, or has been, residing temporarily in Australia.
 - (b) a person who is in Australia as the holder of a Subclass 403 Temporary Work (International Relations) visa granted on the basis that the person is a member of the family unit of the worker referred to in subparagraph (a)(i).
 - (c) the child of the worker referred to in subparagraph (a)(i) or member of the family unit referred to in paragraph (b) and who:
 - (i) was born in Australia; and
 - (ii) is taken to have been granted a Subclass 403 Temporary Work (International Relations) visa (in the Pacific Australia Labour Mobility stream or Pacific Labour Scheme stream) because of section 78 of the *Migration Act 1958*.
- (3) This Order commences on 30 April 2024.

Dated 16 April 2024

Louise Riley
Acting First Assistant Secretary
Medicare Benefits and Digital Health Division
Health Resourcing Group
Department of Health and Aged Care

ATTACHMENT - STATEMENT OF REASONS

Health Insurance Act 1973
Class Order under Subsection 6(1)

ORDER NO: 822

DATE OF ORDER: 16 April 2024

RELATED ORDER: N/A

NAME OF PERSON/GROUP: Participants in the family accompaniment pilot under the Pacific Australia Labour Mobility (PALM) scheme

REASON FOR APPROVAL:

The *Enhancing Pacific Engagement* Budget 2023-24 measure provides access to Medicare for 200 families participating in a Pacific Australia Labour Mobility (PALM) scheme family accompaniment pilot, to begin in the 2023-24 financial year.

The PALM scheme allows eligible Australian businesses to hire workers from select Pacific countries and Timor-Leste when there are not enough local workers available. Eligible businesses can recruit workers for short-term jobs for up to nine months or long-term roles for between one and four years in unskilled, low-skilled and semi-skilled positions.

The PALM scheme delivers jobs for Pacific and Timor-Leste workers, enabling them to develop skills, earn income and support their families back home. Pacific labour mobility also helps create strong links between people, businesses, and communities, fostering deeper connections between Australia and its neighbours. Pacific and Timor-Leste workers help to fill labour gaps in regional and rural Australia, and the agriculture industry nationally. This offers Australian employers access to reliable, productive workers who also contribute to the cultural and economic vibrancy of communities across Australia.

All PALM scheme workers, including both short and long-term, are granted a Temporary Work (International Relations) visa (Subclass 403) within the Pacific Australia Labour Mobility stream. There are other streams within the 403 visa subclass for persons not participating in the PALM scheme. There are also long-term PALM scheme participants on the now repealed Pacific Labour Scheme (PLS) stream of the 403 visa subclass.

The Australian Government has committed to expanding and improving the PALM scheme, including through a policy of family accompaniment for workers on long-term placements. This will reduce the social impacts of extended periods of family separation. The roll-out of family accompaniment will commence initially with a pilot of 200 workers and their families.

PALM scheme workers will need to meet additional program criteria to be eligible to bring their families to Australia, such as the worker having already spent a period of time in Australia prior to their family arriving. The Department of Foreign Affairs and Trade will approve the workers who will participate in the family accompaniment pilot.

A member of the family unit within the meaning of the *Migration Act 1958* includes: a PALM scheme worker's spouse or de facto partner; a child or step-child who is aged up to 18, or who is aged 18 to 23 and is dependent on the PALM scheme worker or their spouse or de facto partner, or who has turned 23 and is dependent on the PALM scheme worker or their spouse or de facto partner due to being incapacitated; and any dependent child of a child or step-child as described here.

Extending access to Medicare for this cohort will support the objective of ensuring families of PALM scheme participants have a positive experience in Australia. PALM scheme workers are often engaged in lower skilled and lower wage roles than other temporary workers. Without access to Medicare, families reunited in Australia through family accompaniment may face hardship that could jeopardise the success of their work placement and the objectives of the family accompaniment policy.

Through this Ministerial Order, the Medicare eligibility of workers and their family members will be enlivened on and from the day of arrival in Australia of a family member or members under the family accompaniment policy for the duration of their participation in the family accompaniment pilot.

The *Health Insurance (Eligible persons – Participants in the family accompaniment pilot under the Pacific Australia Labour Mobility (PALM) scheme) Order 2024* will take effect from 30 April 2024. However, no person will have their rights, as existing at the time the order takes effect, affected so as to disadvantage them, or liabilities imposed on them, other than the Commonwealth.