



Migration Amendment (Workplace Justice Visa) Regulations 2024

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 June 2024

David Hurley
Governor-General

By His Excellency's Command

Andrew Giles
Minister for Immigration, Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Workplace Justice Visa) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	1 July 2024.	1 July 2024

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Subitem 1237(3) of Schedule 1 (table item 2)

Repeal the item, substitute:

- 2 An applicant:
- (a) if subitem (5A) applies to the applicant—must be in Australia, but not in immigration clearance; or
 - (b) otherwise—may be in or outside Australia, but not in immigration clearance.

2 Subitem 1237(3) of Schedule 1 (table item 3, paragraph (a))

After “other than”, insert “clause 408.228A (workplace justice) or”.

3 Subitem 1237(3) of Schedule 1 (after table item 3)

Insert:

- 3A If an applicant is seeking to satisfy the criterion in clause 408.219A of Schedule 2 on the basis that clause 408.228A (workplace justice) of that Schedule applies to the applicant, all of the following must apply:
- (a) a certificate has been issued in relation to the applicant by a person, body or government entity determined in the instrument made under subitem (5B) of this item;
 - (b) the certificate states that a matter relating to workplace exploitation that is of a kind determined in the instrument made under that subitem applies in relation to the applicant;
 - (c) the certificate has not been revoked or set aside.

4 After subitem 1237(5) of Schedule 1

Insert:

- (5A) For the purposes of paragraph (a) of item 2 of the table in subitem (3), this subitem applies to the following applicants:
- (a) an applicant (the *primary applicant*) who is seeking to satisfy the criterion in clause 408.219A of Schedule 2 on the basis that clause 408.228A (workplace justice) of that Schedule applies to the applicant;
 - (b) an applicant who claims to be a member of the family unit of the primary applicant.
- (5B) The Minister may, by legislative instrument, determine the following:
- (a) a person, body or government entity for the purposes of paragraph (a) of item 3A of the table in subitem (3);
 - (b) a kind of matter relating to workplace exploitation for the purposes of paragraph (b) of item 3A of the table in subitem (3).

5 At the end of item 1237 of Schedule 1

Add:

- (8) In this item:
- government entity* means:

-
- (a) a Department, agency or authority of the Commonwealth, a State or a Territory; or
 - (b) a person who holds an office or appointment under a law of the Commonwealth, a State or a Territory.

6 Subclause 408.219(2) of Schedule 2

After “in clause”, insert “408.228A (workplace justice)”.

7 After clause 408.228 of Schedule 2

Insert:

408.228A

Workplace justice

- (1) This clause applies to the applicant if:
 - (a) the applicant seeks to remain in Australia to undertake a workplace justice activity; and
 - (b) the applicant is in a class of persons specified in a legislative instrument made by the Minister for the purposes of this paragraph.

Note: There is no requirement for a person or organisation to pass the sponsorship test or pass the support test in relation to the applicant.

- (2) For the purposes of subclause (1), an applicant ***undertakes a workplace justice activity*** if the applicant:
 - (a) is a complainant or victim (or alleged victim) in criminal proceedings relating to the matter referred to in paragraph (b) of item 3A of the table in subitem 1237(3) of Schedule 1; or
 - (b) is a party to civil proceedings relating to the matter referred to in paragraph (b) of item 3A of the table in subitem 1237(3) of Schedule 1; or
 - (c) is a complainant in a complaint made relating to the matter referred to in paragraph (b) of item 3A of the table in subitem 1237(3) of Schedule 1.

8 Subparagraphs 408.511(1)(b)(ii) and (2)(a)(ii) of Schedule 2

After “basis of”, insert “clause 408.228A (workplace justice) or”.