

LIN 24/057

Migration (Strengthening Reporting Protections—LIN 24/057) Instrument 2024

I, Andrew Giles, Minister for Immigration, Citizenship and Multicultural Affairs, make the following instrument.

Dated 23 July 2024

Andrew Giles

Minister for Immigration, Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration (Strengthening Reporting Protections—LIN 24/057) Instrument 2024*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under subregulations 1.15R(1) and (2) of the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the *Migration Act 1958* or in the Regulations, including the following:

(a) ***arrangement in relation to work***, which has the meaning given by section 245AGA of the *Migration Act 1958*;

(b) ***government entity***, which has the meaning given by regulation 1.03 of the Regulations.

In this instrument:

***Office of the Fair Work Ombudsman*** has the same meaning as in section 12 of the *Fair Work Act 2009*.

***Regulations*** means the *Migration Regulations 1994*.

5 Persons, bodies and government entities

For the purposes of regulations 2.43A and 2.43B and under subregulation 1.15R(1) of the Regulations, a person, body or government entity mentioned in column 1 of an item in the following table is determined to be a certifying entity.

| Item  No. | Column 1  Name of entity | Column 2  Type of entity | Column 3  ABN |
| --- | --- | --- | --- |
| 1 | The Office of the Fair Work Ombudsman | government | 43 884 188 232 |
| 2 | Australian Rail, Tram and Bus Industry Union (ARTBIU) | body | 28 921 128 419 |
| 3 | Australian Workers’ Union | body | 28 853 022 982 |
| 4 | Australasian Meat Industry Employees' Union | body | 12 206 758 691 |
| 5 | Electrical Trades Union of Australia National Council | body | 60 429 406 804 |
| 6 | Human Rights Law Centre | body | 31 117 719 267 |
| 7 | Migrant Workers Centre | body | 75 362 088 900 |
| 8 | Redfern Legal Centre Ltd | body | 31 001 442 039 |
| 9 | SA Unions | body | 49 207 741 085 |
| 10 | Shop, Distributive and Allied Employees' Association (the Association) | body | 99 789 302 470 |
| 11 | Unions Tasmania | body | 55 482 384 108 |
| 12 | The Association of Professional Engineers, Scientists and Managers | body | 99 589 872 974 |
| 13 | UnionsACT | body | 31 724 041 495 |
| 14 | Transport Workers' Union of Australia | body | 18 559 030 246 |
| 15 | Unions NSW | body | 43 132 138 531 |
| 16 | UnionsWA | body | 64 950 883 305 |
| 17 | United Workers Union (UWU) | body | 52 728 088 684 |
| 18 | Western Community Legal Centre Ltd (Westjustice) | body | 72 604 181 071 |

6 Matters relating to workplace exploitation

For the purposes of regulations 2.43A and 2.43B and under subregulation 1.15R(2) of the Regulations, each of the following matters is determined to be a workplace exploitation matter:

(a) underpayment or non-payment of wages or other workplace entitlements;

(b) unlawful, unpaid or underpaid training or trials;

(c) up-front payment or deposit for a job;

(d) misclassification of workers as independent contractors instead of employees;

(e) unlawful deductions from wages;

(f) unfair dismissal;

(g) non-compliance with workplace health and safety requirements;

(h) bullying, in relation to work or an arrangement in relation to work;

(i) sexual harassment, in relation to work or an arrangement in relation to work;

(j) discrimination, in relation to work or an arrangement in relation to work;

(k) coercion, undue influence or pressure, or misrepresentation, in relation to work or an arrangement in relation to work.