



# Migration (Class of Persons for Nil VAC— Workplace Justice Visa) Instrument (LIN 24/056) 2024

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I, Patrick Bryson, delegate of the Minister for Immigration, Citizenship and Multicultural Affairs, make the following instrument.

Dated 28 June 2024

Patrick Bryson  
A/g Assistant Secretary / Senior Executive Band 1  
Skilled Visas Branch  
Immigration Programs Division  
Department of Home Affairs

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## 1 Name

This instrument is the *Migration (Class of Persons for Nil VAC—Workplace Justice Visa) Instrument (LIN 24/056) 2024*.

## 2 Commencement

This instrument commences on the later of:

- (a) 1 July 2024; and
- (b) the day after registration.

## 3 Authority

This instrument is made under subregulation 2.07(5) of the Migration Regulations for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to those Regulations.

## 4 Definitions

Note: A number of expressions used in this instrument are defined in subsection 5(1) of the *Migration Act 1958*, including the following:

- (a) *visa application charge*.

In this instrument:

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

**VAC** means visa application charge.

## 5 Class of persons

For the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Migration Regulations, an applicant who is seeking to satisfy the criterion in clause 408.219A of Schedule 2 to the Migration Regulations on the basis of clause 408.228A (Workplace Justice) of that Schedule is specified.

## **EXPLANATORY STATEMENT**

Issued by authority of the Minister for Immigration, Citizenship and Multicultural Affairs

*Migration Regulations 1994*

### ***Migration (Class of Persons for Nil VAC—Workplace Justice Visa) Instrument (LIN 24/056) 2024***

1. The instrument *Migration (Class of Persons for Nil VAC—Workplace Justice Visa) Instrument (LIN 24/056) 2024*, departmental reference LIN 24/056, is made under subregulation 2.07(5) for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the *Migration Regulations 1994* (Migration Regulations).
2. The instrument commences on the later of:
  - 1 July 2024; and
  - the day after commencement on the Federal Register of Legislation.
3. The instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

4. The instrument is made to support the implementation of the amendments to the Migration Regulations made by the *Migration Amendment (Workplace Justice Visa) Regulations 2024* (Workplace Justice Visa Regulations), which commence on 1 July 2024. The Workplace Justice Visa Regulations implement a new Workplace Justice visa, as a stream in the Subclass 408 (Temporary Activity) visa. Further information about those Regulations is available in the Explanatory Statement for the Workplace Justice Visa Regulations.
5. The purpose of this instrument is to specify that the visa application charge is nil for applicants for a Workplace Justice visa pursuant to clause 408.228A of Schedule 2 of the Migration Regulations.

#### ***Consultation***

6. The Department consulted with the Department of Employment and Workplace Relations, the Fair Work Ombudsman and targeted non-government practitioners experienced in supporting temporary migrants with workplace matters in developing the Workplace Justice Visa Regulations. This reform has also been informed by the findings of the Report of the Migrant Workers' Taskforce, the Nixon Review and the Migration Strategy. These consultations informed the development of this instrument.

### ***Regulatory Impact Assessment***

7. The Office of Impact Analysis (OIA) has been consulted in relation to the amendments. The OIA considers that the Regulations are unlikely to have more than a minor regulatory impact and therefore no impact analysis is required. The OIA consultation reference number is OIA24-07058.

### ***Parliamentary scrutiny etc.***

8. This instrument is exempt from disallowance under section 42 of the Legislation Act. Paragraph 44(2)(b) of the Legislation Act provides that section 42 of that Act does not apply if a legislative instrument is prescribed by regulation for the purposes of that paragraph. This instrument is made under Part 2 and Schedule 1 to the Migration Act, which are prescribed under item 20(b) of regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* and is therefore not subject to disallowance.
9. As the instrument is exempt from disallowance, under paragraph 15J(2)(f) of the Legislation Act a Statement of Compatibility with Human Rights is not required.
10. The instrument is made by a delegate of the Minister for Immigration, Citizenship and Multicultural Affairs, in accordance with subregulation 2.07(5) for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Migration Regulations.

**Details of Migration (Class of Persons for Nil VAC—Workplace Justice Visa) Instrument (LIN 24/056) 2024**

**Section 1 Name**

1. This section provides that the name of the instrument is the *Migration (Class of Persons for Nil VAC—Workplace Justice Visa) Instrument (LIN 24/056) 2024* (the instrument).

**Section 2 Commencement**

2. This section provides that the instrument commences on the later of:
  - (a) 1 July 2024; and
  - (b) the day after registration.

**Section 3 Authority**

3. This section provides that the instrument is made under is made under subregulation 2.07(5) for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the *Migration Regulations 1994* (Migration Regulations).

**Section 4 Definitions**

4. This section provides for definitions used or referred to in the instrument.

**Section 5 Class of persons**

5. This section specifies that the visa application charge for is nil for applicants for a Workplace Justice Visa pursuant to clause 408.228A of Schedule 2 of the Migration Regulations. The Workplace Justice visa regime was inserted in the Migration Regulations on 1 July 2024 by the *Migration Amendment (Workplace Justice Visa) Regulations 2024*.
6. Clause 408.228A in Schedule 2 to the Migration Regulations provides the Schedule 2 criteria for the Workplace Justice Visa. The Workplace Justice Visa is a clause in Schedule 2 of the Migration Regulations for the Subclass 408 Temporary Activity visa (Subclass 408). The Subclass 408 visa is a subclass of the Temporary Activity (Class GG) visa.
7. Subitem 1237(2) of Schedule 1 to the Migration Regulations provides the visa application charge (VAC) for applicants for the Temporary Activity (Class GG) visa. Subparagraph 1237(2)(a)(i) of Schedule 1 to the Migration Regulations provides as follows:
  - (i) for an applicant in a class of persons specified by the Minister in a legislative instrument made for the purposes of this subparagraph under subregulation 2.07(5), the amount is nil.
8. This section of the instrument specifies, for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Migration Regulations, an applicant who is seeking to satisfy the criterion in



clause 408.219A of Schedule 2 to those Regulations on the basis of clause 408.228A (Workplace Justice) of that Schedule.

9. The effect is that the visa application charge for a primary applicant for a Workplace Justice Visa, as a stream in the Subclass 408 visa, is nil.
10. Subparagraph 1237(2)(a)(ii) of Schedule 1 to the Migration Regulations provides that:
  - (ii) for an applicant whose application is combined with an application made by a person referred to in subparagraph (i), the amount is nil;
11. The effect is that the visa application charge for a secondary applicant for a Workplace Justice Visa, as a stream in the Subclass 408 visa, is nil.