



Migration Amendment (Bridging Visa Conditions) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 7 November 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Tony Burke
Minister for Immigration and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Bridging Visa Conditions) 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	Immediately after this instrument is registered.	10.13 am (A.C.T.) 7 November 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Clause 070.111 of Schedule 2

Insert:

serious offence means an offence against a law of the Commonwealth, a State or a Territory where:

- (a) it is an offence punishable by imprisonment for life or for a period, or maximum period, of at least 5 years; and
- (b) the particular conduct constituting the offence involves or would involve:
 - (i) loss of a person's life or serious risk of loss of a person's life; or
 - (ii) serious personal injury or serious risk of serious personal injury; or
 - (iii) sexual assault; or
 - (iv) the production, publication, possession, supply or sale of, or other dealing in, child abuse material (within the meaning of Part 10.6 of the *Criminal Code*); or
 - (v) consenting to or procuring the employment of a child, or employing a child, in connection with material referred to in subparagraph (iv); or
 - (vi) acts done in preparation for, or to facilitate, the commission of a sexual offence against a person under 16; or
 - (vii) domestic or family violence (including in the form of coercive control); or
 - (viii) threatening or inciting violence towards a person or group of persons on the ground of an attribute of the person or one or more members of the group; or
 - (ix) people smuggling; or
 - (x) human trafficking.

2 Subclause 070.612A(1) of Schedule 2

Repeal the subclause, substitute:

- (1) For each of conditions 8621, 8617, 8618 and 8620, the Minister must impose the condition if:
 - (a) subclause (3) applies to the visa; and
 - (b) despite the other conditions imposed on the visa by or under this subclause or another provision of this Division, the Minister is satisfied on the balance of probabilities that the holder poses a substantial risk of seriously harming any part of the Australian community by committing a serious offence; and
 - (c) the Minister is satisfied on the balance of probabilities that the imposition of the condition (in addition to the other conditions imposed by or under this subclause or another provision of this Division) is:
 - (i) reasonably necessary; and
 - (ii) reasonably appropriate and adapted;for the purpose of protecting any part of the Australian community from serious harm by addressing that substantial risk.

Note: See regulation 2.25AE for the period for which the visa is subject to these conditions (if imposed).

3 Subclause 070.612A(2) of Schedule 2

Omit “listed” (wherever occurring), substitute “mentioned”.

4 At the end of clause 070.612A of Schedule 2

Add:

(4) Nothing in this clause requires the Minister to decide whether or not to impose a condition mentioned in subclause (1) if the visa must, under subsection 76E(4) of the Act, be granted without it being subject to that condition.

5 In the appropriate position in Schedule 13

Insert:

Part 143—Amendments made by the Migration Amendment (Bridging Visa Conditions) Regulations 2024

14301 Operation of amendments

The amendments of these Regulations made by Schedule 1 to the *Migration Amendment (Bridging Visa Conditions) Regulations 2024* apply in relation to a visa granted on or after the commencement of that Schedule.

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