



Migration (LIN 20/156: Jobactive - Period, manner and evidence of labour market testing) Amendment Instrument 2020

I, Alan Tudge, Minister for Population, Cities and Urban Infrastructure, make the following instrument.

Dated 31 August 2020

Alan Tudge
Minister for Population, Cities and Urban Infrastructure
for the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1

Schedule 1—Amendments	2
------------------------------	---

<i>Migration (LIN 18/036: Period, manner and evidence of labour market testing)</i>	
<i>Instrument 2018</i>	2

1 Name

- (1) This instrument is the *Migration (LIN 20/156: Jobactive - Period, manner and evidence of labour market testing) Amendment Instrument 2020*.
- (2) This instrument may be cited as LIN 20/156.

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	The day after this instrument is registered.	3 September 2020

Note: This table relates only to the provisions of this instrument as originally made.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 subsections 140GBA(4), (5) and (6A) of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (LIN 18/036: Period, manner and evidence of labour market testing) Instrument 2018

1 Section 4

Insert:

Employment Department means the Department responsible for employment policy, including employment services.

2 Subsection 7(1)

Omit “Under subsection 140GBA(5) and for”, substitute “For”.

3 Subsection 8(1)

Omit “under subsection 140GBA(5) of the Act”, substitute “for the purposes of subsection 7(1)”.

4 Subsection 8(2)

Omit “For the purposes of paragraph 140GBA(3)(aa) and subsection 140GBA(6) of the Act, the”, substitute “The”.

5 Subsection 8(3)

Repeal the subsection, substitute:

- (3) The nominated position must be advertised:
 - (a) on the Employment Department’s Jobactive website (<http://www.jobactive.gov.au>); and
 - (b) in at least 2 advertisements on or in one or more of the following:
 - (i) a recruitment website with national reach in Australia (other than the website mentioned in paragraph (a));
 - (ii) print media with national reach in Australia;
 - (iii) radio with national reach in Australia;
 - (iv) if the approved sponsor is an accredited sponsor—the approved sponsor’s website.

- (3A) Each advertisement of the nominated position for the purposes of subsection (3) must be commissioned or authorised by the approved sponsor.

6 Subsection 8(4)

Omit “The following details of the position must all be included in the advertisement”, substitute “Each advertisement of the nominated position for the purposes of subsection (3) must include the following details of the position”.

7 Subsection 8(5)

Omit “For the purposes of paragraph 140GBA(3)(aa) and subsection 140GBA(6) of the Act, applications”, substitute “Applications”.

8 Subsection 8(5)

Omit “the advertisement is first published for any of the following”, substitute “an advertisement for the position is first published in accordance with subsections (2) to (4) on or in any of the following”.

9 Schedule 2 (heading)

Repeal the heading, substitute:

Part 3—Application, saving and transitional provisions**10 Part 1 of Schedule 2 (heading)**

Repeal the heading.

11 Part 1 of Schedule 2 (heading after the Part heading)

Repeal the heading, substitute:

10 Application of this instrument**12 Part 2 of Schedule 2 (heading)**

Repeal the heading.

13 Part 2 of Schedule 2 (heading after the Part heading)

Repeal the heading, substitute:

11 Saving of IMMI 18/059**14 Part 3 of Schedule 2 (heading)**

Repeal the heading.

15 Part 3 of Schedule 2 (heading after the Part heading)

Repeal the heading, substitute:

12 Application of amendments made by LIN 19/268**16 At the end of Part 3**

Add:

13 Application of amendments made by LIN 20/156

- (1) The amendments of section 8 made by Schedule 1 to the *Migration (LIN 20/156: Jobactive - Period, manner and evidence of labour market testing) Amendment Instrument 2020* apply in relation to a nomination for a Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa or Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa that is made after the end of the period of 28 days beginning on the day that instrument commences.
- (2) Despite the amendments of section 8 made by Schedule 1 to the *Migration (LIN 20/156: Jobactive - Period, manner and evidence of labour market testing)*

Amendment Instrument 2020, that section, as in force immediately before the commencement of that instrument, continues to apply in relation to a nomination for a Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa or Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa that is made within the period of 28 days after that commencement.