



LIN 21/075

**Migration (International trade obligations relating to labour market testing)
Determination (LIN 21/075) 2021**

I, Alex Hawke, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument under subsection 140GBA(2) of the *Migration Act 1958* (the *Act*).

Dated 28 October 2021

Alex Hawke

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

1 Name

This instrument is the *Migration (International trade obligations relating to labour market testing) Determination (LIN 21/075) 2021*.

2 Commencement

This instrument commences immediately after the commencement of Schedule 1 to the *Customs Amendment (Regional Comprehensive Economic Partnership Agreement Implementation) Act 2021*.

Note: See section 2 of that Act, noting that Act will not commence at all if the Regional Comprehensive Economic Partnership Agreement does not enter into force for Australia.

3 Definitions

In this instrument:

ASEAN means Association of Southeast Asian Nations.

Note: Section 46 of the *Acts Interpretation Act 1901* applies to this instrument, meaning that terms defined in the Act have the same meaning in this instrument, including **labour market testing**.

4 Repeal

The following instruments are repealed:

- (a) *Migration (LIN 20/029: Determination of International Trade Obligations Relating to Labour Market Testing) Instrument 2020*; and
- (b) *Migration (LIN 18/219: Determination of International Trade Obligations Relating to Labour Market Testing) Instrument 2018*.

5 International trade obligations

For paragraph 140GBA(1)(c) of the Act, each obligation of Australia under international law, relating to international trade, under the following agreements is determined as an international trade obligation of Australia:

- (a) Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA);
- (b) Australia-Chile Free Trade Agreement (ACI-FTA);
- (c) China-Australia Free Trade Agreement (ChAFTA);
- (d) Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP);
- (e) Free Trade Agreement between Australia and Hong Kong, China (A-HKFTA);
- (f) General Agreement on Trade in Services at Annex 1B to the Marrakesh Agreement Establishing the World Trade Organization (GATS);
- (g) Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA);
- (h) Japan-Australia Economic Partnership Agreement (JAEPA);
- (i) Korea-Australia Free Trade Agreement (KAFTA);
- (j) Malaysia-Australia Free Trade Agreement (MAFTA);
- (k) Pacific Agreement on Closer Economic Relations Plus (PACER Plus);
- (l) Peru-Australia Free Trade Agreement (PAFTA);

- (m) Protocol on Trade in Services to the Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA);
- (n) Regional Comprehensive Economic Partnership Agreement (RCEP);
- (o) Singapore-Australia Free Trade Agreement (SAFTA);
- (p) Thailand-Australia Free Trade Agreement (TAFTA).
