



Migration (LIN 18/036: Period, manner and evidence of labour market testing) Amendment (LIN 23/072) Determination 2023

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

Dated 8 December 2023

Andrew Giles
Minister for Immigration, Citizenship 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

This instrument is the *Migration (LIN 18/036: Period, manner and evidence of labour market testing) Amendment (LIN 23/072) Determination 2023*.

2 Commencement

This instrument commences on the day after the instrument is registered.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (LIN 18/036: Period, manner and evidence of labour market testing) Instrument 2018

1 Subsection 8(3)

Repeal the subsection, substitute:

Method

- (3) The nominated position must be advertised in at least two advertisements on or in one or more of the following:
- (a) a recruitment website with national reach in Australia;
 - (b) print media with national reach in Australia;
 - (c) radio with national reach in Australia;
 - (d) if the approved sponsor is an accredited sponsor—the approved sponsor’s website.

2 After subsection 8(5)

Insert:

Overlapping advertisements

- (6) For the avoidance of doubt, for the purposes of subsection (5), applications or expressions of interest for a nominated position may be accepted for a continuous duration of at least 4 weeks across 2 or more advertisements where each advertisement for the nominated position overlaps either:
- (a) the first day on which the next advertisement for the nominated position is published; or
 - (b) the last day on which the preceding advertisement for the nominated position is published.
- (7) For the purposes of determining the total number of days for a continuous duration mentioned in subsection (6), any day or days that overlap may only be counted once.

3 At the end of Part 3

Insert:

15 Application of amendments made by LIN 23/072

The amendments of section 8 made by Schedule 1 to the *Migration (LIN 18/036: Period, manner and evidence of labour market testing) Amendment (LIN 23/072) Determination 2023 (LIN 23/072)* apply in relation to a nomination made by a person under subsection 140GB of the *Migration Act 1958*, where the nomination:

2 *Migration (LIN 18/036: Period, manner and evidence of labour market testing) Amendment (LIN 23/072) Determination 2023*

-
- (a) is made on or after the commencement of LIN 23/072; or
 - (b) was made but not decided before the commencement of LIN 23/072.