

**EXPLANATORY STATEMENT**

*Migration Act 1958*

**DETERMINATION OF INTERNATIONAL TRADE OBLIGATIONS  
RELATING TO LABOUR MARKET TESTING**

(Subsection 140GBA(2))

1. This Instrument is made under subsection 140GBA(2) of the *Migration Act 1958* (the Act).
2. The Instrument revokes IMMI 13/138 (F2013L01954) signed on 18 November 2013.
3. The purpose of the Instrument is to determine the obligations of Australia under international law that relate to international trade as international trade obligations of Australia.
4. The Instrument operates to determine Australia's international trade obligations under which it would be inconsistent for the approved sponsor to be required to satisfy the labour market testing condition for the nominated position.
5. The Instrument has been amended to include the specific commitments on the movement of natural persons under the Korea-Australia Free Trade Agreement.
6. The Department of Foreign Affairs and Trade were consulted in the process for the amendment of this Instrument.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 17779).
8. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
9. This Instrument, IMMI 14/107, commences immediately after the Korea-Australia Free Trade Agreement enters into force.