



Commonwealth of Australia

Migration Act 1958

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

(Subsection 140GBA(2))

I, *MICHAELIA CASH*, Assistant Minister for Immigration and Border Protection, acting under subsection 140GBA(2) of the *Migration Act 1958* (the Act) hereby:

1. REVOKE IMMI 13/138 (F2013L01954) signed on 18 November 2013 determining international trade obligations relating to labour market testing for section 140GBA; and
2. DETERMINE for the purposes of subsection 140GBA(2) of the Act the following obligations arising under international trade agreements under which the imposition of labour market testing would be inconsistent with those obligations:
 - (a) The Protocol on Trade in Services to the Australia-New Zealand Closer Economic Relations Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Contractual Service Suppliers.
 - (b) The General Agreement on Trade in Services at Annex 1B to the Marrakesh Agreement Establishing the World Trade Organization:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Independent Executives;
 - (iii) Specialists who have been nominated following two years full-time employment in Australia with the same nominating employer.
 - (c) The Singapore-Australia Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Specialists who have been nominated following two years full-time employment in Australia with the same nominating employer.

- (d) The Thailand-Australia Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Contractual Service Suppliers.

- (e) The Australia-United States Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Independent Executives;
 - (iii) Specialists who have been nominated following two years full-time employment in Australia with the same nominating employer.

- (f) The Australia-Chile Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Contractual Service Suppliers.

- (g) The ASEAN-Australia-New Zealand Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Specialists who have been nominated following two years full-time employment in Australia with the same nominating employer.

- (h) The Malaysia-Australia Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Specialists who have been nominated following two years full-time employment in Australia with the same nominating employer.

- (i) The Korea-Australia Free Trade Agreement:
 - (i) Executives and Senior Managers as Intra-Corporate Transferees;
 - (ii) Specialists as Intra-Corporate Transferees;
 - (iii) Independent Executives;
 - (iv) Contractual Services Suppliers.

IMMI 14/107

This Instrument, IMMI 14/107, commences immediately after the Korea-Australia Free Trade Agreement enters into force.

Dated 6 November 2014

Michaelia Cash

Assistant Minister for Immigration and Border Protection