



Migration (LIN 19/268: Period, Manner and Evidence of Labour Market Testing) Amendment Instrument 2019

I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 8 November 2019

David Coleman

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

- (1) This instrument is the *Migration (LIN 19/268: Period, Manner and Evidence of Labour Market Testing) Amendment Instrument 2019*.
- (2) This instrument may be cited as LIN 19/268.

2 Commencement

The whole of this instrument commences at the same time as Schedule 2 to the *Migration Amendment (New Skilled Regional Visas) Regulations 2019*.

3 Authority

This instrument is made under the following provisions of the *Migration Act 1958*:

- (a) subsection 140GBA(4);
- (b) subsection 140GBA(5);
- (c) subsection 140GBA(6A).

4 Schedules

Each instrument that is specified in Schedule 1 to this instrument is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

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

1 Section 4 (definition of *select occupation*)

Repeal the definition, substitute:

select occupation: a nominated occupation is a *select occupation* if the position associated with the nominated occupation is a select position.

2 Section 4 (paragraph (c) of the definition of *select position*)

Repeal the paragraph, substitute:

- (c) a position held by a holder of a Subclass 457 (Temporary Work (Skilled)) visa, Subclass 482 (Temporary Skill Shortage) visa or Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa (the *visa holder*) and for which a new nomination has been lodged solely because:
- (i) the annual earnings for the position held by the visa holder have changed; or
 - (ii) the business structure of the standard business sponsor (or an associated entity of that sponsor) who most recently nominated the occupation in relation to the visa holder has changed and, as a result, the visa holder, while not changing positions, is no longer employed by the standard business sponsor or associated entity; or

3 At the end of Schedule 2

Insert:

Part 3—Application of amendments

Application of amendments made by LIN 19/268

The amendments made by items 1 and 2 in Schedule 1 to LIN 19/268 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, made on or after 16 November 2019.