

Regional Certifying Body Advice – Checklist

Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) (SESR visa)

Email your application

Applications are to be emailed to rcb@businesschamberqld.com.au

Payment

An invoice will be issued upon receipt. Assessment cannot be completed without payment.

Further information

<https://businesschamberqld.com.au/regional-certifying-body/>

Documents for all applications must include the following

1. Request for RCB advice form 1404 questions 1-10 completed
2. Employment contract detailing the position, location, applicable Award, Agreement or Industrial instrument and remuneration details
3. Copy of the draft or lodged nomination application
4. Documents supporting the Annual Market Salary Rate (AMSR)
5. Employer statement detailing how they used the AMSR data to determine the salary rate Note: if there is a difference between the market salary rate determined and the proposed salary of the nominee, the employer must explain why.

Determining the AMSR

Where the overseas worker will be paid less than AUD \$250,000, employers will need to demonstrate the following:

- you have determined the annual market salary rate (AMSR) correctly, and
- you will not pay the overseas worker less than the AMSR, that is, less than an Australian worker would be paid, and
- both the AMSR and the overseas worker's pay, excluding non-monetary benefits, is no less than the Temporary Skilled Migration Income Threshold (TSMIT) currently AUD \$73150.

Assessment of annual market salary rate (AMSR)

The Annual market salary rate (AMSR) is determined by assessing:

- what an equivalent Australian worker is paid
- enterprise agreements or industrial awards
- job outlook information
- advertisements for the last 6 months in the same location
- remuneration survey or advice from unions or employer associations.

1. Where there is an equivalent Australian worker

What is an equivalent Australian worker?

- An equivalent worker is defined as an Australian worker who must be employed in a full time capacity for a year at the same workplace and location.
- An Australian worker who is more or less experienced than the nominee and does similar work at a different pay grade is not an equivalent worker to the nominee.

What are you paying the worker?

The AMSR is what you are paying the equivalent Australian worker.

Equivalent worker under an industrial award or enterprise agreement

If the nominee's salary is based on an enterprise agreement or industrial award, you must provide:

- the name of the agreement or award as recorded by the Fair Work Commission, where applicable, and
- the salary level or occupation group that applies to the nomination.

Equivalent worker with no industrial award or enterprise agreement

If there is no relevant agreement or award, or you are paying your Australian employees above the award rate, provide copies of relevant employment contracts and pay slips for this employee.

2. Where there is no equivalent Australian worker but there is an enterprise agreement or industrial award

If the nominee's salary is based on an enterprise agreement or industrial award, you must provide:

- the name of the agreement or award as recorded by the Fair Work Commission, where applicable, and
- the salary level or occupation group that applies to the nomination.

3. Where there is no equivalent worker, agreement or award

You must determine and then show us what the AMSR is.

In a detailed letter, explain how you used relevant information to calculate what you will pay the worker.

Relevant information could include at least two of the following:

- Jobs and Skills Australia information
- advertisements from the last **six months for equivalent positions in the same location** (e.g. state, urban vs regional area)
- remuneration surveys completed by a reputable organisation
- written advice from unions or employer associations.

Note: If you provide vague, unlabelled salary surveys or salary is within a "range" and do not explain how you have determined the AMSR, your nomination application may be refused.

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Important:

If a nominator has a more or less experienced worker than the nominee, doing similar work at a higher or lower pay grade, then they are not considered as an equivalent Australian worker.

An equivalent Australian worker must be employed in a full time capacity for a year at the same workplace and location.

Nominators who only provide generic salary data/salary surveys will not satisfy the information required to determine the AMSR if there is an equivalent Australian worker, as this is not relevant information as specified in legislation for which also see the legislative instrument (LIN19/213)

If there is no equivalent worker and the salary is based on an enterprise agreement or industrial award, you must provide the name of the agreement or award as recorded by the Fair Work Commission, where applicable to demonstrate the AMSR. Note: the salary level/occupation group that applies to the nomination must be specified.

If there is no equivalent worker but there is no relevant agreement or award, the onus is on you as the employer to demonstrate what the ASMR is. You need to explain how you have used relevant information to determine what the worker would be paid. Relevant market information may include:

Information in relation to statutory minimum entitlements, fair work instruments, state industrial instruments and transitional instruments that apply to Australian citizens or Australian permanent residents in similar workplaces.

Local knowledge and evidence of appropriate terms and conditions of employment including information from:

- unions or employer associations as written advice;
- broader labour market data, including Australian Bureau of Statistics Employee Earnings and Hours Survey (see: www.abs.gov.au) and Australian Government's Job Outlook (see: joboutlook.gov.au);
- remuneration surveys;
- job vacancy advertisements from the **last six months for equivalent positions in the same location** (e.g. state, urban versus regional area).

Important:

The onus is on the nominator to provide sufficient information to satisfy the Department that they have determined the AMSR using the methods specified above.

- Note: If you provide vague, unlabelled salary surveys or salary is within a "range" and do not explain how you have determined the AMSR, your nomination application may be refused.
- If the market salary rate determined is a 'range', the sponsor must explain and provide specific details regarding why the particular AMSR has been selected.