

DOCUMENTS REQUIRED FOR ALL APPLICATIONS:

- Regional Certifying Body Advice **Form 1404** questions 1-10 completed.
- **Position Description.**
- **Employment Contract** detailing the position, location, applicable Award, Agreement or industrial instrument and remuneration details signed by both parties.
- Copy of the draft or lodged nomination application.
- Documents supporting the **Annual Market Salary Rate (AMSR)** as detailed below.

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

They have determined the Annual Market Salary Rate (AMSR) using the specified method	<input type="checkbox"/>
The overseas skilled worker will not be paid less than the AMSR (ie. Less than what an Australian worker would be paid)	<input type="checkbox"/>
Both the AMSR and what the overseas skilled worker will be paid, excluding any non-monetary benefits in both cases, must be no less than the Temporary Skilled Migration Income Threshold (TSMIT) currently \$70,000.	<input type="checkbox"/>

RCBs are not currently required to provide advice on whether a salary level is below TSMIT under the new nomination requirements.

If there is an equivalent Australian worker, the AMSR is what you are paying this worker:

If their 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.	<input type="checkbox"/>
If there is no relevant agreement or award, or you are paying your Australian employees above the award rate, you must provide: copies of relevant employment contracts and pay slips for this employee. (Please do not include personal information)	<input type="checkbox"/>

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 AMSR 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.	<input type="checkbox"/>
Local knowledge and evidence of appropriate terms and conditions of employment including information from: <ul style="list-style-type: none"> • 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). 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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.

- If you provide vague, unlabeled salary surveys 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.

PLEASE NOTE:

Regional Certifying Bodies (RCBs) only provide advice to the Department of Home Affairs. RCBs make no final decisions and neither approves nor refuses RSMS employer nominations. Obtaining positive RCB advice does not automatically guarantee that the RSMS employer nomination will also be approved by the Department of Home Affairs. If the RSMS employer nomination is not approved by the Department, contacting the RCB is not the appropriate pathway to seek a review of the Department’s decision. In case of a refusal decision by the Department of Home Affairs, the Department will provide the nominating employer or their agent with advice in relation to any appeal rights they may have.