

REGIONAL CERTIFYING BODY (RCB) ASSESSMENT CHECKLIST



This checklist is designed to assist you in submitting a complete nomination application so the position can be assessed by a Regional Certifying Body. Using this checklist will help minimize processing times. You should ensure that you provide all documentation listed to lodge a complete request for assessment.

If request further information is requested to assist with an assessment, you will have 14 days to provide the additional information. After this time, an assessment will be made on the available information.

Name of Nominee _____

Name of Sponsoring Company _____

Compulsory Documents

Document	Received	Comments
Form 1404 with 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		
If using a migration agent or other assistance a copy of the completed form 956		
Documents supporting the Annual Market Salary Rate (AMSR) .(<i>As detailed further on the following pages</i>) Evidence to support the salary and terms and conditions for this position are consistent with the market rate for other positions in the same location (same company or town). As a minimum we require: a) a copy of the relevant award highlighting the salary and classification (one page only - do not send the whole award) and b) a copy of an employment contract (showing the salary) for a similar position within the business or copies of 3 job advertisements for similar positions in the region showing the salary		

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Sponsoring Business is a Commerce North West Member

Yes

No

Internal Use only

Payment received _____ (date)

Document check _____ (print name)

_____ (signature)

Assessment outcome _____ (print name)

_____ (signature)

AMSR - More Information

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	
The overseas skilled worker will not be paid less than the AMSR (ie. Less than what an Australian worker would be paid)	
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 \$53,900	

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

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

If 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 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).	

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. See *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 and no relevant agreement or award, the onus is on the employer to demonstrate the AMSR. You need to explain how you have determined what the worker should be paid. Relevant market information may include:

Information in relation to statutory minimum requirements, 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:	
<ul style="list-style-type: none"> • Unions or employer associations as written advice; 	
<ul style="list-style-type: none"> • Broader labour market data, including Australian Bureau of Statistics Employee Earnings and Hours Survey and the Australian Government’s Job Outlook (joboutlook.gov.au) 	
<ul style="list-style-type: none"> • Remuneration surveys; 	
<ul style="list-style-type: none"> • Job vacancy advertisements from the last six months for an equivalent position in the same location (eg. urban versus regional) 	

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, unlabelled 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 nominator must explain and provide details regarding why that particular AMSR has been selected.

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PERIOD OF VALIDITY OF THE ASSESSMENT

Under policy, the RCB assessment must have been obtained no more than 3 months before the date the nomination is lodged. If the assessment is dated more than 3 months before the date the nomination is lodged, the delegate may require a fresh RCB assessment to be obtained. ***In this event a new application will have to be made.***

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.