



Checklist for applying for nomination Certification Regional Sponsored Migration Scheme

The following should be submitted in order for the nominated position to be assessed.

Form 1404 with questions one to ten completed (from homeaffairs.gov.au)

Online application form

Non-refundable application fee of \$200

Applications for certification of a position for the Regional Sponsored Migration Scheme (RSMS) must be made online at migration.wa.gov.au/services/skilled-migration-western-australia/rsms-form.

To have a nomination certified under the RSMS, employers may be asked to provide relevant documents to assist with the assessment of an application.

In addition to the documents suggested below, consideration will be given to any other relevant material submitted with the application. The onus is on the business to provide enough information to enable the regional certifying body (RCB) to assess the nomination.

1. We must be satisfied that there is a genuine need for the identified person to be employed in the position, under the direct control of the nominator.

Provided documentation should include the following items.

Business case supporting the need for the nominated position.

Organisational chart and accompanying explanation that demonstrates how the position is required for the activities of the business.

Position description that demonstrates the position is consistent with the need of the business.

Letter of offer or employment contract (or draft letter of offer or employment contract in the case where the nominee is not yet known), as required in part 3 below.

Evidence of the nominated position being under the direct control of the nominator, and that the nominator directly operates the business in which the nominated position exists.

Additional requirements for start-up businesses (operating for less than 12 months)

Business plans including financial budgets covering expenses and anticipated revenue.

Evidence of lease or purchase of equipment (such as computers).

Evidence of availability of funding (such as own funds, bank accounts, loans).

Two photos of the business premises (front and inside).

2. We must be satisfied that the position cannot be filled by an Australian citizen or an Australian permanent resident who is living in, or would move to, the local area concerned.

Provided documentation should include the following.

Evidence of at least two published or broadcast advertisements which demonstrate that the position has been advertised within three months and no less than two weeks directly preceding the application for assessment by the RCB. Advertising should have a wider coverage than just locally, in order to attract potential candidates who would be willing to move to the local area. Evidence may include a detailed invoice for the advertisement, a scanned copy of the advertisement or other relevant supporting documentation showing the date of the advertisement (such as from a recruitment company, if used). Advertising requirements can be met by different media/platforms, including:

- a print advertisement from a newspaper distributed across the State. Print advertisements for positions in regional Western Australia and for fly-in fly-out or drive-in drive-out positions must be advertised in Western Australian newspapers, for example *The West Australian* or *The Sunday Times*. Placement of the advertisement in the newspapers must be appropriate for the advertised position, such as the vacancies classified section; or
- an online jobs advertisement over a minimum two week period on a jobs site such as Seek or CareerOne, or an employment section on the company's website or LinkedIn. Both paid and unpaid online advertisements are acceptable. General classifieds websites such as Gumtree or advertisement solely through social media notification such as Twitter or Instagram are not acceptable methods; or
- a radio advertisement broadcast or syndicated nationally.

A signed declaration stating that the nominator has made a genuine attempt to fill the position with an Australian citizen or permanent resident and has been unable to find a suitable candidate.

3. We must be satisfied that the identified person will be paid at least the annual market salary rate for the occupation.

The annual market salary rate is defined by the Department of Home Affairs as the earnings an Australian worker earns, or would earn, for performing equivalent work on a full time basis for a year in the same workplace at the same location. For more information, visit homeaffairs.gov.au/WorkinginAustralia/Pages/Salary-employment-condition-requirements.aspx

Provided documentation should include the following.

A letter of offer or employment contract (or a draft letter of offer or employment contract if the nominee is not yet known) which includes:

- a full time position available for two years; and
- the ANZSCO code of the nominated position; and
- the salary for the position.

Evidence demonstrating the annual market salary rate for the occupation.

- a) If there is an Australian worker performing equivalent work to the nominee, in the same workplace and at the same location as the nominee and:
 - i the salary is determined in accordance with an enterprise agreement or industrial Award or similar, then the nominator must provide the name of the enterprise agreement or industrial Award in the form of a fair work instrument, state industrial

instrument or transitional instrument or similar and/or registered with the Fair Work Commission, where applicable. The salary level/occupation group that applies to the nominated position must be specified.

or

- ii where an enterprise agreement or industrial Award does not apply, then the nominator must provide an explanation of salary arrangements with supporting evidence (copies of relevant employment contracts and pay slips for other Australian workers performing equivalent work in that workplace). If a nominator has a more or less experienced worker than the nominee, doing similar work at a lower or higher pay grade, then they are not considered an equivalent Australian worker. Nominators who only provide generic market salary data/salary surveys will not satisfy the information required to determine the annual market salary rate if there is an equivalent Australian worker.

Or

- b) If there is no Australian worker performing equivalent work to the nominee, in the same workplace and at the same location as the nominee and:
 - i the salary is determined in accordance with an enterprise agreement or industrial Award or similar, then the nominator must provide the name of the enterprise agreement or industrial Award in the form of a fair work instrument, state industrial instrument or transitional instrument or similar and/or registered with the Fair Work Commission, where applicable, that would apply. The salary level/occupation group that applies to the nominated position must be specified.

or

- ii an enterprise agreement or industrial award does not apply, then the annual market salary rate would be what applies to an equivalent Australian worker, which must be determined by reference to relevant market information.

Evidence of how the nominator has used relevant information to determine what an equivalent Australian worker would be paid must be provided.

Provided documentation should include the following.

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;

or

at least two of the following:

- o detailed information from Job Outlook (joboutlook.gov.au);
- o a copy of at least one job advertisement from the last six months for equivalent positions in the same location (eg state, urban versus regional area);
- o remuneration surveys completed by a reputable organisation; or
- o written advice from registered unions or employer associations.

We must be satisfied the nominator has provided sufficient information to demonstrate they have determined the annual market salary rate.

The regional certifying body, Migration Services (through the Department of Training and Workforce Development), may request further information to assist officers assess your application.

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