



# RCB SUPPORTING DOCUMENTATION CHECKLIST

## DOCUMENTS FOR ALL APPLICATIONS

### 1. THERE IS A GENUINE NEED FOR THE NOMINATOR TO EMPLOY A PERSON TO WORK IN THE NOMINATED POSITION WITHIN THE BUSINESS ACTIVITY AND IS UNDER THE DIRECT CONTROL OF THE NOMINATOR.

- |   |                          |
|---|--------------------------|
| 1404 form with questions 1-10 completed   | <input type="checkbox"/> |
| If using a migration agent or other assistance a copy of the completed form 956   | <input type="checkbox"/> |
| A signed letter from the employer including:  | <input type="checkbox"/> |
| • Details of the business's goods and services,   | <input type="checkbox"/> |
| • Explaining why the position is needed e.g. how the vacant position came about   | <input type="checkbox"/> |
| • Advising if the vacancy is in the regular ongoing business activity of the employer, due to diversification of the business or a start-up business.<br><i>Please see additional evidence required on page 2/3</i> | <input type="checkbox"/> |
| • Confirming all information is true and correct.   | <input type="checkbox"/> |
| • If the position is held by a temporary resident   | <input type="checkbox"/> |
| A copy or draft copy of the online nomination application lodged with Home Affairs  | <input type="checkbox"/> |
| Certificates of business registration:  | <input type="checkbox"/> |
| • ABN registration  |                          |
| • ACN registration  |                          |
| • Registration of Business Name   |                          |
| • Employers Workers Compensation policy   |                          |
| Letter from company auditor/accountant advising that the nominator can meet their financial obligations for an employee's wages and entitlements for 2 years  | <input type="checkbox"/> |
| Detailed position description of nominated position that is in line with the ANZSCO   | <input type="checkbox"/> |
| Detailed organisational chart highlighting the nominated position   | <input type="checkbox"/> |
| Employment Contract:  | <input type="checkbox"/> |
| • must be full time for at least 2 years (the contract must not exclude provision of employment beyond the 2 years),  |                          |
| • proof the Fair Work Information Statement has been provided   |                          |



**2. THE POSITION IS PAYING AT LEAST THE ANNUAL MARKET SALARY RATE (AMSR).**

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 worker will not be paid less than this amount (i.e. less than what an Australian worker would be paid)

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

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.

**Important:**

- o If the nominated overseas worker will be paid less than the equivalent Australian worker, the nomination will be refused.
- o If a sponsor employs an Australian worker who is more or less experienced than the nominated overseas worker, and that Australian worker is doing similar work at a different pay grade then they are not considered an equivalent Australian worker.
- o Sponsors who only provide generic market salary data/salary surveys will not meet the requirements instead of the evidence specified in the relevant legislative instrument [\[see TSS legislative instruments\]](#) will have their nomination refused.

**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 information is defined in the relevant legislative instrument [\[see TSS legislative instruments\]](#) and includes at least **two** of the following:

Job Outlook 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; or written advice from unions or employer associations.

**Important:**

- o If you provide vague, unlabelled salary surveys and do not explain how you have determined the AMSR, your nomination application may be refused
- o 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.



**3. THE POSITION CANNOT BE FILLED BY AN AUSTRALIAN CITIZEN OR AUSTRALIAN PERMANENT RESIDENT WHO IS LIVING IN THE SAME LOCAL AREA OR WHO WOULD MOVE TO THE AREA WHERE THE POSITION IS LOCATED.**

Details of the nominator's efforts to recruit the position as described in the position description– when, where, how long (21 consecutive days), tax receipts, interviews resulting from, applicants resumes\*(on request)



**\*Please note as per Australian Privacy Laws sensitive information should be redacted from information provided**

Note: that advertising should have a wider coverage than just locally, to attract potential candidates who would be willing to move to the local area and have the following

- o In English language
- o Have a wide circulation
- o use of different media/platforms
- o at least two published advertisements
- Examples of credible advertising could include:
  - o a prominent or professional recruitment website that has 'national reach' and that publishes advertisements for positions throughout Australia (e.g. jobactive.gov.au). A general classifieds website, such as Gumtree, or an advertisement solely through a social media notification, such as Twitter or Instagram, are not acceptable methods.
  - o print media with 'national reach', including national newspapers or magazines that are published at least monthly and marketed throughout Australia.
  - o radio programmes broadcast or syndicated nationally.
- recent local or regional employment data or reports
- state/territory skills lists
- letters of support from Industry Associations

**Scenario A:**

If the position is in the regular ongoing business activity of the employer:  
*All points on previous pages*

**Scenario B:**

If the position is to be involved in the diversification of the activities of the business  
*All points on previous pages, plus:*

- Market research supporting the need for business expansion
- Business Plan detailing proposed expansion, timelines, recent BAS
- Financial budgets covering expenditure and anticipated revenue
- Evidence of available funding
- Evidence of premises (e.g. lease)
- Evidence of purchase of equipment

**Scenario C:**

If the position is a vacancy within a start-up business Home Affairs defines a start-up business as one that has been in active operation for less than 12 months.

*All points on previous pages, plus:*

- Market research supporting the need for business expansion
- Comprehensive Business Plan detailing proposed expansion, timelines and relevant information
- Financial budgets covering expenditure and anticipated revenue, recent BAS
- Evidence of available funding
- Evidence of premises e.g. lease, Rates/Electricity notices
- Evidence of purchase of equipment
- Photographs of premises
- Marketing evidence
- Website links
- Relevant pages of Trust Deed