

Skilled Employer Sponsored Regional (Provisional) Visa (SESR)

Guidelines for Regional Certifying Body Advice

The Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) (SESR) enables Australian employers in areas specified by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs in a Legislation Instrument to sponsor (nominate) skilled overseas workers. This is to assist employers in regional and low population growth areas of Australia where they have been unable to fill vacant positions with Australian citizens or permanent residents living in or wishing to move to the regional area where the nominated position is located.

Where an employer decides to nominate a skilled overseas worker for a SESR visa in the Employer Sponsored (ES) stream, the nomination must be accompanied by advice completed by a relevant Regional Certifying Body (RCB) at time of decision. The RCB must have responsibility for the area where the nominated position is located.

ES stream nominations must be accompanied by advice from an RCB; however, this advice can be provided before or after lodgement of the ES stream nomination application with the Department of Home Affairs. The Department cannot approve a nomination where advice from an RCB has not been provided.

These guidelines and attached Checklist (See Attachment 1) explain how to lodge an application for RCB assessment of an employer nomination under SESR located on the Central Coast NSW or the Hawkesbury NSW region.

Regional Certifying Body (RCB)

The role of a RCB is to provide advice to the Department of Home Affairs (DHA) on the SESR visa, ES stream nomination applications, using local area knowledge to advise on whether the nominee for the position will be paid at least the annual market salary rate for the occupation.

Regional Development Australia Central Coast is gazetted by the Minister for Immigration as the RCB for the Central Coast and Hawkesbury regions of NSW. See Attachment 2 for Central Coast NSW and Hawkesbury NSW Designated Postcodes.

Applying for RCB Advice

- Read these Guidelines for Regional Certifying Body (RCB) Advice in full.

- Complete Form 1404 Sections 1 – 10
- If using a migration agent, complete Form 956
- Collate all supporting and documentary evidence as per the RCB Application Documentation Checklist. See Attachment 1
- Email the following to migration@rdacc.org.au
 - Form 1404
 - Form 956 (if applicable)
 - Draft or copy of submitted DHA nomination for a Skilled Employer Sponsored Regional (Provisional) visa
 - All supporting and documentary evidence as per checklist.
 - Receipt of RCB payment

Processing Fees

A non-refundable fee is charged for processing applications for RCB advice. The processing fee is an administration charge only and does not guarantee the approval of an application.

The processing fee of \$770 may be paid by one of the following options:

- Electronic Funds Transfer (EFT)
Bank: Bendigo Bank
Account Name: Regional Development Australia Central Coast
BSB: 633-000
Account Number: 1376 76490
Reference: Name of nominating business
- Bank Cheque / Business Cheque / Money Order
Payable to: RDA Central Coast.

The processing fee must be received prior to assessment of an application.

Processing Time

The RCB will assess an application for assessment within 28 days from receipt of lodgement AND payment of processing fee.

Enquiries regarding progress status will be accepted by email only by the authorised contact: nominating business, or if the nominating business has appointed an authorised representative, by this person only.

Assessment of Applications

The RCB will assess an application solely on the information provided at the time of application. All information and supporting documentation, as per the Application Documentation Checklist, must be contained within the RCB application. Applications with missing or incomplete documentation will be assessed as received and deemed not to satisfy the set criteria.

If the RCB requests additional information, it must be supplied within 7 days. Failure to provide the requested information within the 7 days the application will be deemed not to satisfy the set criteria.

The RCB reserves the right to make contact directly with the employer, even when an authorised representative has been appointed.

It is the employer's decision whether to submit an application for RCB assessment before, after or at the same time as lodging an employer nomination with the DHA; however, the RCB will NOT 'fast track' RCB assessment should the DHA be ready to assess the nomination and awaiting RCB advice.

Notification of Outcome

The RCB advice will be forwarded to DHA by the RCB.

A copy of the RCB advice outcome will provide the authorised contact - employer or authorised representative - via Form 1404.

It is the responsibility of the employer to lodge an employer nomination application with the DHA via the e-lodgement facility and submit the RCB advice to DHA as part of the application process.

DHA is the final decision maker on the RSMS nomination.

To ensure probity in the RCB assessment no feedback can be provided in person or by phone. Enquiries can be forwarded to migration@rdacc.org.au where a formal written response will be provided.

Contact

For further information

Email: migration@rdacc.org.au

Mail: PO Box 240 Ourimbah NSW 2258

Web: www.rdacc.org.au

ATTACHMENT 1

Skilled Employer Sponsored Regional (Provisional) Visa (SESR)

Checklist for Regional Certifying Body Advice

This checklist details the information and supporting documents required to lodge an application with the Central Coast NSW Regional Certifying Body (RCB).

The information provided in the application will be used to determine if the nominee for the position will be paid at least Annual Market Salary Rate for the occupation on the Central Coast of NSW.

The onus is on the nominator to provide sufficient and relevant information to satisfy they have determined the annual market salary rate.

| REQUIRED DOCUMENTATION | ATTACHED |
|--|--|
| Form 1404 <ul style="list-style-type: none"> Sections 1 – 10 completed | |
| Form 956 <ul style="list-style-type: none"> If appointing an authorised representative | |
| DHA nomination copy <ul style="list-style-type: none"> Draft or copy of submitted DHA nomination for a Skilled Employer Sponsored Regional (Provisional) visa | |
| Business Details Details of the nominating business including: <ul style="list-style-type: none"> Business Registration – copy of ABN or ACN certificate Current Financial Status – copy of Profit & Loss Statements, Balance Sheet, and BAS for previous 12 months | <input type="checkbox"/> <input type="checkbox"/> |
| Organisational Chart Outline the positions in the business and include: <ul style="list-style-type: none"> All positions and titles including the nominated position highlighted Reporting lines within the business (include all positions related to the nominated position) Employment status for all positions (part time/full time/casual) | |
| POSITION DETAILS | ATTACHED |
| Employment Contract | |

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| A valid employment contract, which complies with National Employment Standards, signed and dated by the employer and nominee and outlines the employment conditions, superannuation, entitlements and total remuneration package. | |
| Position Description A copy of the business' position description for the nominated position which includes details and duties. | |
| Resume / Curriculum Vitae A copy of the nominee's current resume / curriculum vitae which must show all relevant training and qualifications as well as relevant work experience. | |

Annual Market Salary Rate (AMSR)

A new market salary rate framework is in place for the SESR visa program. As a result, where the overseas skilled worker will be paid less than AUD250,000, nominators need to demonstrate that:

- they have determined the AMSR
- the overseas skilled worker will not be paid less than this amount (i.e. 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) – i.e. currently AUD53,900.

| ANNUAL MARKET SALARY RATE | ATTACHED |
|--|--|
| <p>Equivalent Australian Worker</p> <p>If an Australian worker is performing in an equivalent position include evidence of:</p> <ul style="list-style-type: none"> • A copy 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 nomination occupation must be specified. • Employment contracts or payslips for other Australian workers performing equivalent work in that workplace. • A statement explaining the method used to determine salary arrangements, if an enterprise agreement or industrial award does not apply. | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| <p>No Equivalent Australian Worker</p> <p>If you do not employ Australian workers in equivalent positions include evidence of:</p> <ul style="list-style-type: none"> • A copy 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 nomination occupation must be specified. | <input type="checkbox"/> |
| <p>An Enterprise Agreement or Industrial Award does not apply</p> <p>Where there is no 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 that would apply to Australian citizens or permanent residents in the same workplace at the same location, then the AMSR would</p> | |

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| | Summerland Point, Tacoma, Tuggerah, Tuggerawong, Wadalba, Wallarah, Warnervale, Watanobbi, Woongarah, Wybung, Wyee, Wyee Point, Wyong, Wyong Creek, Wyongah, Yarramalong. |
| 2260 | Erina Heights, Forresters Beach, North Avoca, Terrigal, Wamberal. |
| 2261 | Bateau Bay, Berkeley Vale, Blue Bay, Chittaway Bay, Chittaway Point, Glenning Valley, Killarney Vale, Long Jetty, Magenta, Shelly Beach, The Entrance, The Entrance North, Toowoong Bay, Tumby Umbi. |
| 2262 | Blue Haven, Budgewoi, Buff Point, Colongra, Doyalson, Doyalson North, Halekulani, San Remo. |
| 2263 | Canton Beach, Charmhaven, Gorokan, Lake Haven, Norah Head, Noraville, Toukley. |

Hawkesbury Postcodes for Regional Certifying Body Advice

| POSTCODE | SUBURB |
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| 2330 | Mellong, Putty, Womerah. |
| 2753 | Agnes Banks, Bowen Mountain, Grose Vale, Grose Wold, Horbartville, Richmond, Richmond Lowlands, Yarramundi. |
| 2754 | North Richmond, Tennyson, The Slopes. |
| 2756 | Bligh Park, Cattai, Central Colo, Clarendon, Colo, Colo Heights, Cornwallis, Cumberland Reach, Ebenezer, Freemans Reach, Glossodia, Lower Portland, McGraths Hill, Mulgrave, Pitt Town, Pitt Town Bottoms, Sackville, Scheyville, South Windsor, Upper Colo, Wilberforce, Windsor, Windsor Downs. |
| 2757 | Kurmond. |
| 2758 | Berambing, Bilpin, Blaxlands Ridge, East Kurrajong, Kurrajong, Kurrajong Heights, Kurrajong Hills, Mountain Lagoon, The Devils Wilderness, Wheeny Creek. |
| 2765 | Maraylya, Oakville, Vineyard. |
| 2775 | Central MacDonald, Fernances, Higher MacDonald, Leets Vale, Lower MacDonald, Mogo Creek, Perrys Crossing, St Albans, Ten Mile Hollow, Upper MacDonald, Webbs Creek, Wisemans Ferry, Wrights Creek. |