

# **AUSTRALIAN CAPITAL TERRITORY (ACT) REGIONAL CERTIFYING BODY (RCB)**

## **APPLYING FOR RCB SUPPORT – SKILLED EMPLOYER SPONSORED REGIONAL (PROVISIONAL) VISA (SUBCLASS 494)**

Skills Canberra

1 January 2020

## Skilled Employer Sponsored Regional (Provisional) nomination

The Skilled Employer Sponsored Regional (Provisional) visa (subclass 494) (SESR) enables Australian employers in regional areas 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.

### About these Guidelines

These guidelines explain how to lodge an application for RCB support of an employer nomination under the SESR for a full time position that is located in the ACT.

Home Affairs is the ultimate decision maker on an employer nomination under the SESR.

### Role of the Regional Certifying Body (RCB)

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

### Annual Market Salary Rate (AMSR)

A new market salary rate framework is in place for the SESR visa program. Where the overseas skilled worker will be paid less than \$250,000, employers 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 \$53,900.

The AMSR is determined by looking at what you would pay equivalent Australian workers, enterprise agreements or industrial awards, job outlook information, advertisements for the last 6 months in the same location, remuneration survey or advice from unions or employer associations.

## Applying for RCB support of the SESR nomination

Complete the Home Affairs online form Nomination for a Skilled Employer Sponsored Regional (Provisional) Visa.

Complete the online application '[Applying for RCB support](#)'.

- Employers intending to lodge an application for RCB support must create an 'Employer account'.
- Migration agents lodging an application on behalf of a client must create an 'Agency account.'

## Document checklist

Attach the following documentary evidence to the application for RCB support:

- **Home Affairs online form:** copy of the draft or submitted Record of Responses: *Nomination for a Skilled Employer Sponsored Regional (Provisional) Visa*
- **Market Salary:** the employer must demonstrate that the nominated salary is comparable to the market salary rate by including the following information with the application:
  - Where there is an equivalent Australian worker:
    - If the worker's 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
      - The salary level or occupation group that applies to the nomination.
  - Where there is no equivalent worker but there is an enterprise agreement or industrial award:
    - The name of the agreement or award as recorded by the [Fair Work Commission](#), where applicable
    - The salary level or occupation group that applies to the nomination
  - Where there is no equivalent worker, enterprise agreement or industrial award:
    - You must determine and then show us what the ASMR is; and explain how you used relevant information to determine what the equivalent worker will be paid. Relevant information could include at least two of the following:
      - Australian Government [Job Outlook](#).
      - Remuneration surveys completed from a reputable organisation.
      - Job vacancy advertisements from the last six months for equivalent positions the ACT.
      - Written advice from unions or employer associations.
  - Attach a statement outlining the method used to determine the AMSR as outlined under the above scenarios.

- **Employment contract for the nominated position.** The contract must comply with the National Employment Standards, be signed and dated by the employer and nominee, and include:
  - Base salary and total remuneration package.
  - Standard hours of work per week.
  - Leave and holiday entitlements, including but not limited to annual, personal, carer, compassionate, long service, public holiday.
- **Nominee details** (the person being considered for the position). Include the following:
  - Curriculum Vitae / resume. This must include the nominee's personal details and show all relevant training and qualifications as well as relevant work experience.
  - A copy of the nominee's passport bio page.
- **Service fee:** \$300. A non-refundable service fee is charged for processing applications for RCB support. The service fee is an administration charge only and does not guarantee the approval of an application. The service fee may be paid by one of the following options:
  - **Credit Card – pay now or pay later**
    - Select 'pay now' on the online application.
    - Select 'pay later' and access the '[Pay an ACT Government Account](#)'
  - **Electronic Funds Transfer (EFT) – pay later**
    - Transfer the fee to:
 

Westpac Bank – City Walk, Canberra, 2600

Account name: 'EDD Operating Account'

BSB: 032-777

Account Number: 000145
    - Reference: *Name of employer and application reference number*
    - Email the EFT receipt and a copy of the 'payment pending' email to: [migrationservices@act.gov.au](mailto:migrationservices@act.gov.au)

*Please note your bank may charge a transaction fee for processing the EFT. This charge must be paid by the applicant and is in addition to the service fee.*

## Assessing applications

The RCB will usually assess an application solely on the information provided at the time of application. In some cases, the RCB may request additional information to determine whether the criteria are met. The RCB reserves the right to make contact directly with the employer, even when a migration agent is appointed as the authorised contact.

## Processing time

Most applications for nomination will be processed within three weeks. Please do not enquire about the progress of your application before three weeks have passed. Progress enquiries can delay application processing. You may view the progress of the application through the 'RCB support applications' tab in your agents / employers account at [www.canberrayourfuture.com.au](http://www.canberrayourfuture.com.au).

## Notification of outcome

A copy of the RCB opinion will be emailed to the authorised contact (the employer or the migration agent). The ACT RCB does not use form 1404 to provide RCB opinion on the SESR nomination.

The ACT RCB email notification is an approved alternative form as prescribed by Home Affairs legislation.

You must attach a copy of the RCB opinion email to the Home Affairs online 'Nomination for a Skilled Employer Sponsored Regional (Provisional) Visa.

The Department of Home Affairs is the final decision maker on the SESR nomination.

## Your personal information

Skills Canberra, Chief Minister, Treasury and Economic Development Directorate, uses the application form to collect information which is necessary to allow the ACT Government to consider RCB support of a SESR nomination.

For details on the collection of personal information in the application form please refer to the [Canberra Your Future privacy statement](#)

## Contact us

For more information contact:

Team leader, ACT Skilled Migration

Skills Canberra

Chief Minister, Treasury and Economic Development Directorate.

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