

## Nomination Documents Required

### Subclass 482 – Temporary Skill Shortage (TSS) Visa

Please provide the following business information and documents, which will be used to show that your business genuinely requires the nominated position.

**NOTE:** All information provided in relation to your business will be treated confidentially and will **only** be used for the purpose of obtaining the Department of Home Affairs (DOHA) approval of your nomination application.

Please tick the boxes on this check sheet to show what documents you have provided.

Sponsor Documents	
<input type="checkbox"/>	Standard business <b>sponsorship approval letter</b> issued by the DOHA (if not already supplied)
Nominated Position Documents	
<input type="checkbox"/>	<b>Contract of employment</b> between your business and the visa applicant (or the applicable certified or enterprise agreement, or industrial instrument, if relevant)
<input type="checkbox"/>	<b>Job description</b> for the nominated position
<input type="checkbox"/>	<b>If the nominated position already exists in your business:</b> Evidence that the position has existed and is vacant OR occupied by a temporary resident e.g. <i>payroll information for the person who was previously employed in the role</i>
<input type="checkbox"/>	<b>If the nominated position has been newly created:</b> Evidence of an increase in business activity that requires the creation of the nominated position e.g. <ul style="list-style-type: none"> <li>• <i>new contracts</i></li> <li>• <i>evidence of overtime work or an increase in overtime work for staff currently employed in the same position</i></li> <li>• <i>evidence of need for business diversification, such as market research/business plans and evidence of appropriate funding</i></li> </ul>
<input type="checkbox"/>	<b>Genuine Position.</b> Please provide evidence demonstrating that the position associated with the nominated occupation is genuine. This may include:- <ul style="list-style-type: none"> <li>• evidence that the position fits within the scope and scale of the business</li> <li>• evidence that the position is necessary to the operations of the business</li> <li>• an organisation chart</li> <li>• evidence that the position has been previously occupied and a statement of reasons why it has become vacant, or</li> <li>• if the position is new, evidence of new contracts secured by the business/business expansion plans/market research</li> </ul>

<b>Evidence of Labour Market Testing:</b> This includes a copy of the advertisement(s) and receipt(s) for any fees paid. If this evidence does <b>not</b> accompany your nomination application it will be refused (see further information below)			
<b>Organisational &amp; Human Resources Documents</b>			
<b>Organisational chart OR list of your current employees</b> - this should show: <ul style="list-style-type: none"> <li>• each employee's position within the business (it is important to use names where practicable, especially when it is a small business)</li> <li>• whether each position is full-time or part-time</li> <li>• whether any temporary residents (i.e. <u>NOT an Australian citizen or permanent resident</u>) are employed in any of the positions</li> </ul>			
<b>If you employ any Australian citizens or permanent residents in the same occupation as the nominated position:</b> documents showing the terms and conditions of their employment, including their wage/salary level e.g. <ul style="list-style-type: none"> <li>• <i>payslips</i></li> <li>• <i>PAYG certificates</i></li> <li>• <i>employment contracts</i></li> </ul> NOTE: This is used to show that the terms and conditions of the nominated position are at least equal to those offered to any other employees working in the same role in your business			
<b>If you DON'T employ any Australian citizens or permanent residents in the same occupation as the nominated position:</b> please explain how you determined the nominee's salary, with reference to relevant source materials e.g. <ul style="list-style-type: none"> <li>• <i>Industrial/Modern award salary levels</i></li> <li>• <i>remuneration surveys</i></li> <li>• <i>position advertisements</i></li> </ul>			
<b>Contributions to the Skilling Australians Fund</b>			
The Australian Government has introduced a new arrangement whereby a levy will be payable in full at the time an employee is nominated. We will advise when payment is required to be made. The amount payable will depend on the annual turnover of the business and will be as follows: -			
	<b>Business Size</b>	<b>TSS Visa</b>	<b>Employer Nomination (186 Visa)</b>
	Turnover less than \$ 10 million per annum	\$1,200.00 <u>per year</u>	\$ 3,000.00 <u>one off</u>
	Turnover over \$ 10 million per annum	\$1,800.00 <u>per year</u>	\$ 5,000.00 <u>one off</u>

### Labour Market Testing (further information)

For a nomination to be approved, the Department must be satisfied that a suitable qualified and experienced Australian worker is not available to fill the nominated position.

Under policy, the Department would generally be satisfied that this requirement is met provided the advertising meets **all** of the below:

- the nominated position has been advertised in **Australia**
- the advertisement was in **English** and included the following information:
  - the title, or a description, of the position
  - the name of the approved sponsor or the name of the recruitment agency being used by the sponsor and

- the annual earnings for the position (unless the annual earnings will be greater than the [Fair Work High Income Threshold](#))
- at least two advertisements were published:
  - on a national recruitment website (for example [jobactive.gov.au](#)). Note: a general classifieds website is not an acceptable method
  - in national print media
  - on national radio or
  - *if the sponsor is accredited* – on the businesses' website.

Note:

- if the advertisement is published on a website, it is expected that the advertisement would have 'remained live' for at least 21 consecutive calendar days
- if the advertisement is published in print media or on radio, it is expected that applications or expressions of interest for the advertised position were accepted for at least 21 consecutive calendar days
- advertising may have been undertaken by a third party if authorised to do so by the sponsor (for example, an associated entity or a contracted party, such as a recruitment agency) - there is no requirement that the sponsor placed the advertisement themselves.

Under policy, alternative evidence can be considered sufficient to demonstrate that 'a suitably qualified and experienced Australian worker is not available to fill the nominated position', where the nominated position is a position:

- in relation to which the nominee has an internationally recognised record of exceptional and outstanding achievement in a profession, a sport, the arts or academia and research
- held by an existing TSS or subclass 457 visa holder for which a new nomination has been lodged **solely** because:
  - the annual earnings that will apply to the nominee have changed or
  - a change in business structure has resulted in the nominee's employer lodging a new application to be approved as a standard business sponsor.

## FREQUENTLY ASKED QUESTIONS

### What if I cannot provide all of these documents?

We can lodge your application even if some of your documents are not currently available. However, this may delay the DOHA processing of your application. Where possible, please provide all of the documents listed above that are relevant to the nominated position. Please contact us if you would like further details regarding the documents that are required.

### Can I email you scanned copies of my documents?

Where possible, please **email** scanned copies of all of your documents to the agent dealing with your application in the first instance. We can then confirm whether or not they are acceptable and sufficient.

When emailing scanned copies of your documents, please ensure that:

- they are saved in **PDF format**, rather than JPEG or any other format (if possible);
- **colour** scans are preferable but black and white scans are also acceptable
- there is no more than **one document per scanned page** (e.g. do not scan company registration and business lease documents on the same page).

**What are the next steps in the application process?**

Once you have sent us the relevant documents, we will complete the application form and other paperwork required for your nomination application. You will then be asked to review, approve and sign all relevant documents before we lodge your application with the DOHA.