



THE LAW SOCIETY  
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## Employer Nomination Scheme (Subclass 186) – Labour Agreement Stream Nomination Documents Checklist

Please provide the following business information and documents, which will be used to show that your business is still lawfully and actively operating, and genuinely requires the nominated position. High quality, colour scanned copies of your documents can be sent to us through the Client Portal or by email.

**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' (the DOHA's) approval of your nomination application.

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

### Labour Agreement Documents

**NOTE:** You do not need to provide these documents if we prepared the relevant Labour Agreement or temporary nomination application on behalf of your business.

	Signed <b>Labour Agreement (Work Agreement)</b> and <b>Labour Agreement in Effect letter with Transaction Reference Number (TRN)</b> issued by the DOHA
	Copy of the official letter from the DOHA notifying you of the <b>approval of the relevant temporary nomination</b> (subclass 482 or 457)
	<p>Copies of any documents supplied to the DOHA in support of the relevant subclass 482 (or 457) nomination e.g.</p> <ul style="list-style-type: none"> <li>organisational structure chart showing the structure of your business at that time;</li> <li>employment contract and job description for the nominated position, dating from the time of the nomination;</li> <li>any other documents that were provided as evidence of your business's need for the nominated position e.g. information letter about your business, business plan.</li> </ul>

### Registration Documents

**NOTE:** You do not need to provide these documents if we prepared the relevant Labour Agreement or temporary nomination application on behalf of your business.

	<b>ABN certificate</b> for your business
	<b>If business has a registered business/trading name:</b> Certificate of registration of business trading name
	<b>If business is a registered company:</b> certificate of registration of company from ASIC
	<b>If business is a franchise/franchisor:</b> relevant pages of franchise agreement i.e. page(s) listing parties to the agreement, and signature page(s)

	<b><i>If business is a trust:</i></b> relevant pages of trust deed i.e. page(s) listing parties to the trust, and signature page(s)
	<b>Current lease agreement</b> for the business premises at which the nominated position is based
<b>Financial Documents</b>	
	<b>Audited balance sheet</b> (statement of position) and <b>profit and loss statement</b> (statement of performance) for the <b>last financial year</b> , with a comparison to the previous financial year <b>OR</b> <b>Business tax returns</b> for the <b>last financial year</b> , and the associated <b>tax assessment notice</b>
	<b><i>If the last financial year covered by the financial statements or tax returns that you provide (see above) ended more than 3 months ago:</i></b> Business Activity Statements (BAS) for each complete quarter since the end of the last financial year
	<b>Letter of support from your accountant to your business</b> , stating clearly that based on previous and projected financial performance, your business is financially capable of employing someone in the nominated position at the stated rate of pay. <b><i>We are able to provide a template letter for your accountant, if required</i></b>
<b>Nominated Position Documents</b>	
	<b><i>If the position is subject to an Industrial Award or Enterprise Agreement:</i></b> Copy of the relevant award or agreement, or a link to the current online version of this document <b>AND</b> a signed offer of employment letter and associated acceptance <b><i>We can prepare an offer of employment for migration purposes on your behalf, if required</i></b> <b>OR</b> <b><i>If NO award or agreement applies to the visa applicant's employment:</i></b> Signed employment contract between your business and the visa applicant  NOTE: If the position has changed since the relevant subclass 482/457 nomination was lodged, please provide a brief statement explaining how and why the role has changed. Please refer to the 'FAQ' section of this document for further details.
	<b>ATO Income Statements</b> for the visa applicant's <b>entire period of employment</b> in the nominated position
	<b>Payslips</b> for the visa applicant's employment in the nominated position (please provide as many payslips as possible from the applicant's period of employment)
	<b>Extracts of leave records</b> for the visa applicant's <b>entire period of employment</b> in the nominated position
	<b><i>Recommended: Evidence</i></b> that you have <b>attempted to recruit a suitably qualified and experienced Australian worker</b> for the nominated position during the last 4 months (12 months if your business is located in Regional Australia).  <b>Please refer to the 'FAQ' section of this document for further details.</b>

### Annual Market Salary Rate (AMSR) Evidence

The AMSR is the amount an equivalent Australian worker earns (or would earn) working in the same occupation as the nominated position. Both the AMSR and the salary you offer for the nominated position must be no less than \$73,150 per year (excluding non-monetary benefits) unless salary concessions are provided for in the Labour Agreement. Any permitted concessions will be described in the Labour Agreement.

**If an enterprise agreement or industrial award applies to the nominated position:** the name of the agreement or award, and the salary level/occupation group that applies to the nominated position

**If NO agreement/award applies AND you employ any Australian citizens or permanent residents in the same occupation as the nominated position:** employment contract(s) and payslips for the relevant Australian workers.

NOTE: This does not include Australian workers with more (or less) experience than the person you wish to nominate, who are performing similar work at a different pay grade.

**If NO agreement/award applies AND you DON'T employ any Australian citizens or permanent residents in the same occupation as the nominated position:** show how you determined what an equivalent Australian worker would be paid for the nominated occupation, by providing **at least two** of the following:

- Job Outlook information for the nominated occupation
- advertisements from the last 6 months for equivalent positions in the same location
- remuneration surveys completed by a reputable organisation

written advice from unions or employer associations

### Human Resources Documents

**Organisational chart OR list of your current employees** - this should show:

- each employee's position within the business (it is important to use names where practicable, especially when it is a small business)
- whether each position is full-time or part-time

whether any temporary residents (i.e. NOT an Australian citizen or permanent resident) are employed in any of the positions

### Administration Documents

Your **electronic letterhead**, which you should email to us at [support@dojolegal.com.au](mailto:support@dojolegal.com.au) (alternatively, you can provide us with 5 blank sheets of your hard copy letterhead if you prefer)

NOTE: This is used to prepare any documents that you are required to sign in support of your application e.g. offer of employment, job description, information letter

## WHERE TO SEND YOUR DOCUMENTS

High quality, colour scanned copies should either be provided through the **Client Portal**, or sent by **email** to [support@dojolegal.com.au](mailto:support@dojolegal.com.au), **as soon as practicable**. As mentioned above, scanned copies of your documents will generally be sufficient to support your application.

Should we require hard copies of your documents for any reason, or should the DOHA request hard copies during the processing of your application, we will notify you and provide instructions on how to send us these documents.

**THANK YOU!**



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