

An Australian Government Initiative





RDA Orana DAMA Employer Endorsement Form

Request for endorsement to access a labour agreement under the RDA Orana DAMA

Local people developing local solutions rda.gov.au



ORANA

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REQUEST FOR ENDORSEMENT TO ACCESS A LABOUR AGREEMENT UNDER THE RDA ORANA DAMA

Part A and Attachment 1 with requested evidence (page 16) must be completed as a minimum by the employer and submitted to the RDA Orana Designated Area Representative (DAR).

When you have completed all the information required for Part A and Attachment 1 with supporting evidence, please email your regional RDA office.

Is your business actively operating for at least 12 months, and is it financially viable?	Yes	No
Is the position you seek to fill listed in the current <u>RDA Orana DAMA occupation list?</u>	Yes	No
Have you consulted your regional RDA office?	Yes	No
Is your business located within the regions of Orana, Riverina, Murray, Central West or Southern Inland?	Yes	No

REGION	Local Government Areas
ORANA	Dubbo Regional, Mid-Western Regional, Narromine, Gilgandra, Warren, Coonamble, Warrumbungle, Walgett, Brewarrina, Bogan, Cobar and Bourke.
CENTRAL WEST	Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes and Weddin.
RIVERINA	Bland, Carrathool, Coolamon, Cootamundra-Gundagai, Griffith, Hay, Junee, Leeton, Lockhart, Murrumbidgee, Narrandera, Snowy Valleys, Temora and Wagga Wagga.
MURRAY	Albury, Balranald, Berrigan, Edward River, Federation, Greater Hume, Murray River, Wentworth and parts of the Snowy Valleys.
SOUTHERN INLAND	Wingecarribee, Goulburn-Mulwaree, Upper Lachlan, Hilltops, Yass Valley, Queanbeyan-Palerang and Snowy Monaro.

You must answer all "yes" to the above to proceed with your endorsement to access a labour agreement under the RDA Orana DAMA application.

Part A

PART 1 - YOUR DETAILS (BUSINESS SPONSOR)

Registered Business Name

Trading name (if different)

Australian Business Number (ABN)

Australian Company Number (ACN), (ARBN) or partnership number

Website

Type of entity		Company		Yes	No
		Sole trader		Yes	No
		Partnership		Yes	No
		Trust		Yes	No
		Other (please s	specify)	Yes	No
Business address of Head Office – if applicable					
Contact Regional Address					
Postal address					
Contact person in business					
Contact person's email					
Contact persons telephone number(s)		Phone			
		Mobile			
		Other (if applic	cable)		
If a company, name of each director					
Name of trust/trustee (if applicable)					
Nature of employer's operations (e.g. hospitality, construction, retail, mining)	,				
Would you like the following information relating your business to be listed on our RDA Orana DA website to assist with overseas workers seeking opportunities in our region?	MA	Yes	No		
How many people do you currently employ and of your Labour Agreement.	how mo	any you anticipo	ate emplo	ying at the	end of year 1
Classification	Currer	nt		End of Yea Agreemen	ır 1 of the Labour t
Professionals (i.e. Persons Who Hold A Tertiary Degree Or Equivalent Experience)					
Tradespersons					
Recent Australian University Graduates With Less Than 12 Months Work Experience					
Apprentices Employed Under A Training Agreement Or Contract Of Training					
Other Trainees Employed Under A Training Agreement Or Contract Of Training					

Aboriginal Or Torres Strait Islander

Total

Do you already hold a Subclass 457 or Subclass 482 _{Yes} No Standard Business Sponsorship approval? If yes, please provide a copy of the SBS approval letter.

Please outline your current workforce, including any overseas workers already employed under the Subclass 457 or Subclass 482 Standard Business Sponsorship program and any temporary overseas workers (for example, Working Holiday Makers, Student visa holders with work rights, NZ nationals on a Subclass 444 visa etc.) and how you expect that profile might look at the end of the first year of your Labour Agreement.

Note: Employers can use the Visa Entitlement Verification Online tool (VEVO) to check the current visa status of their employees at: VEVO.

Visa Type

Current

End of Year 1 of the Labour Agreement

Australians (citizens and permanent residents)

Subclass 482 (TSS) visa holders

Subclass 457 visa holders

Subclass 187 visa holders

Overseas students

Working holiday makers

Other temporary visa holders

Other

Total

Has your business had any redundancies or retrenchments occur in the last 6 months?

Period of time you have been operating?

PART 2 - FINANCIAL BUSINESS INFORMATION

Annual turnover for most recent financial year

Is there any "adverse information" about the business or background of your business or any person "associated with" the businesses?

No

Yes

If you answered yes, please provide details:

PART 3 - REPRESENTATIVE CONTACT DETAILS

If you have been assisted by a Migration Agent in preparing this request, you must complete this section. Please provide **Department of Home Affairs Form 956**. Otherwise leave blank.

Name of registered migration agent

Migration agency name

Migration agent registration number (MARN)

Address

Telephone

Mobile

Facsimile number

Email

Is supporting document – Department of Immigration's Yes No Form 956 attached to the application

PART 4 - OCCUPATIONS, NUMBERS AND CONCESSIONS

How many overseas workers does the business intend to sponsor under RDA Orana DAMA in the next 12 months and what roles they would work in?

Please list Occupation, ANZSCO code, maximum number of nominations in Year one, type of visa, concession to ANZSCO tasks applicable, concession to TSMIT sought, concession to English sought.

Please also attach position description for each nomination.

Occupation	ANZSCO code	Maximum number of nominations in the next 12 months	Type of Visa -TSS Visa (482) -SESR Visa (494) -ENS Visa (186)	TSMIT Concession Yes/No	English Concession Yes/No	Age Concession Yes/No
				Yes	Yes	Yes
				No	No	No
				Yes	Yes	Yes
				No	No	No
				Yes	Yes	Yes
				No	No	No
				Yes	Yes	Yes
				No	No	No
				Yes	Yes	Yes
				No	No	No

Note: the endorsement to access the RDA Orana DAMA is for up to five years, however the endorsement of occupations and numbers of positions to be filled is valid for one year. Businesses seeking to employ more overseas workers will need to apply to the RDA Orana DAR for endorsement of occupation(s) and the number of vacant positions each year.

PART 5 - BREAKDOWN OF TOTAL ANNUAL EARNING FOR EACH OCCUPATION

Temporary Skilled Migration Income Threshold (TSMIT) concessions includes breakdown of total annual earnings for each occupation i.e. non-cash payments to be included in the salary. Many employer sponsored visa programs, including the standard TSS (Subclass 482), SESR (Subclass 494) and ENS (Subclass 186) program, have a minimum threshold that can be paid. The TSMIT which currently sits at \$73,150 also applies.

All workers employed under the RDA Orana DAMA must be employed under Australian employment conditions and receive no less than what an Australian would to undertake the same job in the same location.

The RDA Orana DAMA includes access to two types of TSMIT concession across the following occupations:

ANZSCO Code	Occupation	ANZSCO Skill Level	ANZSCO Code	Occupation	ANZSCO Skill Level
551111	Accounts Clerk	4	721216	Loader Operator	4
423111	Aged or Disabled Carer	4	831311	Meat Process Worker	5
721111	Agricultural and Horticultural Mobile Plant Operator	4	234611	Medical Laboratory Scientist	1
311111	Agricultural Technician	2	842499	Mixed Production Farm Workers nec	5
841111/ 842111	Aquaculture Worker	5	721999	Mobile Plant Operators nec	4
721212	Backhoe Operator	4	321211	Motor Mechanic (General)	3
			423312	Nursing Support Worker	4
831111	Baking Factory Worker	5	324111	Panel Beater	3
551211	Bookkeeper	3	351112	Pastry Cook	3
712912	Bulk Materials Handling Plant Operator	4	551311	Payroll Clerk	4
721213	Bulldozer Operator	4	521111	Personal Assistant	2
351211	Butcher or Smallgoods Maker	3	423313	Personal Care Assistant	4
141111	Cafe or Restaurant Manager	2	311215	Pharmacy Technician	2
421111	Child Care Worker	3	411715	Residential Care Officer	2
351411	Cook	3	831313	Seafood Process Worker	5
831114	Dairy Products Maker	5	442217	Security Officer	4
732111	Delivery Driver	4	331112	Stonemason	3
721214	Excavator Operator	4	741111	Storeperson	4
721311	Forklift Driver	4	841215/	Vegetable Picker	5
832113	Fruit and Vegetable Packer	5	842221 324311	Vehicle Painter	3
841212	Fruit or Nut Picker	5			
531111	General Clerk	4	361311	Veterinary Nurse	3
721215	Grader Operator	4	431511	Waiter (Food and Beverage Attendant)	4
831116	Grain Mill Worker	5	831118	Winery Cellar Hand	5
149999	Hospitality, Retail and Service Managers nec	2			

PART 5 - BREAKDOWN OF TOTAL ANNUAL EARNING FOR EACH OCCUPATION (CONTINUED)

Concession type 1 – up to a 10% concession to the TSMIT

Businesses must demonstrate the annual monetary earnings provided will be no less than 90% of the TSMIT, i.e. no less than \$65,835.

Concession type 2 – TSMIT and the inclusion of non-monetary earnings (Food and Board) Businesses must demonstrate that the total annual earnings provided will be no less than TSMIT, i.e. no less than \$73,150.

These annual earnings can be comprised of 'non-monetary earnings (Food and Board)' to the value of up to \$7,315 annually (i.e. capped at 10% of TSMIT).

Only those occupations listed above will be able request a TSMIT concession.

Position title	Number of workers	Type of Visa -TSS Visa (482) -SESR Visa (494) -ENS Visa (186)	TSMIT concession sought Yes/No	Salary breakdown	Total salary per worker
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 	MONETARY	NON-MONETARY
Yes		
No		
Yes		
No		
Yes		
No		
Yes		
No		

PART 6 - ENGLISH CONCESSION

Employers seeking an English concession for an occupation need to provide reasoning as part of their endorsement application. This should explain why a lower level of English language is acceptable for the requested occupation. Consideration should be given to how any workplace safety risks will be managed for workers with lower levels of English.

Position Title	Visa Type
Reason for English Concession	
How will WHS risk be managed	
Position Title	Visa Type
Reason for English Concession	
How will WHS risk be managed	
Position Title	Visa Type
Reason for English Concession	
How will WHS risk be managed	
Position Title	Visa Type
Reason for English Concession	
How will WHS risk be managed	
Position Title	Visa Type
Reason for English Concession	
How will WHS risk be managed	

PART 7 - SUMMARY OF DOMESTIC RECRUITMENT EFFORTS

You must provide evidence of your domestic recruitment efforts over the last 12 months are required. Evidence that the job was advertised (via website, print media or radio) in Australia for at least 4 weeks on two platforms. Recruitment activities undertaken must meet Department of Home Affairs Labour Market Testing (LMT) requirements as these apply to the Subclass 482 visa. **Complete for each position:** DAMA Labour Market Testing.

Business name / entity name	
Occupation / position	
Visa Type	
ANSZCO Code	
List all modes of advertising or recruitment efforts by your organisation in the last 12 months for the Occupation	(Example) Electronic Advertising
Provide details of where the advertisement or recruitment effort took place	<u>https://jobsearch.</u> gov.au/
Period/dates of advertising or recruitment	Ongoing
Fee/s paid for advertising or recruitment	Nil – Government Website
Provide details of who the fees were paid to	
Geographical target audience	Local, National & International
Number of applications received	Varies by the number of applications
Number of applicants that were hired	received & qualification
Reasons that candidates were not successful	Insufficient on the job experience, did not meet the selection criteria

I declare that the information I have provided in this document is, to the best of my knowledge, true and accurate and I am aware of the penalties for providing misleading or false information to the Commonwealth.

Signature:

Provide evidence of domestic recruitment efforts over the last 12 months, for example:

- Samples of advertisements in newspapers, professional journals, industry newsletters etc.
- Contracts with recruitment agencies
- Online job advertising including Seek, Facebook and website advertising
- Evidence of participation in job search programs / activities (if any).

Position 2

Business name / entity name Occupation / position Visa Type ANSZCO Code List all modes of advertising or recruitment efforts by your organisation in the last (Example) Electronic Advertising 12 months for the Occupation Provide details of where the advertisement or https://jobsearch. recruitment effort took place gov.au/ Period/dates of advertising or recruitment Ongoing Fee/s paid for advertising or recruitment Nil – Government Website Provide details of who the fees were paid to Local, National & Geographical target audience International Varies by the number Number of applications received of applications received & qualification Number of applicants that were hired Insufficient on the job

experience, did not meet the selection criteria

I declare that the information I have provided in this document is, to the best of my knowledge, true and accurate and I am aware of the penalties for providing misleading or false information to the Commonwealth.

Signature:

Provide evidence of domestic recruitment efforts over the last 12 months, for example:

- Samples of advertisements in newspapers, professional journals, industry newsletters etc.
- Contracts with recruitment agencies

Reasons that candidates were not successful

- Online job advertising including Seek, Facebook and website advertising
- Evidence of participation in job search programs / activities (if any).

PART 8 - TERMS & CONDITIONS OF ENDORSEMENT

8.1 By making this request to Regional Development Australia - Orana you are seeking the endorsement of RDA Orana to be able to:

access the RDA Orana Designated Area Migration Agreement (DAMA); and

request to enter into a Labour Agreement with the Commonwealth of Australia (the Commonwealth).

- 8.2 You understand that RDA Orana cannot require the Commonwealth to agree to enter into a Labour Agreement with you and will not be a party to any such Labour Agreement.
- 8.3 You understand and accept that the RDA Orana is under no obligation to endorse you for a Labour Agreement.
- 8.4 You understand that it is a criminal offence in each State and Territory within Australia to make a false or misleading statement to an official.
- 8.5 You understand and accept that any endorsement by the RDA Orana Designated Area Representative (RDA Orana DAR) is only an endorsement to make a request to Home Affairs for a Labour Agreement under the RDA Orana DAMA and is not an endorsement by the RDA Orana DAR of you or any business or activity you carry on in any other respect, or of the individuals you apply to sponsor on a Subclass 482 and 186 visas under a Labour Agreement.
- 8.6 You understand and accept that endorsement by the RDA Orana DAR is discretionary and may be revoked in the event that the RDA Orana DAR (in its absolute discretion) is no longer satisfied that you should be able to apply for a labour agreement under the RDA Orana DAMA.
- 8.7 Revocation of endorsement will be notified to Home Affairs and you accept that the RDA Orana DAR will not be liable to compensate you for any costs, loss or damage that may arise from such revocation.
- 8.8 You warrant that the information referred to in this request and any attachments:
 - (a) is true and correct, and

(b) is complete and is not misleading in any respect, and

(c) you acknowledge that this information has been relied on by the RDA Orana DAR in considering this request.

- 8.9 Where a migration agent has been appointed to assist and represent the business, you acknowledge that the application, including supporting documents have been provided with your full knowledge and consent. The employer seeking the endorsement should still sign this form.
- 8.10 You will notify the RDA Orana DAR as soon as you become aware that any information or documents provided with this request have changed or are no

longer true and correct. You acknowledge that this obligation applies until any request for a Labour Agreement under the RDA Orana DAMA has been finalised.

8.11 This request and any endorsement does not:

(a) constitute a partnership or joint venture between the parties; or

(b) except as expressly provided, make a party an agent of another party for any purpose.

- 8.12 If the RDA Orana DAR must fulfil an obligation to Home Affairs and the RDA Orana DAR is dependent on you to be able to do so, then you must do each thing reasonably within your power to assist the RDA Orana DAR in the performance of that obligation.
- 8.13 If the employer is constituted by more than one legal entity (such as a partnership or an unincorporated association), each of those legal entities will be jointly and severally liable for the performance of any conditions arising as a result of the endorsement.
- 8.14 You agree to provide any and all information required by the RDA Orana DAR to fulfil its obligations under the RDA Orana DAMA (including but not limited to, any updated information regarding the business, its workforce and evidence of its ongoing compliance with the obligations under the Labour Agreement) within 28 days of such a request being made.
- 8.15 You acknowledge that the RDA Orana DAR may be required, from time to time, to provide information that you have included in this request, in part or entirety, to Home Affairs and you consent to this disclosure of information.
- 8.16 You acknowledge that you have read and understood the attached information referred to in this document, and have sought independent advice regarding the contents and your ability to meet the requirements of the Labour Agreement.
- 8.17 You acknowledge that you have not relied on any statement or representation (express or implied) made or advice given by or on behalf of the RDA Orana DAR in entering into the Labour Agreement or taking or failing to take any action in connection with the Labour Agreement.
- 8.18 You understand and accept that the RDA Orana DAR has no liability to you for any costs, loss or damage incurred or suffered by you directly or indirectly arising from or in connection with:

(a) your request for or entry into a Labour Agreement; or

(b) anything done by you, or on your behalf, relating to the entry into or the performance of the Labour Agreement; or

(c) anything done to you relating to the entry into or the performance of the Labour Agreement or work performed by employees employed following entry into the Labour Agreement.

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PART 9 – RDA ORANA PRIVACY POLICY

In accordance with the Australian Privacy Principles (APPs) under the Privacy Act 1988 (Cth) (Privacy Act):

- 9.1 You acknowledge on behalf of your business described in clause 1 of this application (Business) that the collection of the personal information contained in this application is necessary for the functions and activities of the RDA Orana Designated Area Representative (RDA Orana DAR);
- 9.2 You acknowledge on behalf of your Business that the Business is entitled to have reasonable access to the personal information contained in this application after it has been lodged with RDA Orana DAR but that RDA Orana DAR shall always be entitled to retain the information provided;
- 9.3 You acknowledge on behalf of your Business that RDA Orana DAR is collecting the personal information in the business' application for the following purposes:
 - (a) considering the merits of the application;
 - (b) verifying the accuracy of the contents of the application (including through contacting third parties regarding the application);
 - (c) complying with relevant reporting requirements;
 - (d) compiling statistics (or engaging a third party to compile such statistics);
 - (e) participating in RDA Orana DAR and the wider RDA regions surveys; and
 - (f) complying with its obligations to any other Commonwealth or Local government agency.
- 9.4 In carrying out this purpose you acknowledge and agree on behalf of your Business that RDA Orana DAR may disclose the personal information (including sensitive personal information if any) in the Business' application to:
 - (a) Commonwealth Government agencies; and
 - (b) any other person or entity referred to in your application (Third Parties).
- 9.5 You acknowledge on behalf of your business that if you do not sign this application or if your Business does not provide the required personal information in its application, RDA Orana DAR may reject the application.
- 9.6 On behalf of the Business, you authorise the RDA Orana DAR to:
 - (a) use the information provided within the application to make necessary inquiries with Third Parties to verify claims provided in the application;
 - (b) provide the application, including supporting documentation to the Third Parties for further consideration;
 - (c) retain the application and supporting documents in accordance with RDA Orana DAR policies and standards; and
 - (d) utilise the information provided for data collection and reporting purposes.

PART 10 – RDA ORANA DAMA REQUEST FOR ENDORSEMENT APPLICATION DECLARATION

I declare that:

- I have read and understand the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
- I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
- My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
- I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.
- I am looking to employ overseas workers to fill genuine full-time positions located in the designated area with duties that align with occupations on the approved list of occupations.
- I will provide all relevant details to the RDA Orana Designated Area Representative (DAR) if my business has had any redundancies or retrenchments during the last six months.
- I will provide terms and conditions of employment to overseas workers that are in accordance with those offered to Australian workers employed in the region undertaking equivalent work.
- I will abide by all relevant State/Territory and Commonwealth laws. I understand there are civil and criminal penalties for individuals and businesses breaching certain laws.
- I have provided details of any adverse information, including prior instances of non-compliance with State/Territory and Commonwealth laws, that may affect the assessment of my suitability to be a sponsor.
- I will provide all relevant documentation in support of my request for endorsement to the Department of Home Affairs.
- I authorise the RDA Orana DAR and Department of Home Affairs to make enquiries as necessary to verify the information provided.
- I understand that any false or misleading information provided by me may lead to revocation of endorsement by the RDA Orana DAR and the Department of Home Affairs will be notified.
- I understand that a positive RDA Orana DAR endorsement does not guarantee approval by the Department of Home Affairs at any stage.

Full Name

Position

Organisation Name

Date

Signature

PART 11 – DECLARATION

I declare that the information I have provided in all of the above in this document is, to the best of my knowledge, true and accurate and I am aware of the penalties for providing misleading or false information to the Commonwealth.

Signing Page for endorsen Migration Agreement	nent to access labour agreeme	nt under the RDA Orana De	esignated Area
Print name [Sponsor]	Position [Sponsor]	[Signature]	Date
Print name [Witness]	Position [Witness]	 [Signature]	Dote
If using a migration agent:			
Print name [MARN]	Position [MARN No.]	 [Signature]	Date
Date of assessment:	by RDA:		
Signed and delivered on b	behalf of the RDA	, CEO.	
Print name [RDA Office]	[Signature]		Date
Date application received Date of assessment: Approved ^{Yes}	(RDA Orana DAR use only) by RDA Orana: 		Prana.
Print name [RDA Orana DA			Date

PART 12 – RDA ORANA DAMA PROCESSING FEE (NON-REFUNDABLE)

The below form must be completed by the Employer, before we can raise an invoice. An invoice will be sent to you within 2 working days. Please note the processing fee is non-refundable. Once we received a payment receipt from you, we will process your application within 15 working days.

Full Name (Debtor)	
Contact Name	
Company Name	
Invoice Address	
Email Address	
Phone no.	Mobile no.
Business Reference	

RDA ORANA DAMA PROCESSING FEE COST

		No. of positions applied for	Fee
First 5 positions	\$990 + GST/position		
For each position after 5+ positions	\$550 + GST/position		
	Total payable:		
The fees charged by RDA	a regional offices are used to under	take workforce development	programs.
	would like the RDA	Orana DAR to endorse TSS	S/ENS/SESR nomination(s)
and agreed to pay \$			
Print name [Sponsor]	Position [Sponsor]	[Signature]	Date
For information on the f	ees and charges for visas go to t	he Australian Government's	Department of Home Affairs

For information on the fees and charges for visas go to the Australian Government's <u>Department of Home Affairs</u> website. To learn about the cost of sponsoring and SAF levy, please click <u>here</u>.

ATTACHMENT 1 - ANNUAL EARNINGS & MARKET SALARY RATE SUMMARY

Business name / entity name Occupation ANSZCO Code Monetary annual earnings (\$) Non-monetary earnings (food and board) (\$) Non-monetary earnings (other) (\$) List each component Total non-monetary earnings (\$) Total annual earnings (\$)

I declare that the information I have provided in this document is, to the best of my knowledge, true and accurate and I am aware of the penalties for providing misleading or false information to the Commonwealth.

Signature:

Provide evidence of the relevant market salary rate for each occupation. If you employ an Australian citizen or permanent resident in the occupation, the relevant information will include:

- A copy of their employment contract; and
- Recent payslips.

If you do not employ an Australian citizen or permanent resident in the occupation, the relevant information will include:

• Evidence of salary levels for this occupation in the RDA Orana DAMA regions.

Documents to demonstrate equivalent EMPLOYMENT CONDITIONS and AUSTRALIAN MARKET SALARY RATE

Where there IS an equivalent Australian worker performing equivalent work in the same (or very similar) location, the following MUST be provided;

- Where one exists; The name/reference of the relevant fair work instrument that would apply to Australian citizens or permanent residents employed in the same workplace (if applicable). Do not send the document, just the details or weblink of the relevant employment category for the nominated position.
- For example, Pharmacy Industry Award 2012 [MA00012], Pharmacist in Charge, Full Time
- Employment Contract and payslips for the equivalent Australian employee. Identifying details may be blanked out to preserve confidentiality.

Where there IS NOT an equivalent Australian worker performing equivalent work in the same (or very similar) location, the following MUST be provided

- Where one exists; The name/reference of the relevant fair work instrument that would apply to Australian citizens or permanent residents employed in the same workplace (if applicable). Do not send the document, just the details or weblink of the relevant employment category for the nominated position.
- For example, Pharmacy Industry Award 2012 [MA00012], Pharmacist in Charge, Full Time.

Relevant information used to determine the relevant market salary rating which may include:

Job advertisements from National media for similar positions in similar regional areas within the previous 6 months. For example, advertisements for a role in Toowoomba, Wagga or Tamworth would be considered similar to a role in Dubbo for this purpose. Remuneration surveys for similar regional areas generated across the relevant industry by a reputable organisation or body.