

VISA PAK ISSUE 417 — 20 SEPTEMBER 2019

BASE SALARY THRESHOLD CLARIFICATION UNDER WR1 TALENT (ACCREDITED EMPLOYERS) WORK INSTRUCTIONS

This advice updates and clarifies Visa Pak 411 *Assessing salary threshold under WR1 Talent (Accredited Employers) Work*, and Visa Pak 202 *Assessing Work to Residence* in relation to calculating remuneration only.

Immigration officers assessing applications under WR1 instructions must ensure that the applicant has been offered a minimum base salary, which is currently \$55,000 per annum, until the changes to immigration instructions on 7 October 2019. This salary should be based on a 40 hour week as per the Note in immigration instruction WR1.10. This cannot include benefits, superannuation contributions, commissions, and allowances. Any hours in excess of 40 hours per week must be compensated through either a formal system of time-in-lieu documenting these hours, or by paying an effective hourly rate of \$26.45 (based on the current \$55,000 threshold) or more.

Meeting minimum base salary should not include payment of a type listed in the Note(s) at [WR1.10](#), and would not include discretionary payments, or payments that may have only a temporary increase in hourly earnings. However, the minimum base salary *can* include any payment that is not discretionary or temporary, and effectively results in a minimum hourly rate increase. If the payment, despite being referred to as an 'allowance' or similar, has the effect of increasing the fixed wage figure, then it is not captured by the types of allowance outlined in the Note.

IPT decision 204134 is an example for reference.