

NEWSLETTER

Legal Up-Date

February 2008

BUSINESS MIGRATION

Our firm specialises in a number of areas including business related migration. Michael Kobras is a registered Migration Agent. Obtaining visas for potential staff under the Employer Nomination Scheme is becoming increasingly relevant for many clients.

The Employer Nomination Scheme has been developed for Australian employers to recruit highly-skilled staff from overseas when they have been unable to fill a vacancy from within the Australian labour market or through their own training programs.

A new English language requirement was introduced to the Employer Sponsored Temporary Business Subclass 457 Visa Programme on 1 July 2007, and certain primary applicants will be required to have proficiency in English equivalent to an average band score of 4.5 across the four test components in the International English Language Testing System (IELTS) test.

The English language requirement was introduced to ensure that overseas workers are able to respond to occupational health and safety risks, raise any concerns about their welfare with appropriate authorities and benefit Australia by sharing their skills with other workers.

All applicants must meet the English language requirement unless they have been nominated for a position that does not require English language for licensing or registration and any one of the following exempted person categories apply:

- their first language is English and they are Canadian, New Zealand, Irish, UK or US citizens;
- their nominated occupation is within groups 1-3 of the Australian Standard Classification of Occupations (ASCO), comprising managers, administrators, professionals and associate professionals;
- they are to be paid at least a gross base salary of \$75,000 (excluding all deductions and based on a 38 hour week) and the grant of the visa is in the interests of Australia. This salary is the minimum required to be paid for the duration of the visa; or
- they have completed at least five years of continuous full time secondary and/or tertiary education at an institution where at least 80 percent of instruction was conducted in English.

If you have any queries regarding the IELTS test or generally about business migration issues please contact Michael Kobras, Migration Agent Reg. No. 06 38 733, at mkobras@schweizer.com.au.

ABOLITION OF NSW MORTGAGE DUTY

Since 1 September 2007, mortgage duty has not been chargeable if the mortgage secures an advance or advances made for the purpose of owner occupied housing. As from 1 July 2008, mortgage duty will also not be chargeable if the mortgage secures an advance or advances made for the purposes of investment housing.

- (a) An advance is made for the purposes of **owner occupied housing** if it is to be applied wholly or predominantly for one or more of the following purposes:
- financing the acquisition of, construction of or alterations or additions to a residence;
 - financing the acquisition of residential land; and
 - repaying another advance, if the advance was made for the purpose of owner occupied housing.

“residence” means a private dwelling house used and occupied or intended to be used and occupied by the borrower, or by any of the borrowers, as a place of residence.

“alterations or additions” to a private dwelling house include:

- (i) any improvements to the land on which the house is built; and
- (ii) the maintenance, repair or renovation of the house or any improvements referred to in (i) above.

- (b) An advance is made for the purpose of **investment housing** if it is to be applied wholly or predominantly for one or more of the following purposes:

- financing the acquisition of, construction of or alterations or additions to investment housing; and
- repaying another advance, if the advance was made for the purposes of investment housing.

“investment housing” means any private dwelling house that is used, or is intended to be used or sold, for business or investment purposes (or both) by the borrower or by any of the borrowers.

These changes only relate to borrowers who are natural persons.

From 1 July 2009, mortgage duty in NSW will be abolished altogether.

If you have any queries regarding stamp duty requirements in NSW please contact Norbert Schweizer at nschweizer@schweizer.com.au.

YOUR FEEDBACK

If you have any comments about this newsletter, please drop us a line by :

email: mail@schweizer.com.au/fax: +61 2 9223 4729
mail: PO Box H283, Australia Square NSW 1215