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RE: John Topasi

David Berlusconi

Sent: Wednesday, 25 March 2020 9:17 AM

To: Chris Williams

Cc: Lawrance Morris

Hi all

I spoke to Alex at Auz Connect (or migration agent) Monday morning and he was going to chat to Lawrence before this call was made. The reason is I don't think I am going to change Bill's mind regardless what I say and it would only expose us (and put Titan Ford on their radar). We have had other staff on this same VISA at other sites and I am concerned this will aggravate this situation if i push this at the moment. I mentioned to Lawrence the other day, until it's sorted, all we can is stand the employee down.

Alex said he was trying to contact Lawrence for the past few days but has been unsuccessful. Once Alex chats to him, he will call me back and then i can figure out how to liaise with Dept Fair Trading. It may mean they will need to liaise with the Federal Government however this will take time on their part (especially now with Covid-19 shutting down areas of the workforce).

Regards.

David Berlusconi
Human Resources Manager
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From: Chris Williams
Sent: Saturday, 21 March 2020 11:22 AM
To: David Berlusconi
Cc: Lawrance Morris
Subject: RE: John Topasi

Hi David

Can I ask a favour and that you call Bill Wynn from Fair Trading and have a quick chat to him regarding this.
I am receiving conflicting advice from all parties and want to ensure we are covered and not exposed in any way.

Bill Wynn - 0408 028401.

Thanks

From: David Berlusconi
Sent: Wednesday, 11 March 2020 4:57 PM
To: Chris Williams; Lawrance Morris
Subject: RE: John Topasi

Hi all,

From what I have ascertained, he doesn't need a ticket because he is on a training visa (just like an apprentice). His VISA approval also confirmed this. This is info from immi website:

4.3.5. Skills, qualifications and experience

4.3.5.1 Overview

When assessing TSS visa applications, decision-makers are required to be satisfied that the primary visa applicant has the 'skills, qualifications and employment background' necessary to perform the nominated occupation - see sub-clause 482.212(3)

<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/regs/Pages/_document00000/_level%20100008/level%20200236.aspx#482_212%283%29>.

Certain TSS visa applicants are required to commence a skills assessment prior to lodging their application as outlined at section 4.2.8 Mandatory skills assessments<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/policy/Pages/_document00003/level%20100179-5.aspx#4_2_8>.

The regulations also provide a discretionary power for the decision maker to request the visa applicant to demonstrate that they have the necessary skills in a specified manner - see sub-clause 482.212(4)<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/regs/Pages/_document00000/_level%20100008/level%20200236.aspx#482_212%284%29>.

The evidence that should be provided to meet these requirements is outlined in policy. In some

instances, as explained below, the information provided by the visa applicant will be sufficient to make this determination.
In other cases, the visa applicant may be requested to provide additional evidence or required to undergo a 'skills assessment' to demonstrate their skills – see section 4.3.6 Skills Assessments<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/policy/Pages/_document00003/level%20100179-5.aspx#4_3_6> below.

Note:

- With the exception of Medical Practitioners (see section 4.3.9 Medical practitioners)<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/policy/Pages/_document00003/level%20100179-5.aspx#4_3_9>, demonstrating that a visa applicant has the relevant Australian licensing/registration (if mandatory to perform the nominated occupation) is not a requirement for TSS visa grant.
- To comply with visa condition 8607<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/regs/Pages/_document00000/_level%20100021/level%20100022.aspx#JD_8607>, TSS primary visa holders must, however, obtain any mandatory registration/licensing/membership before performing work in the nominated occupation. Consequently, if obtaining the registration/licensing/membership will take more than 90 days or requires formal training (that is, external from the employer), the applicant should, for this training period, consider applying for a Training (subclass 407<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/regs/Pages/_document00000/_level%20100008/level%20200184.aspx#banner>) visa or a Student (subclass 500<https://legend.online.immi.gov.au/migration/2017-2020/2020/29-02-2020/regs/Pages/_document00000/_level%20100008/level%20200248.aspx>) visa.
- If the visa applicant needs to perform a period of supervised practice before being eligible for registration/licensing or requires pre-registration testing, a TSS visa is not appropriate and the visa applicant should be advised to consider a more appropriate visa. This does not apply to professions where provisional registration is granted while the person undertakes any necessary training in order to gain full registration in the particular profession.

I hop this helps.

Regards.

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From: David Berlusconi
Sent: Wednesday, 11 March 2020 1:42 PM
To: Chris Williams; Lawrance Morris
Subject: RE: John Topasi

Hi all,

Yes... Additionally I think because he is on a 407 training visa, he may not need one. I am looking into this now. Do we have the officer from the Department of Fair Training's name and number? I can try and get some clarification from them.

Regards.

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From: Chris Williams
Sent: Wednesday, 11 March 2020 11:18 AM
To: Lawrance Morris; David Berlusconi
Subject: RE: John Topasi

Lawrance

He needs to apply for a licence.

From: Lawrance Morris
Sent: Wednesday, 11 March 2020 11:12 AM
To: David Berlusconi
Cc: Chris Williams
Subject: John Topasi

Hi David,

We have Fair Trading and he checked the mechanics licenses and found John Topasi does not have a licence to work in NSW.
Can you please find out if this is correct? He is on working visa , I would have presumed that would have been sorted prior him starting here.

Regards

Lawrence Morris
Service Manager

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