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Designated Area Migration Agreement (DAMA): Employer Regional Workforce Needs Assessment

KEY POINTS

- DAMAs provide flexibility for states, territories and/or regions to respond to their specific economic and labour market needs within a formal agreement with the Commonwealth that is authorised by the Minister.
- DAMAs are designed to provide solutions to Australian business where there are skills gaps and shortages that cannot be met by the Australian market by allowing 'endorsed' employers to sponsor a broader range of overseas workers than is available under the standard temporary and permanent visa programs.

ROLES AND RESPONSIBILITIES

- The Minister for Immigration, Citizenship and Multicultural Affairs has the power to enter into a Designated Area Migration Agreement subject to their authorisation and any conditions or parameters to be set.
- The Designated Area Representative (DAR) is the co-signatory to the agreement and is responsible for the broad oversight and endorsement of sponsors under this agreement. This includes monitoring and reporting on issues and activity under the DAMA including labour market patterns.
- The Department, coordinates the Deed of Agreement process, makes the submission for Ministerial decision on DAMAs, and works with endorsed employers to establish specific labour agreements. Once established the Department processes nomination and visa applications made under the agreements. The Department works with the DAR to monitor progress, issues and effectiveness of the DAMA.
- Employers endorsed by the DAR enter into individual labour agreements (under the umbrella of the DAMA) with the Department. Employers are required to make efforts to recruit Australian workers first and meet sponsorship obligations.

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Designated Area Migration Agreement: Employer Workforce Needs Assessment

Employers to provide the following information to the prospective Designated Area Representative (DAR). This information will be used to develop a DAMA submission.

EMPLOYER NAME:

INFORMATION REQUIRED	RESPONSE
<p>1. Business case</p> <ul style="list-style-type: none">• What are the specific challenges in attracting and retaining workers in your business?• How would being an endorsed sponsor under a DAMA address these challenges?• What existing visa programs do you use? <p>If you use more than one visa program, please explain how each of them supports your business.</p>	
<p>2. Occupations and required numbers</p> <ul style="list-style-type: none">• Have you considered the use of specific industry agreements to meet these needs?• Are there any perceived barriers to the existing Labour Agreements? <p>Refer to Industry template agreements for industry-specific examples.</p> <p>https://www.homeaffairs.gov.au/trav/work/empl/labour-agreements</p>	<p><i>Include in your response;</i></p> <ul style="list-style-type: none">- <i>a list of occupations sought and corresponding number of positions you are seeking to fill with overseas workers</i>- <i>the related ANZSCO codes or duties and tasks (summarised in a few dot points)</i>- <i>relevant labour market information for the region specific to these occupations</i>

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INFORMATION REQUIRED	RESPONSE
Potential concessions sought	
<p>3. English language proficiency requirements</p> <ul style="list-style-type: none"> • Are there any particular issues regarding the English language proficiency requirement in the standard skilled visa programs? • Do you need to seek any concessions? If yes, why? • Are there existing strategies and options available to support migrant workers to improve their English language proficiency? For example, on the job training, dedicated community programs etc. 	<p><i>A level of English language proficiency across four components (speaking, reading, writing and listening) is required to enable a migrant to undertake work safely, participate in the workplace and society and transfer skills and experience.</i></p> <p><i>Standard program requirements: TSS requirement: IELTS score of 5.0 or equivalent ENS requirement: IELTS score of 6.0 or equivalent</i></p> <p><i>Please list proposed concession (if known) for each occupation.</i></p>
<p>4. Temporary skilled migration income threshold (TSMIT)</p> <ul style="list-style-type: none"> • Do you need to seek any concessions? If yes, why? • Are there any 'cost of living' or other expenses that would normally be non-monetary components of part of the employee contract (e.g. food and board)? 	<p><i>Employers are to pay at least market rates and provide foreign workers with at least the same terms and conditions as Australian employees.</i></p> <p><i>Concessions may generally be considered of up to 10% below TSMIT (currently AUD 53,900). Example: A concession may applied where the regional cost of living is commensurately lower than the national average.</i></p>

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INFORMATION REQUIRED	RESPONSE
<p>5. Skills and experience</p> <ul style="list-style-type: none">Do you need to seek any concessions to the skills requirements outlined in ANZSCO for each occupation? If yes, why? <p>Refer to the ANZSCO occupation dictionary on the ABS website http://www.abs.gov.au/ANZSCO</p>	<p><i>Overseas workers are expected to have a level of skill and experience and be able to transfer skills to Australian workers. They will need to meet Australian registration and licensing requirements.</i></p>
<p>6. Pathway to Permanent Residence</p> <ul style="list-style-type: none">Would this be something you would consider for your workforce?What would be the benefits and challenges for you as an employer?	<p><i>After three years on a temporary work visa under the DAMA the Minister may agree to allow migrant workers to transition to a permanent visa (Employer nominated scheme, subclass 186).</i></p> <p><i>This option may provide an incentive for migrant workers to stay in regional and/or remote areas and provide some stability for the local workforce. This will be subject to conditions.</i></p>

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DAMA TIMELINE

Establishing a DAMA

1. Proposed Designated Area Representative (DAR) submits a DAMA request and supporting information to the Department
2. Department and DAR discuss / negotiate conditions and any concession requests
3. Department provides information to Minister for review and decision
4. Outcome of Minister review communicated to DAR

If DAMA approved by the Minister for Immigration, Citizenship and Multicultural Affairs

5. Department creates DAMA (agreement template) that reflects parties involved and concessions sought
6. DAMA provided to DAR for consideration and legal review
7. DAR and Department discuss/clarify details (if required). Once finalised, DAMA sent to DAR for review and signoff
8. DAR returns signed DAMA to the Department
9. DAR signed DAMA provided to Minister for signature
10. Department executes (finalises) the DAMA and provides signed original to the DAR

DAR Endorses sponsor employers

11. Prospective employer sponsors approach DAR for assessment/endorsement as sponsors under the terms of the DAMA
12. DAR process application for endorsement in accordance with DAMA
13. If endorsed, DAR provide endorsement notification and all supporting evidence to the Department, and a copy of endorsement letter to the employer.

Establishing individual (DAMA) labour agreements under the DAMA

14. Endorsed employer lodges labour agreement application via ImmiAccount.
15. Department assesses labour agreement request and, if approved, develops individual labour agreement. Additional info may be requested from employer sponsor
16. Individual labour agreement sent to employer sponsor for review and signoff

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17. Employer sponsor returns signed labour agreement to the Department

18. Labour agreement signed and executed (cont....)

Nomination applications

19. Nomination for an approved position under the DAMA labour agreement lodged by the Employer sponsor via ImmiAccount (agreement stream)

20. Department assesses and decides nomination against regulations and the DAMA Labour Agreement.

21. Sponsor employer notified of outcome (approve/refuse)

Visa applications

22. Visa applications submitted via ImmiAccount (NB: may be lodged before associated nomination is finalised)

23. Department assess visa applications under the terms of the DAMA labour agreement and against migration regulations

24. Visas granted / refused and applicant notified