



## WESTERN AUSTRALIA DESIGNATED AREA MIGRATION AGREEMENT

### ELIGIBILITY AND CRITERIA

(updated 1 July 2024)

#### Terms of the Western Australia (WA) Designated Area Migration Agreement

Western Australian businesses seeking to build their workforce through an individual Designated Area Migration Agreement (DAMA) must first seek, and gain endorsement from, an authorised Designated Area Representative (DAR).

The Department of Training and Workforce Development, through Migration Services is the authorised DAR for the WA DAMA.

The WA DAMA enables eligible employers in Western Australia, who are unable to recruit appropriately qualified Australians, to supplement their workforce with Skilled Overseas Worker(s) through three (3) visa pathways:

- Temporary Skills Shortage (subclass 482) visa;
- Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa; or
- Employer Nominated Scheme (ENS) (subclass 186) visa.

#### Endorsement validity period

An approved WA DAMA endorsement is valid for twelve (12) months only.

#### Designated Area definition

The Designated Area covered by the WA DAMA is the State of Western Australia comprising of the following regional categories:

Category	Postcodes
Category 2 – Cities and major regional centres	6000 to 6038 6050 to 6083 6090 to 6182 6208 to 6211 6214 and 6556 to 6558
Category 3 – Regional centres and other regional areas	All post codes in Western Australia not mentioned above.

When reviewing the WA DAMA criteria in conjunction with the above definition:

- category 2 is referred to as “Metropolitan Perth”; and
- category 3 is referred to as “Regional Western Australia”.

## Current active Regional WA DAMAs

In Western Australia there are four (4) regional DAMAs currently in operation, that are tailored to meet the unique demands of their respective regions, providing local employers with specific concessions to attract skilled migrants. To access one of the active DAMAs you will need to contact them directly.

Regional Area	Parties	Areas Covered
Goldfields	<a href="#">City of Kalgoorlie Boulder</a> and Home Affairs	The Goldfields DAMA region is defined by local government authority boundaries of the City of Kalgoorlie-Boulder, Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies and Ravensthorpe.
Kimberley	<a href="#">East Kimberley Chamber of Commerce and Industry</a> and Home Affairs	The Kimberley DAMA region is defined by local government authority boundaries of the Shires of Wyndham East Kimberley, Broome, Halls Creek, and Derby-West Kimberley.
Pilbara	<a href="#">Regional Development Australia – Pilbara</a> and Home Affairs	The Pilbara DAMA region is defined by local government authority boundaries of the City of Karratha, Town of Port Hedland and Shire of East Pilbara.
South West	<a href="#">Shire of Dardanup</a> and Home Affairs	The South West DAMA region is defined by local government authority boundaries of the City of Bunbury, City of Busselton and the Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup, and Nannup.

## Structure of the WA DAMA

The WA DAMA is intended to complement the existing regional DAMAs and further support the State, operating on a two-tiered structure as outlined below:

- Metropolitan Perth
- Regional Western Australia

To ensure equitable access to nominated business located anywhere in WA:

- up to 50% of available places will be made available – Metropolitan Perth.
- up to 50% of available places will be made available – Regional WA.

## Occupations available under the WA DAMA

To access the WA DAMA, the nominated occupation must be available for the intended visa subclass and tier. Please check the WA DAMA eligibility occupation list

Please note:

- where the nominating occupation is available in one of the active Regional DAMA areas, and is available on the relevant DAMA Occupation list, endorsement must be sought directly from the relevant Regional DAMA;



- where the nominating occupation is not available on a relevant DAMA Occupation list and is available through the WA DAMA, an Endorsement application for the nominated position can be submitted to Migration Services; and
- where the nominated occupation is available under an existing Home Affairs approved Industry Labour Agreement, the nominated occupation can only be considered for endorsement if the nominated Skilled Overseas Worker(s) will be employed in an industry that is different to the industry stated in the relevant [Industry Labour Agreement](#).

## Concessions available through the WA DAMA

Through the WA DAMA, eligible businesses can seek to access a range of concessions to the requirements in the Commonwealth Migration Legislation required to sponsor a Skilled Overseas Worker(s) and grant of a visa application that include:

- an increase in the maximum age from 45 to 55;
- English language concessions for selected occupations;
- reduced skills and work experience requirements; and
- visas with pathways for the Skilled Overseas Worker(s) to obtain permanent residency.

## Amendments to an existing approved Endorsement

In order to amend, update or vary the original terms of an approved Endorsement application, the nominated business must submit a **Subsequent Endorsement application** and follow the same application process as the standard WA DAMA application process.

Requests for variations to occupations, concessions and business ceilings are assessed in accordance with program availability.

## Conditions and obligations of accessing the WA DAMA

To access the WA DAMA nominating businesses must meet the following criteria:

1. provide relevant business details and a declaration the employer has no adverse information relating to employment of workers, as detailed in eligibility criteria 1,2,3 outlined below;
2. register on the Skilled Migrant Employment Register to aid in finding suitable migrants to nominate as part of the DAMA, as specified in eligibility criteria 4 outlined below;
3. commit to allowing migrants to attend employment law information sessions as specified by Migration Services; and
4. complete an annual return verifying the details of all migrants employed under the agreement.
5. understand and agree to the following:
  - A. that by submitting an application for Endorsement you are confirming your intent to:
    - access the Western Australian Designated Area Migration Agreement (WA DAMA) occupations and concessions;
    - apply to enter into a Labour Agreement with the Commonwealth Department of Home Affairs (Home Affairs);
    - provide evidence of Labour Market testing conducted in the last 12 months prior to lodging the nomination application as required by the Migration Legislation for the nominated occupation; and
    - ensure that Skilled Overseas Worker(s) sponsored through Labour Agreements receive terms and conditions that meet applicable Australian workplace Law and are no less favourable than those provided to Australian workers.



- B. acknowledge that you are aware of, and agree to comply with, all applicable Commonwealth Migration legislation, including your [sponsorship obligations](#).
  - C. accept that Migration Services is the “Designated Area Representative” (DAR) for the WA DAMA and:
    - is under no obligation to approve your application or endorse your business for a Labour Agreement;
    - cannot require Home Affairs to agree to enter into a Labour Agreement with you;
    - will not be party to any such Labour Agreement; and
    - confirm any concessions requested will not undermine a nominated skilled migrant’s ability to support themselves or lead to exploitation.
6. following an approved Endorsement outcome agree to;
- A. notify Migration Services of the outcome of any Labour Agreement submission or visa applications related to Endorsement;
  - B. provide Migration Service with information when requested, and annual reports for the term of an approved Labour Agreement;
  - C. provide the name and contact details for the nominated Skilled Overseas Worker(s) at the point of lodging a visa application with Home Affairs;
  - D. submit a Data Release form signed by the nominated skilled migrant, giving permission for Migration Services to receive visa status updates from Home Affairs upon request;
  - E. provide the nominated Skilled Overseas Worker(s) with settlement information, prior to commencing employment, as specified by Migration Services. Information will include:
    - workplace rights and entitlements;
    - local area services such as health, emergency and educational services;
    - community activities and religious services;
    - living costs in the Designated Area; and
    - English language services (education and translating and interpreting services (TIS National)).

Where the nominated Skilled Overseas Worker(s) has been living and working in the designated area for at least twelve (12) months prior to the visa application, only information about workplace rights and entitlements is required to be provided.
  - F. commit to allowing and releasing the nominated skilled migrant/s to attend employment law information session(s) as specified by Migration Services at no cost to the skilled migrant. This requirement is in addition to providing settlement information as specified in requirement 6 (E) in this section;
  - G. ensure the nominated Skilled Overseas Worker(s) satisfies the skills, qualification, experience and employment background required under the WA DAMA Occupation List; and
  - H. ensure the nominated Skilled Overseas Worker(s) will meet any occupation licensing or registration requirement, as per Migration Regulations and/or State and Territory Laws.

### **Process to be considered for Endorsement through the WA DAMA**

- Review WA DAMA eligibility criteria and conditions and obligations to ensure they align with your business’s needs, and that you can provide all requested supporting evidence.
- Create a profile (or login) on the [Migration WA Portal](#).
- Complete a registration, and become a verified employer to access the [Skilled Migrant](#)



[Employment Register.](#)

- Complete the online WA DAMA Endorsement application form available in the Migration WA Portal. Only applications submitted via the Portal will be considered. Paper or hand delivered applications will not be considered.

**Eligibility and criteria to be considered for Endorsement through the WA DAMA**

To be considered for endorsement through the WA DAMA, businesses must demonstrate and meet the below criteria.

The onus and responsibility is on the business to provide all requested supporting evidence to enable Migration Services to assess an Endorsement application.

**1. Business is legally established and currently operating in Western Australia - evidence must include:**

- Business registration details in Australia, which must include the following information:
  - Registered name of business/organisation.
  - Trading name (if applicable).
  - Certified copy of Australian Business Number (ABN) or Australian Company Number (ACN) registration certificate or licence, including details of share of ownership.
  - If your business is a company, you can provide either:
    - an Australian Securities and Investment Commission (ASIC) company extract (listing registration details for the Australian Company Number); or
    - an Australian Stock Exchange (ASX) listing registration (if applicable).
  - If your business is a Trust, joint venture and franchises, if applicable, please provide the signature page of, and the pages listing the parties to:
    - A trust arrangement;
    - Franchise; or
    - Joint venture arrangement.
  - If your business is party to a trust arrangement, you must provide a certified copy of the Trust Deed and you must also ensure you submit your application in the name of the trustee as it appears on the Trust Deed, and specify the Trust name and Trust ABN in your application.
  - Additional permits or licences required to operate for certain businesses (i.e. Builder's Registration for building company).
- Evidence that the business is established in Western Australia which must include:
  - Registered business address, including Head office and address of any other operating sites in the State, and photographic evidence of business premises.
  - Signed commercial tenancy, property lease and property ownership for all relevant properties.
- Full legal name and contact details of the nominated business representative,
  - verification of identification (Passport or WA Driver's licence).

**2. Business is actively operating for more than 12 months and is financially viable - evidence must include:**

- Letter from Chartered Accountant, or Certified Practicing Accountant, stating 12 months operation, net assets, profit / loss, and turnover and financial viability for the forward period.





- Full set of audited financial statements for the most recently concluded financial year and business activity statement for each quarter of the current financial year.
- Business capability statement / promotional material referencing operations in Western Australia
- Business plans or proposals to confirm ongoing business operations including:
  - proposed business investment activity in Western Australia;
  - any contracts or subcontracting arrangement to verify ongoing work in Western Australia; and
  - financial investment and viability statement for period the business is seeking to nominate a migrant.

**3. Business has had no previous adverse findings, including investigation, convictions, finding of non-compliance, administrative actions or legal proceedings relating to a Federal, State or Territory law - evidence to include:**

- Statement confirming the business, or any entity the nominated business representative has been associated with, has not been investigated or audited in the past 5 years on compliance with provisions relating to:
  - Migration.
  - Industrial relations and workplace relations.
  - Occupational health and safety.
- Disclose if a current or past business has been investigated or audited during the last 5 years, evidence must include:
  - Statement and details on what transpired and the outcome, and any mitigating circumstances for consideration, including:
    - nature of adverse information, including the key date/s showing when the adverse information that arose, including the credibility of the source of adverse information;
    - in the case of an alleged contravention of a law, whether the allegations have been substantiated or not;
    - whether your business has taken any steps to ensure the circumstances that led to the adverse information do not reoccur; and
    - information about findings made by a relevant authority\* in relation to the adverse information and the significance attached by the competent authority to the adverse information.

\*Relevant authorities include the following:

- Department of Home Affairs or another Australian Government agency.
- Office of the Fair Work Ombudsman, or former authority with this function, or the relevant State or Territory Government authority in relation to compliance with workplace relations provisions.

**4. Business is a verified employer accessing the WA Skilled Migration Employment Register (SMER) - evidence must include:**

- SMER unique identifier; and/or
- Email communication from Migration Services outlining SMER registration has been verified and approved and includes a SMER unique identifier.

**5. Business must demonstrate that there is a genuine need for additional skilled**



**migrants and the need is based on current workforce structure and future economic activity - evidence must include:**

- Formal/endorsed organisational chart (see sample org chart) less than 6 months old, which includes:
  - positions requested for endorsement (highlighted);
  - position titles;
  - reporting lines for all staff;
  - employment status for each position (apprentices/trainees, full-time, part-time or casual); and
  - visa status for each position (Australian permanent resident, Australian citizen or visa subclass).
- Details of any redundancies (including position/occupation names and locations) the business may have undertaken within the last 12 months.
- Details of any previously lodged or approved Endorsement requests.

For Metropolitan based businesses (operating in the following postcodes 6000 to 6038, 6050 to 6083, 6090 to 6182, 6208 to 6211, 6214, and 6556 to 6558) the Designated Area Representative must be satisfied that the requested number of skilled migrants does not exceed the 50% ratio set by Home Affairs. Evidence must include:

- Organisation chart details and evidence of:
  - number of Australian citizens or permanent residents currently employed; and
  - number of skilled migrants currently employed, and/or employed within the last 24 months.

**6. Details of each position being requested for Endorsement - evidence must include:**

Number of positions being requested, including breakdown by year (if applicable). Noting Migration Services can not endorse a position beyond the term of the WA DAMA.

Each position being requested must include:

- ANZSCO code and occupation title;
- Visa subclass;
- Concessions being sought by position;
- Job descriptions;
- Location of position, if applicable [noting, if the position is intended to work alone, in isolation or with only one (1) other employee of the business, evidence must be provided to confirm the physical presence of the business in the location specified, such as photos of the business premises, lease agreements]
- Term and conditions of employment, including salary and hours;
- Detailed business case outlining the reason seeking endorsement, and any related concessions; and
- Workforce plan, and/or evidence of pipeline of work, for each position and impact to business should the positions not be filled.

Noting the nominated occupation must be available on the WA DAMA Occupation List.

*Exclusions:*



- Fly-in-fly out positions cannot be considered under the WA DAMA: and
- where the relevant occupation is available on a current active regional DAMA in WA, and the nominating business is based in that region endorsement will need to be sought from the relevant DAMA.

*Nominee*

If the details of the nominated Skilled Overseas Worker(s) are known, please include:

- First and last name (as shown on passport);
- Nominated occupation;
- Country of origin;
- Location of employment; and
- Skills and qualifications.

**7. Evidence the terms and conditions of employment for the nominated positions are/will be no less favourable than those provided to an Australian citizen or permanent resident undertaking the same (or similar) position in the same location - evidence must include:**

- Template employment contract (if prospective nominee is unknown) which outlines terms and conditions of employment, including a breakdown of salary, superannuation, and non-monetary components.
- Employment must be full-time, in accordance with the relevant Award or Agreement for the industry.
- Evidence that the salary of Skilled Overseas Worker(s) worker will be no less than the current Temporary Skilled Migration Income Threshold (currently \$73,150 p.a.).
- Three (3) recent payslips – if the prospective nominee is already employed in the position.

and

At least one (1) of the following:

- Employment contract and three (3) recent payslips for a current Australian or permanent resident employee undertaking the same (or similar) position in the same location; or
- Enterprise Agreement specific to the business; or
- Advertisements for the last six (6) months for the same (or similar) positions in the same location, including the stated salary for the nominated position; or
- Salary reports specific to the Western Australian market (specified location) from a reputable source.

**8. Evidence there are no Australian citizens or permanent residents able to fill the position in the location specified by undertaking sufficient Labour market testing (LMT) (only required if seeking endorsement under a 482 and 494 visa pathway) – evidence must include:**

Metropolitan Perth	Regional Western Australia
<ul style="list-style-type: none"> <li>• At least two (2) separate advertisements</li> </ul>	<ul style="list-style-type: none"> <li>• At least two (2) separate advertisements with at least one (1) advertisement with national reach. The other may be</li> </ul>





	advertised locally (within the designated area only)
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- As applicable, advertisements must be on, or in, one of the following:
  - a prominent or professional recruitment website with national reach that publishes advertisements throughout Australia;
  - print media with national reach in Australia;
  - radio with national reach in Australia;
  - business website if the sponsor is an accredited sponsor;
  - industry-specific websites relevant to the occupation that are in significant use by the industry; or
  - Jobs and Skills Centre Jobs Board.
- Advertising (paid or unpaid) must be in English.
- Advertisements in general classifieds or social media will not be accepted.
- LinkedIn online recruitment is acceptable for LMT purposes but job vacancy advertisement cannot be restricted to LinkedIn profile members only.
- Advertising must have been done within the 12 months immediately prior to lodging a nomination visa application with Home Affairs.
- Advertisements must include:
  - title or description of the position;
  - skills and experience required for the position;
  - location of the position;
  - salary for the position; and
- the name of the nominating business, or the name of the recruitment agency being used by the nominated business, including evidence demonstrating the nominated business has engaged the recruitment agency.
- Nominated positions have been advertised for 4 weeks (28 consecutive days).
- Applications or expressions of interest for the advertised position must have been accepted for at least 4 weeks (28 days).
- Invoices received by recruitment agencies (if used).

If an Australian citizen or permanent resident worker has been made redundant or retrenched from the nominated position within the four (4) months prior to lodging a visa application with Home Affairs, the advertising must have occurred since the date of the redundancy or retrenchment.

**If Migration Services approves an Endorsement application, the outcome will be sent to the Department of Home Affairs to allow the nominating business to progress to the next steps.**

**Endorsement requests for Employer Nominated Scheme (ENS) (subclass 186 visa)**

Nominated businesses seeking to nominate an existing Temporary Skill Shortage (TSS) subclass 482, or Skilled Employer Sponsored Regional (SESR) (Labour agreement stream) subclass 494, employee must meet the below eligibility criteria:



- nominated occupation must be available under the WA DAMA;
- nominated employee has lived and worked in the Metropolitan Perth (as defined in WA DAMA tier 1) for a period of three (3) years, or Regional Western Australia (as defined in WA DAMA tier 2) for a two (2) year period;
- nominated occupation must be connected to the existing employee's experience in Western Australia whilst nominated on the TSS visa; and
- offer of full-time employment for at least two (2) years, with possibility of extension offer of permanent employment.

Note 1) this pathway is only accessible to those skilled migrants whose original nomination resulted from endorsement under the WA DAMA.

Note 2) Labour marketing testing is not required under the ENS pathway.

**Lodging an Endorsement application does not guarantee it will be approved, nor that it will be approved for the number of positions, occupations or concessions requested.**

- The Department of Home Affairs is responsible for the assessment and granting of all Labour Agreements and visas.
- The WA DAMA program may be amended at any time, including to align with directions provided by the Department of Home Affairs.
- The DAR reserves the right to amend Occupation Lists, policy and endorsement criteria at any time.
- The DAR reserves the right to exercise discretion in allocating places under the WA DAMA program.
- Such decisions will be guided by the following principles:
  - equity of access to allocated places;
  - mix of occupations; and
  - reasonable spread of nominating businesses.
- The DAR reserves the right to withdraw an Endorsement application and any offer of endorsement at any time.
- Businesses must be able to substantiate the claims made through the application process, and any on-going compliance requirements.

**The information provided in an Endorsement application will be examined and verified by Migration Services.**

### **Document verification**

Verification checks will be undertaken for the documents provided by businesses during the application and assessment process. This includes contacting employers and other stakeholders directly to confirm information and documents provided are genuine.

Businesses which provide false or misleading information may have their application declined. The Department of Training and Workforce Development may also report false and misleading information to the Commonwealth Department of Home Affairs.

### **Reviews of decision to decline a WA DAMA Endorsement application**



If a WA DAMA Endorsement application is declined, nominating businesses have the opportunity to request a review.

A review request must clearly outline the basis for the request. The review process can only consider the documentation and information supplied with the original endorsement application. No additional documentation, or changed circumstances, will be considered.

To request a review, please email [migration@dtwd.wa.gov.au](mailto:migration@dtwd.wa.gov.au).

All review requests must be submitted to Migration Services within 28 calendar days of the date of the email advising the nominated business of the outcome of a WA DAMA Endorsement application.

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