Shire of Dardanup

# DAMA ENDORSEMENT FORM

# FORM 232

Date stamp

**Form – Request for endorsement to access a labour agreement under the South West DAMA**

| | | | | |
|---|---|---|---|---|
| Is your business actively operating for at least 12 months, and financially viable? | YES | | NO | |
| Is your business located within the approved South-West region? | YES | | NO | |
| Is the position you seek to fill listed in the current South-West DAMA occupation list? | YES | | NO | |
| Have you read and understood the Employer's Guide to Accessing a Labour Agreement under the South West DAMA? | YES | | NO | |
| Has your business actively sought out (advertised) to recruit an Australian worker in the last 12 months for the vacant position(s)? | YES | | NO | |
| Do you understand that a positive DAR endorsement does not guarantee approval by the Department of Home Affairs at the DAMA Labour Agreement request stage? | YES | | NO | |

You must answer **"yes"** to the above questions to proceed with an application for endorsement to request a Labour Agreement under the South-West DAMA agreement.

**Part 1 – Your details (Business Sponsor)**

Registered Business Name

Trading Name (if different from above)

Australian Business Number (ABN)

Australian Company Number (ACN, ARBN or Partnership Number) if applicable

Website

Type of Entity

| | |
|---|---|
| Company | |
| Sole Trader | |
| Partnership | |
| Trust | |
| Other (Please Specify) | |

Business Address of Head Office (if applicable)

Contact Address South-West Region (all South-West locations – if applicable)

Postal Address

Contact Person in Business

Contact Persons Email

| Contact Phone Number | Mobile Phone |
|---|---|
| | |

If a company, name of each Director

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|---|
| |

Name of trust/trustee (if applicable)

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Nature of employer's operations (e.g. hospitality, construction, retail, mining)

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|---|---|
| How many people do you currently employ? | |
| Any redundancies or retrenchments in the last 6 months? | |
| Period of time you have been operating in the South-West? | |
| Do you already hold a Subclass 457 or Subclass 482 Standard Business Sponsorship? | |

**Part 2 – Financial Business Information**

| | |
|---|---|
| Annual turnover for most recent financial year | |
| Will your business be paying the salary of all nominees sponsored? If no, please provide details. | |
| Is there any "adverse information" about the business, background of your business or any person associated with the business? | |

**Part 3 – Representative Contact Details – You must complete this section if a Migration Agent in preparing this request assisted you, otherwise leave blank.**

| | |
|---|---|
| Name of Registered Migration Agent | |
| Migration agency name | |
| Migration agent registration number (MARN) | |
| Address | |
| Telephone | |
| Mobile | |
| Facsimile | |
| Email | |
| Is supporting document – Department of Immigration's Form 956 attached to the application? | |

## Part 4 – Occupations, Numbers and Concessions

How many overseas workers does the business intend to sponsor under the DAMA in the next 12 months and what roles would they work in?

Please list Occupation, ANZSCO code, maximum number of nominations in Year 1, concession to TSMIT sought, concession to English sought.

| TEMPORARY SKILLS SHORTAGE (TSS) SUBCLASS 482 LABOUR AGREEMENT STREAM | | | | | |
|---|---|---|---|---|---|
| **Occupation** | **ANZSCO code** | **Maximum number of nominations in the next 12 months** | **Concession to TSMIT sought? Please specify Type 1 or Type 2** | **Concession to English required? (if applicable)** | **Estimated Annual Salary** |
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| | EMPLOYER NOMINATION SCHEME (ENS) SUBCLASS 186 LABOUR AGREEMENT STREAM* | | | | | |
|---|---|---|---|---|---|---|
| **Occupation** | **ANZSCO code** | **Maximum number of nominations in the next 12 months** | **Concession to TSMIT sought? Please specify Type 1 or Type 2** | **Concession to English required? (if applicable)** | **Age concession required?** | **Estimated Annual Salary** |
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| | SKILLED EMPLOYER SPONSORED REGIONAL (SESR) SUBCLASS 494 LABOUR AGREEMENT STREAM | | | | | |
|---|---|---|---|---|---|---|
| **Occupation** | **ANZSCO code** | **Maximum number of nominations in the next 12 months** | **Concession to TSMIT sought? Please specify Type 1 or Type 2** | **Concession to English required? (if applicable)** | **Age concession required?** | **Estimated Annual Salary** |
| | | | | | | |
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*****Nomination for 186 only available after holding a 482 issued under the DAMA

**Note:** the endorsement to access the South-West DAMA is for up to 5 years, however the endorsement of occupations and number of positions to be filled is valid for 1 year. Businesses seeking to access more overseas workers will need to apply to the South-West DAR (Shire of Dardanup) for endorsement of occupation(s) and the number of vacant positions each year.

**Part 5 Conditions of Endorsement and Other Matters**

5.1 You understand that it is a criminal offence in Western Australia (including the South-West Region) to make a false or misleading statement to an official document.

5.2 You understand and accept that any endorsement by the South-West Designated Area Representative (South-West DAR) is only an endorsement to make a request to Home Affairs for a Labour Agreement under the DAMA and is not an endorsement by the South-West DAR of you or any business or activity you carry on in any other respect, or the individuals you apply to sponsor on a subclass 482, 186 or 494 visa under a labour agreement.

5.3 You understand and accept that endorsement by the South-West DAR is discretionary and may be revoked in the event the South-West DAR (in its absolute discretion) is no longer satisfied that you should be able to access overseas workers under the South-West DAMA.

5.4 Revocation of endorsement will be notified to Home Affairs and you accept that the South-West DAR will not be liable to compensate you for any costs, loss or damage that may arise from such revocation.

5.5 You warrant that the information referred to in this request and any attachments:
(a) is true and correct; and
(b) is complete and not misleading in any respect; and
(c) You acknowledge that this information has been relied on by the South-West DAR in considering this request.

5.6 Where a migration agent has been appointed to assist and represent the business, you acknowledge that the application, including supporting documents have been provided with your full knowledge and consent. The employer seeking the endorsement should still sign this form.

5.7 You will notify the South-West DAR as soon as you become aware that any information or documents provided with this request have changed or are no longer true and correct. You acknowledge that this obligation applies until the expiry of any Labour Agreement entered into by you under the DAMA.

5.8 This request and any endorsement does not:
(a) constitute a partnership or joint venture between the parties; or
(b) Except as expressly provided, make a party an agent of another party for any purpose.

5.9 If the South-West DAR must fulfil an obligation to Home Affairs and the South-West DAR, is dependent on you to be able to do so, then you must do each thing reasonably within your power to assist the South-West DAR in the performance of that obligation.

5.10 If the employer is constituted by more than one legal entity (such as a partnership or an unincorporated association), each of those legal entities will be jointly and severally liable for the performance of any conditions arising as a result of the endorsement.

5.11 You agree to provide any and all information required by the South-West DAR to fulfil its obligations under the DAMA (including but not limited to, any updated information regarding the business, its workforce and evidence of its ongoing compliance with the obligations under the Labour Agreement) within 28 days of such a request being made.

5.12 You acknowledge that the South-West DAR may be required, from time to time, to provide information that you have included in this request, in part or entirely, to Home Affairs and you consent to this disclosure of information

5.13 You acknowledge that you have read and understood the attached information referred to in this document and have sought independent advice regarding the contents and your ability to meet the requirements of the Labour Agreement.

5.14 You acknowledge that you have not relied on any statement or representation (express or implied) made or advice given by or on behalf of the South-West DAR in entering into the Labour Agreement or taking or failing to take action in connection with the Labour Agreement.

5.15 You understand and accept that the South-West DAR (the Shire of Dardanup) has no liability to you for any costs, loss or damage incurred or suffered by you directly or indirectly arising from or in connection with:
(a) your request for or entry into a Labour Agreement; or
(b) anything done by you, or on your behalf, relating to the entry into or the performance of the Labour Agreement; or;
(c) anything done to you relating to the entry into or the performance of the Labour Agreement or work performed by employees employed following entry into the Labour Agreement.

5.16 You understand that the South-West DAR will manage the endorsement applications in a form of quota ensuring that all skills and roles can be fulfilled.

5.17 You understand that it is essential that suitable housing accommodation is readily available for the overseas worker before they commence employment. You are responsible for providing satisfactory evidence that accommodation options are available within a reasonable proximity to the locality of their work site. This does not include emergency housing or very short-term housing options.

5.18 You undertake to provide the overseas worker with a settlement information kit available from the South-West DAR:
(a) Prior to you engaging them, or
(b) If they are already working for you, prior to them lodging the Subclass 482 (TSS) visa, Subclass 186 (ENS) visa or Subclass 494 (SESR) visa application, unless they have been living and working in the WA South-West Region for at least 12 months prior to them lodging their visa application.

## Part 6 Western Australia Privacy Policy

In accordance with the Australian Privacy Principles (APPs) under *the Privacy Act 1998 (Cth) (Privacy Act):*

6.1 You acknowledge on behalf of your business described in clause 1 of this application (Business) that the collection of the personal information contained in this application is necessary for the functions and activities of the Shire of Dardanup as the Designated Area Representative (South-West DAR);

6.2 You acknowledge on behalf of your Business that the Business is entitled to have reasonable access to the personal information contained in this application after it has been lodged with South-West DAR but that the South-West DAR shall always be entitled to keep the documents provided;

6.3 You acknowledge on behalf of your Business that South-West DAR is collecting the personal information in the business' application for the following purposes:

(a) considering the merits of the application;

(b) verifying the accuracy of the contents of the application (including through contacting third parties regarding the application);

(c) complying with relevant reporting requirements;

(d) compiling statistics (or engaging a third party to compile such statistics);

(e) participating in South-West DAR and the wider South-West region survey; and

(f) Complying with its obligations to any other Commonwealth or Local Government agency.

6.4 In carrying out this purpose you acknowledge and agree on behalf of your Business that South-West DAR may disclose the personal information (including sensitive personal information if any) in the Business' application to:

(a) governmental agencies within the South-West's Local Government DAMA holder (i.e. approved 12 shires of the South West);

(b) Commonwealth Government Agencies; and

(c) Any other person that referred to in your application **(Third Parties)**.

6.5 You acknowledge on behalf of your business that if you do not sign this application or if your Business does not provide the required personal information in its application South-West DAR may reject the application.

6.6 On behalf of the Business, you authorise the South-West DAR to:

(a) use the information provided within the application to make necessary inquiries with Third Parties to verify claims provided in the application;

(b) Provide the application, including supporting documentation to the Third Parties for further consideration;

(c) Retain the application and supporting documents as per Local Government policies and standards; and

(d) Utilize the information provided for data collection and reporting purposes.

## Part 7 Designated Area Migration Agreement (DAMA)

Request for Endorsement Application Declaration

I declare that:

7.1 I have read and understood the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.

7.2 I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.

7.3 My business is financially viable and has been lawfully operating in the designated area for at least 12 months, unless an exemption applies.

7.4 I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.

7.5 I am looking to employ overseas workers to fill genuine full-time positions located in the designated area with duties that align with occupations on the approved list of occupations.

7.6 I will provide all relevant details to the Designated Area Representative (DAR) if my business has had any redundancies or retrenchments during the last six months.

7.7 I will provide terms and conditions of employment to overseas workers that are in accordance with those offered to Australian workers employed in the region undertaking equivalent work.

7.8 I will abide by all relevant State/Territory and Commonwealth laws. I understand there are civil and criminal penalties for individuals and businesses breaching certain laws.

7.9 I have provided details of any adverse information, including prior instances of non-compliance with State/Territory and Commonwealth laws that may affect the assessment of my suitability to be a sponsor.

7.10 I will provide all relevant documentation in support of my request for endorsement to the Department of Home Affairs.

7.11 I authorise the DAR and Department of Home Affairs to make enquiries as necessary to verify the information provided.

7.12 I understand that any false or misleading information provided by me may lead to revocation of endorsement by the DAR and the Department of Home Affairs will be notified.

7.13 I understand that a positive DAR endorsement does not guarantee approval by the Department of Home Affairs at any stage.

**Part 8 Declaration**

*I declare that the information I have provided in all of the above (i.e. Part 5,6 and 7) in this document is, to the best of my knowledge, true and accurate and I am aware of the penalties for providing misleading or false information to the Commonwealth.*
*I declare and understand that a positive DAR endorsement by the Shire of Dardanup does not guarantee approval by the Department of Home Affairs at any stage of the DAMA.*

Signing Page for endorsement to request a Labour Agreement under the South-West Designated Area Migration Agreement.

| | | | |
|---|---|---|---|
| Print Name (Sponsor) | | Position (Sponsor) | |
| Signature | | Date of Signing | |
| Organisation/Business Name (Sponsor) | | | |
| Print Name (Witness) | | Position (Witness) | |
| Signature (Witness) | | Date of Signing | |
| Print Name (MARN) | | Position (MARN No.) | |
| Signature | | Date of Signing | |

## Part 9 South-West DAMA Processing Fee (Non-refundable)

The below form must be completed by the Employer before we can raise an invoice. An invoice will be sent to you within 5 business days. Please note the processing fee is non-refundable. Once we received a payment from you, we will process your application within 15 business days.

| | | | |
|---|---|---|---|
| Full Name (Debtor) | | | |
| Contact Name | | | |
| Company Name | | | |
| Invoice Address | | | |
| Email Address | | | |
| Phone No. | | Mobile No. | |
| Business Reference | | | |

**South-West DAMA Processing Fee Cost - $275.00 (inclusive of GST) per nomination**

…….. would like to request the South-West DAR to endorse……. TSS/SESR/ENS nomination(s) and agree to pay $…… (i.e., no. of nomination/s x $284).

Print Name (Sponsor): Position (Sponsor)

Signature Date of Signing

For information on the fees and charges for requesting a Labour Agreement, visa Nomination and Visa application, see the Australian Government's Dept of Home Affairs website: https://immi.homeaffairs.gov.au/visas/getting-a-visa/fees-and-charges

The Shire of Dardanup holds no responsibility or liability for any outcome beyond the DAR endorsement stage. By signing this form, you acknowledge this.

**Document Checklist**

1. Form 232: Request for endorsement under the South-West DAMA Endorsement form

2. Form 956 (if a registered migration agent is assisting this application)

3. Business registration documents:
   a) Business registration and if any business name changes registration
   b) ASIC
   c) ABN, CAN
   d) Trust deed (if applicable)

4. Business profile, may include:
   a) Website extracts
   b) Promotional material

5. Evidence of the business operating in the South-West Region of Western Australia. May include:
   a) Lease agreement
   b) Contracts and invoices from suppliers/customers
   c) Letter from accountant stating 12 months operation, net assets, profit/loss and turnover.
   d) Business capability statement / promotional material referencing South-West operation

6. Job descriptions for each requested position

7. Organisational chart less than six months old, requested positions must be displayed.

8. Financial statement for the financial year and business activity statement for the last 12 months immediately preceding the application.

9. Statutory declaration about adverse information, attach evidence of outcome (if any). For more information on adverse information go to the Department of Home Affairs website.

10. Summary of domestic recruitment efforts form for each requested position
    a) Copies of at least two job advertisements in a reputable website/newspaper/industry website (not general classifieds) with national reach.
    b) Invoices received by recruitment agencies (if used)
    c) Evidence to prove the nominated positions have been advertised for consecutive days. For example, screenshots from the start and end of advertising, receipts showing duration. Please note that the Department of Home Affairs requires that advertising must have been completed during the four months prior to submitting a nomination. Nomination occurs well after Shire of Dardanup endorsement so evidence supplied to Shire of Dardanup should show very recent advertising.
    d) Evidence must be compliant with current Department of Home Affairs Labour Market Testing (LMT) requirements, for more information on LMT requirements go to the Department of Home Affairs website.

11. Statement on why the business is not using the standard 482 and the impact of negative result if the business is not endorsed to access the South-West DAMA)

12. Evidence to prove the nominee receives terms and conditions no less favourable than those provided to an Australian citizen or permanent resident:
    a) Employment contract for a current or former Australian or Australian permanent resident employee in the same level position.
    b) Recent pay slips for a current or former Australian or Australian permanent resident employee in the same level position **or**
    c) any other evidence of market salary levels for the position

    Please provide this evidence for **each requested position.**

13. Please provide the following evidence for each requested position:
    a) Employment contract outlining terms and conditions clearly, including a breakdown of the salary, superannuation and any non-monetary components.
    b) Relevant enterprise agreement / award for the position (if applicable)
    c) Pay slips – if an intended nominee is already employed in the position.