

DAMA Labour Market Testing (LMT) requirements

Employers seeking to nominate overseas workers under a DAMA are required to provide evidence that they cannot find a suitable Australian Worker. Before an overseas worker can be nominated, employers need to test the local labour market by advertising the vacant position in Australia. Evidence of LMT is required when applying for a DAR endorsement **and** at the nomination stage.

Employers must provide a copy of two advertisements that meet the Department of Home Affairs' LMT requirements. As the LMT requirements are specified in the Migration Act (1958) and Migration Regulations (1994) they are not flexible or negotiable and there are no exemptions. DAMA applications that do not meet the requirements cannot be approved.

LMT Requirements

LMT requirements outline the duration, content and eligible mediums of advertising.

Advertising must be done:

- within the 4 months immediately before lodging a nomination application, or
- if within 4 months before lodging the nomination application, and the employer or an associated entity has made any Australian citizen or permanent resident workers redundant or retrenched them from positions in the nominated occupation, the advertising must have occurred since the date that these events occurred. When this occurs, information about these redundancies or retrenchments must also be provided.

Advertising of the nominated position must meet all of the below:

- the advertisement was in Australia, in English and included the following information:
 - the title, or a description, of the position. Multiple positions in one advertisement are acceptable
 - the skills or experience required for the position
 - the name of the employer or the name of the recruitment agency being used by the employer, and
 - the salary for the position if the annual earnings for the position are lower than AUD96,400.
 - it is acceptable to publish a salary range, for example AUD80,000 to AUD90,000.
- at least 2 advertisements were published in any of the below:
 - on a prominent or professional recruitment website with national reach (for example jobactive.gov.au) that publishes advertisements for positions throughout Australia.

- industry specific recruitment websites relevant to the occupation that are in significant use by the industry are an acceptable method of LMT advertising.
- a general classifieds website or an advertisement solely through social media notification (such as Twitter or Instagram) are **not acceptable** methods. LinkedIn's online recruitment platform is acceptable for LMT purposes. Job vacancies restricted to LinkedIn profile members only are **not acceptable** for LMT purposes.
 - in national print media (that is, newspapers or magazines with national reach that are published at least monthly and marketed throughout Australia);
 - on national radio with national reach; or
 - on the business' website if the employer is an accredited sponsor.
- advertisements including on websites, are expected to have run for at least 4 weeks.
- applications or expressions of interest for the advertised position must have been accepted for at least 4 weeks.

The advertising may have been undertaken by a third party if authorised to do so by the employer (for example, an associated entity or a contracted party, such as a recruitment agency). There is no requirement that the employers placed the advertisement themselves.

The nominated position can be advertised in:

- the same medium (such as newspaper advertisements) on two separate occasions; or
- two different mediums simultaneously or on two separate occasions.

The information contained in this factsheet is current as at April 2019

For the latest information on LMT check the Department of Home Affairs' website at: <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-market-testing#content-index-5>.