

GREAT SOUTH COAST DESIGNATED AREA MIGRATION AGREEMENT

REQUEST FOR ENDORSEMENT FORM

Part A and Attachment B with requested evidence (page 13) must be completed as a minimum by the employer and submitted to the Great South Coast Designated Area Representative (DAR).

Part B – You may request support from the DAR to review and/or receive guidance on the information and documentation you will be required to submit to the Department of Home Affairs.

When you have completed all the information required for **Part A** and **Attachment B** with supporting evidence, please provide to:

Angie Doldan
GSC DAMA Designated Area Representative
Warrnambool City Council
25 Liebig Street (P.O. Box 198)
Warrnambool
Victoria 3280

Digital files can be emailed to adoldan@warrnambool.vic.gov.au

PART A

1. Your details						
Business name / entity name						
Business trading name (if applicable)						
Type of Entity	Company	Y / N	Sole trader	Y / N	Partnership	Y / N
	Trust	Y / N	Other (specify)			
ABN						
ACN						
Business address (head office) – if applicable						
Contact address/es in GSC (for all worker locations)						

Business postal address		
Name of contact person in business		
Contact person's email		
Contact person's telephone		
If a company, name of each director		
If a partnership, name of each partner		
If a trust, name of each trustee		
Nature of employer's operations (for example, Dairy, Meat, Hospitality, Retail)		
Period of time you have been operating in the GSC		
Is the business turnover is more than \$10 million p.a.?	Yes / No	
Do you already hold a Subclass 457 or Subclass 482 Standard Business Sponsorship approval? If yes, please provide a copy of the SBS approval letter	Yes / No	
Is the occupation available under an existing Industry Labour Agreement and is your business eligible to enter into the relevant Industry Labour Agreement? Industry labour agreements	Yes / No	
Would you like the following information relating to your business to be listed on our GSC DAMA website to assist with overseas workers seeking opportunities in our region? (Trading Name – Industry Sector – Approved Occupations – Town & Postcode - Email Address). Note that you can request to have the details removed at any time.	Yes / No	

2. Representative contact details	
2.1 If you have been assisted by a Migration Agent in preparing this request, you must complete this section. Please provide Department of Home Affairs Form 956. Otherwise leave blank.	
Name of registered migration agent	
Migration agency name	
Migration agent registration number (MARN)	

Address	
Telephone	
Email	

3. Occupations, Numbers and Concessions					
3.1 Please set out how many Overseas Workers you would like to be able to sponsor under the DAMA on a SID visa					
Occupation	ANZSCO code or 6 digit code	Maximum number of nominations	Year of Labour Agreement	Concessions	
				TSMIST Type 1 or 2	English

3. Occupations, Numbers and Concessions						
3.2 Please set out how many Overseas Workers you would like to be able to sponsor under the DAMA on a SESR visa						
Occupation	ANZSCO code or 6 digit code	Maximum number of nominations	Year of Labour Agreement	Concessions		
				Age	TSMIST Type 1 or 2	English

3. Occupations, Numbers and Concessions						
3.3 Please set out how many Overseas Workers you would like to be able to sponsor under the DAMA on an ENS visa						
Occupation	ANZSCO code or 6 digit code	Maximum number of nominations	Year of Labour Agreement	Concessions		
				Age	TSMIT Type 1 or 2	English

3.4 Please outline your current workforce profile, including any Overseas Workers already employed under the Subclass 457 or Subclass 482 Standard Business Sponsorship program and any temporary Overseas Workers (for example, Working Holiday Makers, Student visa holders with work rights, NZ nationals on a Subclass 444 visa etc.) and how you expect that profile might look at the end of the first year of your Labour Agreement.

Year	Australians (citizens and permanent residents)	Subclass 482 visa holders	Other temporary visa holders (WHM, Student, etc.)	Total workforce
Current				
End of Year 1 of the Labour Agreement				
End of Year 2 of the Labour Agreement				
End of Year 3 of the Labour Agreement				
End of Year 4 of the Labour Agreement				
End of Year 5 of the Labour Agreement				

Note: Employers can use the Visa Entitlement Verification Online tool (VEVO) to check the current visa status of their employees at:
<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

4. Endorsement Request Assessment Fee

A fee for processing a Request for Endorsement is payable to the DAR. The fee is non-refundable unless the DAR determines that an application exceeds the ceiling available for allocation.

The fee payable is calculated by multiplying the number of Overseas Workers requested by:

- \$850 (plus GST, if applicable) if Business turnover is less than \$10 million p.a.
- \$1,000 (plus GST) if Business turnover is more than \$10 million p.a.

Payment is required before any endorsement assessment will be undertaken. A tax invoice will be issued immediately upon receipt of your endorsement application to facilitate payment.

Payment options

In Person at City Assist, Warrnambool City Council Offices, 25 Liebig Street Warrnambool

- Credit Card (Visa / Mastercard) - surcharge will apply

BPay via the Tax Invoice BPay or POST Billpay options

5. Signature			
Dated			
Signed by			
Name		Signature	
Position			
Witness			
Name		Signature	
Position			

**Designated Area Migration Agreement (DAMA)
Request for Endorsement Application Declaration**

I declare that:

- I have read and understand the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
- I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
- My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
- I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.
- 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**.
- 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.
- 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.
- 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.
- 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.
- I will provide all relevant documentation in support of my request for endorsement to the Department of Home Affairs.
- I authorise the DAR and Department of Home Affairs to make enquiries as necessary to verify the information provided.
- 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.
- I understand that a positive DAR endorsement does not guarantee approval by the Department of Home Affairs at any stage.

Full name:

Position:

Organisation name:

Date:

Signature:

PART B

See '**GUIDE TO COMPLETING APPLICATION**' on pages 14 to 17 for further guidance.

Whilst not compulsory, we strongly advise you request support from the Great South Coast Designated Area Representative (DAR) to review the information and documentation you will be required to submit to the Department of Home Affairs.

The following checklist is provided to assist you in gathering the type of information you will need to directly submit to the Department of Home Affairs. Should the department require further information contact will be made directly with you.

Note: DAR support, guidance and endorsement does not guarantee approval by the Department of Home Affairs at the DAMA Labour Agreement Request stage.

1. Evidence required by Department of Home Affairs to support endorsement request		
As a guide it is advised you gather of the following documents:		
Document	Detail	Evidence Provided
Good Corporate Citizen		
Employer profile	• Business Registration documents • Trust Deed (if applicable) • Promotional material, for example, website extract, advertisements etc.	Yes ☐ No ☐
Evidence of active operation for at least twelve months	• Business Activity Statements for the last twelve months and Financial Statements for the most recent financial year, or • A statement from a registered chartered accountant or CPA confirming you have been actively operating for at least twelve months and have the financial capacity to meet the sponsorship obligations. This must include net assets, profit / loss and turnover.	Yes ☐ No ☐
Evidence of GSC operation	May include: • Lease agreement; • Contracts & invoices from suppliers/ customers; • Business capability statement/promotion material referencing GSC operations.	Yes ☐ No ☐
Adverse information	• A Statutory Declaration regarding any investigations or audits undertaken over the last five (5) years. • Evidence of the outcome of any investigation or audits.	Yes ☐ No ☐

Domestic recruitment efforts	Domestic Recruitment Efforts Summary form (Attachment A) for each requested Occupation and provide relevant supporting documentation. Evidence must be compliant with the Department of Home Affairs labour market testing requirements. For more information go to the Department of Home Affairs website	Yes ☐ No ☐
	A statement regarding any other reasons for seeking access to the Labour Agreement and why the standard Subclass 482 (SID) visa pathway is not suitable. Also the impact if the Labour Agreement is not approved.	
Pay & Conditions		
Earnings	Please complete the Annual Earnings & Market Salary Rate Summary (Attachment B) and provide evidence of the relevant market salary rate for each occupation along with supporting documentation.	Yes ☐ No ☐
Evidence of terms and conditions of employment	Please provide a sample of an employment contract for each Occupation.	Yes ☐ No ☐
TSMIT Concession	If you are seeking Temporary Skilled Migration Income Threshold (TSMIT) concession, please provide evidence to support the application. Explain how this will be sufficient for the Overseas Workers to support themselves and any dependants. For more information on TSMIT go to the Department of Home Affairs website	Yes ☐ No ☐
Occupations		
Position description	Position descriptions for each occupation being requested: • Registration or licensing requirements • List of tasks that will be performed by an employee working in this Occupation.	Yes ☐ No ☐
Skills Assessment	Statutory Declaration stating: • You or a member of your staff has interviewed or will interview the applicant; • You or a member of your staff has reviewed and confirmed, or will review and confirm, the applicant's experience and references; • You are satisfied, or will be satisfied, that the applicant has the skills and experience for the role; and • If a licence / registration is required for the applicant to work in the Occupation in the GSC region, you undertake to ensure that the Overseas Worker will gain this licence / registration at the earliest possible time and before they commence employment.	Yes ☐ No ☐

Accommodation		
	Details and evidence on suitable accommodation options for the Overseas Worker that will be provided or will be available at the commencement of their work engagement	Yes ☐ No ☐

2. Terms & Conditions

- 1. You understand that it is a criminal offence to make a false or misleading statement to an official.**
2. You understand and accept that any endorsement by the Designated Area Representative (DAR) is only an endorsement to make a request to the Department of Home Affairs for a Labour Agreement under the DAMA and is not an endorsement by the DAR of you or any business or activity you carry on in any other respect, or of the individuals you apply to sponsor on a Subclass 482 (SID), Subclass 494 (SESR) visa or Subclass 186 (ENS) visa under a Labour Agreement.
3. You understand and accept that endorsement by the DAR is discretionary and may be revoked in the event that the DAR (in its absolute discretion) is no longer satisfied that you should be able to access Overseas Workers under the GSC DAMA.
4. Revocation of endorsement will be notified to the Department of Home Affairs and you accept that the DAR will not be liable to compensate you for any costs, loss or damage that may arise from such revocation.
5. You warrant that the information referred to in this request and any attachments:
 - a. is true and correct, and
 - b. is complete and is not misleading in any respect, and
 - c. you acknowledge that this information has been relied on by the DAR in considering this request
6. Where a migration agent has been appointed to represent the business, you acknowledge that the application, including supporting documents have been provided with your full knowledge and consent
7. You will notify the 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.
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.
9. If the DAR must fulfil an obligation to the Department of Home Affairs and the DAR is dependent on you to be able to do so, then you must do each thing reasonably within your power to assist the DAR in the performance of that obligation.
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.
11. You agree to provide any and all information required by the 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.
12. You acknowledge that the DAR may be required, from time to time, to provide information that you have included in this request or pursuant to clause 5.10, in part or entirety, to the Department of Home Affairs and you consent to this disclosure of information.

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.
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 DAR in entering into the Labour Agreement or taking or failing to take any action in connection with the Labour Agreement.
15. You acknowledge that you have provided details on any and all outcomes of any previous interaction with the Department of Home Affairs, including any Labour Agreements, Nominations and Visa applications.
16. You undertake to provide the Overseas Worker with a settlement information kit available from the DAR:
 - Prior to you engaging them, or
 - If they are already working for you, prior to them lodging their Subclass 482 (SID), Subclass 494 (SESR) or Subclass 186 (ENS) visa application, unless they have been living and working in the GSC region for at least 12 months prior to them lodging their visa application.
17. You understand and accept that the DAR 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.

3. Privacy Statement

In accordance with the Warrnambool City Council Privacy Policy

2. You acknowledge on behalf of your Business that the collection of the personal information contained in this application is necessary for the functions and activities of the DAR;
3. 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 the DAR but that the DAR shall always be entitled to keep the documents provided;
4. You acknowledge on behalf of your Business that the 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); and
 - (e) complying with its obligations to any other Commonwealth or State government agency.
5. In carrying out this purpose you acknowledge and agree on behalf of your Business that the DAR may disclose the personal information (including sensitive personal information if any) in the Business' application to:
 - (a) the local government authority within which your Business is primarily located;
 - (b) Commonwealth Government agencies; and
 - (c) any other person that is referred to in your application (**Third Parties**).

6. 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, the DAR may reject the application.
7. On behalf of the Business, you authorise the 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 the Warrnambool City Council privacy policies and standards; and
 - (d) utilise the information provided for data collection and reporting purposes.

ATTACHMENT A - DOMESTIC RECRUITMENT EFFORTS SUMMARY

Refer to the DAMA Fact Sheet – Labour Market Testing
<https://gscdama.warrnambool.vic.gov.au/fact-sheets>
 to ensure you have or will meet the requirements

Business name / entity name	
Occupation	
ANSZCO Code	
List all modes of advertising or recruitment efforts by your organisation in the last 12 months for the Occupation	
Provide details of where the advertisement or recruitment effort took place	
Period/dates of advertising or recruitment	
Fee/s paid for advertising or recruitment	
Provide details of who the fees were paid to	
Geographical target audience	
Number of applications received	
Number of applicants that were hired	
Reasons that candidates were not successful	
I declare that the information I have provided 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.	
Signature:	

Provide evidence of domestic recruitment efforts over the last six months, for example:

- Samples of advertisements in newspapers, professional journals, industry newsletters etc.
- Contracts with recruitment agencies
- Online job advertising including Seek, Facebook and website advertising
- Evidence of participation in job search programs / activities (if any).

ATTACHMENT B - ANNUAL EARNINGS & MARKET SALARY RATE SUMMARY

Business name / entity name	
Occupation	
ANZSCO Code	
Monetary annual earnings (\$)	
Non-monetary earnings (food and board) (\$) Cannot exceed published Regional Victoria Homestay fee (source https://www.homestaynetwork.org/regional-victoria-pricing/).	
Non-monetary earnings (other) (\$) List each component	
Total non-monetary earnings (\$)	
Total annual earnings (\$)	
I declare that the information I have provided 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.	
Signature:	

Provide evidence of the relevant market salary rate for each occupation. If you employ an Australian citizen or permanent resident in the occupation, the relevant information will include:

- A copy of their employment contract; and
- Recent payslips.

If you do not employ an Australian citizen or permanent resident in the occupation, the relevant information will include:

- Evidence of salary levels for this occupation in the GSC region

GUIDE TO COMPLETING APPLICATION

The following information is intended to assist employers in completing the Request for Endorsement Form.

OCCUPATION, NUMBERS & CONCESSIONS

Requires a statement regarding the number of Overseas Workers you will need, the roles they will fill and whether you are requesting any concessions to the standard TSS (Subclass 482), SESR (Subclass 494) or ENS (Subclass 186) visa requirements.

GOOD CORPORATE CITIZEN

Evidence that you have been actively operating for at least twelve months and are financially viable. You will need to provide business documents, including for associated entities (if applicable) such as:

- Your Business Registration Certificate;
- Australian Business Number (ABN);
- Australian Company Number (CAN) (if applicable);
- Trust Deed (if applicable); and
- Recent financial accounts or BAS statements; and
- A letter of support from a registered Chartered Accountant or a Certified Practising Accountant confirming that you have been actively operating for at least twelve months and have the financial capacity to meet the migration obligations for the workers you wish to sponsor, for the proposed period that they will be employed by you. The letter must include the key financial data i.e. your turnover, net assets and profit/loss for the most recent financial year.

ADVERSE INFORMATION

Requires a statement confirming whether there have been relevant investigations or audits, resulting in an adverse finding to the business or any associated entities (including previously associated entities) in the last five years by bodies such as:

- The Office of the Fair Work Ombudsman, or former authority with this function, or relevant State or Territory government authority in relation to compliance with workplace relations provisions;
- The relevant State or Territory government authority in relation to compliance with occupational health and safety provisions; and
- The Department of Home Affairs in relation to compliance with migration provisions.

If a current or past business has been investigated or audited during the last five years you must provide details on why this happened and on the outcome. You should explain any mitigating circumstances that you think should be considered.

The following information is required:

- The nature of the adverse information
- How the adverse information arose, including the credibility of the source of the adverse information
- In the case of an alleged contravention of a law, whether the allegations have been substantiated or not
- Whether the adverse information arose recently or some time ago
- Whether your business has taken any steps to ensure the circumstances that led to the adverse information don't happen again
- 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.

Any other relevant adverse information should also be declared.

Read more about Adverse Information on the Department of Home Affairs website

<https://immi.homeaffairs.gov.au/help-support/glossary#adverse-information>

DOMESTIC RECRUITMENT EFFORTS

Evidence that the recruitment of Overseas Workers is only to supplement the Australian workforce and will not undermine employment and training opportunities for Australians. Employers must complete the Domestic Recruitment Summary Table showing that you have made genuine efforts to recruit domestic workers in the nominated Occupation and location over the past four months.

This information should include:

- The types of advertising or recruitment efforts you have made in the last four months with respect to the relevant Occupations;
- The locations and duration (including start and end dates) where those advertising or recruitment activities took place;
- The number of applications received;
- The number of applicants hired; and
- The general reasons why the other candidates were unsuccessful.

Recruitment activities undertaken must meet Department of Home Affairs Labour Market Testing (LMT) requirements as these apply to the subclass 482 visa and the subclass 494.

Refer to the Department of Home Affairs fact sheet on DAMA Labour Market Testing (LMT) requirements for more detailed information:
<https://gscdama.warrnambool.vic.gov.au/fact-sheets>

Employers should also provide:

- Details of any redundancies or retrenchments that have occurred in the last six months including any associated (including previously associated) entities for roles in the nominated Occupation or similar Occupations;
- Details regarding how you will make ongoing efforts to reduce your reliance on Overseas Workers; and
- Details of your current workforce including the number of Australian citizens / permanent residents, Subclass 482 visa holders and other temporary visa holders (including Subclass 457 visa holders).

EQUAL PAY AND CONDITIONS

Confirmation that the proposed terms and conditions of employment of the Overseas Worker(s) will be no less favourable than what would be provided to an Australian performing equivalent work in your workplace. If you do not already employ someone in the same position you will need to provide evidence of the market salary based on:

- Pay rates from applicable enterprise agreements in the local region;
- Applicable industry awards;
- Data from reputable industry remuneration surveys (usually conducted by peak industry bodies or professional associations);
- Australian Bureau of Statistics earnings data; and
- Job vacancy advertisements.

Such evidence is also required by the Department of Home Affairs at the time of nomination.

As well as being equivalent to, or higher than the base rate of pay (usually based on a 38-hour week unless varied by an award) must also be equal to or higher than the Temporary Skilled Migration Income Threshold (TSMIT) unless a concession has been negotiated. The TSMIT is currently \$76,515 per annum.

The Overseas Worker(s) must be employed on a full-time basis as a direct employee and must be paid at least fortnightly.

The position to be filled must also be located in the GSC region. The Overseas Worker may be able to travel outside the region for work-related reasons for short periods of time where this is consistent with the declared duties of the position. You must seek the agreement of the DAR if the Overseas Worker will be outside of the region for more than three out of twelve months.

Read more about market salary rates on the Department of Home Affairs website <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/salary-requirements>

SKILLS AND SKILLS ASSESSMENTS

You must acknowledge that Overseas Workers sponsored under the DAMA must satisfy minimum skill requirements as prescribed by ANZSCO for the Occupation, or skill requirements outlined on the GSC DAMA website.

You must also provide a statutory declaration stating:

- You or a member of your staff has interviewed or will interview the applicant;
- You or a member of your staff has reviewed and confirmed, or will review and confirm, the applicant's experience and references;
- You are satisfied, or will be satisfied, that the applicant has the skills and experience for the role; and
- If a licence / registration is required for the applicant to work in the Occupation in the GSC region, you undertake to ensure that the Overseas Worker will gain this licence / registration at the earliest possible time and before they commence employment.

ACCOMMODATION

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 reasonable proximity to the locality of their work site.

This does not include emergency housing or very short-term housing options.

SETTLEMENT INFORMATION

You must undertake to provide the Overseas Worker with settlement information:

- Prior to you engaging them, or
- If they are already working for you, prior to them lodging their Subclass 482 / Subclass 494 visa application, unless they have been living and working in the GSC region for at least 12 months prior to them lodging their visa application.

You can obtain a settlement information kit from the DAR.

SPONSORSHIP OBLIGATIONS

You need to acknowledge you have read and understood your sponsorship obligations should Home Affairs enter into a Labour Agreement with you. Refer to the Department of Home Affairs fact sheet on Sponsor Obligations for more detailed information.

Details can also be found at:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/existing-sponsors/standard-business-accredited-obligations>