

In response to the ongoing labour skill shortages in Australia's regional areas and an attempt to draw the migrant population to live and work outside Australia's major cities, the Australian federal government (AFG) has designed Designated Area Migration Agreements (DAMAs), which allow regional employers who are not able to utilise the common streams of the Temporary Skill Shortage visa (Subclass 482) (TSS Visa Program) to bring in skilled and semi-skilled workers. Whilst still utilising a stream of the TSS Visa Program, the agreements are said to offer more occupations, more flexibility and a pathway to permanent residency for visa holders.

DAMAs are utilised under the Labour Agreement stream of the TSS visa. A DAMA is negotiated by states, territories or regions, which have employers who are experiencing skills and labour shortages to sponsor overseas workers for positions in their businesses.

What Is a DAMA?

DAMAs allow states, territories or regions to negotiate an agreement with the AFG, which are tailored to address their current and emerging labour market shortages and local terms and conditions of employment. The AFG will only come to a formal agreement once the state or territory demonstrates its efforts to recruit Australians first and then clearly identifies labour market conditions and gaps. DAMAs are designed to ensure Australian workers are still given first priority and there are sufficient initiatives and strategies in place to encourage ongoing recruitment and retention of Australian workers.

DAMAs have a two-tiered structure:

- An overarching deed of agreement between the AFG and a Designated Area Representative (DAR). The agreement will set out the specified occupations that are experiencing skills and labour shortages and their relevant ceilings and concessions.
- Individual agreements between employers and the Australian government that allow employers to sponsor overseas workers to the particular designated area under the terms and conditions agreed to in the overarching agreements.

An employer who is in the designated area may be able to sponsor an overseas worker under that DAMA by accessing the Labour Agreement stream of the TSS visa for the temporary visa and then subsequently the permanent visa via the Employer Nomination Scheme visa (Subclass 186) (ENS).

The key elements of DAMAs, which provide more flexibility than the standard TSS visa streams, include:

- Using the Labour Agreement stream of the TSS Visa Program
- Pathways to permanent residency for DAMA visa holders
- A broader range of occupations that reflect skilled and semi-skilled shortages and no applicable caveats
- English language and salary concessions for some occupations

A range of risk and integrity measures are put in place to ensure that the rights of both employees and employers are protected. Similar to the standard streams of the TSS Visa Program, the DAMA's arrangement still requires that all overseas employees are provided with the same terms and conditions of employment that would be offered to an Australian citizen, but can also provide further consideration for businesses and consumers in respect to inflationary costs.

Currently, the most prominent DAMA is in the Northern Territory (NT). The Australian government has also recently announced a DAMA with Victoria's Great South Coast region. There are also discussions with a range of other regions around Australia that are experiencing skills shortages, including the Pilbara and the Kalgoorlie-Boulder regions in Western Australia, the Orana region in central New South Wales and Cairns in North Queensland.

DAMA II – Northern Territory

The NT government has recently entered into its second formal agreement (DAMA II) with the AFG to address the low unemployment rate in the NT and local terms and conditions of employment. The NT government stated, "many employers had no other option but to sponsor workers from overseas to fill vacant positions." DAMA II applies to the whole of the NT and will be active for five years, until December 2023.

DAMA II allows eligible businesses to access 117 skilled and semi-skilled occupations, with no caveats to apply, that are not available through the standard TSS visa. Eligible businesses can also seek English language and Temporary Skilled Migration Income Threshold (TSMIT) concessions for some occupations. However, a strong business case must be provided.

How Businesses Can Sponsor Overseas Workers Through the DAMA II

The NT DAMA II is an employer-sponsored visa program, which comes under the TSS or the ENS visa Labour Agreement stream.

Businesses can access the DAMA II if they are actively operating in NT and:

- Have operated a business for at least 12 months
- Have no history of not meeting sponsorship obligations or any adverse information known to the government in respect to workers' employment rights
- Wish to fill full-time positions with duties that align with one of the occupations on the NT DAMA II list
- Can demonstrate they cannot fill the position with an NT resident, Australian citizen or permanent resident
- Can demonstrate that the terms and conditions of employment for overseas workers are the same as those that are offered to Australian workers employed in the NT

The NT business will need to apply to the Department of Trade, Business and Innovation (DTBI) for endorsement to access a labour agreement under the NT DAMA II. The endorsement to access the NT DAMA II is for up to five years. However, the endorsement of occupations and numbers of positions to be filled is valid for one year. This means that if a NT business wishes to access more overseas workers, it will need to apply to the DTBI for endorsement of occupation(s) and the number of vacant positions each year.

If you require further information about being endorsed by the DTBI in order to access the DAMA II, or if you require assistance regarding the application process, please do not hesitate to contact our Australian immigration team.

Great South Coast DAMA – Victoria

On 10 December 2018, the Minister of Immigration, Citizenship and Multicultural Affairs, David Coleman, announced a DAMA with the Great South Coast region, represented by Warrnambool City Council. Coleman announced that "the government is working to improve our immigration program to better match the needs of specific locations." He continued to say, "in particular, we are looking closely at ways of filling employment gaps in regional areas. The Great South Coast region has been calling out for workers for some time."

The Great South Coast DAMA (GSC DAMA) will assist key agriculture, hospitality and other businesses on the Great South Coast to fill critical employment gaps and attract skilled workers to the region. The region covers 23,000 square kilometres across southwest Victoria and is accessible to employers in Glenelg, Moyne, Warrnambool, Corangamite, Colac Otway and Southern Grampians municipalities (see the below map of the region).

The GSC DAMA will not only help overcome skill shortages in the region, but is also attractive for prospective workers as a pathway to possible permanent residency.

Warrnambool City Council is not currently accepting applications on behalf of employers who they represent, nor has it specified details on the occupations and concessions. Please look out for further details.

MAP OF OUR REGION



How We Can Help

If you would like to know more or have any questions regarding DAMAs, please contact our Australian immigration team.

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