

Appendix B

Form - Request for endorsement to access a labour agreement under the Goldfields DAMA – Deed of Variation (DoV)

Is your business actively operating for at least 12 months, and financially viable?	Yes ☐ No ☐
Is your business located within the City of Kalgoorlie-Boulder, Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies or Ravensthorpe boundaries?	Yes ☐ No ☐
Is the position you seek to fill listed in the current Goldfields DAMA occupation list ?	Yes ☐ No ☐
Have you read and understood the Employer's Guide to Accessing a Labour Agreement under the Goldfields 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 ☐
Have you previously applied to access a DAMA labour agreement?	Yes ☐ No ☐
If yes, are you seeking to add a ceiling variation? i.e., adding another worker(s) to your existing nomination ceilings. If yes, what is your TRN approved Labour Agreement? Click here to enter your Labour Agreement Request TRN Number	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 all “yes” to the above to proceed with your endorsement to access a labour agreement under the Goldfields DAMA application:

Part 1 - Your details (Business Sponsor)

Registered Business Name	Click here to enter text	
Trading name (if different)	Click here to enter text	
Australian Business Number (ABN)	Click here to enter text	
Australian Company Number (ACN), (ARBN) or partnership number	Click here to enter text	
Website	Click here to enter text	
Type of entity	Company	Yes ☐ No ☐
	Sole trader	Yes ☐ No ☐
	Partnership	Yes ☐ No ☐
	Trust	Yes ☐ No ☐



	Other (please specify)	Click here to enter text
Business address of Head Office – if applicable	Click here to enter text	
Contact Address Goldfields Region (all Goldfields locations – if applicable)	Address 1	Click here to enter text
	Address 2 (if applicable)	Click here to enter text
	Address 3 (if applicable)	Click here to enter text
Postal address	Click here to enter text	
Contact person in business	Click here to enter text	
Contact person's email	Click here to enter text	
Contact person's telephone number(s)	Phone	Click here to enter text
	Mobile	Click here to enter text
	Other (if applicable)	Click here to enter text
If a company, name of each director	Click here to enter text	
Name of trust/ trustee (if applicable)	Click here to enter text	
Nature of employer's operations (e.g., hospitality, construction, retail, mining)	Click here to enter text	
How many people do you currently employ	Click here to enter text	
Any redundancies or retrenchments occurred in the last 6 months	Click here to enter text	
Period of time you have been operating in the Goldfields	Click here to enter text	
Do you already hold a Subclass 457 or Subclass 482 Standard Business Sponsorship approval?	Yes ☐ No ☐	

Part 2 - Financial Business Information

Annual turnover for most recent full financial year	Click here to enter text
Will your business be paying the salary of all temporary business entrants sponsored?	Yes ☐ No ☐ If you answered no , please provide details: Click here to enter text
Is there any “ adverse information ” about the business background of your business or any person “associated with” the businesses?	Yes ☐ No ☐ If you answered yes , please provide details: Click here to enter text

Part 3 - Representative Contact Details

You must complete this section, if a Migration Agent has assisted you in preparing this request, otherwise leave blank.

Name of registered migration agent	Click here to enter text
Migration agency name	Click here to enter text
Migration agent registration number (MARN)	Click here to enter text
Address	Click here to enter text
Telephone	Click here to enter text
Mobile	Click here to enter text
Facsimile number	Click here to enter text
Email	Click here to enter text
Is supporting document – Department of Immigration’s Form 956 attached to the application	Yes ☐ No ☐

Part 4 – Updated workforce profile

Please provide an updated workforce profile. Include the **current** number of Australian employees, Subclass 482/SID visa holders (please list primary and secondary separately) and other temporary visa holders employed by you.

Year	Overseas Workers			Australians (citizens & permanent residents)	Total workforce
	482/SID visa holders (Primary)	482/SID visa holders (Secondary)	Other temporary visa holders		
Current (year x)					

Part 5 – Changes to existing nomination ceilings

Please outline how many overseas workers you wish to sponsor under your DAMA Labour Agreement in the next 12 months, the occupations they will work in and any concessions you are seeking.

In the tables below, please provide:

- the approved ceilings in place in the current company specific labour agreement (these are specified in **Schedule 2, Item 1** of your current labour agreement)
- the ceilings you are requesting the specific year/s of your labour agreement (**note**: add more rows to the table/s if you are requesting changes to existing ceilings in more than one approved occupation)
- an explanation as to why you are requesting the ceiling variation.

Please list Occupation, ANZSCO code, maximum number of nominations in Year 1, concession to ANZSCO tasks applicable, concession to [TSMIT/CSIT](#) sought, concession to English sought.

Current Approved Occupation Ceilings								
Occupation	ANZSCO or 6-digit code	Estimated Annual Salary	Visa	Year				
				1	2	3	4	5
			SID (482)					
			ENS (186)					
			SESR (494)					

Requested Occupation Ceilings								
Occupation	ANZSCO or 6-digit code	Estimated Annual Salary	Visa	Year				
				1	2	3	4	5
			SID (482)					
			ENS (186)					
			SESR (494)					

Requested concessions					
Occupation	ANZSCO or 6-digit code	Visa	Concession to Age, if applicable	Concession to TSMIT/CSIT sought Type 1 or 2	Concession to English proficiency, if applicable
		SID (482)	Yes/No	Yes/No	Yes/No
		ENS (186)	Yes/No	Yes/No	Yes/No
		SESR (494)	Yes/No	Yes/No	Yes/No

Note: the endorsement to access the Goldfields DAMA is for up to five years, however the endorsement of occupations and numbers of positions to be filled is valid for one year. Businesses

seeking to access more overseas workers will need to apply to the Goldfields DAR for endorsement of occupation(s) and the number of vacant positions each year.

Rationale for ceiling variation

Outline the business case for your request (i.e., explain why additional workers are required in year 1 or 2. What has happened to the overseas workers who were nominated in year 1? Why are new occupations/concessions required?) Note: additional evidentiary information/documents can be provided to support your explanation - any attachments in <u>Appendix A</u> will likely be requested during the labour agreement negotiation stage with the Department of Home Affairs. Business Case: <i>Dear Goldfields DAR and The Department of Home Affairs,</i> <i>I seek for your support to a Deed of Variation to my existing and approved Labour Agreement entered on</i>
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Part 6 – Projected workforce profile (variation to ceiling numbers)

Please provide a **projection** of your workforce profile, if your DoV request is approved. Include the projected number of Australian employees, Subclass 482/SID visa holders (please list primary and secondary separately) and other temporary visa holders that will be employed by you at the end of the current 12-month period.

Period	Overseas Workers			Australians (citizens & permanent residents)	Total workforce
	482/SID visa holders (Primary)	482/SID visa holders (Secondary)	Other temporary visa holders		
End of current 12-month period					

Part 7 – Changes in Australian workforce

Please provide the dates, numbers and occupations of any Australian workers who have been retrenched or made redundant in the past 12-month period.

Date	Occupation	Number of retrenchments	Number of redundancies
		TOTAL	TOTAL

Part 8 – Recruitment summary

Please provide answer for each occupation required (note: copy paste the table for each occupation required)



Occupation	
ANZSCO or 6-digit code	
List all advertising efforts by your organisation in the last 12 months for the occupation*	
Period/dates of advertising or recruitment	
Fee/s paid for advertising or recruitment	
Number of applications received	
Number of applicants that were hired	
Reasons that candidates were not successful	
How many Australians do you currently employ in this occupation?	

* For example, online, newspaper, internal recruitment, trade publications. Provide details of website, name of newspaper etc.

Part 9 - Conditions of Endorsement and Other Matters

- 9.1 You understand that it is a criminal offence in Western Australia (including the Goldfields region) to make a false or misleading statement to an official.
- 9.2 You understand and accept that any endorsement by the Goldfields Designated Area Representative (Goldfields 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 Goldfields 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 and 186 visas under a Labour Agreement.
- 9.3 You understand and accept that endorsement by the Goldfields DAR is discretionary and may be revoked in the event that the Goldfields DAR (in its absolute discretion) is no longer satisfied that you should be able to access overseas workers under the Goldfields DAMA.
- 9.4 Revocation of endorsement will be notified to Home Affairs, and you accept that the Goldfields DAR will not be liable to compensate you for any costs, loss or damage that may arise from such revocation.
- 9.5 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 Goldfields DAR in considering this request.
- 9.6 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 signed this form.
- 9.7 You will notify the Goldfields 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.
- 9.8 This request and any endorsement do 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.
- 9.9 If the Goldfields DAR must fulfil an obligation to Home Affairs and the Goldfields DAR is dependent on you to be able to do so, then you must do each thing reasonably within your power to assist the Goldfields DAR in the performance of that obligation.
- 9.10 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.
- 9.11 You agree to provide any and all information required by the Goldfields 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.

- 9.12 You acknowledge that the Goldfields DAR may be required, from time to time, to provide information that you have included in this request, in part or entirety, to Home Affairs and you consent to this disclosure of information.
- 9.13 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.
- 9.14 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 Goldfields DAR in entering into the Labour Agreement or taking or failing to take any action in connection with the Labour Agreement.
- 9.15 You understand and accept that the Goldfields DAR (i.e. City of Kalgoorlie-Boulder, Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies or Ravensthorpe) 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.
- 9.16 You understand that the Goldfields DAR will manage the endorsement applications in a form of quota ensuring that all skills and roles can be fulfilled.
- 9.17 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 reasonable proximity to the locality of their work site.
This does not include emergency housing or very short-term housing options.
- 9.18 You undertake to provide the overseas worker with a settlement information kit available from the Goldfields DAR:
 - (a) Prior to you engaging them, or
 - (b) If they are already working for you, prior to them lodging their Subclass 482 (SID) visa, Subclass 186 (ENS) or Subclass 494 (SESR) visa application, unless they have been living and working in the WA Goldfields region for at least 12 months to them lodging their visa application.
- 9.19 You agree to provide the outcome or results (approved or rejected) of your labour agreement with Home Affairs to the Goldfields DAR in writing within 28 days.

Part 10 - Western Australia Privacy Policy

In accordance with the Australian Privacy Principles (APPs) under the *Privacy Act 1988 (Cth)* (*Privacy Act*):

- 10.1 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 Goldfields Designated Area Representative (Goldfields DAR);
- 10.2 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 Goldfields DAR, but that Goldfields DAR shall always be entitled to keep the documents provided;
- 10.3 You acknowledge on behalf of your Business that Goldfields 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 Goldfields DAR and the wider Goldfields region surveys; and
 - (f) complying with its obligations to any other Commonwealth or Local government agency.
- 10.4 In carrying out this purpose you acknowledge and agree on behalf of your Business that Goldfields DAR may disclose the personal information (including sensitive personal information if any) in the Business' application to:
 - (a) governmental agencies within the Goldfields' Local Government DAMA holder (i.e., City of Kalgoorlie-Boulder, Shires of Coolgardie, Leonora and Menzies);
 - (b) Commonwealth Government agencies; and
 - (c) any other person that referred to in your application (**Third Parties**).
- 10.5 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, Goldfields DAR may reject the application.
- 10.6 On behalf of the Business, you authorise the Goldfields 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) utilise the information provided for data collection and reporting purposes.

Part 11 – Request for Endorsement Application Declaration on a DAMA Labour Agreement Deed of Variation

I declare that:

- 11.1 I have read and understand the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
- 11.2 I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
- 11.3 My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
- 11.4 I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.
- 11.5 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](#).
- 11.6 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.
- 11.7 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.
- 11.8 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.
- 11.9 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.
- 11.10 I will provide all relevant documentation (see appendix C for example) in support of my request for a deed of variation when requested by the Department of Home Affairs.
- 11.11 I authorise the DAR and Department of Home Affairs to make enquiries necessary to verify the information provided.
- 11.12 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.
- 11.13 I understand that a positive DAR endorsement does not guarantee approval by the Department of Home Affairs at any stage.

I declare that the information I have provided in all of the above 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 City of Kalgoorlie-Boulder does not guarantee approval by the Department of Home Affairs at any stage of the DAMA.

Signing Page for endorsement to access deed of variation to existing labour agreement under the Goldfields Designated Area Migration Agreement

.....
Print name [Sponsor] Position [Sponsor] [Signature] Date of signing

.....
Organisation/Business name [Sponsor]

.....
Print name [Witness] Position [Witness] [Signature] Date of signing

.....
Print name [MARN] Position [MARN No.] [Signature] Date of signing

Do not complete this part

Approved - Yes ☐ No ☐

Signed, sealed and delivered for and on behalf of the **Goldfields Designated Area Representative**
by _____, **Director Advocacy & Strategy of the City of Kalgoorlie-Boulder**

.....
[signature]

.....
Date of signing

Appendix C – Deed of Variation Submission Attachment Checklist

Please note, your DAMA labour agreement Deed of Variation request will not be considered if you have not provided all relevant attachments when requested by the Department of Home Affairs. The Department of Home Affairs may request additional information. Please clearly label each attachment and submit your request as one pdf file.

No.	Title	Attached
1	Form 956 (if required)	☐ Yes ☐ N/A
2	Adverse information (if required)	☐ Yes ☐ N/A
3	Breach information (if required)	☐ Yes ☐ N/A
4	Labour Market Testing Evidence	☐ Yes ☐ N/A
5	Financial Capacity – most recent signed financial statements	☐ Yes ☐ N/A
6	Evidence of salary arrangements and amounts paid to Primary Sponsored Persons	☐ Yes ☐ N/A
7	Business Case for seeking additional nominations and/or concessions	☐ Yes ☐ N/A
8	Recruitment summary	☐ Yes ☐ N/A
9	Organisation Chart less than 6 months old, and showing the requested positions	☐ Yes ☐ N/A
10	Job descriptions for each nominated position Must state registration, or licensing requirements (if applicable)	☐ Yes ☐ N/A
11	Evidence of market salary rate to prove the nominee receives terms and conditions no less favourable than those provided to an equivalent Australian worker; a. employment contract for an employee in the same position b. recent pay slips for another employee in the same position or c. any other evidence of salary levels for an employee in the same position Please provide this evidence for each nominated position	☐ Yes ☐ N/A
11	Employment contract outlining terms and conditions for each position or If already employed in the role, pay slips/time sheets	☐ Yes ☐ N/A
12	Is Temporary Skilled Migration Income Threshold (TSMIT) / Core Skills Income Threshold (CSIT) concession being sought? If yes, please read TSMIT/CSIT Guide for Goldfields DAMA here More information about the TSMIT/CSIT can be found here	☐ Yes ☐ N/A