**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, Leonora, Menzies or Ravensthorpe boundaries? | Yes [ ]  No [ ]  |
| Is the position you seek to fill listed in the current [Goldfields DAMA occupation list](https://www.ckb.wa.gov.au/CKB/media/Documents/Economy%20and%20Growth/Documents/April-2021-Year-2-Goldfields-DAMA-Occupation-Lists-2021-22.pdf)? Or, the [Year 1 Goldfields DAMA occupation list](https://www.ckb.wa.gov.au/CKB/media/Documents/Economy%20and%20Growth/Documents/Year-1-Goldfields-DAMA-Occupation-Lists-2019-20.pdf)?  | Yes [ ]  No [ ]  |
| Have you read and understood the [*Employer’s Guide to Accessing a Labour Agreement under the Goldfields DAMA*](https://www.ckb.wa.gov.au/CKB/media/Documents/DAMA%20website/Documents/January-2021-An-Employers-Guide-to-Accessing-a-Labour-Agreement-under-the-Goldfields-DAMA.pdf)?  | Yes [ ]  No [ ]  |
| Have your business actively sought out (advertised) to [recruit an Australian worker](https://www.ckb.wa.gov.au/Doing-Business/Designated-Area-Migration-Agreement/Employers/How-to-Find-an-Australian-Worker-%281%29) in the last 4 months for the vacant position(s)? i.e. the vacant job(s) is advertised in 3 different platforms and one must be advertised on [Job Active](https://jobsearch.gov.au/employers/job) website. | Yes [ ]  No [ ]  |
| Have you previously applied to access a DAMA labour agreement? If yes, are you seeking to add a ceiling variation? i.e., adding another worker(s) to the 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 [ ] 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**](https://www.ckb.wa.gov.au/Doing-Business/Designated-Area-Migration-Agreement/Employers/Adverse-Information-%281%29)**” 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 in preparing this request has assisted you, 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**](https://immi.homeaffairs.gov.au/help-support/departmental-forms/pdf-forms) **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 457/TSS 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** |
| **457/TSSvisa holders****(Primary)** | **457/TSSvisa 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](https://www.ckb.wa.gov.au/CKB/media/Documents/DAMA%20website/Forms/TSMIT-Guide-for-the-Goldfields-DAMA-Nov-2019_1.pdf) sought, concession to English sought.

|  |
| --- |
| **Current Approved Occupation Ceilings** |
| **Occupation** | **ANZSCO** **or** **6-digit code** | **Estimated** [**Annual Salary**](https://www.ckb.wa.gov.au/Doing-Business/Designated-Area-Migration-Agreement/Employers/Market-Requirement) | **Visa** | **Year** |
| **1** | **2** | **3** | **4** | **5** |
|  |  |  | TSS (482) |  |  |  |  |  |
|  |  |  | ENS (186) |  |  |  |  |  |
|  |  |  | SESR (494) |  |  |  |  |  |

|  |
| --- |
| **Requested Occupation Ceilings** |
| **Occupation** | **ANZSCO** **or** **6-digit code** | **Estimated** [**Annual Salary**](https://www.ckb.wa.gov.au/Doing-Business/Designated-Area-Migration-Agreement/Employers/Market-Requirement) | **Visa** | **Year** |
| **1** | **2** | **3** | **4** | **5** |
|  |  |  | TSS (482) |  |  |  |  |  |
|  |  |  | ENS (186) |  |  |  |  |  |
|  |  |  | SESR (494) |  |  |  |  |  |

|  |  |
| --- | --- |
|  | **Requested concessions** |
| **Occupation** | **ANZSCO** **or** **6-digit code** | **Visa** | **Concession to Age, if applicable** | **Concession to** [**TSMIT**](https://www.ckb.wa.gov.au/CKB/media/Documents/DAMA%20website/Forms/TSMIT-Guide-for-the-Goldfields-DAMA-Nov-2019_1.pdf) **sought****No. Type 1 or 2** | **Concession to English proficiency, if applicable** |
|  |  | TSS (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 Appendix A will likely be requested during the labour agreement negotiation stage with the Department of Home Affairs. |
| **Business Case**: *Dear Goldfields DAR and The Department of Home Affairs,* *I seek for your support to a Deed of Variation to my existing and approved Labour Agreement entered on DD Month YEAR.* *Click here to enter reason for your ceiling variation*  |

**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 457/TSS 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** |
| **457/TSSvisa holders****(Primary)** | **457/TSSvisa 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**

* 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.
	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.
	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.
	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.
	5. You warrant that the information referred to in this request and any attachments:
1. is true and correct, and
2. is complete and is not misleading in any respect, and
3. you acknowledge that this information has been relied on by the Goldfields DAR in considering this request.
	1. 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.
	2. 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.
	3. This request and any endorsement do not:
4. constitute a partnership or joint venture between the parties; or
5. except as expressly provided, make a party an agent of another party for any purpose.
	1. 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.
	2. 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.
	3. 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.
	4. 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.
	5. 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.
	6. 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.
	7. You understand and accept that the Goldfields DAR (i.e., City of Kalgoorlie-Boulder, Shires of Coolgardie, Leonora and Menzies) 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:
6. your request for or entry into a Labour Agreement; or
7. anything done by you, or on your behalf, relating to the entry into or the performance of the Labour Agreement; or
8. 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.
	1. 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.
	2. 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.

* 1. You undertake to provide the overseas worker with a settlement information kit available from the Goldfields DAR:
1. Prior to you engaging them, or
2. If they are already working for you, prior to them lodging their Subclass 482 (TSS) 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.
	1. 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)*:

* 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);
	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;
	3. You acknowledge on behalf of your Business that Goldfields DAR is collecting the personal information in the business’ application for the following purposes:
1. considering the merits of the application;
2. verifying the accuracy of the contents of the application (including through contacting third parties regarding the application);
3. complying with relevant reporting requirements;
4. compiling statistics (or engaging a third party to compile such statistics);
5. participating in Goldfields DAR and the wider Goldfields region surveys; and
6. complying with its obligations to any other Commonwealth or Local government agency.
	1. 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:
7. governmental agencies within the Goldfields’ Local Government DAMA holder (i.e., City of Kalgoorlie-Boulder, Shires of Coolgardie, Leonora and Menzies);
8. Commonwealth Government agencies; and
9. any other person that referred to in your application (**Third Parties**).
	1. 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.
	2. On behalf of the Business, you authorise the Goldfields DAR to:
10. use the information provided within the application to make necessary inquiries with Third Parties to verify claims provided in the application;
11. provide the application, including supporting documentation to the Third Parties for further consideration;
12. retain the application and supporting documents as per Local Government policies and standards; and
13. 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:

* 1. I have read and understand the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
	2. I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
	3. My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
	4. I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.
	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](https://www.ckb.wa.gov.au/Doing-Business/Designated-Area-Migration-Agreement/DAMA-Overview).
	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. 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.
	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.
	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.
	10. I will provide [all relevant documentation](https://www.ckb.wa.gov.au/CKB/media/Documents/DAMA%20website/Documents/April-2021-Getting-ready-Sponsor-or-Business-Checklists.pdf) (see appendix C for example) in support of my request for a deed of variation when requested by the Department of Home Affairs.
	11. I authorise the DAR and Department of Home Affairs to make enquiries as necessary to verify the information provided.
	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.
	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 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, **Chief Executive Officer of the City of Kalgoorlie-Boulder**…………………………………………. ……………………………………………….. [signature] Date of signing  |

**Part 12 – Goldfields 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 2 working days. Please note the processing fee is non-refundable. Once we received a payment receipt from you, we will process your application within 15 working days.

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

**Goldfields DAMA Processing Fee Cost – $250 per nomination**

*The* ***Click here to enter business name*** *would like the Goldfields DAR to endorsed* ***Click here to enter number*** *TSS/ENS/SESR nomination(s) and agreed to pay* ***Click here to enter amount $ (i.e., no. of nomination/s x $250)****.*

……………………………….. ………………………..... ……………………….. ………………………………

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

*For information on the fees and charges for visas go to the Australian Government's* [*Department of Home Affairs website*](http://www.homeaffairs.gov.au/Trav/Visa/Fees)*. To learn about the cost of sponsoring and SAF levy, please click* [*here*](https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/learn-about-sponsoring/cost-of-sponsoring)*.*

*The City of Kalgoorlie-Boulder holds no responsibility or liability for any outcome beyond the DAR endorsement stage. By signing this form, you acknowledge this.*

**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 | [ ]  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 positionMust 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; 1. employment contract for an employee in the same position
2. recent payslips for another employee in the same position or
3. any other evidence of salary levels for an employee in the same position

Please provide this evidence for each nominated position | [ ]  Yes [ ]  N/A |
| 12 | Employment contract outlining terms and conditions for each position orIf already employed in the role, payslips/time sheets | [ ]  Yes [ ]  N/A |
| 13 | If Temporary Skilled Migration Income Threshold (TSMIT) concession is being sought, a completed summary of salary concession formPlease read [TSMIT concession information](https://business.nt.gov.au/business/migration-information-for-business/northern-territory-designated-area-migration-agreement/concessions-available) | [ ]  Yes [ ]  N/A |