

Endorsement Form

Request for Endorsement to Access a Labour Agreement under the Pilbara DAMA

Has your business been actively operating for at least 12 months, and is financially viable?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your business located within the approved Pilbara region?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the position you seek to fill listed in the current Pilbara DAMA occupation list?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you read and understood the <i>Employer's Guide to Access a Labour Agreement under the Pilbara DAMA (INFO001)</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has your business actively sought (advertised) to recruit Australian workers in the last 12 months for the vacant position(s)? i.e., <i>Acceptable evidence will include an advertisement with national reach, for example Seek, JobActive or an Australian industry website. The other advertisement may be local.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>

You must answer “**yes**” to all of the above questions to proceed with your endorsement request to access a labour agreement under the Pilbara DAMA.

PART 1 – Your details (Business Sponsor)

Registered Business Name	
Trading Name (if different)	
Australian Business Number (ABN)	
Australian Company Number (ACN), (ARBN) or partnership number	
Website	
Type of Entity	
Business Address of Head Office (if applicable)	
Pilbara Region Contact Address (all Pilbara locations if applicable)	
Postal Address	
Contact Person in Business	
Contact Person's Telephone Number/s	
If a Company, name of each Director	
Name of Trust/Trustee (if applicable)	



Nature of Employer's Operations (e.g. hospitality, construction, retail, mining)	
How many people do you currently employ?	
Have any redundancies or retrenchments occurred in the last six (6) months?	
The period of time you have been operating in the Pilbara Region	
Do you already hold a Subclass 457 or Subclass 482 Standard Business Sponsorship approval?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please provide a brief explanation as to why the business requires access to the DAMA (e.g., requested occupations not eligible under standard programs, need for concessions) and explain the business' need for the requested number of positions in each year (e.g., long-term vacancies, high turnover of staff etc). Please also explain how you will make ongoing efforts to reduce your reliance on overseas workers.	

PART 2 – Financial Business Information

Annual turnover for most recent full financial year	
Will your business be paying the salary of all temporary business entrants sponsored?	Yes <input type="checkbox"/> No <input type="checkbox"/> If you answered NO , please provide details:
Is there any 'adverse information' about the business background of your business or any person 'associated with' the business/es?	Yes <input type="checkbox"/> No <input type="checkbox"/> If you answered YES , please provide details:



PART 3 – Representative Contact Details

Name of Registered Migration Agent	
Migration Agency Name	
Migration Agent Registration Number (MARN)	
Address	
Telephone	
Mobile	
Facsimile Number	
Email	
Is supporting document – Department of Home Affairs Form 956 attached to the application?	Yes <input type="checkbox"/> No <input type="checkbox"/>

PART 4 – Occupations, Numbers and Concessions

How many overseas workers does the business intend to sponsor under the DAMA in the next 12 months and subsequent years, and what roles would they work in?

Please list Occupation, ANZSCO code, maximum number of nominations in Year 1, and subsequent years if applicable, concession to TSMIT sought, concession to English sought, age concession.

Temporary Skill Shortage (TSS) – subclass 482 labour agreement stream										
Occupation	ANZSCO Code	Maximum number of nominations in Year 1	Year 2	Year 3	Year 4	Year 5	Concession to TSMIT sought No. Type 1 or 2	Concession to English Proficiency, if applicable	Age Concession if applicable	Estimated Annual Salary

Employer (ENS) – subclass 186 labour agreement stream										
Occupation	ANZSCO Code	Maximum number of nominations in Year 1	Year 2	Year 3	Year 4	Year 5	Concession to TSMIT sought No. Type 1 or 2	Concession to English Proficiency, if applicable	Age Concession if applicable	Estimated Annual Salary



Skilled Employer Sponsored Regional [Provisional] (SESR) – subclass 494 labour agreement stream										
Occupation	ANZSCO Code	Maximum number of nominations in Year 1	Year 2	Year 3	Year 4	Year 5	Concession to TSMIT sought No. Type 1 or 2	Concession to English Proficiency, if applicable	Age Concession if applicable	Estimated Annual Salary

NOTE: The endorsement to access the Pilbara DAMA is for up to five years, however the endorsement of occupations and numbers of positions to be filled is yearly (if applicable).

PART 5 – Conditions of Endorsement and Other Matters

- 5.1 You understand that it is a criminal offence in Western Australia (including the Pilbara Region) to make a false or misleading statement to an official document.
- 5.2 You understand and accept that any endorsement by the RDA Pilbara Designated Area Representative (Regional Development Australia Pilbara) is only an endorsement to make a request to Department of Home Affairs for a Labour Agreement under the DAMA and is not an endorsement by the RDA Pilbara 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, 494 and 186 visas under a Labour Agreement.
- 5.3 You understand and accept that endorsement by the RDA Pilbara is discretionary and may be revoked in the event that the RDA Pilbara, (in its absolute discretion) is no longer satisfied that you should be able to access overseas workers under the Pilbara DAMA.
- 5.4 Revocation of endorsement will be notified to Home Affairs, and you accept that the RDA Pilbara will not be liable to compensate you for any costs, loss or damage that may arise from such revocation.
- 5.5 You warrant that the information 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 RDA Pilbara in considering this request.
- 5.6 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 sign this form.
- 5.7 You will notify RDA Pilbara, 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.
- 5.8 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.



- 5.9 If RDA Pilbara must fulfil an obligation to Department of Home Affairs and RDA Pilbara is dependent on you to be able to do so, then you must do each thing reasonably within your power to assist the RDA Pilbara, in the performance of that obligation.
- 5.10 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.
- 5.11 You agree to provide any and all information required by the RDA Pilbara, 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.
- 5.12 You acknowledge that RDA Pilbara, may be required, from time to time, provide information that you have included in this request, in part or entirety, to the Department of Home Affairs, and you consent to this disclosure of information.
- 5.13 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.
- 5.14 You acknowledge that you have not relied on any statement or representation (express or implied) made or advice given by or on behalf of RDA Pilbara, in entering into the Labour Agreement or taking or failing to take any action in connection with the Labour Agreement.
- 5.15 You understand and accept that RDA Pilbara 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:
- Your request for or entry into a Labour Agreement; or
 - Anything done by you, or on your behalf, relating to the entry into or the performance of the Labour Agreement; or
 - 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.
- 5.16 You understand that RDA Pilbara will manage the endorsement/applications in a form of quota ensuring that all skills and roles can be fulfilled.
- 5.17 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.
- 5.18 You undertake to provide the overseas worker with a settlement information kit available from RDA Pilbara:
- Prior to you engaging them; or
 - If they are already working for you, prior to them lodging their Subclass 482 (TSS) visa, Subclass 494 (SESR) or Subclass 186 (ENS) visa application, unless they have been living and working in the WA Pilbara Region for at least 12 months to them lodging their visa application.
- 5.19 You agree to provide the outcome or results (approved or rejected) of your labour agreement with Department of Home Affairs to RDA Pilbara, in writing within 28 days.



PART 6 – Western Australia Privacy Policy

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

- 6.1 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 Pilbara Designated Area Representative, RDA Pilbara.
- 6.2 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 RDA Pilbara, but that RDA Pilbara shall always be entitled to keep the documents provided.
- 6.3 You acknowledge on behalf of your Business that RDA Pilbara 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 RDA Pilbara and the wider Pilbara region surveys; and
 - f. complying with its obligations to any other Commonwealth or Local Government agency.
- 6.4 In carrying out this purpose you acknowledge and agree on behalf of your Business that RDA Pilbara may disclose the personal information (including sensitive personal information if any) in the Business' application to:
 - a. Government agencies with the Pilbara Local Government DAMA holder (i.e. approved 2 shires of Pilbara);
 - b. Commonwealth Government agencies; and
 - c. any other person that is referred to in your application (**Third Parties**).
- 6.5 On behalf of the Business, you authorise RDA Pilbara 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 7 – Designated Area Migration Agreement (DAMA)

Request for Endorsement Application Declaration

I declare that:

- 7.1 I have read and understood the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
- 7.2 I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
- 7.3 My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
- 7.4 I have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally.
- 7.5 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.
- 7.6 I will provide all relevant details to RDA Pilbara if my business has had any redundancies or retrenchments during the last 12 months.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 I will provide all relevant documentation in support of my request for endorsement to the Department of Home Affairs.
- 7.11 I authorise RDA Pilbara and Department of Home Affairs to make enquiries as necessary to verify the information provided.
- 7.12 I understand that any false or misleading information provided by me may lead to revocation of endorsement by RDA Pilbara and the Department of Home Affairs will be notified.
- 7.13 I understand that a positive RDA Pilbara endorsement does not guarantee approval by the Department of Home Affairs at any stage.

I declare that the information I have provided in all the above (i.e Part 5, 6 and 7) 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 RDA Pilbara does not guarantee approval by the Department of Home Affairs at any stage of the DAMA.



Signing Page

Endorsement to access labour agreement under the Pilbara Designated Area Migration Agreement

Print Name (Sponsor):	
Position (Sponsor):	
Signature:	
Organisation/Business Name (Sponsor):	
Date of Signing:	

Print Name (Witness):	
Position (Witness)	
Signature:	
Date of Signing:	

Print Name (MARN):	
Position (MARN):	
Signature:	
Date of Signing:	

DO NOT COMPLETE THIS PART

Approved Yes <input type="checkbox"/> No <input type="checkbox"/>	
Signed, sealed and delivered for and on behalf of the Pilbara Designated Area Representative by Tony Simpson, Chief Executive Officer of the RDA Pilbara.	
Signature:	
Date of Signing:	



PART 8 – Pilbara 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 business days. Please note the processing fee is non-refundable. Once we receive confirmation of payment from you, we will process your application within 20 business days.

Pilbara DAMA Processing Fee Cost - \$385.00 incl GST per nomination

Full Name (Debtor):			
Contact Name:			
Company Name:			
Invoice Address:			
Email Address:			
Phone No:		Mobile No:	
Business Reference:			

_____ would like RDA Pilbara, to endorse _____ (number) TSS/ENS/SESR nomination/s and agree to pay \$_____ (i.e., number of nomination/s x \$385.00 incl GST).

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.

RDA Pilbara holds no responsibility or liability for any outcome beyond the DAR endorsement stage. By signing this form, you acknowledge this.



DOCUMENT CHECKLIST

Item	Description	Sponsor Documents Provided Yes/No	DAR Yes/No
1	Request for endorsement under the Pilbara DAMA Endorsement Form.		
2	Form 956 (if a registered migration agent is assisting this application).		
3	Business registration document: <ol style="list-style-type: none"> Business registration and any business name change registrations; ASIC; ABN, CAN; Trust deed (if applicable). 		
4	Business profile, may include: <ol style="list-style-type: none"> Website extracts; Promotional Material. 		
5	Evidence that the business is operating in the Pilbara Region of Western Australia. May include: <ol style="list-style-type: none"> Lease agreement; Contracts and invoices from suppliers/customers; Letter from Accountant stating 12 months' operation, net assets, profit/loss, and turnover; Business capability statement/promotional material referencing Pilbara operation. 		
6	Job descriptions for each requested position .		
7	Organisation chart less than six (6) months old, requested positions must be displayed.		
8	Financial statement for the financial year and business activity statement for the last 12 months immediately preceding application.		
9	Statutory declaration about adverse information, attach evidence of outcome (if any). <i>For more information on adverse information go to the Department of Home Affairs website.</i>		



Item	Description	Sponsor Documents Provided Yes/No	DAR Yes/No
10	<p>Summary of domestic recruitment efforts for each requested position:</p> <ul style="list-style-type: none"> a. Copies of at least two (2) job advertisements in a reputable website/newspaper/industry website (not general classifieds) with national reach; b. Invoices received by recruitment agencies (if used); c. Evidence to prove the nominated positions have been advertised for 28 consecutive days. <i>For example, screenshots from the start and end of advertising, receipts showing duration. Please note that the Department of Home Affairs requires that advertising must have been completed during the twelve (12) months prior to submitting a nomination. Nomination occurs well after RDA Pilbara endorsement, so evidence supplied to RDA Pilbara should show very recent advertising.</i> <p>Evidence must be compliant with current Department of Home Affairs labour market testing requirements. For more information on labour market testing requirements, go to the Department of Home Affairs website.</p>		
11	<p>Statement on why the business is not using the standard 482 and the impact of negative result (if the business is not endorsed to access the Pilbara DAMA).</p>		
12	<p>Evidence to prove the nominee receives terms and conditions no less favourable than those provided to an Australian citizen or permanent resident:</p> <ul style="list-style-type: none"> a. Employment contract for a current or former Australian or Australian permanent resident employee in the same level position; b. Recent payslips for a current or former Australian or Australian permanent resident employee in the same level position; OR c. Any other evidence of market salary levels for the position. <p>Please provide this evidence for each requested position.</p>		
13	<p>Please provide the following evidence for each requested position:</p> <ul style="list-style-type: none"> a. Employment contract outlining terms and conditions clearly, including a breakdown of the salary, superannuation, and any non-monetary components; b. Relevant enterprise agreement/award for the position (if applicable); c. Pay slips - if an intended nominee is already employed in the position. 		

