

DAMA terms & conditions

If you are intending to enter into a DAMA Labour Agreement and are seeking endorsement from the South Australian Government, prior to commencing your endorsement application, please ensure you review all terms and conditions

Terms and conditions

1. By submitting this application to Skilled & Business Migration, you are seeking the endorsement of the South Australian Government to be able to:

- access the South Australian Designated Area Migration Agreement (DAMA); and
- apply to enter into a Labour Agreement with the Department of Home Affairs (the Commonwealth).

1.1 You understand and accept that Skilled & Business Migration is:

- referred to as the Designated Area Representative (DAR) for DAMA.
- is under no obligation to endorse you for a Labour Agreement;
- cannot require the Commonwealth to agree to enter into a Labour Agreement with you; and
- will not be a party to any such Labour Agreement.

2. Endorsement eligibility requirement and details needed in application:

To obtain endorsement from the DAR, to access the DAMA for the requested occupation(s) in the designated area, you will need to complete the online application, available through the Skilled & Business Migration portal, and provide the details as follows:

2.1 You will need to provide details that your business:

- is actively operating in South Australia and
- is financially viable and has been lawfully operating for at least 12 months
- has no adverse history of not meeting its obligations to employees (work relations, work health and safety and migration provisions)
- is looking to employ overseas workers to fill full-time positions located in the designated area as defined by the relevant South Australian DAMA agreement with duties that align with occupations on the Agreements [occupation lists](#)

- cannot fill the position locally with Australian citizens or permanent residents, evidenced through [labour market testing](#)
- can provide conditions of employment to overseas workers that are in accordance with those offered to Australian workers employed in the region
- has completed the declaration statement.

2.2 You will need to consider your workforce needs for the next 12 months and provide the number of overseas workers needed for the positions requested along with the concessions available for each occupation.

3. Following endorsement:

- You must undertake to provide the overseas worker with settlement information.
- Overseas workers (nominees) sponsored under the DAMA must satisfy the skills, qualifications, experience, employment background required under Australian and New Zealand Standard Classification of Occupations (OSCA) or as determined by the Department of Home Affairs.
- Nominees may need to undertake a skills assessment as determined by the Department of Home Affairs with the relevant Skills Assessing Authority.
- Nominees must meet any occupational licensing and registration requirements as per migration regulations and/or State and Territory laws.

3.1 Endorsed employers will be provided with a Letter of Endorsement, detailing the DAMA Agreement name and number and 'Labour Agreement Request Form - Guide for applicants - DAMA' to assist with applying for the Individual Labour Agreement application.

3.2 You acknowledge that you are aware of relevant requirements and obligations under the Migration legislation including your [sponsorship obligations](#).

4. Application Submission

You must be a registered user of the Skilled & Business Migration portal to submit an application.

All applications are submitted via the secure online application system at: <https://apply.migration.sa.gov.au>

Applications must be submitted within 14 days from the created date. If an application has not been submitted after 14 days from the creation, it will be automatically deleted.

The application can be saved to be progressed anytime within the 14-day period. If saved applications need to be deleted for operational requirements, Skilled & Business Migration will advise users (where possible in advance) via email.

Changes may only be made to the application before selecting the 'submit' button.

A business can be endorsed only once within a 12-month period for each agreement.

The application allows you to "add occupations" if applying for multiple occupations under one agreement.

You must check that all the information is correct before submitting an application. After submitting your application by selecting the 'submit' button, your application will be locked and you will not be able to make any further changes to your application.

Requests to 'unlock' or change details on a submitted application will be refused.

Skilled & Business Migration reserves the right to change the duration of the saved and submit hold timeframe. Any changes to these dates will be updated in the terms and conditions.

5. False Information

The provision of false information in support of any application to the DAR may not only result in the application being refused but is also a serious criminal offence under laws of this State and the Commonwealth. Such conduct may be prosecuted. If false information is provided in support of your application, the DAR will also advise the Department of Home Affairs.

In the event where false information has been provided and endorsement is refused or revoked, you will not be eligible for South Australian State nomination/endorsement in the future. Any subsequent applications may be refused.

6. Documents in English

All information in your application and supporting documents must be provided in English or have an English translation or the application will not be processed. Documents that are not in English must be accompanied with an English translation from an approved translator.

7. Supporting Documents

All supporting documentation for the application must be colour scanned copies of the original documents and provided as PDF file format.

8. Immigration Assistance

If engaging a third party for immigration assistance, the DAR must be satisfied that the employer has been made aware of the requirements and associated obligations. A third-party submitting an on-line application on behalf of the employer may be required to complete and submit the Form 956 'Appointment of a registered migration agent, legal practitioner or exempt person'.

It is important that the third-party provides the employer's contact email address as part of the application process. Failure to provide the employer's contact email address will result in the application being refused.

The DAR may provide correspondence to the employer in addition to the authorised recipient. The DAR reserves the right to contact the employer directly.

9. Endorsement expiry

The Letter of Endorsement is valid for 12 months from the date of approval. After this time, if additional occupations are required under the Labour Agreement, the employer may submit a Variation Request through the Skilled & Business Migration portal.

10. Applications not endorsed

The DAR cannot endorse if:

1. the Occupations and Concessions are not approved under the DAMA; or
2. if the Maximum Number of Nominations approved under the DAMA have been reached; or
3. it reasonably believes the number of prospective Overseas Workers being requested to be engaged in the designated area and Occupations is not appropriate regarding the current labour market conditions in those locations; or
4. you have not genuinely sought to recruit, as specified by the Commonwealth, Australians to the requested Occupations in the Designated Area; or
5. any adverse Information is known about your business.

6. the application contains inadequate documentation, inadvertent omission of information or documents or incomplete information.

11. Permission

By completing and submitting a Request for Endorsement, you give permission to the DAR to:

- contact you for legitimate reasons (i.e. notification of events, surveys, seminars, etc)
- provide your contact details to third-party consultants and other government bodies working with / on behalf of the DAR who may wish to contact you for legitimate reasons (i.e. notification of events, surveys, seminars, etc)
- provide your particulars and relevant information regarding your application to the Department of Home Affairs contact third parties for the purpose of verifying the information contained in this application.

Please note: *Any information about migration legislation in Australia or South Australia is provided as general information only and is not legal advice. This can be used as a starting point only and is not a substitute for legal or professional advice. While the Department has attempted to ensure the information is accurate at the time of publishing, no responsibility will be accepted for any errors or omissions and the Government of South Australia will not be liable for any loss or damage incurred by any person as a consequence of any use, reference or reliance on this information. Any such use, reference or reliance shall be at the sole risk of that person who should seek their own legal and or/professional advice if required.*