



# SOUTH AUSTRALIA

## DESIGNATED AREA MIGRATION AGREEMENTS

The new SA Designated Area Migration Agreements (DAMAs) came into effect on 1 July 2019, providing a potential avenue for business and industry to address certain skills shortages in the State, by sponsoring and employing overseas workers.

It is important for business and industry to understand how these agreements work, how to access and use them and what skills shortages they will enable to be addressed.

### **WHAT IS A DAMA?**

The SA Designated Area Migration Agreements (DAMA) are overarching agreements negotiated between the South Australian Government, Department of Innovation and Skills and the Federal Government's Department of Home Affairs. Much like Labour and Industry Agreements, DAMAs enable endorsed and approved employers to employ and sponsor skilled and semi-skilled overseas workers. With DAMAs, however, there are certain concessions and more flexibility in requirements than are available through existing temporary, employer sponsored migration and visa programs.

The SA DAMA has been negotiated to include concessions for English competency and, in some cases, for wages (where occupations sought to be accessed have a wage lower than the existing Temporary Skilled Migration Income Threshold (TSMIT)). For those occupations where a permanent pathway exists to stay in Australia, there is also a concession for age.

### **WHO CAN SET UP A DAMA?**

DAMAs allow a council or councils, Regional Development Authority (RDA) or a State or Territory Government to negotiate their own individual and unique migration program with the Federal Government. This differs from labour agreements, industry agreements and existing temporary employer sponsored migration programs, in that they are created and negotiated based on the unique, individual and specific needs of the area, regional or State / Territory in question.

### **WHAT DAMAs CURRENTLY EXIST?**

There are two DAMAs negotiated within South Australia that commenced on 1 July 2019. These are the Adelaide Technology and Innovation Advancement Agreement and the South Australian Regional Workforce Agreement. The South Australian Regional Workforce Agreement includes a further group of occupations available for positions within the postcode range of 5110 – 5734.

In addition to SA's DAMAs, there is a Northern Territory DAMA, the Kalgoorlie-Boulder DAMA and the Great South Coast region DAMA, covered by the Warrnambool City Council, with more DAMAs being negotiated as we speak. The Adelaide Technology and Innovation Advancement Agreement DAMA covers Greater Adelaide and focuses on Adelaide's high-tech growth industries including defence, space, technology and advanced manufacturing industries.

The South Australian Regional Workforce Agreement DAMA covers the entire state of SA and focuses on South Australia's regional high growth industries including agribusiness, forestry, health and social services, tourism and hospitality, construction and mining.

These DAMAs will enable South Australian employers to sponsor and employ overseas workers for positions they are unable to fill with local workers.

## HOW CAN A DAMA BE ACCESSED?

The process to access occupations contained in these DAMAs is;

1. Employers experiencing skills and labour shortages apply for endorsement from the Designated Area Representative (DAR). In SA, this is Immigration SA.
2. Once endorsed, an employer applies to the Department of Home Affairs for a Labour Agreement. The Labour Agreement must be aligned to the overarching DAMA.
3. Once a Labour Agreement is executed, an employer is able to nominate an overseas worker / workers by lodging a nomination application to the Department of Home Affairs.
4. The final stage is a visa application, lodged for the overseas employee / employees.

During this application process, there are checks that must be met to demonstrate that the position sought to be filled by an overseas worker is genuine and that Australian workers are unable to fill the position. These include skills assessments, English language testing, labour market testing, evidence that appropriate market salary rates are being paid, police clearances, medicals and other checks. The visa applicant must also demonstrate that they have the skills, qualifications and work experience required to work in the nominated occupation.

Like any temporary or permanent employer sponsored or nomination and visa application, strict eligibility criteria apply. Processing times will need to be considered by the business that is applying under the program, in addition to a full risk assessment.

Fees and charges are payable to the Department of Home Affairs for the nomination and visa application, and the Skilling Australians Fund (SAF) levy also applies.

The relevant visa for the DAMA process is the subclass 482 visa (the same visa used for labour agreements and industry agreements) and the Temporary Skill Shortage (TSS) visa (the TSS 482 replaced the 457 visa). Employers accessing the DAMA and utilising the 482 visa, must be aware of and compliant with the Department's strict sponsorship obligations. Failure to comply with these obligations can result in significant penalties.

## IN SUMMARY

The South Australian Government, in particular PIRSA and now the Department of Innovation and Skills, have done a great job getting DAMAs approved for South Australia. They offer businesses access to international talent for a range of additional occupations and concessions, unavailable from previous and other migration programs. To find out how your business can address skills shortages through these new DAMAs, seek advice from an experienced Migration Agent, who can advise how the new DAMA visa application process works, the relevant fees and processing times.

I look forward to how these programs develop overtime to assist South Australian business.

Mark Glazbrook  
CEO, Migration Solutions



Level 9, 185 Victoria Square, Adelaide, SA 5000  
P | +61 8 8210 9800 F | +61 8210 9899  
E | [admin@migrationsolutions.com.au](mailto:admin@migrationsolutions.com.au)  
W | [migrationsolutions.com.au](http://migrationsolutions.com.au)  
ABN | 39 086 722 607

Mark Glazbrook, Registered Migration Agent Number 0100185  
Nam Hoang, Registered Migration Agent Number 0641294  
Vanessa De Pretis, Registered Migration Agent Number 1388116  
Matt Riley, Registered Migration Agent Number 1572632  
Susan Mulder, Registered Migration Agent Number 1910863  
Shashe Selladurai, Registered Migration Agent Number 1686095  
Claudia Zych, Registered Migration Agent Number 1799220