

KIMBERLEY DAMA FACT SHEET (March 2025)

(FOR VISA 482 SID – 494 SERS – 186 ENS)

The **Kimberley Designated Area Migration Agreement (DAMA)** (the **Kimberley DAMA**) is a formal agreement between the **Department of Home Affairs** (the **DOHA**) and the **East Kimberley Chamber of Commerce and Industry**, which is the **relevant Designated Area Representative (the DAR)**.

A business may seek **endorsement** from the **DAR** under this agreement if it is unable to recruit suitable Australian workers, and standard visa programs are not available. Once endorsed by the **DAR**, the business may then enter into a labour agreement with the **DOHA**. A labour agreement usually lasts five (5) years, and allows the business to nominate overseas workers for certain work visas. **To qualify for endorsement under the Kimberley DAMA:**

Your **business** must:

- have been **actively and lawfully operating** in the Kimberley DAMA Designated Area for at least 12 months

NOTE: *The Kimberley DAMA Designated Area* consists of the *Shires of Wyndham-East Kimberley, Broome, Derby-West Kimberley and Halls Creek.*

- be **financially viable**, and able to support the required number of overseas workers
- be a ‘**good corporate citizen**’; there must not be any **adverse information** known that is relevant to your business’s suitability as an approved sponsor

NOTE: **Adverse information** includes (but is not limited to) contraventions of Commonwealth, State or Territory law; being the subject of an investigation, audit, disciplinary/administrative action or legal proceeding relating to immigration, industrial relations and health/safety; and having provided false/misleading information or documents to the **DOHA**.

Each **position** your business wishes to fill must:

- be a genuine position that is on the **current Kimberley DAMA occupation list**, and is not eligible under other employer-sponsored visa programs
- **be located** in the Kimberley DAMA Designated Area
- have been subjected to ‘**Labour Market Testing**’ i.e. you must **provide evidence** that you have attempted to recruit suitably skilled and qualified Australians to work in that position
- have a salary that is **at least \$73,150 per year** (the Temporary Skilled Migration Income Threshold, or **TSMIT**) **AND** is the **local, annual market salary rate (AMSR)** for the occupation

NOTE: The **AMSR** is the salary that an Australian earns (or would earn) for working full-time for one year in the same job, workplace and location. Salary concessions (up to 10% of **TSMIT**) are available for certain occupations. Other terms and conditions of employment must also match those that apply (or would apply) to Australians performing the same work in the same location.

Each **visa applicant** you wish to employ must meet certain requirements. These will be determined by the terms of your labour agreement and the type of visa sought; the eligible subclasses are 482 Skills in Demand (SID), 494 Skilled Employer Sponsored Regional (SESR) and the permanent 186 Employer Nomination Scheme (ENS). **Please refer to page 4 for further information on the requirements for visa applicants**

APPLICATION PROCESS

NOTE: This Fact Sheet (including the Estimate of Fees & Charges) addresses **Stages 1-3** shown below.

Stage 1: Initial Eligibility Assessment



We will first assess your business's eligibility for endorsement under the Kimberley DAMA (including business operations, occupations required, and any concessions sought for visa applicants).

We will then provide informed and comprehensive advice about your business's ability to meet the minimum standards for DAR endorsement and a labour agreement.

Note: Our initial assessment does not guarantee that your business will in fact be endorsed by the DAR or enter into a labour agreement with the DOHA; this is at the discretion of those authorities, and is based on whether your business satisfies the applicable criteria at that time.

Stage 2: DAR Endorsement Request



Should our initial assessment indicate that your business may be eligible, we will formally request **DAR endorsement** from the **East Kimberley Chamber of Commerce and Industry**. This request explains why your business needs to access the DAMA program, and how it satisfies the criteria referred to on page 1. It also explains why you are seeking concessions for visa applicants (if applicable).

If the DAR is satisfied that your business meets the criteria, it will issue a 'letter of endorsement'.

Note: DAR endorsement does not guarantee that the DOHA will enter into a labour agreement with your business; this is assessed separately (see Stage 3 below).

Stage 3: Labour Agreement Request



Following DAR endorsement, we will request a labour agreement from the DOHA. Like Stage 2, this request explains why your business needs to access a DAMA labour agreement, and how it satisfies all other relevant requirements.

If the DOHA is satisfied that your business meets the criteria, it will send you a labour agreement template. You must sign and return this template within 4 weeks. Labour agreements usually last for 5 years.

Stage 4: Nomination Application



During the **first 12 months of your labour agreement**, you may nominate a specific number of skilled overseas workers (the '**nomination ceiling**') for subclass 482 SID, 494 SESR and/or 186 ENS visas.

You must lodge a separate nomination application with the DOHA for EACH position. All nominations must comply with the terms of your labour agreement AND relevant legislation.

Note: After 12 months, if you wish to 'roll over' unused positions to the next year, access more occupations/positions, request further concessions and/or change visa subclasses, you must request that the DAR '**roll-over**' or **vary its endorsement**.

Stage 5: Visa Application

Each person that you nominate must ALSO lodge a visa application with the **DOHA** either at the same time as the nomination, or before it expires (generally within 12 months of approval).

The visa applicant must meet the requirements set out by your labour agreement AND the relevant legislation. Once the **DOHA** has approved the nomination and visa applications, the applicant will be granted the relevant visa.

Estimate of Fees and Charges (Stages 1-3 ONLY)¹

Note: Green fields = DAR fees; light blue fields = Dojo Legal Lawyer fees.

FEES & CHARGES PAYABLE BY EMPLOYER	Amount	GST	Total
Stage 1. Initial Eligibility Assessment (IF required)			
Dojo Legal Professional Fee	TBA	TBA	TBA
Stage 2. DAR Endorsement Request			
East Kimberley Chamber of Commerce and Industry Endorsement Request Fee (PER position/occupation) ²	\$895.45	\$89.55	\$985.00
Dojo Legal Professional Fee (ONE position/occupation) ³	TBA	TBA	TBA
Stage 3. Labour Agreement Request⁴			
Dojo Legal Professional Fee	TBA	TBA	TBA

Timeframes

We estimate that it may take several weeks to prepare and lodge your DAR endorsement and labour agreement requests; the exact time will depend on how promptly you provide us with the necessary information/documents. The time that it takes the relevant authorities to assess these requests depends on their timeframes and priorities, as well as the requests' complexity and perceived risks.

Next Steps: Nomination & Visa Applications

Should your business successfully enter into a labour agreement, you may then nominate overseas workers for the required positions; they must also apply for the relevant visas. Dojo Legal's professional fees for **preparing** each nomination and visa application will vary based on the nomination/visa subclass; the number/age of the applicants; and the complexity of the application.

The amount that the DOHA charges to **assess** such applications is based on the nomination/visa subclass, and the number of applicants. **NOTE:** your business must ALSO pay a **Skilling Australians Fund (SAF) levy** for EACH nomination lodged with the DOHA. The amount payable is determined by your business's annual turnover, and the visa applicant's proposed period of stay.

¹ This estimate covers only our professional fees, and those charged by the DAR and the DOHA. It does not include other associated costs that may apply e.g. translation costs. The estimate is valid for 1 month.

² This is the fee payable by employers that are NOT members of the East Kimberley Chamber of Commerce and Industry (EKCCI). Employers that ARE members of the EKCCI pay a reduced fee of \$885 (incl. GST) per position/occupation.

³ This is our professional fee for preparing a DAR endorsement request for ONE position/occupation. Should you require additional positions/occupations, this may incur an additional professional fee. We will provide you with a detailed estimate once we have assessed the needs of your business.

⁴ The DOHA does not currently charge a fee for requesting a labour agreement.

We will provide a full estimate of our fees and the DOHA's charges/levies once we have reviewed your business, the positions required and the proposed visa applicants.

NOTE: If your business is nominating overseas workers for **subclass 482 SID or subclass SESR 494** visas, it **MUST** comply with certain obligations imposed by the **DOHA**. In particular, you **must not attempt to recover any of the costs associated with requesting a labour agreement or lodging nominations** (including migration agent costs and SAF levies), or any costs directly associated with **recruiting overseas workers** for nominated positions. You must also maintain certain records, including those relating to the annual turnover of the business and the payment of each SAF levy, which you must provide to the DOHA upon request. Please contact our office for a full list of sponsorship obligations.

Do you have additional questions regarding the **Kimberly DAMA labour agreement** or the **visas affected**? Please feel free to contact us by email at support@dojolegal.com.au, or by phone on **+61 2 9138 0688** to arrange for a paid legal consultation.

THANK YOU!



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Kimberley DAMA Visa Applicant Requirements

The overseas workers that you wish to employ must meet certain requirements; these vary based on the terms of your labour agreement and the type of visa sought. ***In general***, each worker employed under a Kimberley DAMA labour agreement must:

- have **skills (qualifications and/or work experience)** that match those required by ANZSCO for the nominated occupation, or as specified by the DAR. Depending on the nominated occupation and visa type, this may include 1-3 years of relevant full-time work experience (or in some cases, the part-time equivalent) undertaken in the last 5 years. For most occupations, a skills assessment from an approved assessing authority will also be required
- meet any **mandatory licensing, registration** or professional membership requirements
- have the level of **English language proficiency** required for the relevant visa and nominated occupation, generally the equivalent of IELTS 5.0 for subclass 482 SID visa applicants, and the equivalent of IELTS 6.0 for subclass 494 SESR/186 ENS visa applicants (unless registration or licensing requires a higher level)

NOTE: English language concessions are available for **some** occupations. If seeking concessions for your workers, you will need to explain why they are required when requesting DAR endorsement.

- meet any **age requirements**, which vary based on the type of visa applied for and the nominated position. There is no age requirement for subclass 482 SID visa applicants; however **unless Age Concessions applied**, subclass 494 SESR and 186 ENS visa applicants must be under 45

NOTE: Age concessions are available that allow applicants to be up 55 years old for skill level 1- 4 occupations **OR** up to 50 years old for skill level 5 occupations. If seeking concessions for your workers, you will need to explain why they are required when requesting DAR endorsement.

- satisfy the relevant health and character criteria and if relevant, maintain adequate arrangements for health insurance during their stay in Australia

Visa Periods

The **subclass 482 SID visa** is valid for **up to four years**. Holders of this visa *may* be eligible to apply for a permanent subclass 186 ENS visa after a certain period (usually two years, depending upon the occupation and whether they have previously worked in the position as the holder of another visa), provided your business is endorsed to nominate workers for that visa. They must also meet all other criteria specified in the labour agreement, including age and regional residence requirements.

The **subclass 494 SESR visa** is valid for **up to five years**. Holders of this visa are eligible to apply for a permanent visa (without employer sponsorship) after three years, provided they meet the relevant regional residence, employment and salary requirements.

The **subclass 186 ENS visa** is a **permanent** visa.

NOTE: This Fact Sheet contains **general information only**. We strongly recommend that you seek specific guidance from us that is relevant to your circumstances before taking any further action.