

Peta Dunn - Text messages regarding DAMAs - between 1 July and 20 October 2020

Monday October 19 2020 – 7.09pm

FAS Immigration Programs Division (IPD) Peta Dunn to AS Skilled and Family Visa Program Branch (SFVPB) Anna Lutz

Did we recently renew SA DAMAs?

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

We recently finalized the annual review for SA. They are 5 year agreements with annual review - where DAR submits proposal for changes and consideration

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

Did SA make any changes?

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

Yes I would need to check details. Also occupation list was reduced - ministerial decision

We have been making changes to align concessions across the different DAMAs - SA was the first annual review completed.

Do you want details on SA requests changes?

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

No. Thanks.

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

No problems let me know if you need anything else

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

Did you review both the Adelaide and SA DAMAs?

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

Yes

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

Do you know total visas granted in SA and Adelaide under DAMAs? Total and primary.

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

I can only find primary numbers that the team have given me as at end of June data cleared easily. Assume you want TSS and ENS? I may have more up to date data however may not be data cleared for external. Also I don't have total incl secondary and also as at end of August. Also numbers for less than 5 are masked.

Do you want me to follow up?

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

Yes please.

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

Tonight?

Just SA?

FAS IPD Peta Dunn to AS SFVPB Anna Lutz

I also have no briefing material on Labour Agreements. Can someone get a short brief to me in the morning - which includes Horticulture numbers.

Just SA but split by both agreements.

Yes can do HILA for tomorrow morning

AS SFVPB Anna Lutz to FAS IPD Peta Dunn

I can't get the team now for DAMAs but can task out for urgent in the morning as we will need data clearance on the total - the team tend to only have primary

And brief on labour agreements generally

Will task out tonight an email to s.22(1)(a)(i) on both issues for urgent tomorrow am

We did a media response in august on SA DAMAs but data I have is still only primary visas as at end of June and data not cleared for external release.

Have sent tasking for tomorrow

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Back Pocket Brief Number: SB20-001065

BACK POCKET BRIEF
Home Affairs Portfolio
Department of Home Affairs
Additional Estimates – October 2020

BACK POCKET BRIEF

Topic: DAMAs

Group: Immigration and Settlement Services Group

Division: Immigration Programs Division

Key Statistics

- At 31 August 2020, there are seven Designated Area Migration Agreements (DAMAs) in effect:

DAMA	Executed	Expires
Northern Territory (NT)*	13 December 2018	13 December 2023
Goldfields Region, WA	21 March 2019	21 March 2024
Great South Coast, VIC	26 March 2019	26 March 2024
Adelaide City	3 April 2019	3 April 2024
SA Regional	3 April 2019	3 April 2024
Orana Region, NSW	3 April 2019	3 April 2024
Far North Queensland	4 April 2019	4 April 2024

*This is the NT's second DAMA. The initial DAMA expired in December 2018.

- Summary of DAMA usage - from commencement to 31 August 2020:

		Total
Labour Agreements	Agreements Lodged	218
	Agreements Executed	142
Temporary Skills Shortage visa (subclass 482)	Nominations Lodged	219
	Nominations Approved	131
	Primary Visas Lodged	193
	Primary Visas Granted	101
Employer Nomination Scheme visa (subclass 186)	Nominations Lodged	11
	Nominations Approved	5
	Primary Visas Lodged	11
	Primary Visas Granted	<5

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Key Points

- The Department is actively engaging with interested regional areas in Victoria, New South Wales and Western Australia. There are no DAMAs currently being formally negotiated.
- The Government considers DAMA requests on a case-by-case basis, taking into account the unique circumstances and labour market needs of the geographical region, the business case and any risks identified.

Service Delivery

- On 31 August 2020, the Minister signed new Ministerial Directions under section 499 of the Migration Act to give effect to the prioritisation of nomination and visa applications as per the Priority Migration Skilled Occupation List (PMSOL).
- The highest priority is now being given to applications lodged:
 - in relation to an occupation specified in the PMSOL;
 - under the Global Talent program; and
 - for an occupation within a Critical Sector.
- The assessment of all DAMA Labour Agreement requests continues to be prioritised above other employer and regional sponsored nomination and visa applications not lodged under DAMAs.

Integrity and Quality

- The DAMA framework and Labour Market Testing ensure the integrity of the program. Labour Agreements are only entered into where the requesting business demonstrates :
 - they are a business of good standing;
 - they have made recent and reasonable efforts to fill jobs with Australian citizens and permanent residents; and
 - they meet all relevant policy requirements for the Labour Agreement they are requesting.
- When applying to the Designated Area Representative (DAR) for endorsement, employers are required to declare that they have genuinely sought to recruit Australian citizens or permanent residents to fill the positions locally. Evidence of Labour Market Testing (LMT) is required by the Department at the nomination stage.
- As the LMT requirements are specified in the Migration Act and Migration Regulations they are not flexible or negotiable and there are no exemptions. (See: Back Pocket Brief SB20-001056 – Labour Market Testing).
- Where requirements are not met, the Department will decline a Labour Agreement request.

“If asked” – How are DAMAs established?

- To establish a DAMA, interested regions must present a strong business case.
- The terms and concessions of each DAMA are negotiated with the relevant state or territory government or statutory authority, regional or local council.

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- Once signed and executed by both parties, the DAMA head agreement remains in effect for five years, with an annual review process in place to review and vary the terms, concessions, occupations and ceilings for the subsequent year.
- Each region appoints a DAR who has responsibility for oversight of their head agreement and will “vet” and endorse individual employers before they lodge a Labour Agreement request with the Department for processing.

“If asked” – How do DAMAs address skills gaps? What occupations are included?

- Regions requesting a DAMA must demonstrate a need for workforce supplementation that cannot be met by Australians or existing visa programs.
- Where there is a demonstrated need, occupations not on the occupation lists for other visa programs may be included in a DAMA.
- The Department’s website includes links to each Designated Area website where details of occupations and available concessions are publicised.
- The Department reviews the operation of each DAMA on an ongoing basis and undertakes a formal review of each DAMA annually, including occupations.

“If asked” – Will Australian workers be disadvantaged? Are overseas workers taking employment opportunities away from Australians during the COVID-19 pandemic?

- Before a nomination under a DAMA can be approved there must be demonstrated efforts to recruit Australians. Additionally, the maximum number of overseas workers that can be nominated annually under the DAMA is limited. This ensures the focus of employers remains on employing Australians first.
- A number of measures are already in place to safeguard job opportunities for Australians, including:
 - DAR Endorsement – The DAR must endorse all Labour Agreement requests and variations, including attesting that the request is reasonable with regards to the current labour market conditions in the designated area.
 - LMT – Employers must provide evidence of LMT and demonstrated efforts to recruit Australians when they nominate an overseas worker for a visa.
 - Annual Review – The Department reviews the operation of each DAMA annually. This includes the occupations available under each DAMA.

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Consultation

- Migration Planning and Visa Policy Branch.

Additional References

- SB20-001056 – Labour Market Testing.

Responsible Officer	Contact
Peta Dunn First Assistant Secretary Immigration Programs Division Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)	Anna Lutz Assistant Secretary Skilled and Family Visa Program Branch, Immigration Programs Division Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)

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Attachment A

Background

A DAMA is a formal agreement between the Australian Government and a regional, state or territory authority. It provides access to overseas workers to fill skill shortages that cannot be met locally and within the standard skilled migration program. DAMAs operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions.

A DAMA is a head agreement with a defined regional area, which outlines the roles and responsibilities of the DAR and the Department, and all agreed terms and concessions.

- Employers in the region may seek individual Labour Agreements under the DAMA agreement for that region.

The DAR:

- works closely with employers and stakeholders in their region to understand their unique labour needs and issues and broad community views.
- represents the region's collective requirements in a business case that is submitted to the Minister for consideration.

If a State/Territory government is not party to a DAMA, there is no requirement for formal consultation with the. However, the Department encourages the designated region to consult with the relevant State or Territory government as part of the negotiation process.

DAMA Labour Agreements utilise the Temporary Skill Shortage (TSS) and/or Skilled Employer Sponsored Regional (SESR) visa programs and, where permanent residence is available, the Employer Nomination Scheme (ENS) visa program.

DAMA Roles and Responsibilities

Designated Area Representative (DAR)

- Submits the DAMA business case on behalf of the region & co-signs the DAMA.
- Assessing and endorsing employers who want to sponsor overseas workers under the DAMA.
- Monitor activity, report on issues to the Department of Home Affairs.
- Engagement and consultation with the Department of Home Affairs, employers and stakeholders as required.
- Annual review of DAMA terms/operations.

List of DARs

DAMA	DAR
Northern Territory (NT)	NT Department of Trade, Business and Innovation (MigrationNT)
Goldfields Region, Western Australia	City of Kalgoorlie Boulder Council
Great South Coast, Victoria	Warrnambool City Council
Adelaide City	SA Department for Innovation and Skills
Regional South Australia (SA)	SA Department for Innovation and Skills
Orana region, New South Wales	Regional Development Australia (RDA) Orana
Far North Queensland	Cairns Chamber of Commerce

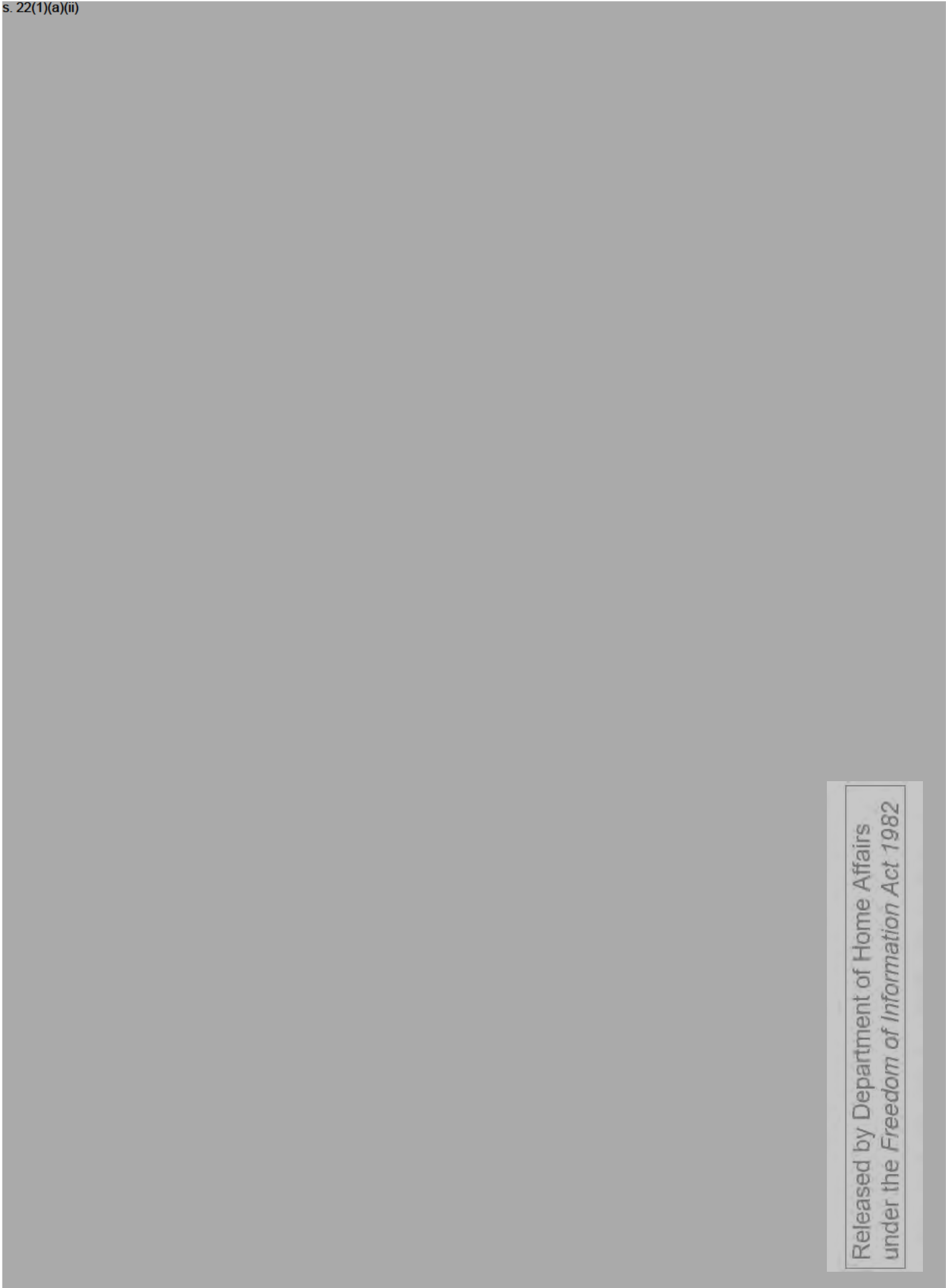
Department of Home Affairs

- Submits the DAMA request to the Minister for review and decision.
- Works with the DAR to establish and negotiate the terms of the agreement.
- Works with endorsed employers to establish Labour Agreements and process nomination and visa applications made under the agreements.
- Monitors progress, issues and effectiveness of DAMA and reports to the Minister on DAMA outcomes.

Employers

- Seek endorsement from the DAR to sponsor overseas workers under the DAMA.
- Enter into individual DAMA Labour Agreements with the Department of Home Affairs and review annually.
- Lodge nominations to fill vacancies for a 4 year period through the Temporary Skill Shortage (TSS) visa, Skilled Employer Sponsored Regional (SESR) visa, or permanently through the Employer Nomination Scheme (ENS) program.
- Are subject to temporary residence sponsorship obligations and a sanctions framework under existing Migration law.

s. 22(1)(a)(ii)

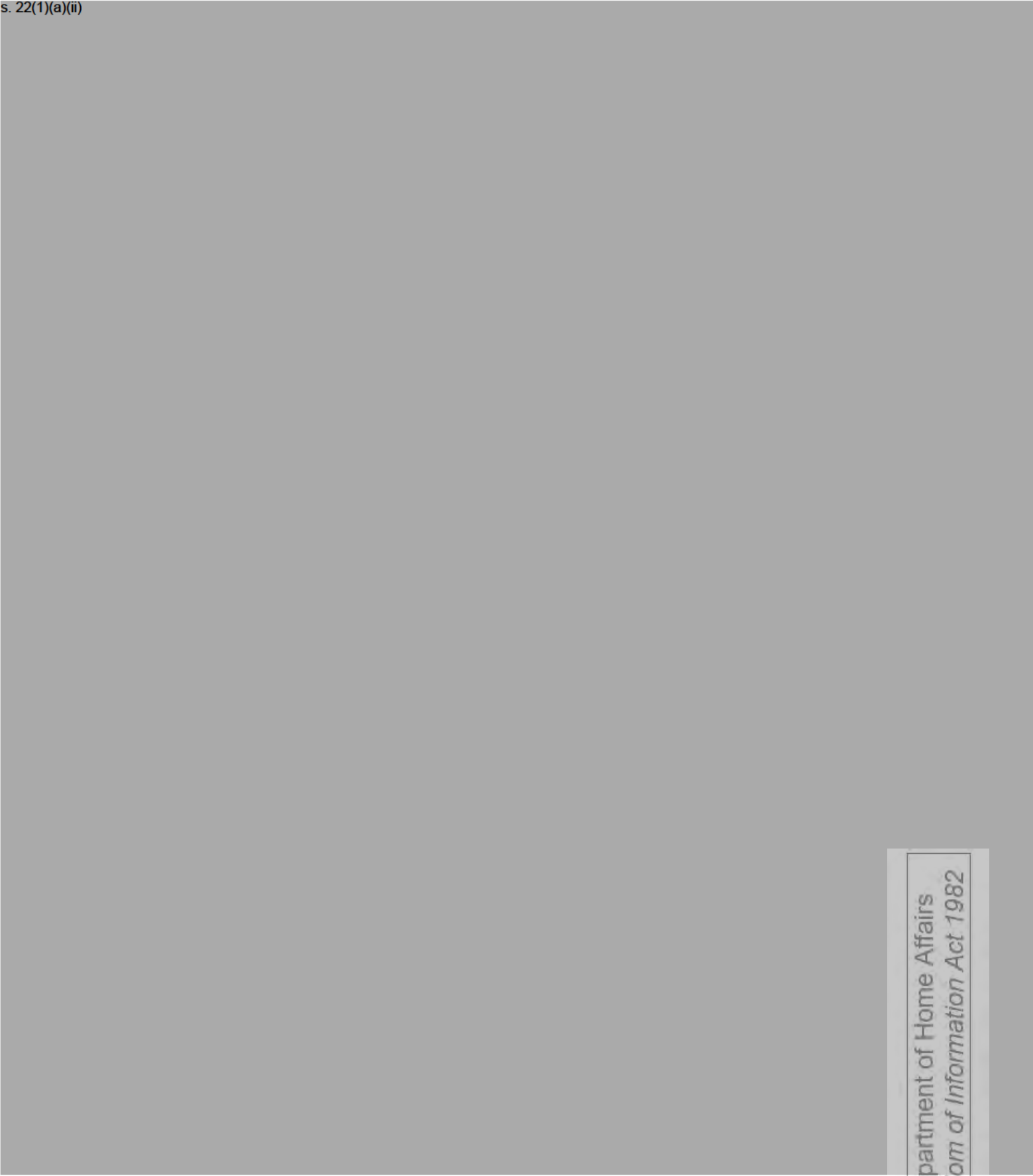


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Parliamentary Inquiry Public Hearing Briefing

Hearing Date: 10 September 2020

Hearing Time: 10.35am AEST

Location: Committee Room 2S3, Parliament House, Canberra ACT

Witnesses: Deputy Secretary, Andrew Kefford; Deputy Commissioner, Justine Saunders; First Assistant Secretary, Michael Willard; First Assistant Secretary, Peta Dunn; Assistant Commissioner, Peter Timson; Assistant Secretary, David Brightling

Select Committee on Temporary Migration Inquiry into the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions.

s. 22(1)(a)(ii)

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Designated Area Migration Agreements (DAMAs)

- DAMAs are tailored agreements that enable designated regions to respond to their unique workforce shortages by accessing experienced overseas workers for vacant skilled or semi-skilled occupations that cannot be filled by Australian workers from the local labour market.
- The terms of each DAMA are negotiated individually and are agreed to by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs.
- Through DAMA arrangements, employers in designated regions can sponsor skilled workers under the Temporary Skill Shortage (TSS) (subclass 482) visa, Employer Nomination Scheme (subclass 186) visa, and from the Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa, with a range of concessions that are not available under the standard visa programs.
- Once a DAMA is in place, labour market demand in the designated area determines the extent of the use of the DAMA.
- There are currently seven DAMAs in effect with the following regions:
 - Northern Territory (This is the NT's second DAMA. The initial DAMA expired in December 2018 DAR: Immigration NT) [13 December 2018 execution]
 - The Goldfields, WA (DAR: City of Kalgoorlie Boulder) [21 March 2019 execution]
 - Great South Coast, VIC (DAR: Warrnambool City Council) [26 March 2019 execution]
 - Adelaide City; and Regional SA (DAR: Immigration SA) [3 April 2019 execution]
 - Orana, NSW (DAR: Regional Development Australia – Orana NSW) [3 April 2019 execution]
 - Far North Queensland (DAR: Cairns Chamber of Commerce) [4 April 2019 execution]

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Attachment G: Summary of submissions to the Committee

s. 22(1)(a)(ii)



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No:	Name of Organisation	Issues Raised
s. 22(1)(a)(ii)		
35	Committee for Gippsland	<ul style="list-style-type: none">s. 22(1)(a)(ii)

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No:	Name of Organisation	Issues Raised
		<div>S</div> <div>• Implement a Designated Area Migration Agreement (DAMA) between the Australian Government and the Gippsland region.</div> <div>S</div> <div>.</div> <div>2</div> <div>2</div> <div>(</div>

s. 22(1)(a)(ii)

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No:	Name of Organisation	Issues Raised
s. 22(1)(a)(ii)		
66	McKell Institute	<div>S</div> <ul style="list-style-type: none">Workers on Designated Area Migration Agreements and provisional visas are vulnerable to wage theft and exploitation due to low skills, poor English and low pay occupations.
s. 22(1)(a)(ii)		

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Chronology of Parliamentary Inquiries and Reviews into Temporary Migration				
Date	Name of Inquiry/Review	Committee/Panel/Members	Terms of Reference	Details of Inquiry

s. 22(1)(a)(ii)

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Chronology of Parliamentary Inquiries and Reviews into Temporary Migration

Date	Name of Inquiry/Review	Committee/Panel/Members	Terms of Reference	Details of Inquiry
s. 22(1)(a)(ii)				
24 Mar 2015	Parliamentary Inquiry into the impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders	Senate Education and Employment References Committee: <ul style="list-style-type: none"> • Senator Sue Lines (Chair) • Senator Bridget McKenzie • Senate the Hon David Johnston • Senator Deborah O'Neill • Senator Nova Peris OAM • Senator Linda Reynolds • Senator Lee Rhiannon • Senator Robert Simms, • Senator the Hon Arthur Sinodinos AO 	s. 22(1)(a)(ii)	<ul style="list-style-type: none"> • The Department along with the Departments of Employment, Education and Training, Industry and Science and Social Services, the Fair Work Ombudsman and Safe Work Australia provided a joint submission to the Committee on 15 July 2015. • The Committee received 64 Submissions. • The Department did not attend the public hearings into this matter. • The Committee tabled its Report, titled: A National Disgrace, on 17 March 2016. • The Committee made 33 recommendations. • The Department of Education, Skills and Employment is leading the WoG response to the Report – <i>in progress</i>.

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Chronology of Parliamentary Inquiries and Reviews into Temporary Migration

Date	Name of Inquiry/Review	Committee/Panel/Members	Terms of Reference	Details of Inquiry
			<p>s. 22(1)(a)(ii)</p> <p>[REDACTED]</p> <p>s. 22(1)(a)(ii)</p> <p>agreements, enterprise migration agreements, and labour agreements affect the integrity of the 457 visa program, or affect any other matter covered in these terms of reference;</p> <p>s. 22(1)(a)(ii)</p> <p>[REDACTED]</p>	

s. 22(1)(a)(ii)

12 Aug 2019	<p>Parliamentary Inquiry into migration in regional Australia</p>	<p>Joint Standing Committee on Migration:</p> <ul style="list-style-type: none"> • Julian Leaser MP (Chair) • Ms Maria Vamvakinou MP • John Alexander OAM MP • Senator Raff Ciccone • Hon Damian Drum MP • Mr Steve Georganas MP • Senator the Hon Sarah Henderson • Mr Julian Hill MP • Senator Nick McKim 	<p>a. National and international best practice strategies to encourage people to settle and stay in regional areas;</p> <p>b. Strategies to develop regional skilled migration;</p> <p>c. Strategies to develop regional humanitarian migration;</p> <p>d. Key local, state and federal initiatives for successful regional settlement outcomes;</p> <p>e. Local volunteers, employers and community organisations and their role in facilitating regional settlement;</p> <p>f. Relevant migration policy, including administration and state specific migration mechanisms;</p> <p>g. Related infrastructure matters; and</p> <p>h. Any other related matter.</p>	<ul style="list-style-type: none"> • The Department provided a submission in October 2020; • The Committee received 130 submissions. • The Department attended a public hearing into this matter on 16 October 2019. • The Committee suspended the inquiry on 25 March 2020 in light of COVID-19. No Recommendations were made.
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Chronology of Parliamentary Inquiries and Reviews into Temporary Migration				
Date	Name of Inquiry/Review	Committee/Panel/Members	Terms of Reference	Details of Inquiry
		<ul style="list-style-type: none"> Dr Fiona Martin MP Senator Gerard Rennick 		
5 Dec 2019	Parliamentary Inquiry into the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions	Select Committee on Temporary Migration: <ul style="list-style-type: none"> Senator Raff Ciccone (Chair) Senator Claire Chandler Senator Andrew Bragg Senator Jess Walsh 	a. government policy settings, including their impact on the employment prospects and social cohesion of Australians; b. the impact of temporary skilled and unskilled migration on Australia's labour market; c. policy responses to challenges posed by temporary migration; d. whether permanent migration offers better long-term benefits for Australia's economy, Australian workers and social cohesion; e. the impact of wage theft, breaches of workplace rights and conditions, modern slavery and human trafficking on temporary migrants; and f. any related matters.	<ul style="list-style-type: none"> The Department provided a submission on 22 July 2020. As at 30 July 2020, the Committee received 100 Submissions. The Department will attend a public hearing into this matter on 10 September 2020.

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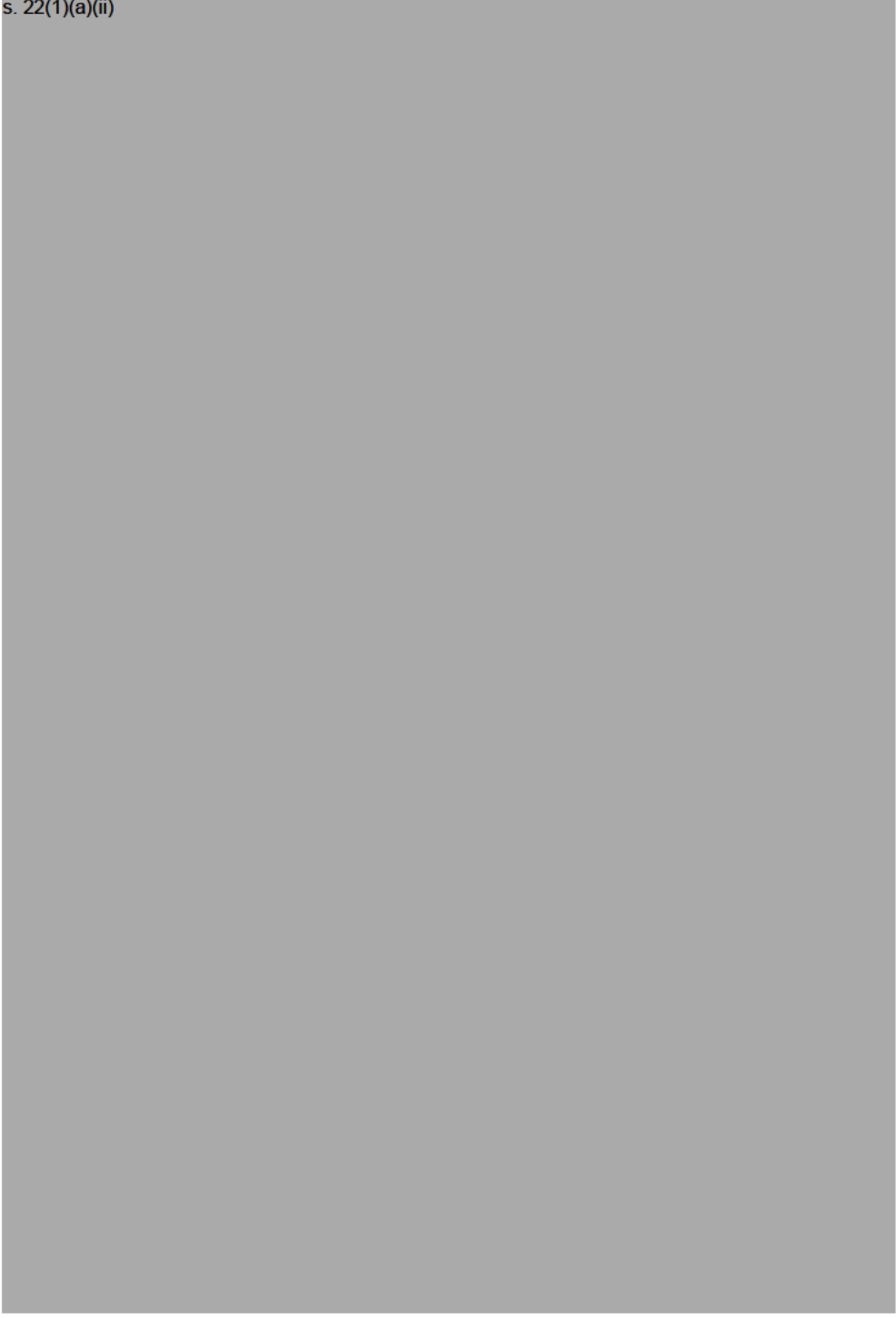
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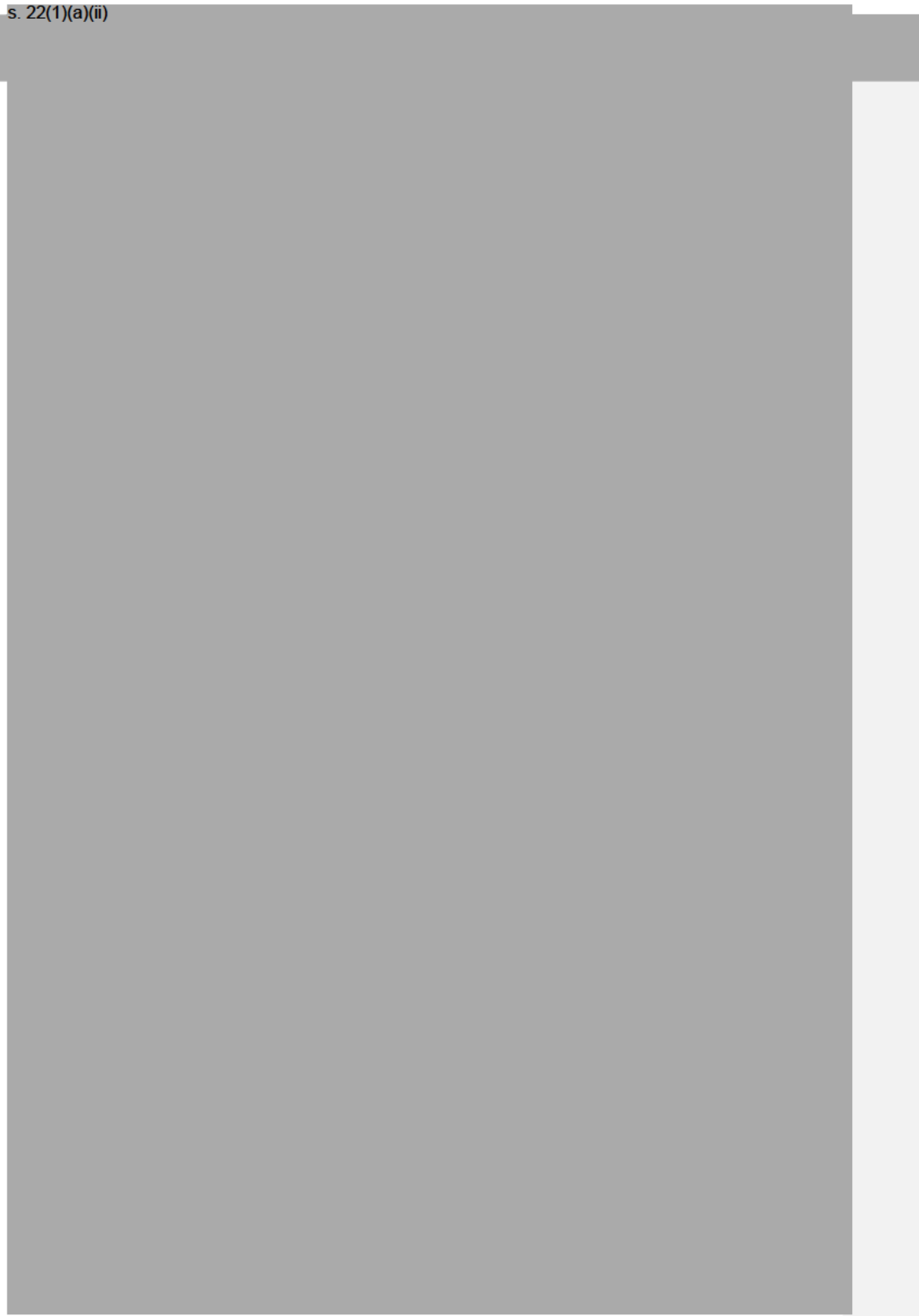
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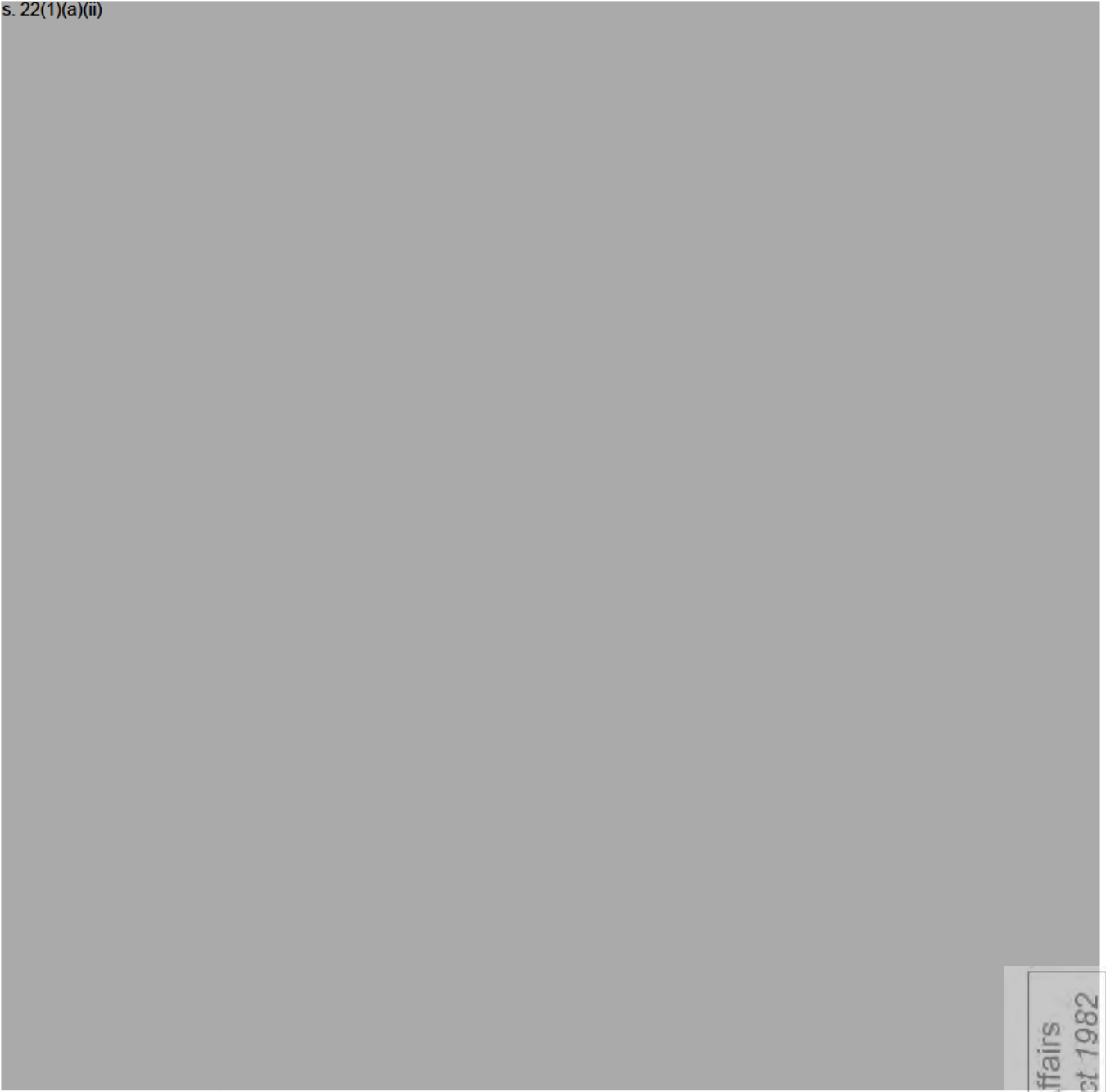
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EMBARGOED UNTIL ANNOUNCEMENT

COVID-19 Frequently Asked Questions

PRIORITY MIGRATION SKILLED OCCUPATIONS LIST AND LABOUR MARKET TESTING

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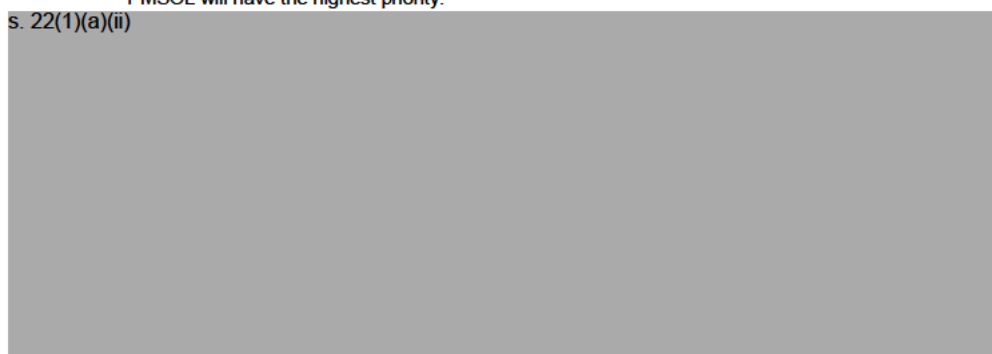
s. 22(1)(a)(ii)



I am sponsoring a worker under a labour agreement or designated area migration agreement, how will priority processing affect me?

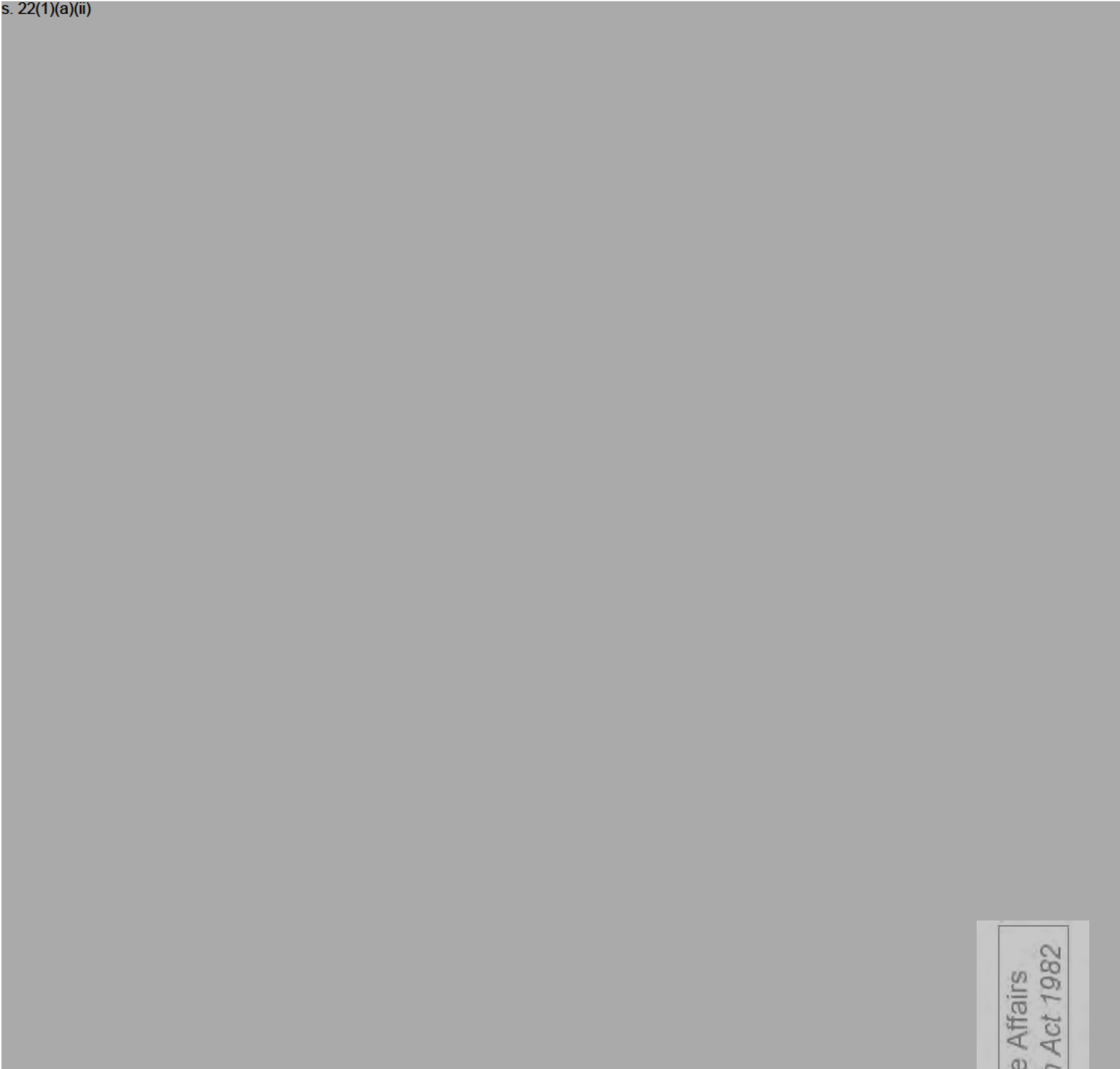
- Employers sponsoring workers under a DAMA or other labour agreement will continue to benefit from priority allocation. However, in recognition of the critical nature of the occupations listed on the PMSOL for the recovery of the Australian economy, applications involving occupations on the PMSOL will have the highest priority.

s. 22(1)(a)(ii)



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Submission to the Inquiry into the impact temporary migration has on the Australian economy, wages and jobs, social cohesion and workplace rights and conditions

Select Committee on Temporary Migration
July 2020

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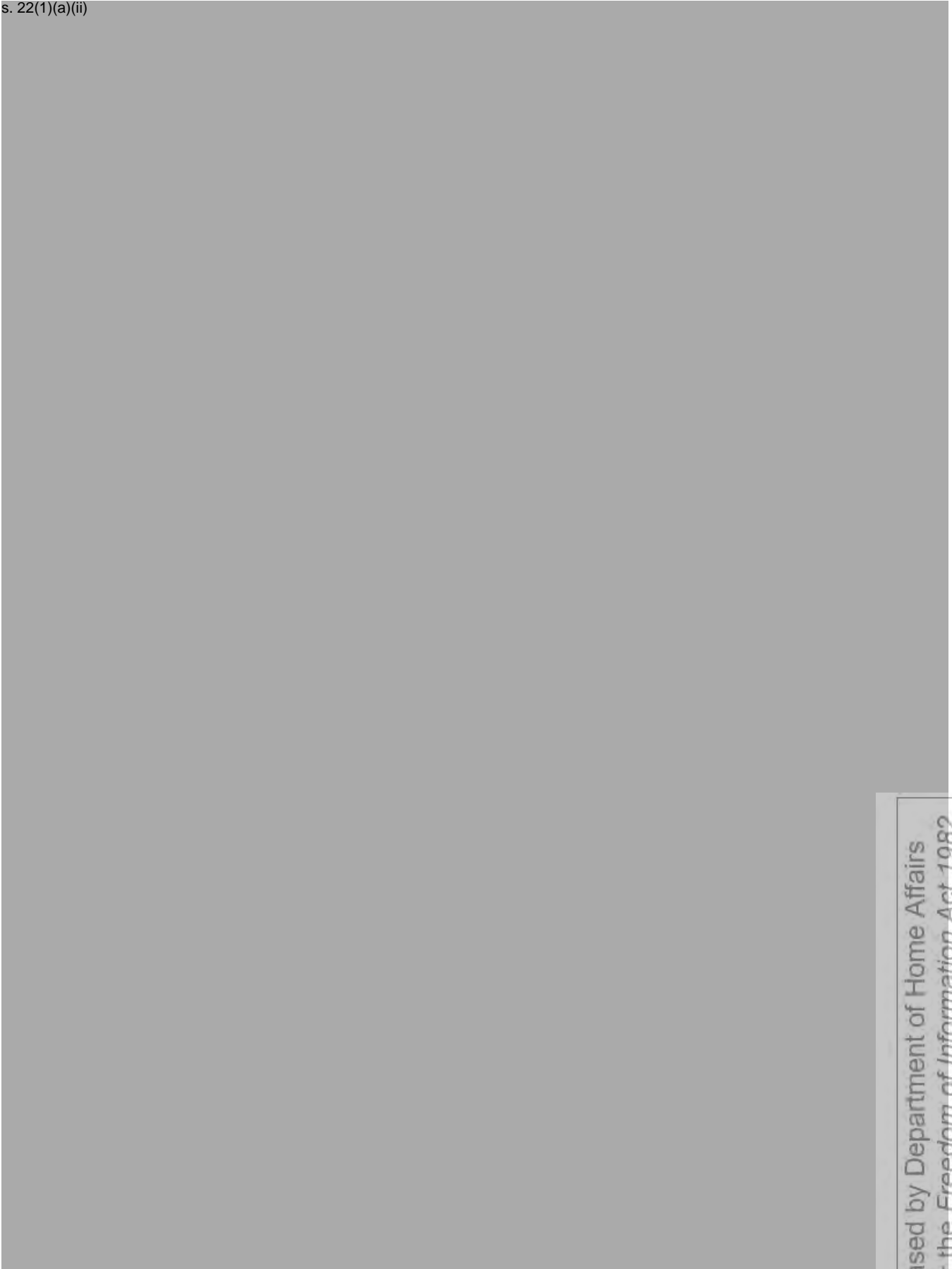
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1.1.5. Designated Area Migration Agreements

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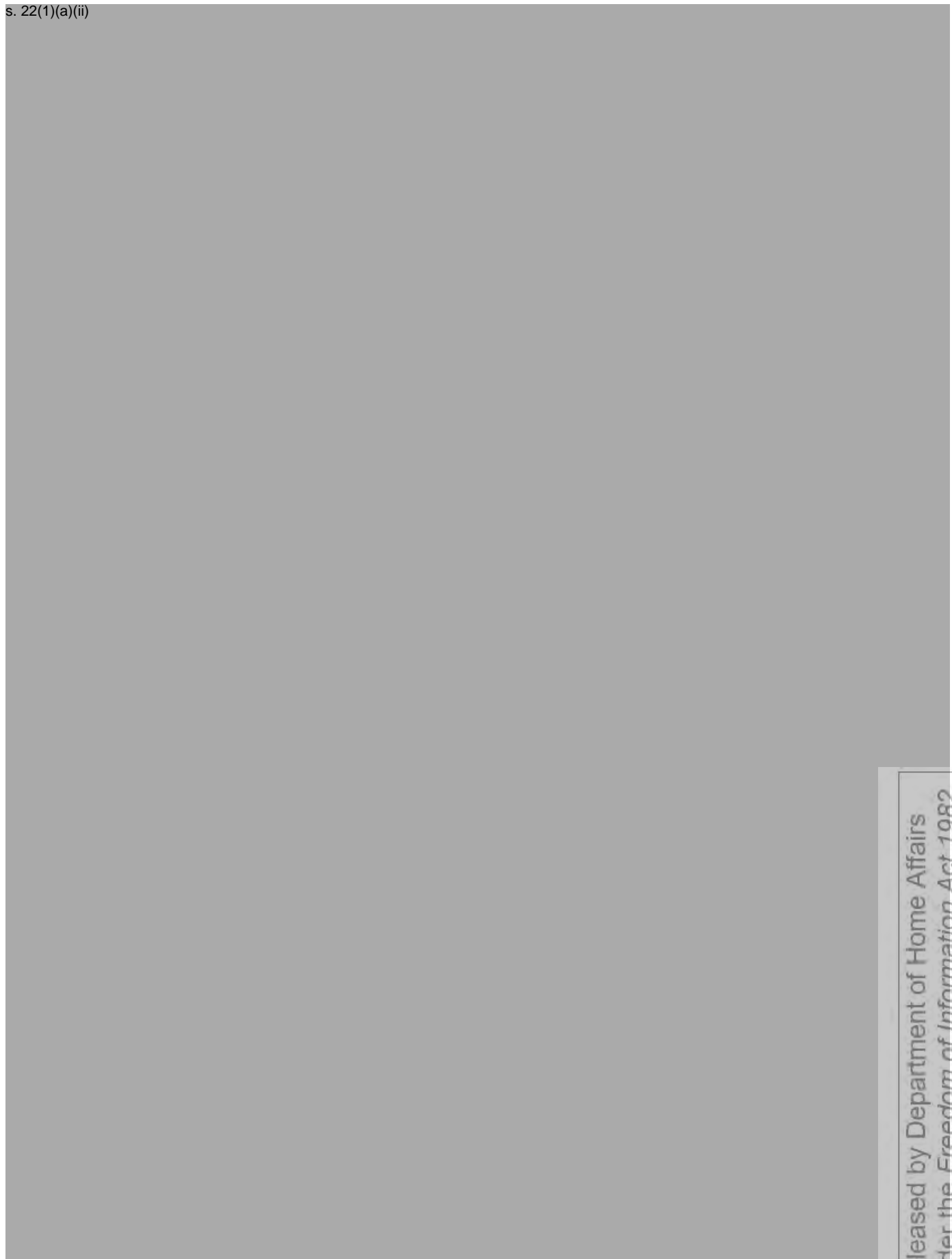
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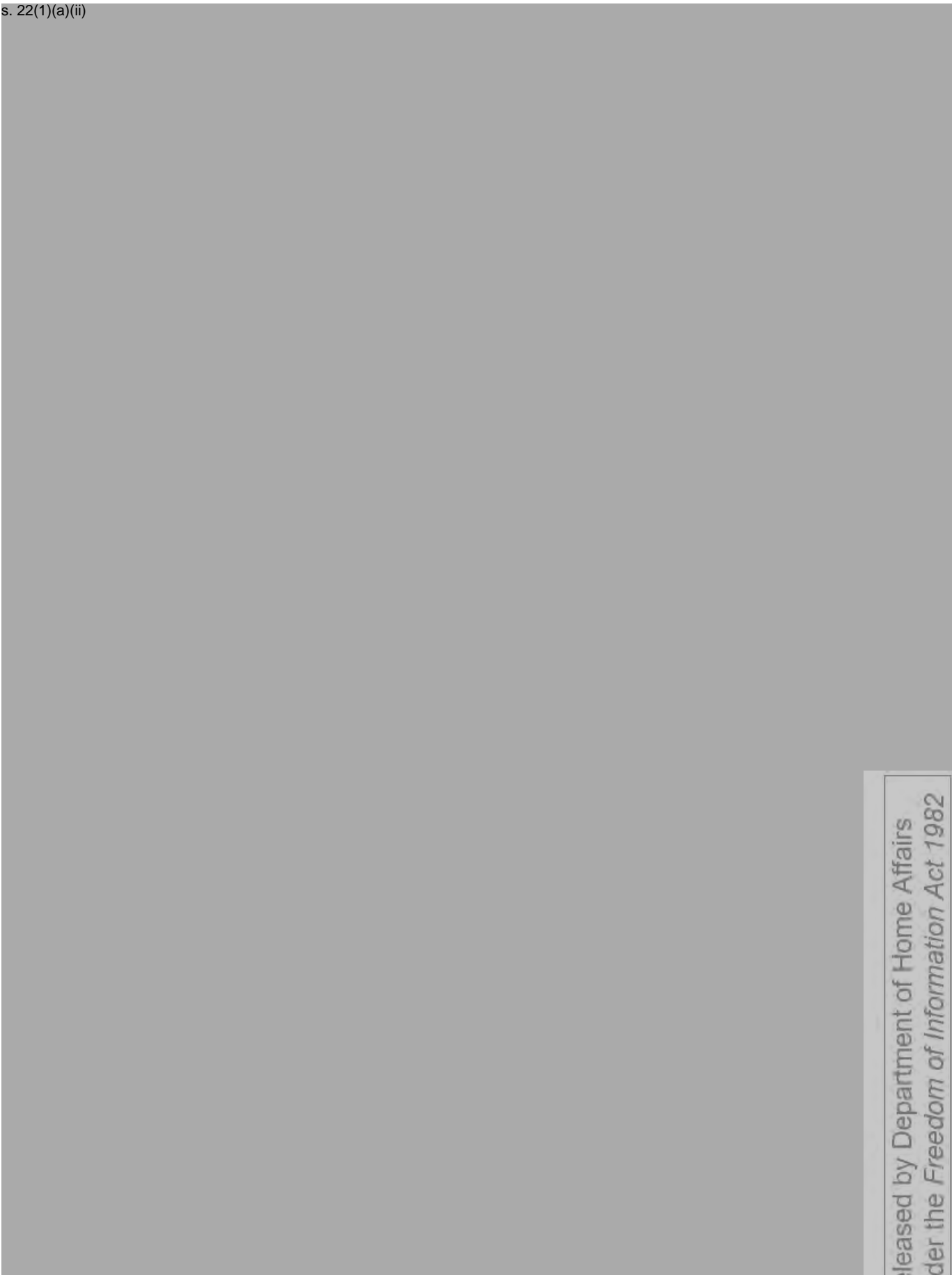


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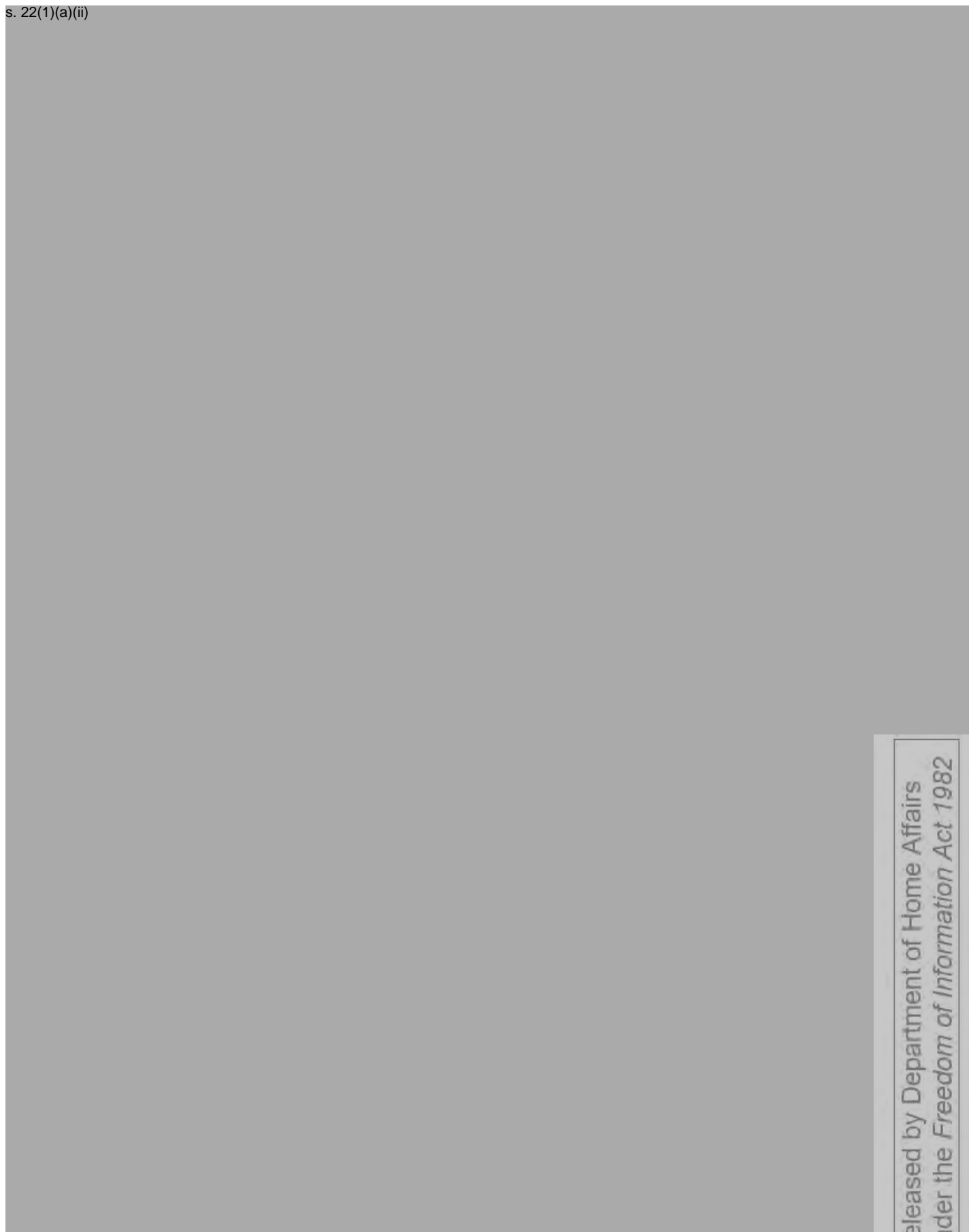
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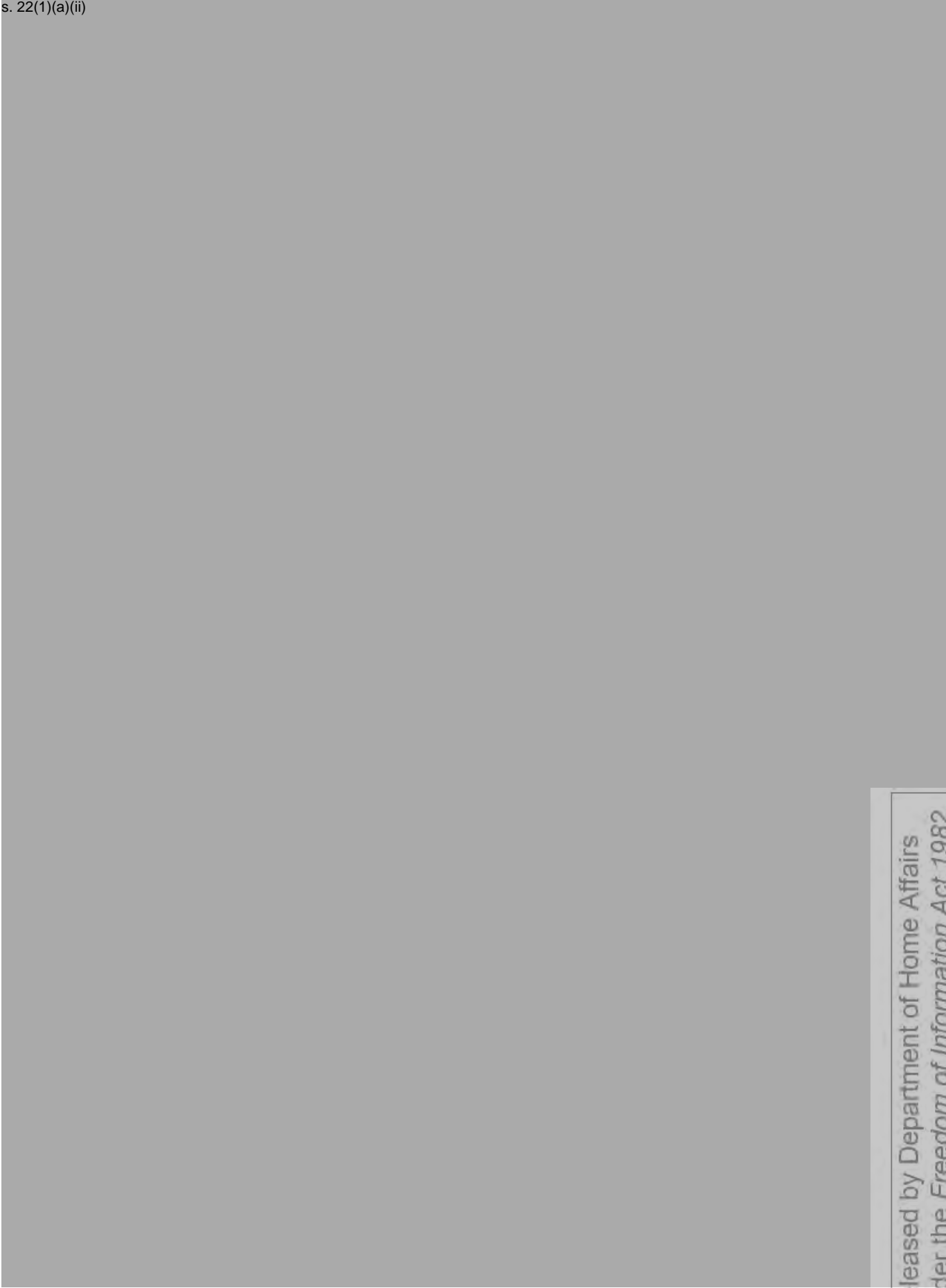
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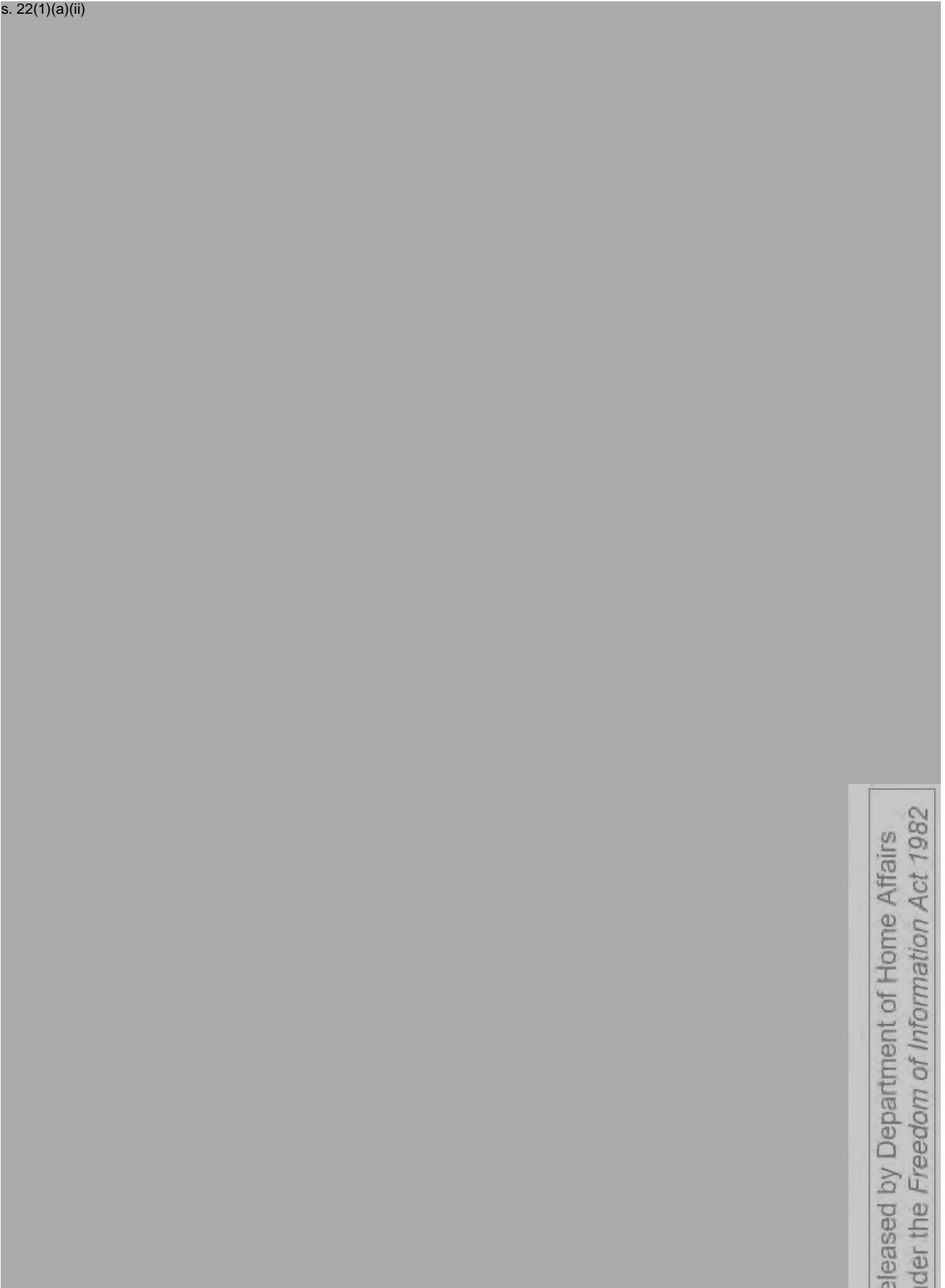
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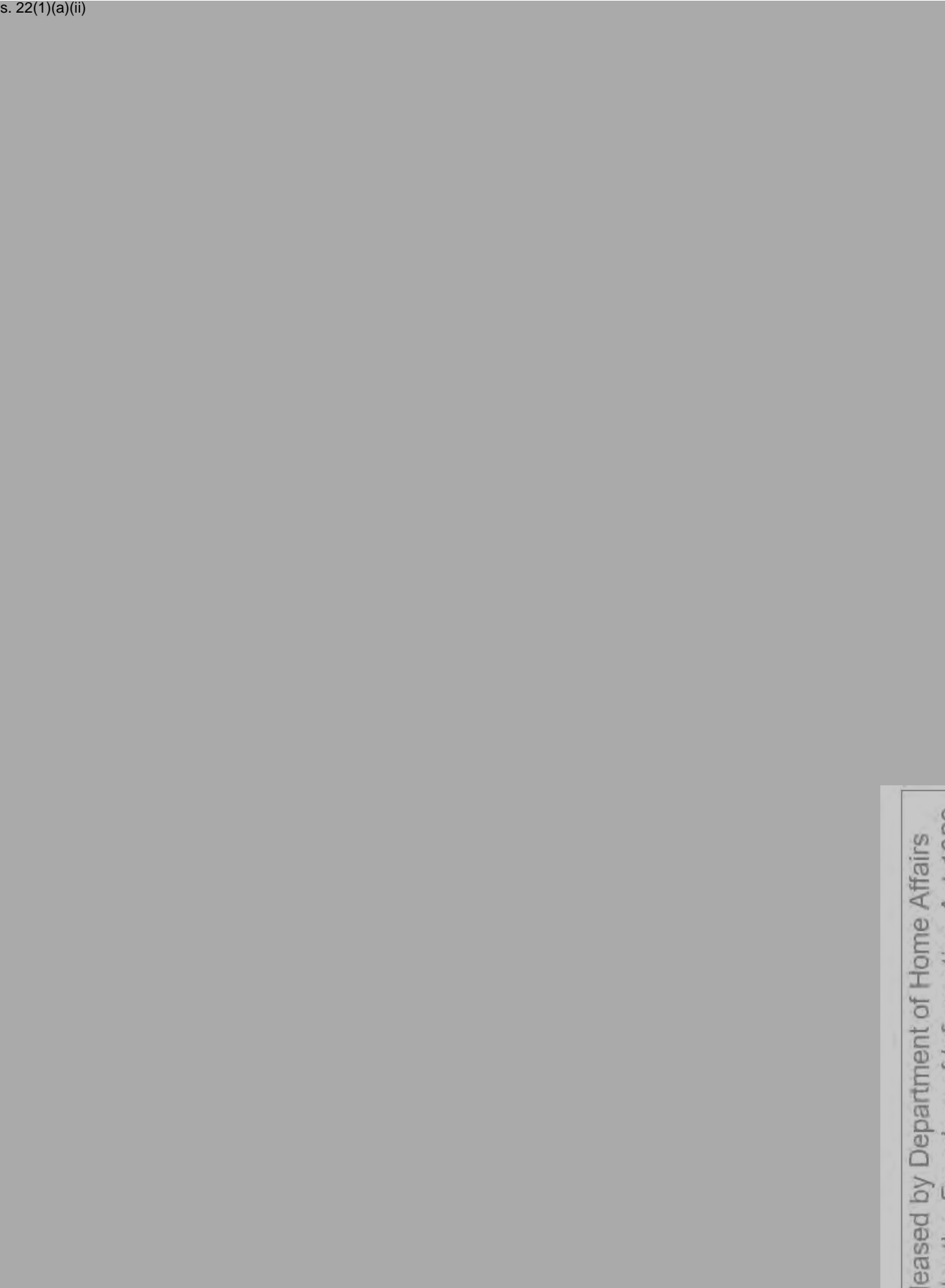
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1.1.5. Designated Area Migration Agreements

Designated Area Migration Agreements (DAMAs) are tailored agreements that enable designated regions to respond to their unique workforce shortages by accessing experienced overseas workers for vacant skilled or semi-skilled occupations that cannot be filled by Australian workers from the local labour market. The terms of each DAMA are negotiated individually and are agreed to by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs.

A DAMA is a two-tier framework covering a defined regional area. The first tier consists of an overarching five-year deed of agreement with a designated area representative (DAR) which may be any entity including state or territory authority, regional authority or local councils. The second tier comprises individual labour agreements with employers that are entered into once the employer is endorsed by the DAR.

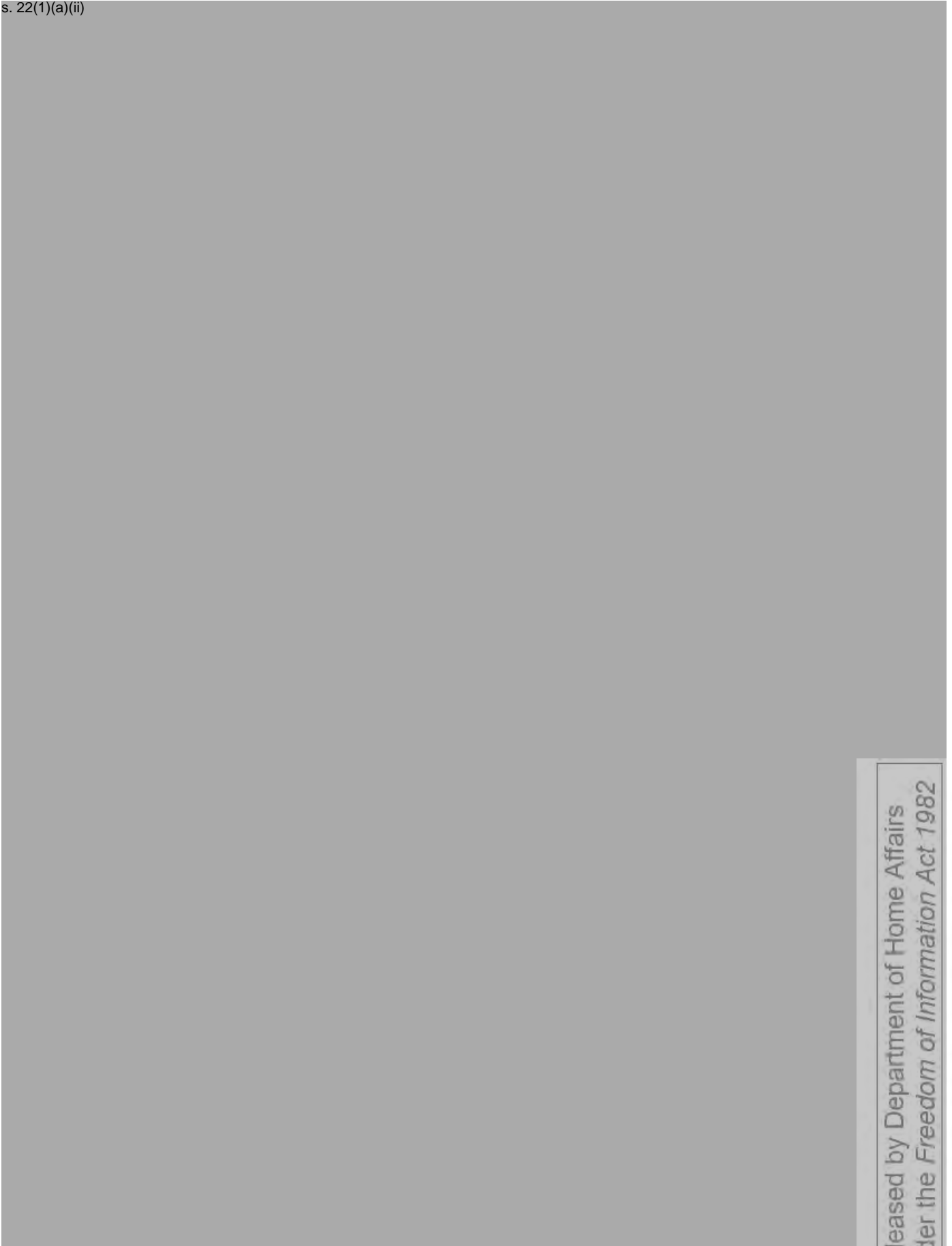
Through DAMA arrangements, employers in designated regions can sponsor skilled workers under the Temporary Skill Shortage (TSS) (subclass 482) visa, Employer Nomination Scheme (subclass 186) visa, and from the Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa, with a range of concessions that are not available under the standard visa programs.

There is some flexibility to determine the requirements to enter into a DAMA, and in what can be included in the DAMA, such as eligible occupations and access to permanent residence. However, there are also a number of legislative requirements that must be met, including payment of the SAF levy and demonstrating there is a genuine labour market need, in addition to English, health, character and other visa requirements.

There are currently seven DAMAs in effect with the following regions:

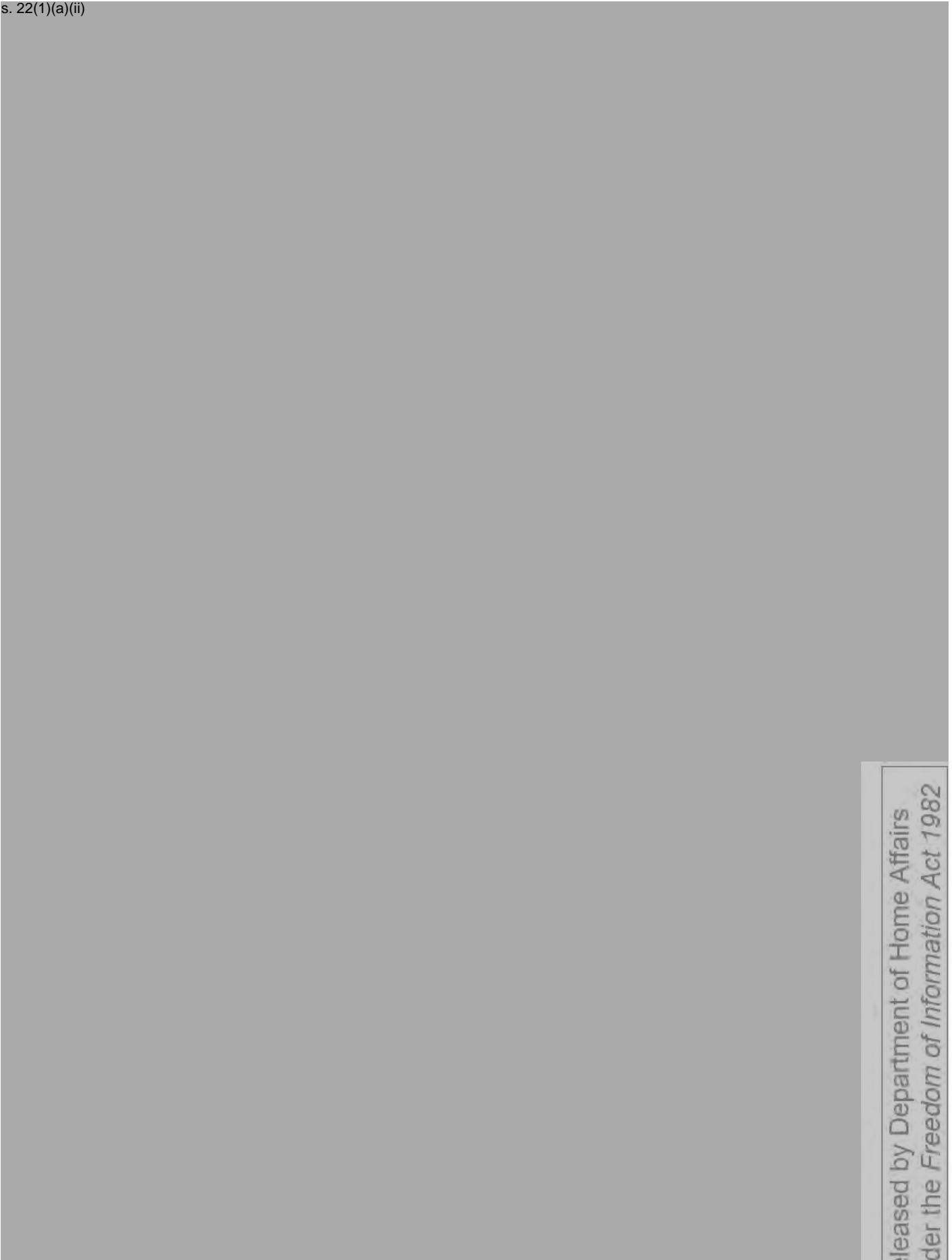
- Northern Territory (This is the NT's second DAMA. The initial DAMA expired in December 2018 DAR: Immigration NT) [13 December 2018 execution]
- The Goldfields, WA (DAR: City of Kalgoorlie Boulder) [21 March 2019 execution]
- Great South Coast, VIC (DAR: Warrnambool City Council) [26 March 2019 execution]
- Adelaide City; and Regional SA (DAR: Immigration SA) [3 April 2019 execution]
- Orana, NSW (DAR: Regional Development Australia – Orana NSW) [3 April 2019 execution]
- Far North Queensland (DAR: Cairns Chamber of Commerce) [4 April 2019 execution]

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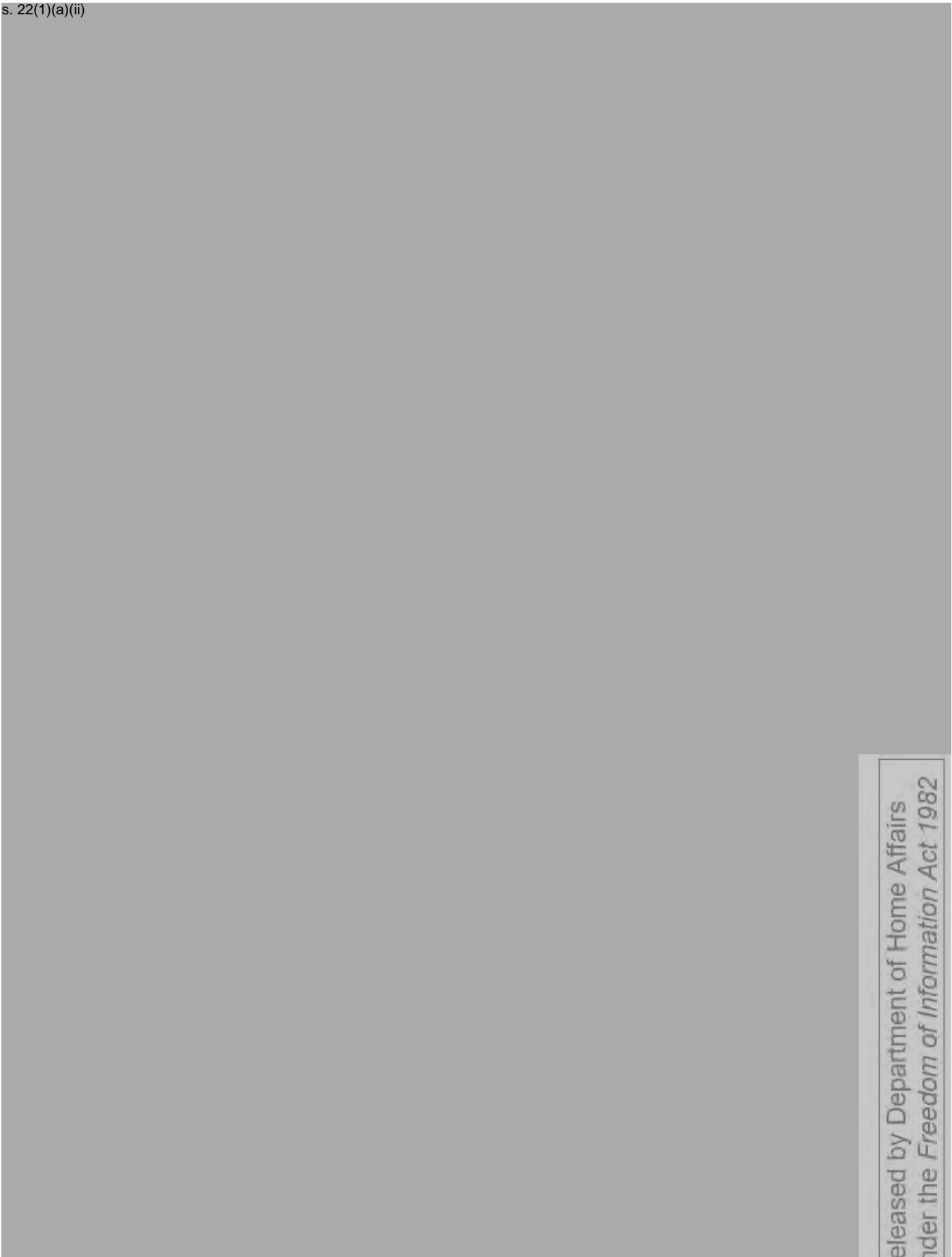
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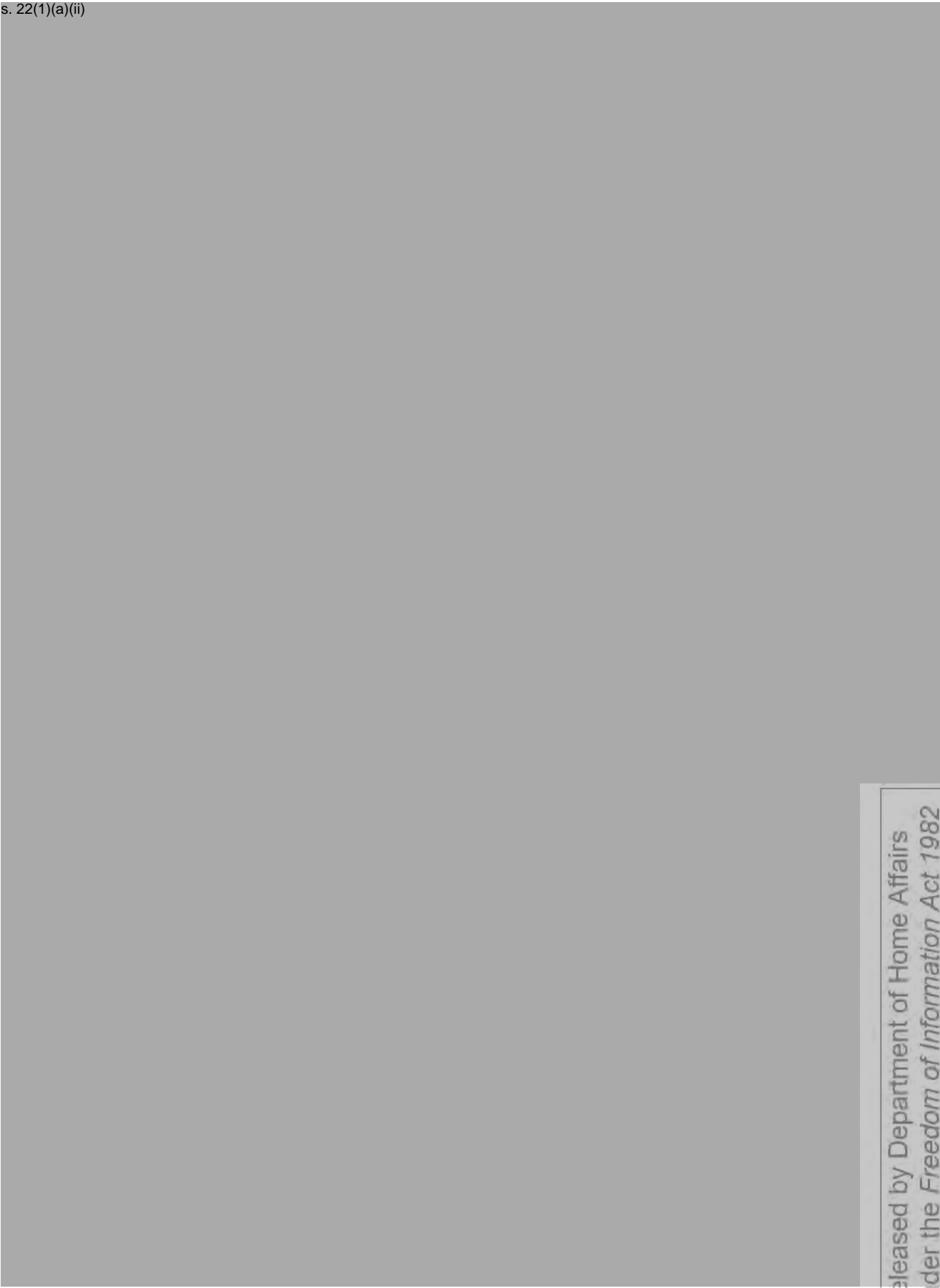
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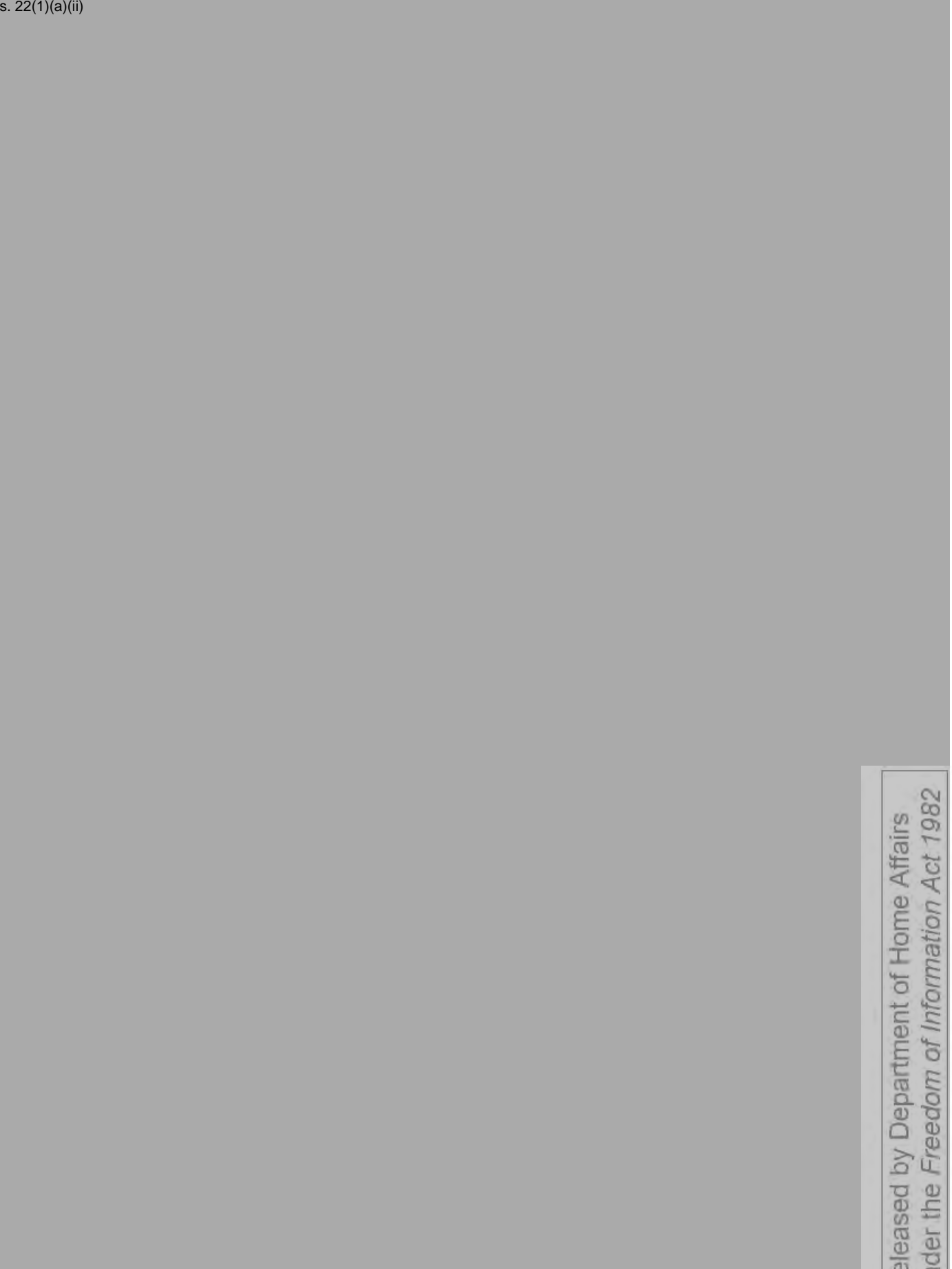
temporary migration has on the Australian
economy, wages and jobs, social cohesion
and workplace rights and conditions

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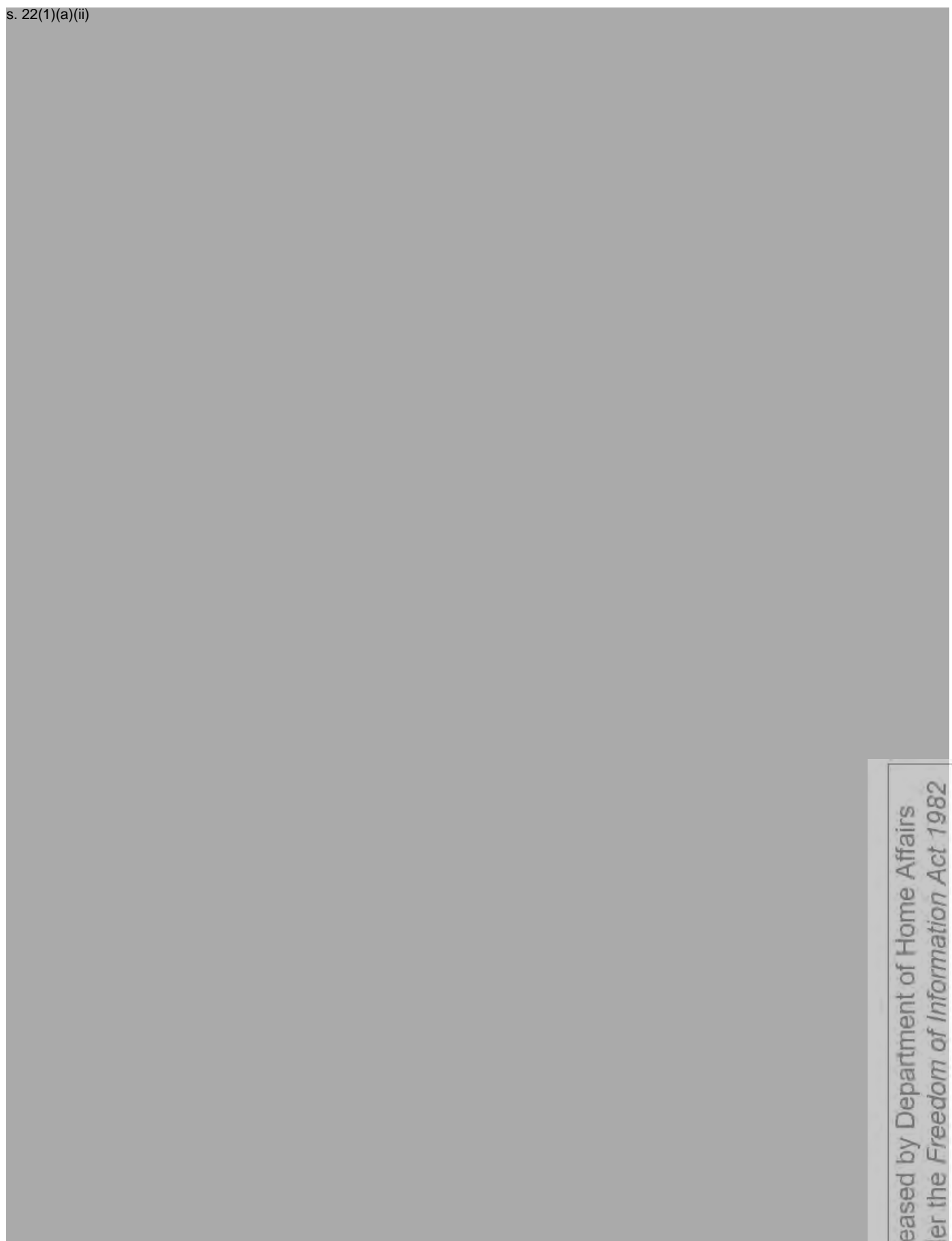
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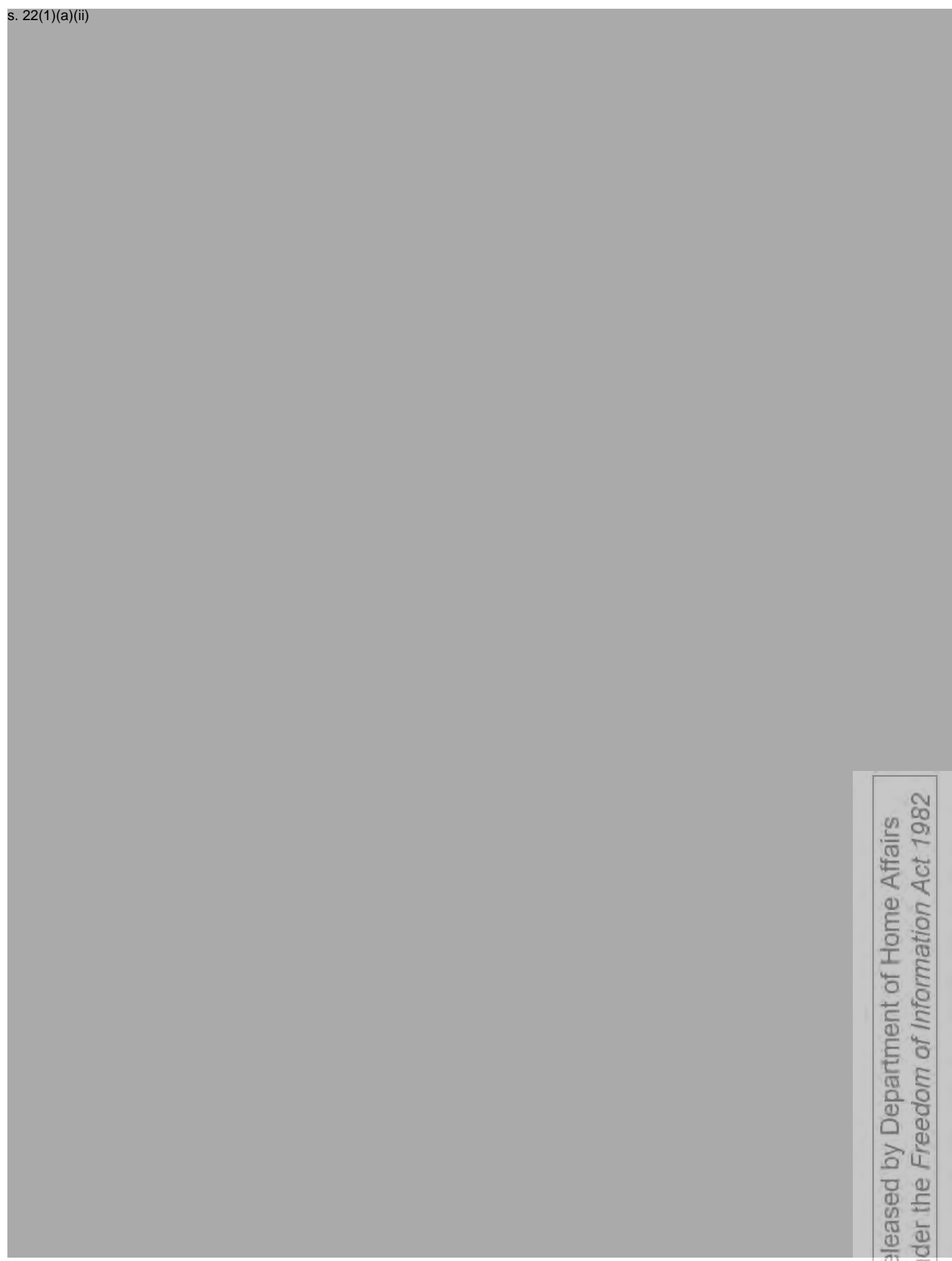
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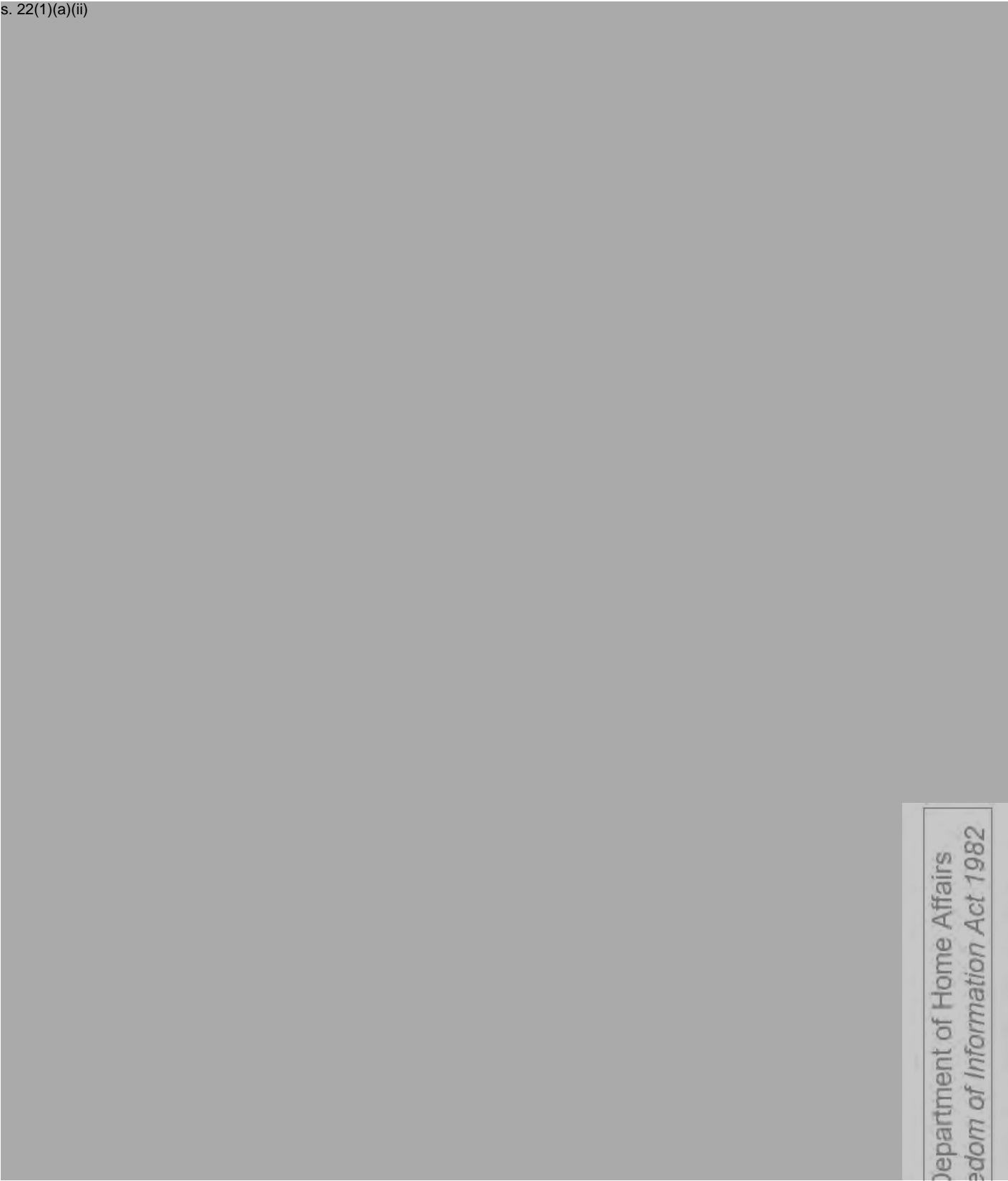
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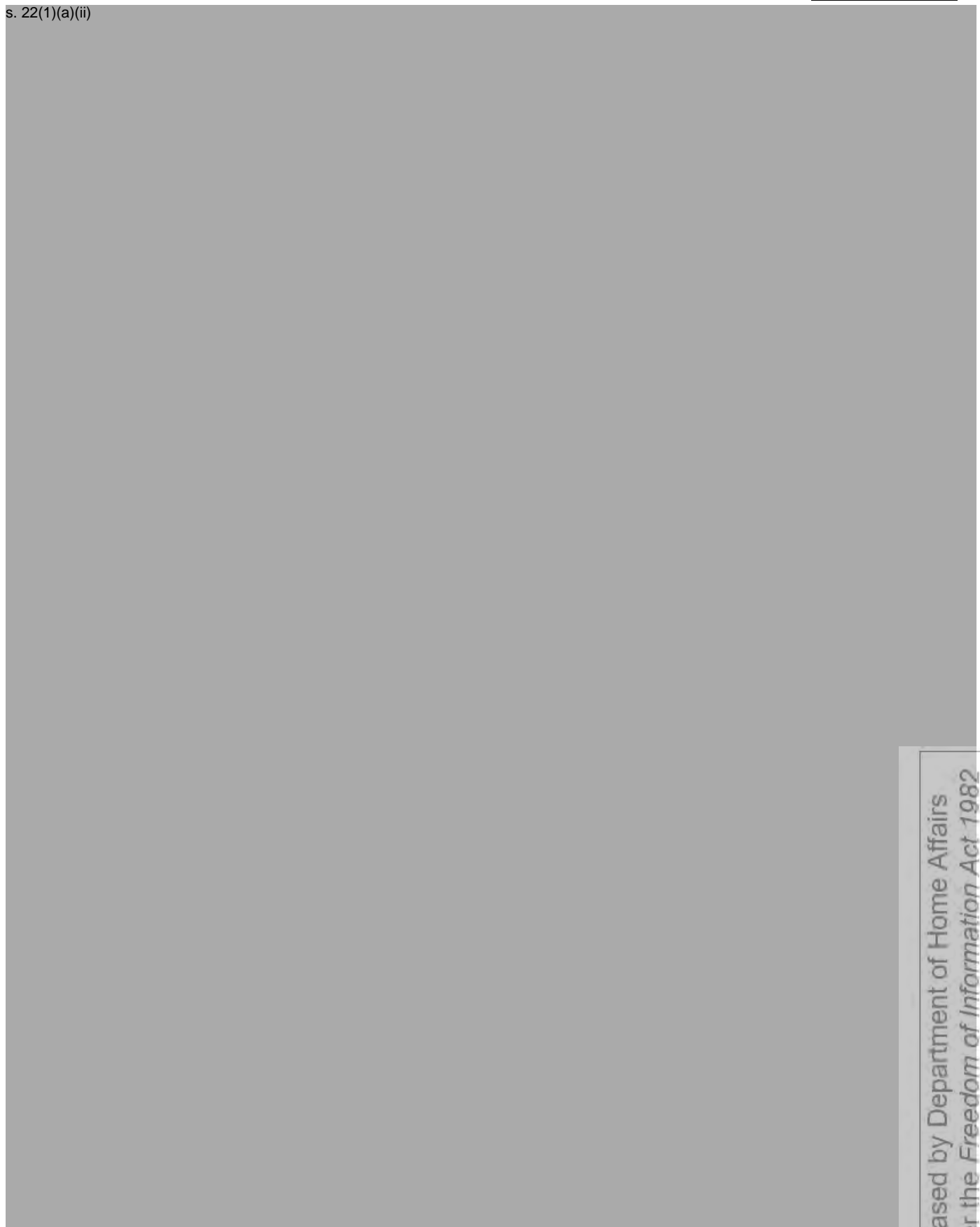
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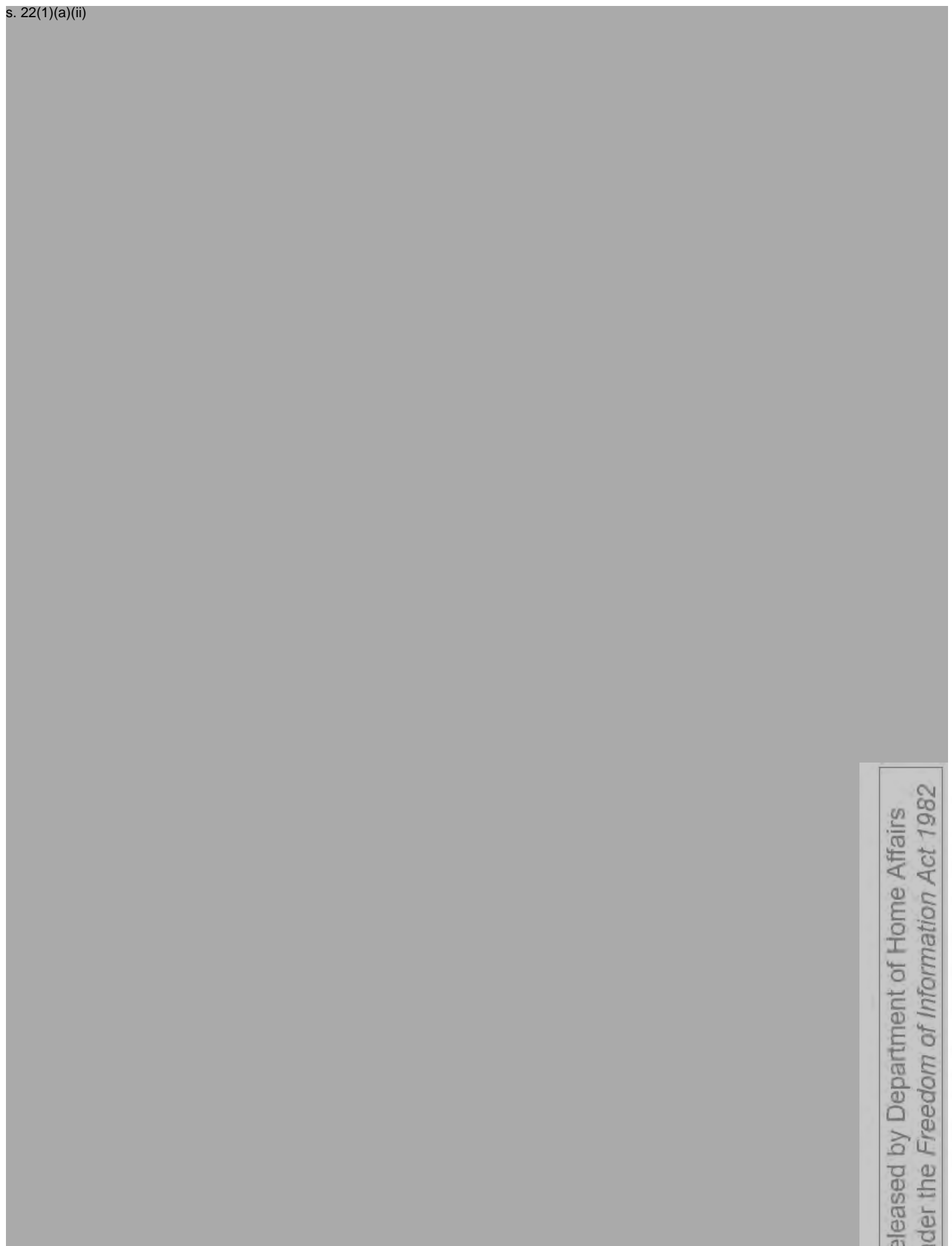
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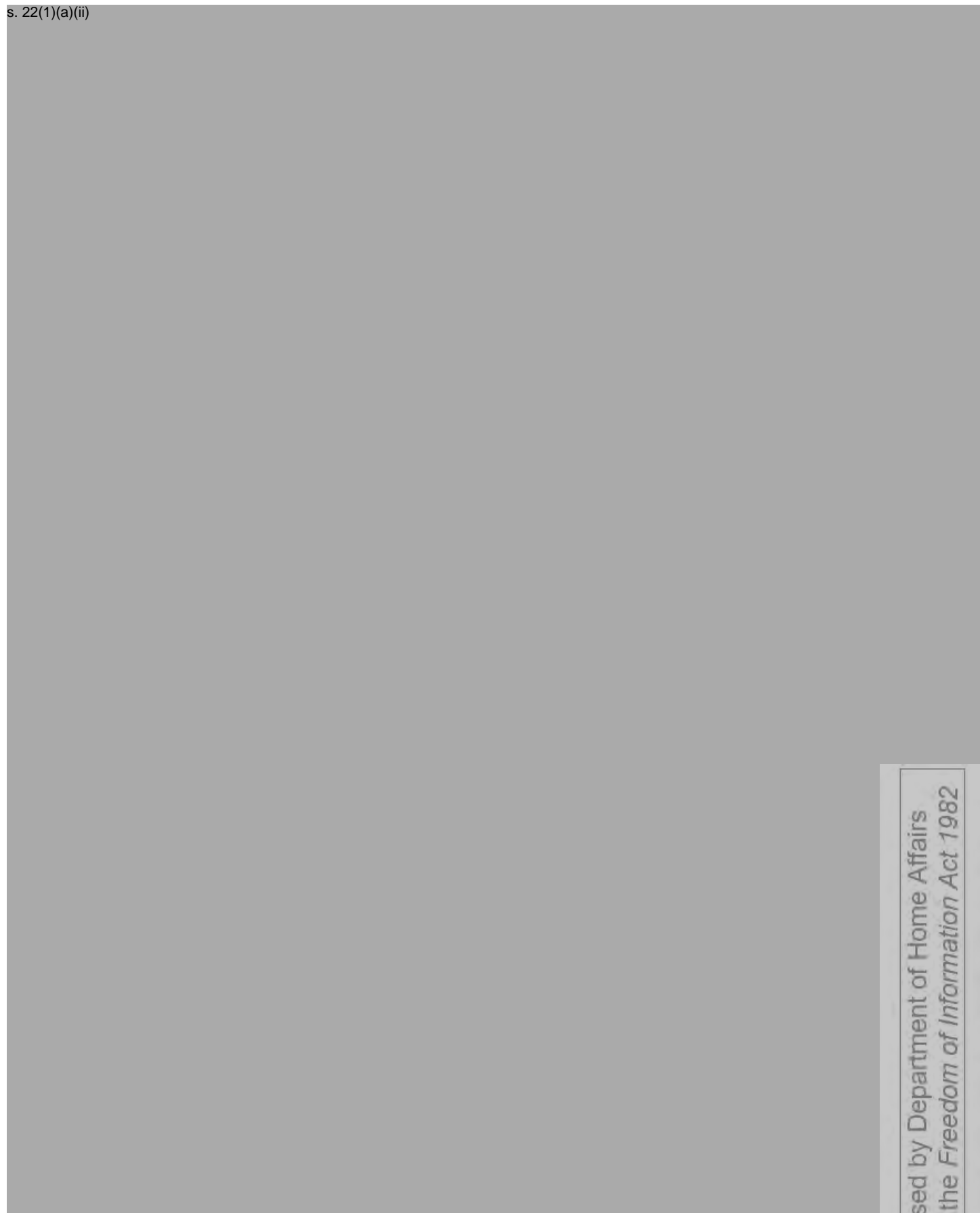
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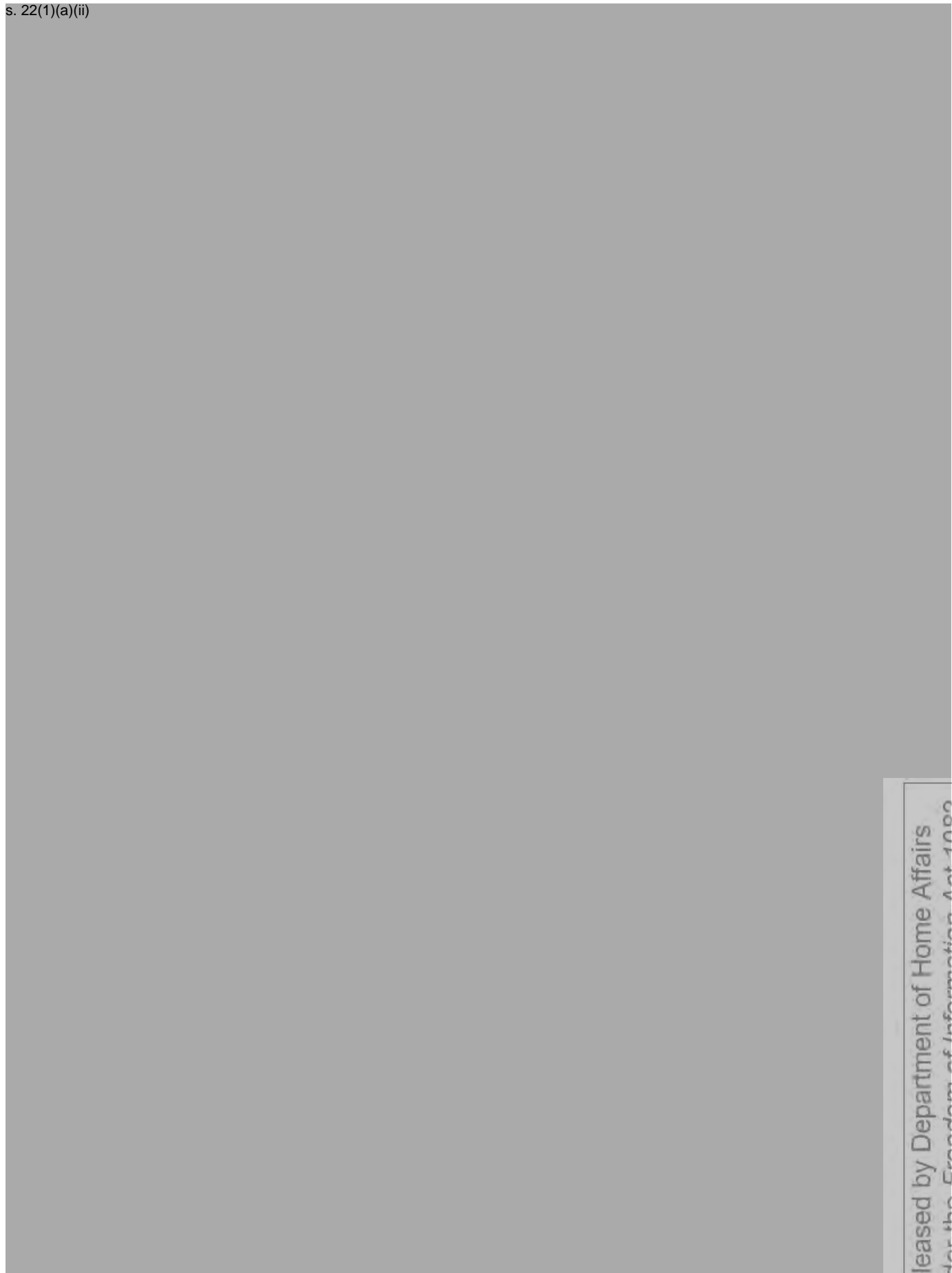
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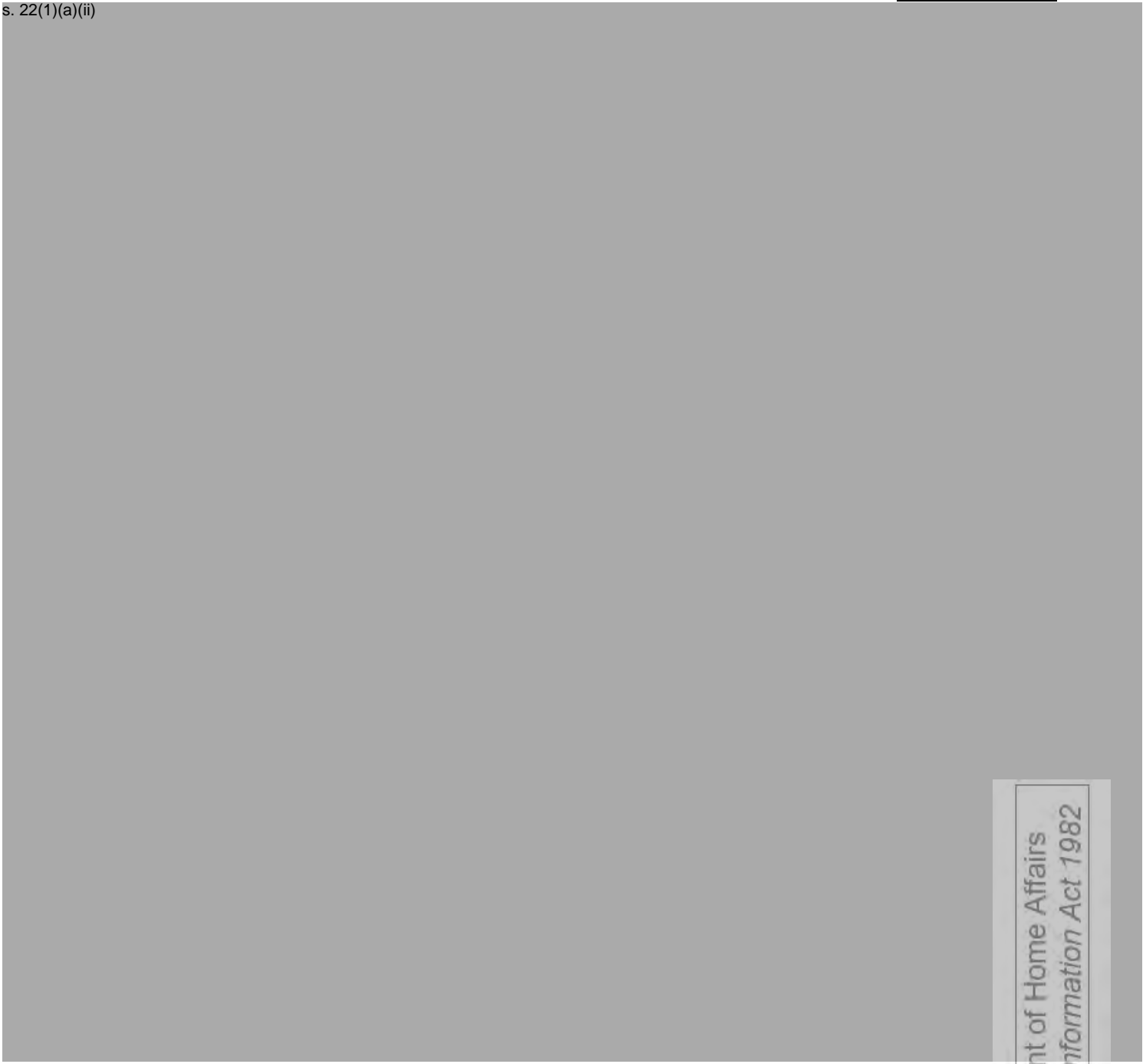


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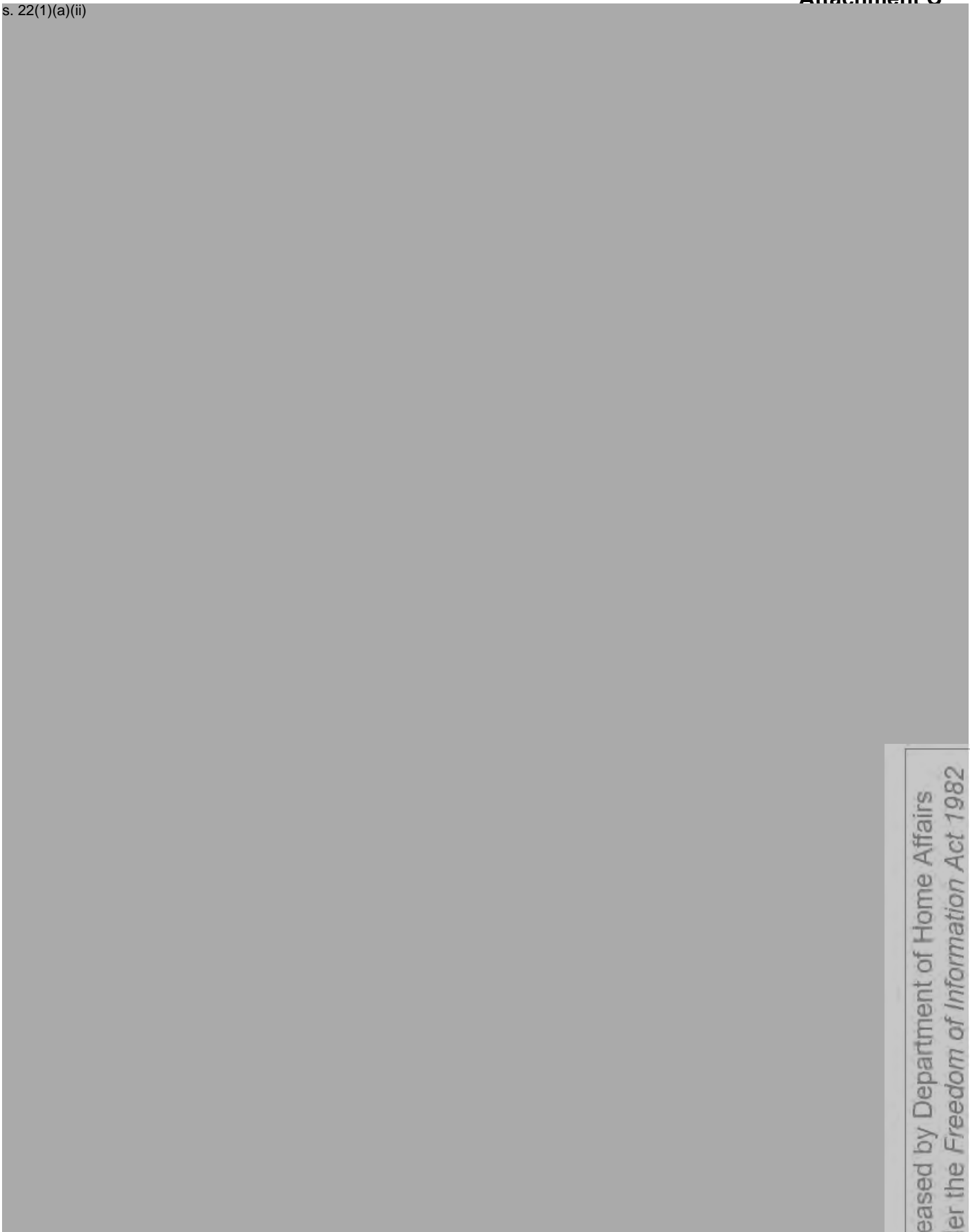


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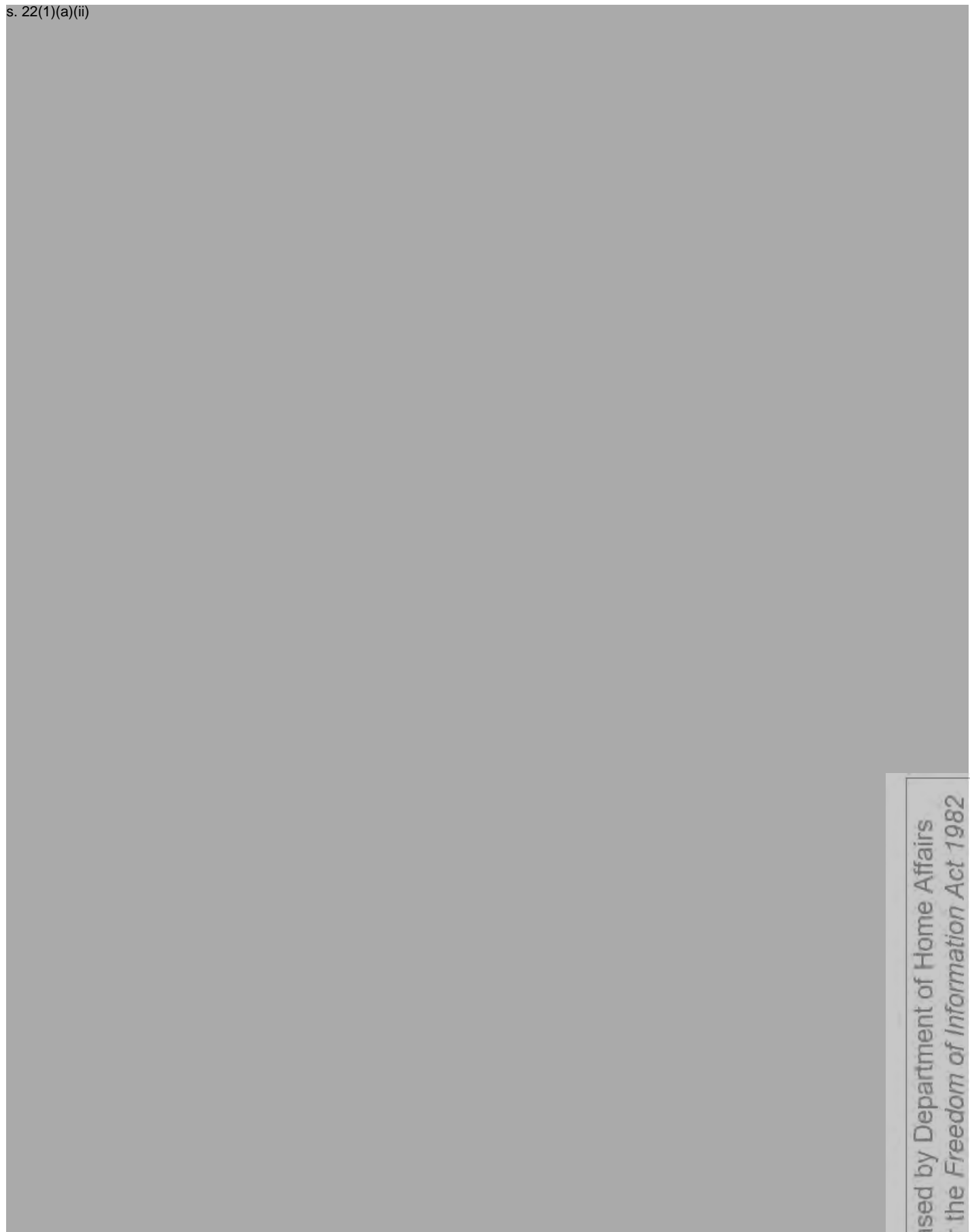
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