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Townsville North Queensland Designated Area Migration Agreement (TNQ DAMA)

Request for endorsement to access an
TNQ DAMA Labour Agreement
(TNQ DAMA v1 effective on or after 1 July 2022)

INFORMATION GUIDE

THIS DOCUMENT IS IN THREE PARTS:

PART 1 - THE TNQ DAMA AND HOW IT WORKS

PART 2 - INSTRUCTIONS FOR SUBMITTING A TNQ DAMA ENDORSEMENT REQUEST

PART 3 - TECHNICAL AND RELEVANT MATTERS RELATING TO THE TNQ DAMA

YOU SHOULD REFER TO THIS DOCUMENT IN CONJUNCTION WITH:

- A. THE CURRENT TNQ DAMA OCCUPATION LIST
- B. THE CURRENT TNQ DAMA REQUEST FOR ENDORSEMENT FORM

AS CONTAINED IN THE TOWNSVILLE ENTERPRISE [WEBSITE](#)

PART 1 – THE TNQ DAMA AND HOW IT WORKS

Townsville Enterprise is the Designated Area Representative (“DAR”) for the Townsville North Queensland Designated Area Migration Agreement (TNQ DAMA).

You should first read and ensure you understand the information in the Townsville Enterprise [website](#) and in this document (Parts 1-3) regarding the TNQ DAMA, its purpose, how it works, and whether it meets your needs.

Note that engaging overseas workers under the TNQ DAMA is a four-stage process. Requesting endorsement from Townsville Enterprise (the DAR) is the first stage.

By making this request you are seeking the endorsement of the DAR to be able to:

- access the **TNQ DAMA**; and
- request to enter into a Labour Agreement with the Commonwealth of Australia (**the Commonwealth**).

You can only access a Labour Agreement under the TNQ DAMA if you have first been endorsed by the DAR. You understand and accept that the DAR is under no obligation to endorse you to access a Labour Agreement.

The DAR 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.

Purpose of a Labour Agreement under the TNQ DAMA

A Labour Agreement under the TNQ DAMA is a legally binding agreement made between you and the Commonwealth, aimed at allowing you to sponsor overseas workers under the following visa programs:

- [Temporary Skill Shortage \(TSS\) Subclass 482 visa](#); [‘TSS visa’]
- [Skilled Employer Sponsored Regional \(Provisional\) \(SESR\) Subclass 494 visa](#); [‘SESR visa’]
- [Employer Nomination Scheme \(ENS\) Subclass 186 visa](#) . [‘ENS visa’]

Note that accessing a Labour Agreement under the TNQ DAMA is for circumstances where:

- there is a genuine, significant demand for workers in particular occupation(s) that cannot be met from within the Australian labour market; and
- the Overseas Worker/s could not otherwise be sponsored under standard skilled visa arrangements or apply for another type of visa.

Further information regarding other visa options can be found in the [Department of Home Affairs website](#).

Important concepts unique to the TNQ DAMA

Some important concepts and ways in which the TNQ DAMA process differs from standard visa pathways include:

The TNQ DAMA operates in a different way to standard skilled migration programs, using a **labour agreement** framework. This means that:

- An employer can obtain their own labour agreement, valid for up to five years, that includes:
 - Pre-approval for one or more occupations and positions in a broad range of skilled and semi-skilled occupations.
 - Concessions that provide incentives to attract and retain overseas workers to those positions, such as English, salary and/or age concessions, and a clearly defined permanent visa pathway, among others.
- An employer does **not** need to have identified the prospective worker/s to access a DAMA labour agreement:
 - The employer can nominate ('sponsor') overseas workers already in their employ; or
 - Attract suitably skilled and experienced overseas workers by having occupations and positions pre-approved, with concessions.
- A five-year TNQ DAMA labour agreement can be varied at any time, adding additional or new occupations and positions, or adding further concessions that are available if necessary.

Stages in accessing Overseas Workers through the TNQ DAMA

Accessing the TNQ DAMA is a two-step process. Nominating individual workers under a TNQ DAMA labour agreement involves a further two steps. The following diagram shows these four steps and who is responsible for each.



Stage 1 – DAR endorsement.

This is undertaken by Townsville Enterprise Limited as the DAR. You cannot proceed to Stage 2 unless you have DAR endorsement. To seek endorsement, complete the Request for Endorsement form referred to in Part 2 of this document and submit to the DAR. Endorsement involves paying an endorsement fee. Well-documented and presented endorsement requests are generally finalised by the DAR within five working days. Poorly prepared or incomplete endorsement requests may take longer.

Further information is available in the Townsville Enterprise website Skills & Migration page, and in Part 2 (instructions) and Part 3 (technical details) of this Information Guide.

Stage 2 – Requesting a Labour Agreement with the Department of Home Affairs.

Once DAR endorsement is achieved, the employer then applies online to the Department of Home Affairs for a TNQ DAMA Labour Agreement, using the DAR endorsement letter from Stage 1. Departmental time frames apply; however, the employer is generally able to nominate overseas workers for endorsed occupations and positions **before** the TNQ DAMA labour agreement is finalised.

Requesting a Labour Agreement includes meeting mandatory legislative requirements as at the date you submit that request online. This includes evidence that you have genuinely tried to recruit from within the Australian labour market, through [prescribed Labour Market Testing \(LMT\)](#). Labour Agreement requests that do not meet the LMT requirements will not be successful.

A Labour Agreement, once signed, can be valid for up to five years, and generally specifies how many occupation/s and position/s you can nominate in each year of the agreement.

There is provision to vary and update/add to a Labour Agreement throughout its life. If this involves adding or changing occupation/ and/or position/s and/or visa types. This will entail further DAR endorsement.

NOTE: Stages 1 and 2 above are about the business need for the occupation/s and position/s, and **not** about prospective individual overseas workers even if they are already in your employ.

Stage 3 – Nominating individual visa applicant/s.

Once you have a Labour Agreement in place with the government, you can then nominate specific individual Overseas Workers against the occupation/s and position/s stated in the Labour Agreement, up to the capacity and within the year specified in that agreement.

Nominations are lodged with the Department of Home Affairs and attract fees/charges. See the individual visa links on page 1 of this document for details.

Note that the [prescribed Labour Market Testing \(LMT\)](#) undertaken for the Labour Agreement Stage also needs to be current when you lodge an associated nomination application.

Stage 4 – Individual Nominee/s apply for their visa.

This is the final stage when the nominated individuals apply for their visa, undergo police checks, medical checks, and other criteria specific to them.

Varying an existing TNQ DAMA Labour Agreement

If you have a TNQ DAMA Labour Agreement in place before commencement of the variations detailed in this TNQ DAMA Information guide (Version 1), note that the new version does not change the requirements listed in your existing labour Agreement.

However, you can seek endorsement from the DAR to vary your existing labour agreement in respect of any occupations or concessions in this current TNQ DAMA (for example, to add occupations and/or concessions that were not included in the TNQ DAMA at the time you were approved for your existing TNQ DAMA Labour Agreement).

Objectives of the TNQ DAMA

The objectives of the TNQ DAMA are to complement existing Australian Government initiatives to address skills and labour shortages by:

- Providing the TNQ Designated Area with a flexible mechanism to address workforce shortages and support workforce planning.
- Enabling employers in the TNQ Designated Area, who are unable to recruit appropriately qualified Australians, to supplement their workforce with access to Overseas Workers.
- Enhancing the economic performance of TNQ Designated Area employers who enter associated TNQ DAMA Labour Agreements.
- Ensuring that Overseas Workers sponsored through TNQ DAMA Labour Agreements receive terms and conditions that meet applicable Australian workplace Law and are no less favourable than those provided to Australian workers.
- Promoting the training of Australians by employers entering into a TNQ DAMA Labour Agreement.

PART 2 - INSTRUCTIONS FOR SUBMITTING A TNQ DAMA ENDORSEMENT REQUEST

Under the agreement with government, Townsville Enterprise Limited, in its role as the DAR, is required to consider a range of relevant matters when deciding whether to endorse your business to access a Labour Agreement under the TNQ DAMA. Those relevant matters are outlined at [Part 3](#) of this document.

To assist the DAR in deciding whether to endorse you, you must provide the following with your request. All documents referred to below are accessible in the Townsville Enterprise [website](#).

The above information outlined below should be submitted as PDF attachments (or a single attachment - other than the Credit Card Authority form) by email to the DAR at DAR@tel.com.au. The Credit Card Authority form **must** be a separate attachment on its own.

There is no need to provide any information with a Request for Endorsement other than that listed below, unless requested to do so by the DAR.

Endorsement Request (new or additional occupations or positions)

1. A **Credit Card Authorisation Form** for payment of the TNQ DAMA DAR endorsement fee (see below for fee schedule). Note that this fee is payable per position being sought. The Credit Card Authorisation Form must be submitted as its own separate PDF attachment – not combined with other information.
2. A completed and signed **Request for Endorsement** form;
3. A signed **Business Declaration**;
4. A **covering letter/submission** (maximum four pages) that clearly addresses the following points:
 - a. Why you are seeking endorsement to access the TNQ DAMA rather than standard visa programs/streams;
 - b. Why you need the overseas workers you are seeking, including reasons for the occupation type and number of positions;
 - c. For each occupation sought, why you have not been able to fill the positions from within the Australian labour market:
 - i. You should include a summary of recruitment attempts, including time period and places advertised, a description of whether any Australian citizens or permanent residents applied and if not suitable, why not suitable (refer Item 1.5 in Part 3 of this document);
 - d. The proposed salary for the position/s and how you determined that salary;
 - i. If there are any equivalent Australian workers, you should indicate what their salary is as a comparison (refer Item 1.6 in Part 3 of this document);
 - e. If you are seeking any concessions under the DAMA (English language and/or age concession), the reasons why you need to access those concessions (refer Items 1.7, 1.8 and 1.10 in Part 3 of this document):
 - i. If seeking an **English language concession**, evidence that you have considered workplace health and safety matters impacted by a lower level of English and how

you plan to address them, information about the impact a lower English level may have on the Overseas Worker/s' ability to conduct skills transfer with Australian employees, and the Overseas Worker/s' ability to settle in the community.

- f. (Optional) if you have an outstanding immigration matter before the Administrative Appeals Tribunal (AAT) or the courts, any information about this in the context of the request for endorsement being made.
5. A **position/job description** for each occupation sought.
 6. An **organisation chart** for your business showing where the position/s sought are located and who they report to:
 - a. You should indicate in the chart which or how many positions are occupied by Australian citizens/permanent residents and how many are occupied by Overseas Workers (i.e. temporary visa holders), and indicate whether the positions are full-time, part-time, or casual;
 - b. If you employ any trainees, interns, or apprentices, these should be included.
 7. If not on your website, 2-4 images of your business can be a useful addition. Examples:
 - a. For a restaurant, images can show the size and seating capacity;
 - b. For a farm, an aerial photo (or Google Maps image) with your property outlined can show the scale of your operations.

Important points to note

You should note that the DAR is required to send **all** supporting information that is submitted with an endorsement request, to the Department of Home Affairs along with the endorsement letter. Note that the DAR, in its absolute discretion:

- May request further evidence and information from you that it considers necessary and relevant to assess your request for endorsement; and
- May email you (or your registered migration agent if you have authorised one) to discuss aspects of your request for endorsement.
- Only complete applications will be assessed.

For more detailed information about what the DAR considers when assessing an endorsement request, and the types of additional information it may request, refer to Part 3 of this document. For TNQ DAMA Frequently Asked Questions (FAQs), [click here](#).

DAR Request for Endorsement fee

The **endorsement** request fee (per position) is payable in full at time of requesting endorsement. The TNQ DAMA **standard endorsement** request fee (per position sought) is:

Business Size	Member Rate (incl. GST)	Non-Member Rate (incl. GST)
1 – 50 Staff	\$880	\$1100
51 – 100 Staff	\$1240	\$1550
101 – 200 Staff	\$1450	\$1812
201 – 500 Staff	\$1640	\$2050
Over 500 Staff	\$1800	\$2250

**Townsville Enterprise Membership must be held by the employing entity (not their agent), must be a current annual membership fully paid.*

Townsville Enterprise has zero tolerance for false or misleading information, statements, or documents submitted with TNQ DAMA endorsement requests, whether from the sponsoring business or their agent.

PART 3 - TECHNICAL AND RELEVANT MATTERS RELATING TO THE TNQ DAMA

This part includes technical and relevant matters under the TNQ DAMA, and what you may be asked to demonstrate as part of a request for.

Throughout this Attachment:

- “DAR” means Townsville Enterprise Limited in its role as Designated Area Representative (DAR);
- “TNQ DAMA” means the Townsville North Queensland Designated Area Migration Agreement.
- “TNQ DAMA Occupation List” refers to the TNQ DAMA Occupation and Concessions List in effect from 1 July 2022.
- “TSS visa” means the Subclass 482 (Temporary Skill Shortage) visa.
- “SESR visa” means the Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa; and
- “ENS visa” means the Subclass 186 (Employer Nomination Scheme) visa.

1.1 Designated Area

The TNQ DAMA Designated Area includes City of Townsville, Hinchinbrook Shire, Charters Towers Regional Council, Burdekin Shire, City of Mount Isa, Shire of Cloncurry, Shire of McKinlay, Shire of Richmond and Shire of Flinders.

The DAR will consider:

Whether your business is operating within the Designated Area and has been doing so for at least 12 months unless exceptional circumstances exist. You may be asked to provide:

- *Evidence that the business is operating within the Designated Area for a period of at least twelve months (unless exceptional circumstances exist).*

The DAR will consider:

Whether the position/s to be filled (as opposed to the business) will be located in the Designated Area.

The Overseas Worker may be able to travel outside the area for work-related reasons for short periods of time where this is consistent with the declared duties of the position. Note that you must seek the agreement of the Department of Home Affairs if the Overseas Worker will be outside of area for more than three out of twelve months.

1.2 Occupations

Occupations accessible under the TNQ DAMA agreement in place as of 1 July 2022 are those in the TNQ DAMA Occupation List on the Townsville Enterprise [website](#).

Some occupations in the combined Skilled Occupation List used in standard skilled visa programs are subject to caveats. The TNQ DAMA includes the following provision that removes all caveats from occupations in the TNQ DAMA Occupation List.

‘Caveats not to apply’

None of the matters specified in an instrument made under sub regulation 2.72(9) of the Migration Regulations, for the purpose of determining whether an occupation applies to a nominee, (called ‘caveats’ in Departmental policy instructions) applies to any occupation specified in this Agreement.

1.3 Good Corporate Citizen

The DAR will consider:

Whether you have been actively operating for at least twelve months and are financially viable. You may be asked to provide business documents, including for associated entities (if applicable) such as:

- *your Business Registration Certificate;*
- *Australian Business Number (ABN);*
- *Australian Company Number (ACN) (if applicable);*
- *Trust Deed (if applicable); and*
- *recent financial accounts or BAS statements; and*
- *a letter of support from a registered Chartered Accountant or a Certified Practising Accountant confirming that you have been actively operating for at least twelve months and have the financial capacity to meet the migration obligations for the workers you wish to sponsor, for the proposed period that they will be employed by you. The letter must include the key financial data i.e. your turnover, net assets and profit/loss for the most recent financial year.*

If you have been subject to any relevant investigations or audits, resulting in an adverse finding to the business or any associated entities (including previously associated entities) in the last five years by bodies such as:

- *the Office of the Fair Work Ombudsman, or former authority with this function, or relevant State or Territory government authority in relation to compliance with workplace relations provisions;*
- *the relevant State or Territory government authority in relation to compliance with occupational health and safety provisions; and*
- *The Department of Home Affairs (Home Affairs) in relation to compliance with migration provisions;*

Then you will need to provide information about any such investigations or audits with this endorsement request. Any other relevant adverse information should also be declared.

1.4 Genuine vacancy

The DAR will consider:

Whether the position/s you are seeking to fill are genuine and there are genuine vacancies. You may be asked to provide:

- *Evidence of trading hours, business expansion and business structure;*
- *Position descriptions;*
- *Sample of employment contracts.*

1.5 Labour market testing (LMT)

The DAR will consider:

Whether genuine attempts have been made to fill the position/s from the Australian labour market. You may be asked to provide:

- *Evidence of advertising the position/s within Australia, and the outcome of those attempts;*
- *A description of the history of attempts to recruit to the position/s.*

Evidence of LMT must accompany TNQ DAMA Labour Agreement requests to the Department of Home Affairs as well as TSS or SESR Nominations lodged in accordance with a TNQ DAMA Labour Agreement.

For LMT purposes, Townsville North Queensland is a Category 3 location. For Category 3 locations:

- You must be able to demonstrate at least two separate attempts to test the Australian labour market for the nominated occupation:
 - one advertisement must have national reach;
 - the other may be advertised locally (within the designated area only).
- The evidence provided should be equivalent to that required under the standard skilled visa program but may include advertising conducted on either yours (the sponsor's) or an/or industry website.
- LMT attempts must have been conducted in the last twelve (12) months prior to requesting the TNQ DAMA Labour Agreement and prior to lodging an associated nomination application.

As the LMT requirements are specified in the Migration Legislation, they are not flexible or negotiable. A Third Party will not be able to enter into a Labour Agreement in accordance with this DAMA if the LMT requirements are not met.

See also the [Department of Home Affairs website relating to LMT](#). Note that LMT must be satisfied as at date of submitting a DAMA Labour Agreement request, and an associated nomination under the DAMA Labour Agreement.

Important Note: While there is no legislative requirement to demonstrate LMT for endorsement stage, the DAR must also be satisfied that there are no Australian citizens or permanent residents available for the occupations/positions sought and will be looking for a similar level of genuine LMT attempts and evidence.

1.6 Salary and conditions

The DAR will consider:

Whether the proposed salary for the position/s is reasonable and justified for the regional location, taking into account the market salary rate for the occupation, and that the terms of conditions of employment must be no less than would be provided to an Australian citizen or permanent resident in an equivalent position. You may be asked to provide:

- *How the proposed salary for the position/s was determined;*
- *Copy of or information about relevant awards or Enterprise Agreements;*
- *Evidence of the salary paid to Australian citizens or permanent residents in equivalent position/s in the business;*
- *Data from reputable industry remuneration surveys (usually conducted by peak industry bodies or professional associations);*
- *Australian Bureau of Statistics earnings data; and*
- *Job vacancy advertisements.*

Whether the salary, as well as being equivalent to or higher than the base rate of pay (usually based on a 38 hour week unless varied by an award), is also equal to or higher than the Temporary Skilled Migration Income Threshold (TSMIT). The current TSMIT can be found on the Department of Home Affairs website [here](#).

Whether overseas workers will be engaged in accordance with applicable Australian workplace laws.

Whether the overseas worker(s) will be employed on a full-time basis as a direct employee and must be paid at least fortnightly. You may be asked to provide:

- *Copy of proposed business employment contract.*
- *Copy of Enterprise or Workplace Agreement/s (if applicable).*

See also the [Department of Home Affairs website relating to Average Market Salary Rate \(AMSR\)](#) determination, relevant to Labour Agreement and nomination stages.

1.7 English language concessions

Businesses may seek endorsement from the DAR for the following English language concession to apply to a concessional Occupation. See the TNQ DAMA Occupation List to ascertain which occupations are 'concessional Occupations' with access to an English language concession.

For any occupations that are not listed in the TNQ DAMA Occupation List as having access to an English language concession, the Overseas Worker is required to meet the minimum standard English language requirements applicable to the TSS/SESR and ENS non-labour agreement visa streams under the *Migration Regulations*.

The English language concession available in the TNQ DAMA for concessional Occupations is as follows:

- **TSS, SESR concession:** average score of IELTS 5.0 with no minimum component

score(unless registration or licensing requires a higher level of English).

- **ENS concession:** average score of IELTS 5.0 with no component being less than IELTS 4.0 or equivalent (unless registration or licensing requires a higher level of English).

In this Item, “IELTS” means the International English Language Testing System or the equivalent in another accepted English language test. Other accepted English language tests are:

- Occupational English Test (OET);
- Test of English as a Foreign Language internet-based test (TOEFL iBT);
- Pearson Test of English (PTE) Academic test; or
- Cambridge English: Advanced (CAE) test.

The English language requirements may be met if a visa applicant would be regarded as an ‘exempt applicant’ for the purpose of the legislative instruments applicable to TSS/SESR and ENS visas.

The DAR will consider:

Why you are requesting the English language concession in the TNQ DAMA and whether the concession is evidence-based and reasonable. You may be asked to provide:

- *evidence that you have considered workplace health and safety matters impacted by a lower level of English and how you plan to address them;*
- *information about the impact a lower English level may have on:*
 - *the Overseas Worker/s’ ability to conduct skills transfer with Australian employees;*
 - *the Overseas Worker/s’ ability to settle in the community.*

1.8 Permanent residence pathway

A permanent residence pathway for Overseas Workers may be available through the Skilled Employer Sponsored Regional (SESR) or Employer Nomination Scheme (ENS) visa programs for all occupations in the TNQ DAMA [Occupation List](#).** Note however, that for Skill Level 5 occupations such access to a permanent residence pathway via the TSS to ENS avenue is conditional on meeting certain additional requirements as in paras C(a)&(b) below.

The following conditions will ordinarily be included in a TNQ DAMA Labour Agreement and will apply to any nomination for an ENS visa (in addition to the ENS requirements outlined in the Migration Legislation). The DAR will also take this information into account when assessing any Request for Endorsement for an ENS visa.

- A. The Overseas Worker, at the time of an application for approval of the nomination in relation to an ENS visa (‘the ENS nomination’), holds a TSS visa granted in connection with this Agreement; and
- B. The Third Party’s ENS nomination identifies an Occupation in the TNQ DAMA Occupation List that was the subject of the most recently approved TSS visa for the Overseas Worker; and
- C. The Overseas Worker has been employed on a full-time basis, in the ENS nominated occupation, being an occupation in the TNQ DAMA Occupation List, or an occupation within the same ANZSCO 4 digit unit group or other closely related occupation and also the TNQ DAMA Occupation List, for a period of:
 - (a) at least three (3) years before the ENS nomination is made, for all Skill Level 1-4 occupations or
 - (b) at least four (4) years before the ENS nomination is made for all Skill Level

5 occupations whereby the overseas worker must be promoted to, or gain employment in a higher skill level occupation, for a period of no less than two (2) years before the ENS nomination is made.**

**The time spent in the earlier Skill Level 5 occupation will count towards the overall four (4) year qualifying period for the permanent visa nomination which must be in a higher skill level occupation listed in the TNQ DAMA Occupation List.

- D. For the whole time that the Overseas Worker was employed in accordance with paragraph C:
- (a) he or she must have held a TSS visa granted in connection with this Agreement; and
 - (b) he or she must have worked in the TNQ DAMA Designated Area; and
- E. The Overseas Worker identified in the ENS nomination will be employed on a full-time basis in the position for at least 2 years; and
- F. The terms and conditions of employment of the Overseas Worker will not include an express exclusion of the possibility of extending the period of employment.

1.9 Age concession (SESR and ENS)

You can request the age concession in respect of occupations and positions when seeking endorsement to access the TNQ DAMA.

The age concessions available under the TNQ DAMA are:

- For Skill Level 1-4 occupations, an Overseas Worker may be nominated for a SESR or ENS visa only if they have not turned 55 years of age at the time of the Third Party's ENS or SESR nomination.
- For Skill level 5 occupations, an Overseas Worker may be nominated for a SESR or ENS visa only if they have not turned 50 years of age at the time of the Third Party's ENS or SESR nomination.

The DAR will consider:

The reasons why you are seeking access to the age concession, including:

- *whether the age concession is likely to broaden the potential pool of prospective Overseas Workers willing to move to the region;*
- *whether there is benefit in attracting and retaining more experienced Overseas Workers, and why;*
- *whether any known potential or existing Overseas Workers in your business are of an age that would benefit from access to the concession, and why.*

1.10 Skills, qualifications, experience, and employment background requirements

The DAR will consider:

Whether you acknowledge that Overseas Workers sponsored under the TNQ DAMA in the occupation/s sought will need to satisfy the minimum skills, qualifications, experience, and employment background requirements as outlined below in respect of the relevant occupations in the TNQ DAMA Occupation List, and where applicable, that a skills assessment is required.

The following skills, qualifications, experience (see work experience below) and employment background requirements apply to the occupations listed in the TNQ DAMA Occupation List in relation to a TSS visa, SESR visa and where eligible under the permanent residence pathway, ENS visa. The requirements are listed here by **Group**, corresponding with the **Group** numbers in the TNQ DAMA Occupation List.

The concession outlined in the Occupation List do not circumvent or override registration or licencing requirements.

Work experience

Work experience to fulfil visa requirement must be:

- Relevant to the nominated occupation and at the required skill level;
- Full-time or part time pro rata equivalent unless otherwise specified below. Full-time work should be in accordance with the National Employment Standards; and
- Undertaken in the last five (5) years.

Skills Assessment

Qualifications are to be assessed by the relevant Skills Assessing Authority (as specified in the Labour Agreement) as being at least equivalent to the relevant Australian Qualifications Framework (AQF) qualification detailed for the relevant Groups in the occupation table, in order to assist the Minister's decision as to whether the visa applicant has the necessary qualifications for the position.

The Minister may require a person to demonstrate that he or she has the skills that are necessary to perform the tasks of the nominated occupation by undertaking a skills assessment conducted by an independent Skills Assessing Authority (as specified in the Labour Agreement). Any skills assessment must be certified as being in accordance with the arrangement, agreed to in writing, with the Commonwealth prior to the first Labour Agreement being entered into.

A mandatory skills assessment may be required under migration law for occupations listed in Group 1 of the TNQ Occupations List.

A skills assessment is required for application lodged for the occupations listed in Groups 2-4 of the TNQ Occupations List.

Group 1

ANZSCO Skill Level 1 – 3 Occupations

For TNQ DAMA Occupations List occupations in **Group 1**, which are those also on the eligible lists of skilled occupations (the Short-term Skilled Occupation List, (STSOL), Medium and Long-term Strategic Skills List, (MLTSSL) or Regional Occupation List (ROL), any nomination for these

occupations or any application for a TSS, SESR or ENS visa connected with these occupations must satisfy the skills, qualifications, experience and employment background required under the standard TSS, SESR OR ENS visa programs except:

- Only 1 (one) year of relevant full time work experience is required for the TSS visa program; or
- Where the relevant AQF qualification was undertaken in Australia, only 1 (one) year of relevant full time (or part time pro rata equivalent) work experience is required for the SESR visa program for **Skill level 1 occupations only**; or
- Only 2 (two) years of relevant full time (or part time pro rata equivalent) work experience is required for the SESR visa program for **Skill level 1-3 occupations**.

General information regarding Groups 2-4

For TNQ DAMA Occupation List occupations in **Group 2 to 4**, which are not on the combined eligible lists of skilled occupations, the following skills, qualifications, experience and employment background criteria will apply to any nomination for these occupations or any application for a TSS visa, SESR visa or ENS visa made under the Migration Legislation.

Work Experience

Work experience to fulfil visa requirements must be:

- Relevant to the nominated occupation and at the required skill level*
- Full-time or part time pro rata equivalent unless otherwise specified below. Full-time work should be in accordance with the National Employment Standards; and
- Undertaken in the last five (5) years

Where specified below, work experience to fulfil visa requirement, can be undertaken concurrently with work experience used to substitute qualifications, provided the work experience was at the same skilled level*.

*For eligible Skill Level 5 occupations accessing a permanent residency pathway, work experience undertaken in the skill level 5 occupation can be counted towards the higher skill level occupation under the TSS program, provided it is assessed as genuine and relevant experience. For further information regarding permanent residency eligibility for skill level 5 occupations, please refer to the information outlined at Item 1.8.

Group 2

For occupations included in Group 2, the following skill and experience requirements apply. The visa applicant must:

- Have undergone a skills assessment;
AND
- Meet the skills level as defined in the ANZSCO excluding where work experience may substitute the formal qualification.
AND
- Have at least one (1) year of relevant full-time work experience for the TSS visa program;
or
- Have at least one (1) year of relevant full-time work experience for the SESR visa program, where the relevant AQF qualification was undertaken in Australia; or
- Only two (2) years of relevant full-time work experience is required for the SESR visa program; or
- Meet the additional work experience required under the standard TSS, SESR or ENS programs.

Group 3

For the occupations included in Group 3, the following skill and experience requirements apply.

The visa applicant must:

- Have undergone a skills assessment.
AND
- Meet the skills level as defined in the ANZSCO excluding where work experience may substitute the formal qualification.
AND
- Have at least one (1) year of relevant full-time work experience for the TSS visa program;
or
- Only two (2) years of relevant full-time work experience is required for the SESR visa program; or
- Meet the additional work experience required under the standard TSS, SESR or ENS programs.

Group 4

The following skills requirements are to be met for the following ANZSCO skill level 4 and 5 occupations as outlined in Group 4. The visa applicant must:

- Have undergone a skills assessment;
AND
- Meet the skill level as defined in the ANZSCO, including where work experience may substitute formal qualifications. This work experience can be undertaken concurrently with work experience listed below.
AND
- Have at least one (1) year of relevant full-time Australian work experience for the TSS visa program; or
- Have at least two (2) years of relevant full-time work experience for the SESR visa program; or
- Meet the additional work experience required under the standard TSS, SESR or ENS programs.

Group 5**Occupations also included in an Industry Labour Agreement**

For occupations included in Group 5, the skills, qualifications, and experience requirements of the associated Labour Agreement will apply. To avoid doubt, this also includes the relevant Skills Assessment requirements.

For the occupations of Ship's Master and Ship's Officer, these will align to the skills, qualifications and experience requirements listed to the corresponding ANZSCO occupations in the Fishing Industry Labour Agreement.

ANZSCO or 6 digit Code	Occupation	Industry Labour Agreement
231213	Ship's Master	Fishing Industry Labour Agreement
231214	Ship's Officer	Fishing Industry Labour Agreement

1.11 Skill assessments

As indicated in Item 1.10, for the TSS visa, the SESR visa, and the ENS visa, a skills assessment is mandatory at visa application stage for Groups 2-4 but for Group 1 a skills assessment is only required in certain circumstances (see [legislative instrument](#)) or if asked for by the Department of Home Affairs.

Details of the skills assessments required for occupations approved in your Labour Agreement will be specified in that agreement in line with the above.

To find out which is the skills assessing authority for each occupation, you may use the search function and links at the bottom of [this page](#) of the Department of Home Affairs website.

1.12 TNQ DAMA visa pathways

As with most standard skilled migration pathways, an Overseas Worker must first have held a temporary visa for a specified period of time before they may have access to a permanent visa option.

During the first two years of the TNQ DAMA, Townsville Enterprise can provide an endorsement for both the TSS and ENS Visa to lock in a permanent residence pathway from the beginning. To provide this endorsement, the business needs to request TSS in year 1 of the agreement and an ENS in years 4 or 5 for the same occupation. (This allows for the 3-year period on the TSS)

In the TNQ DAMA, there are two options available:

- An initial [TSS \(temporary\) visa](#) valid for up to four years, that may lead to accessing an [ENS \(permanent\) visa](#) after three years; or
- An initial [SESR \(temporary visa\)](#) valid for up to five years, that may lead to accessing a [Permanent Residence \(Skilled Regional\) \(permanent\) visa](#) after three years if they have complied with the conditions of their SESR visa.

Note that for Skill Level 5 occupations, this requires 4 years on the TSS Visa with 2 Years at a higher skill level.

Note that the TSS, ENS, and SESR visa pathways require endorsement for inclusion in your TNQ DAMA labour agreement, and nomination by you, while a Permanent Residence (Skilled Regional) (permanent) visa requires neither endorsement nor your nomination.

When requesting endorsement to access occupations and positions under the TNQ DAMA you must specify the visa option you intend to use (TSS, ENS, or SESR) for each occupation/position. For multiple occupation/position requests, a combination can be requested. The DAR cannot advise you which visa pathway best suits your circumstances or those of any prospective Overseas Worker. You can access information in the Department of Home Affairs website on each option at the links above (be sure to view the 'Labour Agreement Stream' in each case).

If you are unsure, you should seek professional advice from a registered migration agent or Australian legal practitioner.

1.13 Sponsorship Obligations

The DAR will consider:

Whether you acknowledge that you have read and understood your sponsorship obligations should the Department of Home Affairs enter into a Labour Agreement with you.

The Department of Home Affairs website has detailed information about [sponsorship obligations](#).

**For further information, see the [FAQ page](#) or contact the
DAR at DAR@tel.com.au**