

# **Migration Agents Amendment Regulations 1999 (No. 1) 1999 No. 69**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1999 No. 69**

Issued by the Authority of the Minister for Immigration and Multicultural Affairs

*Migration Act 1958*

Migration Agents Amendment Regulations 1999 (No. 1)

Section 504 of the *Migration Act 1958* ("the Act") provides that the Governor-General may make regulations, not inconsistent with the Act to prescribe all matters which are required or permitted to be prescribed by the Act or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, regulations may be made pursuant to the following powers:

- section 314 of the Act provides that the regulations may prescribe a Code of Conduct for migration agents.

The purpose of the Regulations is to amend the *Migration Agents Regulations 1998* to:

- provide a new requirement that a migration agent must not make representations that he or she can procure a particular decision for a client; and
- strengthen the Migration Agents Code of Conduct by imposing an obligation on a migration agent that they must inform their client if the client's application is vexatious or grossly unfounded. The amendment also requires that if the client still wishes to lodge the application, the client acknowledges receipt in writing of the agent's advice.

Details of the Regulations are set out in the Attachment.

The Regulations commence on 1 July 1999

## ATTACHMENT

### Regulation 1 - Name of regulations

This regulation provides that these regulations are the *Migration Agents Amendment Regulations 1999* (No. 1).

### Regulation 2 - Commencement

This regulation. provides that these regulations commence on 1 July 1999.

### Regulation 3 Amendment of *Migration Agents Regulations 1998*

This regulation provides that the *Migration Agents Regulations 1998* are amended as set out in Schedule 1 to these regulations.

### Schedule 1 - Amendment

#### Item 1 - Schedule 2. clause 1.8

This item makes a technical amendment.

#### Item 2 - Schedule 2. after clause 2.14

This item inserts new clause 2.14A to provide a new requirement that a migration agent must not represent that he or she can procure a particular decision for a client.

#### Item 3 - Schedule 2, clause 2.17

This item amends clause 2.17 to strengthen the Migration Agents Code of Conduct by imposing a positive obligation on a migration agent to inform their client, if the client's application is vexatious or grossly unfounded. The amendment also requires the migration agent to ensure that the client acknowledges receipt in writing of the agent's advice, if the client still wishes to lodge the application.