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## Migration Agents Amendment Regulations 2001 (No. 1)

Statutory Rules 2001 No. <sup>2</sup>

143

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 13 JUN 2001 2001

**WILLIAM DEANE**

Governor-General

By His Excellency's Command

PHILIP RUDDOCK  
Minister for Immigration and Multicultural Affairs

**1 Name of Regulations**

These Regulations are the *Migration Agents Amendment Regulations 2001* (No.   ).

**2 Commencement**

These Regulations commence on 1 July 2001.

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

Schedule 1 amends the *Migration Agents Regulations 1998*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 3, after definition of Act**

*insert*

*approved activity*, in relation to the continuing professional development of registered agents, means an activity specified by the Minister under clause 3 of Schedule 1.

**[2] Subregulation 4 (3)**

*substitute*

(3) The notice must also state the address of the Authority for correspondence.

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**[3] Regulation 6***omit*

For section 290A

*insert*

- (1) For section 290A

**[4] Regulation 6***insert*

- (2) In order to determine whether an applicant has met the requirements set out in Schedule 1, the Authority may require the provider of an approved activity to give the Authority information that is sufficient for the Authority to determine whether the applicant has successfully completed the approved activity.

**[5] After regulation 6***insert***6A Approved activities — recommendation of Authority**

- (1) The Authority may assess an activity and recommend to the Minister that the activity be specified under clause 3 of Schedule 1.
- (2) If the provider of the activity asks the Authority to assess an activity under subregulation (1), the Authority may charge a fee for performing the assessment.
- (3) If the provider of an activity does not ask the Authority to assess the activity, the Authority may charge a fee for the assessment only if the activity becomes an approved activity.
- (4) The fee for subregulation (2) or (3) is \$33.

**[6] Schedule 1, clause 2**

*substitute*

2. At least 6 of the 10 points mentioned in clause 1 must relate to the completion of core activities.

**[7] Schedule 1, clause 3**

*substitute*

3. (1) The Minister may specify, by notice published in the *Gazette*, approved activities.
- (2) The notice may include, in relation to each activity:
- (a) the name of the activity; and
  - (b) the provider (if any) of the activity; and
  - (c) whether the activity is a core activity or an elective activity; and
  - (d) the number of points for the activity.
- (3) The notice may set requirements for completion of the activity.

*Examples of requirements*

- a minimum mark for an examination
- a requirement that the quality of a presentation be certified by qualified persons
- journals in which a publication must appear
- a requirement that the quality of work for an activity be assessed in a particular way
- a requirement dealing with work for an activity undertaken jointly with another person.

**[8] Schedule 1, subclause 3A (1)**

*substitute*

- (1) In deciding whether or not to specify an activity under clause 3, the Minister may take into account:
- (a) a recommendation of the Authority under regulation 6A; and

- 
- (b) whether the provider of the activity has complied with the requirement to give information under subregulation 6 (2) in relation to other activities; and
  - (c) the character and reputation, or a doubt about the character and reputation, of a person connected with the activity.

**[9] Schedule 1, paragraph 6 (a)**

*omit*

conducted by persons who are qualified

*insert*

conducted by a person who is, or persons who are, qualified

**[10] Schedule 1, paragraph 6 (c)**

*substitute*

- (c) attendance at a seminar, workshop, conference or lecture that is conducted by a person who is, or persons who are, qualified by practical experience or academic qualifications in the subject matter of the activity;

**[11] Schedule 1, paragraph 6 (e)**

*substitute*

- (e) preparation or presentation of written or oral material for the purposes of paragraph (a), (b) or (c), or for use in an examination mentioned in paragraph 8 (a).

**[12] Schedule 1, clause 7**

*substitute*

7. A core activity must relate specifically to:
- (a) the *Migration Act 1958*; or
  - (b) the *Migration Regulations 1994*; or

- 
- (c) other legislation relating to migration procedure;  
or
  - (d) portfolio policies and procedures.

**[13] Schedule 1, paragraph 8 (b)**

*substitute*

- (b) maintaining a professional library that includes current versions of:
  - (i) the *Migration Act 1958*; and
  - (ii) the *Migration Regulations 1994*; and
  - (iii) other legislation relating to migration procedure; and
  - (iv) portfolio policies and procedures.

**[14] Schedule 1, clause 9**

*substitute*

9. An elective activity is an activity that relates to a topic of a legal or business nature that is relevant to an agent's practice as a migration agent.

**[15] Schedule 1, clause 12**

*substitute*

12. An agent applying for repeat registration must:
- (a) give the Authority a written statement made by the Agent that:
    - (i) states that the Agent has met the requirements of this Schedule; and
    - (ii) includes a list of the activities that the Agent has completed for which the Agent claims points; and

- (b) have kept written records about each activity for which the Agent claims points, including any documents given to the Agent by the provider of the activity (if any) confirming that the activity was completed.

**[16] Schedule 2, clause 2.5, and the note**

*substitute*

2.5 A migration agent must:

- (a) take appropriate steps to maintain and improve his or her knowledge of the current versions of:
- (i) the *Migration Act 1958*; and
  - (ii) the *Migration Regulations 1994*; and
  - (iii) other legislation relating to migration procedure; and
  - (iv) portfolio policies and procedures; and
- (b) maintain a professional library that includes those materials.

*Note* An agent must satisfy the requirements for continuing professional development set out in Schedule 1 to the *Migration Agents Regulations 1998*.

**Notes**

1. These Regulations amend Statutory Rules 1998 No. 53, as amended by 1999 No. 69; 2000 Nos. 64 and 309.
2. Notified in the *Commonwealth of Australia Gazette* on / 2001.

20 June