

EXPLANATORY STATEMENT

Migration Agents Regulations 1998

1. This Notice is made under clause 3 of Schedule 1 to the *Migration Agent Regulations 1998* ('the Regulations').
2. Clause 3 of Schedule 1 to the Regulations allows the Migration Agents Registration Authority (the 'Authority') to specify, by notice published on its web site, approved activities for the purposes of Continuing Professional Development. All registered migration agents must complete approved activities that have a value of at least 10 points in order to re-register under section 290A of the *Migration Act 1958*.
3. The purpose of the Instrument is to specify activities involving provision of immigration assistance without charge (also known as 'Pro bono advice'), which are approved for the purposes of Continuing Professional Development for registered migration agents.
4. The instrument revokes the notice entitled Migration Agents (Continuing Professional Development – *Pro bono* activities) MARA Notice MN26-06g of 2006, signed on 29/06/2006, and specifies a new set of activities.
5. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements for the purposes of Continuing Professional Development for registered migration agents. It confers points on new activities set out in column 2 in the Schedule, revokes the previous listing of approved activities, and alters those activities specified as approved activities by the Authority. Consultation is not required under these circumstances.
6. The new activities included in the notice are....

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7. The activities which have been withdrawn are....

NIL

8. The activities which have altered are:

NIL

9. The instrument revokes a previously published MARA notice and is effective as of 1 April 1998. This retrospectivity is to enable registered migration agents to claim credit for any of the Continuing Professional Development activities listed in the notice, which they have completed within the 12 months prior to applying for repeat registration. It thus ensures that agents are not disadvantaged if they complete any of these activities before the notice is published.

10. The retrospective nature of the notice does not disadvantage migration agents in any way. This is because clause 4 of Schedule 1 of the Migration Agents Regulations 1998, ensures that agents can still claim activities that have been withdrawn by this instrument, provided that they are undertaken before the instrument is registered on the Federal Register of Legislative Instruments.

11. The Commonwealth is neither advantaged nor disadvantaged by the retrospectivity.