

1997

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1997

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of the Government

(Circulated by authority of the
Minister for Immigration and Multicultural Affairs,
the Hon. Philip Ruddock MP)

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1997

OUTLINE

The Migration Legislation Amendment (Migration Agents) Bill 1997 ("the Bill") amends the *Migration Act 1958* (the Migration Act) to implement a scheme of statute-based self-regulation for the migration advice industry.

The Government has decided to move amendments to the Bill that will:

- change the period in which objections may be lodged to proposed registration as a migration agent from 10 days to 30 days;
- require:
 - the Migration Institute of Australia or the Minister, if the Institute has not been appointed, to report on administration of Part 3 of the Migration Act; and
 - the Minister to cause reports on the administration of Part 3 of the Migration Act to be tabled in each House of Parliament.

FINANCIAL IMPACT STATEMENT

These amendments will have no financial impact.

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NOTES ON INDIVIDUAL CLAUSES

**Items 1 to 2 Schedule 1 - Amendments relating to Regulation of the migration
advice industry
Subsection 288(1A)**

Subsection 288(1A), inserted by item 32 of the Bill, requires an individual to publish notice of an intention to register as a migration agent and notify that objections may be made to the Migration Agents Registration Authority ("MARA").

2. These items amend item 32 of Schedule 1 by amending subsection 288(1A) by increasing the period within which an objection may be made from 10 days to 30 days.

**Item 3 Schedule 1 - Amendments relating to Regulation of the migration
advice industry
Section 322 Annual Report**

3. This item amends item 61 of Schedule 1 by inserting proposed section 322 into the Bill.

4. Proposed subsection 322(1) will require that where an appointment of the Institute to administer Part 3 of the Migration Act (which deals with migration agents and immigration assistance) is in force at the end of a financial year, the Institute must give the Minister a report on its administration of the Part during the financial year. The Minister must then cause the report to be tabled in each House of Parliament.

5. Proposed subsection 322(2) makes provision that in circumstances where an appointment of the Institute under section 315 is not in force at the end of a financial year, the Minister must table in each House of Parliament a report on the administration of Part 3 of the Migration Act.

**Item 4 Schedule 1 - Amendments relating to Regulation of the migration advice
industry**

6. This item amends Part 2 of Schedule 1 by inserting items 79A and 79B into the Bill. These items are application provisions relating to proposed section 322 of the Migration Act.

Item 79A First Report under section 322

7. Item 79A provides that the first annual report on the administration of Part 3 of the Migration Act (for the financial year ending 30 June 1998) must only cover the period from 21 March 1998 to 30 June 1998. This is intended to ensure that a report is provided under section 322 even though the proposed scheme will not have been operating for a full financial year.

Item 79B Final Report

8. Subitem 79B(1) provides for the Institute to give a final annual report on the administration of Part 3 of the Migration Act to the Minister if:
- Part 3 ceases to operate because of section 333 of the Migration Act; and
 - an appointment of the Institute to administer the Part is in effect immediately before the day ("the sunset day") the Part ceases to operate.
9. The final report must cover the period from the last 1 July before the sunset day to immediately before the sunset day.
10. Subitem 79B(2) provides that the Institute must give the final report to the Minister within 42 days after the sunset day.
11. Subitem 79B(3) requires the Minister to table the final report in each House of Parliament within 15 sitting days of that House after the day of receipt by the Minister.
12. Subitem 79B(4) makes provision for the tabling in each House of Parliament of the final report, in circumstances where an appointment of the Institute under section 315 is not in force immediately before the sunset day. The reporting period is the same as that required under subitem 79B(1).
13. Subitem 79B(5) requires that the final report prepared under subitem 79B(4) must be tabled with each House of Parliament before the end of the 15th sitting day of that House after the end of the 42nd day after the sunset day.



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