

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 27 May 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(326) Output 3.1: Indigenous Policy**

Senator Carr asked:

#### Western Suburbs Indigenous Gathering Place

In response to QON 188 in February 2005, the Department indicated that it could not provide advice on funding for the Western Suburbs Indigenous Gathering Place because it is now the responsibility of another agency. However, the Department had previously advised that the organisation had received funding from ATSI in 2002-03 and 2003-04 and that funding arrangements for ATSI programs for 2004-05 would be settled before the handover to mainstream agencies on 1 July 2004.

1. Were funding arrangements for former ATSI programs finalised before 1 July 2004? If not, which programs suffered delays and how many organisations were affected by these?
2. If funding arrangements for 2004-05 were finalised before 1 July 2004, while the program was still the responsibility of ATSI, why was ATSI unable to advise the committee of the decisions it had been responsible for?

*Answer:*

1. The majority of funding decisions for former ATSI programs for 2004-05 were finalised before 1 July 2004. There were no real program delays as at 30 June 2004. In fact \$620m in approvals was finalised before 30 June 2004, which was the highest level ever recorded when compared to previous years.
2. ATSI made decisions on program funding approvals for 2004-05 up until 30 June 2004 when the responsibility for the former ATSI programs was transferred to various mainstream agencies. The Attorney General's Department (AGD) assumed responsibility from 1 July 2004 for some components of the former ATSI programs which funded the Western Suburbs Indigenous Gathering Place. AGD was considered best placed to answer the question given that the staffing resources and program responsibility had been transferred to it.

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**BUDGET ESTIMATES HEARING: 26 May 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(327) Output: Migration Agents Registration Authority**

Senator Bartlett (L&C 12) asked:

In relation to the recommendations to the Minister on the adequacy of the code of conduct for agents, can you give me some sort of indication of what aspects you are focusing on? I am not necessarily requiring you to publish it in full if you do not want to.

*Answer:*

The MARA has recommended changes to eleven clauses of the Code of Conduct. These changes focus on standards of professional conduct, financial duties and procedures that registered migration agents must follow if a client terminates their services.

The specific recommendations are provided in the attached letter from the MARA to the Minister for Immigration and Multicultural and Indigenous Affairs.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(328) Output: Migration Agents Registration Authority**

Senator Kirk (L&C 16) asked:

In relation to the examinations that MARA conducts of students, provide the specified number of participants that is required in each capital city before the examination is held.

*Answer:*

A minimum of five candidates is required. Examinations are run by Australian Council for Educational Research (ACER) for the MARA.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(329) Output: Migration Agents Registration Authority**

Senator Kirk (L&C 16) asked:

How many participants or candidates sat the examination last year, in 2004, and also this year? How many have passed the examination and how many have failed?

*Answer:*

460 candidates sat the examination in 2004. 147 passed the examination and 313 failed.

202 candidates have sat the examination so far in 2005 (there are a further two examinations to be conducted). 69 have passed the examination and 133 have failed.

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(330) Output: Migration Agents Registration Authority**

Senator Kirk (L&C 16) asked:

Provide a copy of the procedure for the re-marking of papers.

*Answer:*

A relevant extract from the MARA's "MAPKE Examination Procedures for Candidates May 2005" is provided below. This document can also be accessed via the MARA website at

<http://www.themara.com.au/ArticleDocuments/Procedures%20for%20candidates.pdf>

### **"RE-MARKING**

ACER will not enter into discussion of scores issued to candidates. Candidates may apply for a re-mark of their (machine-scored) examination paper. The re-mark consists of the paper being hand scored separately by two ACER staff members who conduct the re-mark without consultation with each other. Their marks are then compared with the original score. The fee payable to ACER for this service is \$100. Written applications for re-mark must be received at ACER no later than 3 weeks after the release of examination results and must be accompanied by a Post Office Money Order or bank cheque in the amount of \$100, payable to ACER. In the unlikely event of a scoring error being found, the re-mark fee would be refunded."

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(331) Output: Migration Agents Registration Authority**

Senator Kirk (L&C 19) asked:

Provide a copy of the newspaper advertisement.

*Answer:*



The **MARA** way to choose a migration agent:

**M**ake sure you understand the work to be done

**A**sk to see his or her registration certificate

**R**ead the booklet:  
Information on the Regulation of the Migration Advice Profession

**A**ssess your options. Always get a second opinion

Always get his or her name, registered migration agent number and a written quote or statement of services.

Persons who give immigration assistance or make immigration representations must be registered and must display the Code of Conduct.

Tell the Department of Immigration if someone assists you and he or she is not registered

More information is available at:

[www.themara.com.au](http://www.themara.com.au)



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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(332) Output: Migration Agents Registration Authority**

Senator Bartlett asked:

Is the MARA satisfied that the expected increase in renewal fees for commercial migration agents will not lead to a major drop in agents renewing?

*Answer:*

The MARA anticipates that the increase in the repeat registration application fee for commercial/for-profit registration applications will lead to a decrease in the total number of registered agents. This decrease will, however, be subject to market forces.

The MARA believes that the following factors may also contribute to the anticipated decrease:

- the introduction of mandatory professional indemnity insurance for registered migration agents who operate on a commercial/for-profit basis; and
- the changing nature of Continuing Professional Development, which is likely to lead to increased costs for migration agents; and
- low levels of activity by a significant number of currently registered agents.

The changes to the definition of "Australian Permanent Resident" in the *Migration Agents Regulations 1998* that come into effect on 1 July 2005 are expected to slightly increase the number of initial registration applications received. This change will enable permanent visa holders, based overseas, to register with the MARA.



## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 26 May 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(333) Output: Migration Agents Registration Authority**

Senator Bartlett asked:

If there is a drop of 10 per cent or more in renewals of commercial agents, will this impact on the ability of the MARA to adequately perform its functions?

*Answer:*

As at 30 June 2005, a drop of 10 per cent (261 commercial/for-profit agents) in repeat registration applications for commercial agents would reduce the MARA's revenue collected from registration application fees by \$274,050. However, on 1 July 2005, the application fee for commercial agents increased to \$1595. Consequently, a 10% drop in repeat registration applications is not expected to result in an overall revenue decrease.

The additional fee revenue is planned to cover the costs associated with implementing the remaining recommendations of the 2001-02 Review of Statutory Self Regulation of the Migration Advice Industry, including increasing the complaint finalisation rate, improving public access, improving communication with agents and increasing community awareness about the role of the MARA.

However, a drop of 20% or more in the number of repeat commercial registration applicants would have a significant effect on the Authority's ability to continue to meet the improvements listed above.

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**BUDGET ESTIMATES HEARING: 26 May 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(334) Output: Migration Agents Registration Authority**

Senator Bartlett asked:

Is the MARA able to provide figures on the average number of cases that a registered migration agent undertakes in a year? Is there a difference between commercial and not-for-profit agents in this regard?

*Answer:*

No. The MARA does not collect data from Registered Migration Agents on the number of cases undertaken in a year and, therefore, cannot provide figures on the average number of cases or whether there is a difference between commercial and non-commercial agents.

This information may, however, be available from the Department of Immigration and Multicultural and Indigenous Affairs. However, this data may not be indicative of the cases undertaken by migration agents given that some agents focus their activity on:

- Ministerial intervention requests;
- review applications before the MRT, RRT and AAT;
- pre-application advice or general advice to their community;
- monitoring business visa compliance; and
- providing legal or other ancillary services and therefore rarely providing immigration assistance.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 26 May 2005**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(335) Output: Migration Agents Registration Authority**

Senator Ludwig asked:

1. How many repeat registration applications were received in the last 12 months?
2. Provide a copy of the questions that are asked when an applicant applies for initial registration?
3. Provide a list of the various grounds of applications for initial or repeat registration in the last financial year and the year to date and of the grounds of rejection.

*Answer:*

1. For the period from 18/6/2004 to 17/6/2005, the MARA received 2846 applications for repeat registration.
2. Applicants for initial registration must complete Form M01. A copy of this form is attached.
- 3 The MARA is not able to provide a list of the various grounds upon which an individual for initial registration would make an application for registration as this information is not collected. For repeat registration, it is presumed that the individual wishes to continue with their registration due to personal and business commitments.

In the last financial year, and the year to date, the MARA rejected applications for registration (both initial and repeat) if:

- it has not been made on a form approved in writing by the Authority (section 288(3) of the *Migration Act 1958* (the Act)) or,
- if the declaration is not completed correctly (the application form is in the form of a statutory declaration).

Once a valid application has been received, the MARA must register the applicant unless otherwise prohibited by Part 3 of the Act. In the last financial year, and the year to date, the MARA has refused applications for both initial and repeat registration, where it was satisfied that the applicant:

- did not meet the requirement to either have a current Australian legal practising certificate or had not successfully completed the prescribed examination in the 12 months prior to making the application (initial applications only - s289A);
- was not a fit and proper person to give immigration assistance, or not a person


of integrity (s290);

- had not met Continuing Professional Development requirements (repeat registration applications only - (s290A)
- had been cancelled within the previous 5 years (s292);
- had been barred and the barring period had not ended (s292A); or
- was not an Australian citizen, or Australian permanent resident (within the meaning of the regulations) or a New Zealand citizen who holds a special category visa (s294).

# Application for Registration

## About the information you give

The information you give in this form is required by the Authority to carry out its functions under the *Migration Act 1958*. The information provided will be passed to agencies who are authorised to receive it. Information you provide as part of your application may be given to the Department of Immigration and Multicultural and Indigenous Affairs, and your name, address and date of birth may be given to Dunn and Bradstreet (Australia) Pty Ltd and Lawpoint Pty Limited to gain public information relating to bankruptcy or corporate involvement.

**Attachments:** Wherever your answer to a question has this symbol  next to it, you will need to attach additional information to your application. The required information is shown in the checklist on page 10. You may want to remove this page and tick the required attachments as you complete the form. Before you send your application please check that you have included all your required attachments.

This form is valid for 60 days from the date of download unless otherwise indicated on the web site. You may wish to write the date in the space provided.

Date of download: ...../..... /.....

# Application for Registration

**1** Your Name (to appear on the Register of Migration Agents)

Mr  Mrs  Ms  Other

Family Name(s)

All given Names

**2** This question relates to your name at **ANY TIME IN YOUR LIFE** and in **ANY COUNTRY**.

- Have you ever been known by, or used, any other name?
- Have any documents referring to you ever used a different name to that given in Question 1?

**These could include, but are not limited to: aliases, maiden (family) name, different name(s) at birth, name(s) from previous marriage(s).**

No  **Go to next question**

Yes  Give details below. If more than 2 other names, attach details.

**You must include ALL these names in your notice of intention to register and as part of the AFP check.**

**1** Family Name(s)

All given Names

Reason for change

Marriage  Other  Explain reason below



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**2** Family Name(s)

All given Names

Reason for change

Marriage  Other  Explain reason below



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**3** Date of birth (day / month / year)

**4** Country of birth

**5** What Country or Countries are you a Citizen of?




**6** Are you a permanent resident of Australia?

No

Yes  **Go to 8**

**7** Are you a New Zealand citizen with a Special Category Visa?

No

If you answered "No" to questions 6 and 7, and you are not an Australian Citizen, please refer to Information Sheet MARA 0103.

Yes

**8** Your residential address

**We may need this for the service of documents pursuant to Division 3A and 4A of Part 3 of the Migration Act 1958.**

Street address (NOT A PO BOX)

Suburb / town

State

Postcode

Country

Telephone

Facsimile

Mobile phone

**9** Email address for display on the Register of Migration Agents\*

**Please take note of how the Authority and DIMIA will use the address to communicate with you. Further information is available on page 4 of the Cover letter for the application package.**

\* You should note that Hotmail email addresses experience difficulty receiving bulk information from the Authority.

**10 You must answer ALL of questions 10 to 15**

If you need a quick guide to different types of business structure please refer to Information Sheet MARA 0300.

i) Do you propose to give immigration assistance as a member, employee, consultant or independent contractor of a **partnership**?

No  **Go to next question**



Yes  Give the following details of the partnership's business.

**If more than one partnership, please use a photocopy of this page.**

Registered name of the partnership

Street address (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

ii) Relationship to partnership:

partner

employee

consultant

independent contractor

iii) Are there any individuals who hold a charge (whether fixed or floating), mortgage and/or other security over some or all of the assets of the business?

No  **Go to next question**

Yes  You will need to include these individuals when answering questions 36 to 42.

**11** i) Do you propose to give immigration assistance as a director, executive officer, employee or voluntary worker of an **association or incorporated association**?

No  **Go to next question**



Yes  Give the following details of the association's business .

**If more than one association, please use a photocopy of this page.**

Registered name of the association

Street address (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

ii) Relationship to association:

director


executive officer

employee

voluntary worker

12 i) Do you propose to give immigration assistance as a director, executive officer, employee, consultant, independent contractor or voluntary worker of a **corporation, Solicitor's Corporation or Incorporated Legal Practice?**

No  **Go to next question**

 Yes  Give the following details of the corporation's business.

**If more than one corporation in this category, please use a photocopy of this page.**

Business name

Street address where your business will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

ii) Relationship to corporation:

director

executive officer

employee

voluntary worker

consultant

independent contractor


iii) Are there any individuals who hold a charge (whether fixed or floating), mortgage and/or other security over some or all of the assets of the business?

No  **Go to next question**

Yes  You will need to include these individuals when answering questions 36 to 42.

13 i) Do you propose to give immigration assistance as an employee, consultant or independent contractor of another **individual** (not a company, association or partnership)?

No  **Go to next question**

 Yes  Give the following details of your employer's business.

**If more than one business in this category, please use a photocopy of this page.**

The name under which the employer's business will operate  
This could be the individual's own name if the name is not registered.

Street address from where your employer will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

ii) Relationship to business:

employee

consultant

independent contractor

voluntary worker

iii) Are there any individuals who hold a charge (whether fixed or floating), mortgage and/or other security over some or all of the assets of the business?

No  **Go to next question**

Yes  You will need to include these individuals when answering questions 36 to 42.



14 i) Do you propose to give immigration assistance as a **non-incorporated sole trader**?

No  **Go to next question**



Yes  Give the following details of your migration agent's business

**If more than one business in this category, please use a photocopy of this page.**

The name under which your business will operate  
This could be your own name if not a registered business name.

Street address from where your business will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone Facsimile

ABN

Web address

ii) Relationship to sole trader business:

sole trader/owner with no employees

sole trader/owner with employees

iii) Do you employ or work with consultants or independent contractors?

No

Yes  You will need to include these individuals when answering questions 36 to 42.

iv) Are there any individuals who hold a charge (whether fixed or floating), mortgage and/or other security over some or all of the assets of the business?

No

Yes  You will need to include these individuals when answering questions 36 to 42.

15 Do you intend to give immigration assistance as an employee of a **government department or agency** (Commonwealth, State, Territory or local government)?

No  **Go to next question**

Yes  Give the details of your employer

**If more than one department or agency, please use a photocopy of this page**

Name of government department or agency

Street address from where your business will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone Facsimile

ABN

Web address

16 Of the businesses named in questions 10 to 15, which **ONE** do you want listed on the Register of Migration Agents as your main business?

Tick the box for the question number applicable.

10  11  12  13  14  15

17 Do you work for a government department or agency (Commonwealth, State, Territory or local government) other than the department or agency declared at question 15?

No



Yes

18 Are you an individual who intends to act on a commercial or for-profit basis, or as a member of or a person associated with, an organisation that operates on a commercial or for-profit basis?

No

Yes


19 Do you intend to collect money from clients in advance of work being completed or for disbursements?

No

Yes

**20** Are you an individual who intends to act on a non-commercial or non-profit basis, and as a member of or a person associated with, an organisation that operates in Australia solely on a non-commercial or non-profit basis?

No

 Yes

**21** Do you intend to give immigration assistance for which a fee is to be charged?

No

Yes

**22** Did you answer "Yes" to either question 18 **OR** 21?

No  Give the postal address below for the non-commercial or non-profit organisation in Australia for whom you will give immigration assistance. The address must match the Authority's records for this organisation.

Yes  Give the postal address below to which notices are to be sent.

**If this address is not in Australia, your attention is drawn to point 4 of the Statutory Declaration on page 11 of this form.**

Postal address

Suburb / town

State      Postcode      Country

<input type="text"/>	<input type="text"/>	<input type="text"/>
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**23** Do you hold a current practising certificate as a Solicitor, Barrister, Barrister and Solicitor or legal practitioner issued by the relevant state Authority?

 Yes  **Go to 24** Attach copy of practising certificate.

No  **Go to 26**

**24** Will your practising certificate be valid for 28 days after you have signed this application?

Yes  **Go to 27**

No  Have you applied for your practising certificate to be renewed?

 Yes  You will need to send the new practising certificate before your application can be approved.

No  **Go to 27**


**25** Did you answer "Yes" to either question 23 or 24 (either part)?

No  **Go to next question**

Yes  **Go to 27**

**26** Did you successfully complete the Migration Advice Professional Knowledge Entrance Examination (MAPKEE) in the previous 12 months?

No  **If you answered "No" to questions 23 and 26 you do not qualify for registration as a migration agent. Please do not apply for registration as there can be no refund of your application fee.**

 Yes  Did you complete a course to prepare yourself for the MAPKEE?

No


Yes  What was the name of the course and the name of the course provider?

Course Name

Course Provider

**27** Have you ever been declared bankrupt?

No

 Yes


**28** Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer?

No

Yes


**29** Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under Part VIIC Crimes Act 1914 (Cth))?

No

 Yes

**30** Are you the subject of any criminal proceedings?


No

 Yes

**31** To the best of your knowledge and belief, have you been, or are you currently, the subject of an inquiry or investigation, including those by


- a department or agency of the Commonwealth; or
- a department or agency of a State or Territory of Australia; or
- a professional association; or
- a corporate regulatory agency; or
- a consumer protection organisation?

No

 Yes


**32** To the best of your knowledge and belief, have you ever been or are you now the subject of a complaint investigated by the Migration Agents Registration Board or Migration Agents Registration Authority?

No

 Yes

**33** To the best of your knowledge and belief, is any disciplinary action being taken, or has been taken against you that has not previously been declared to the Migration Agents Registration Authority?

No

 Yes

**34** Do you **ONLY** intend to give immigration assistance as a Sole Trader?

No  **Go to 35**

Yes  Will you have any employees?

No  **Go to 43**

Yes  **Go to next question**


**35** Before answering questions 36 to 42, you should read sections 278 and 290 of the Migration Act 1958.

These questions relate to individuals who are 'related by employment' to you.

'Related by employment' includes **ALL employees, employers, consultants, independent contractors, partners, directors and executive officers**, individuals who hold 25% or more shares issued by a corporation, individuals who hold a charge (whether fixed or floating) or a mortgage or any other form of security over some or all of the assets of the business.

You will need to get information from these people to answer questions 36 to 42. Please refer to Information Sheet MARA 0110.

Did you ask individuals who are related by employment to you about the matters in questions 36 to 42?

 No  You will need to attach a statement as to why you did not ask the persons about the matters in these questions.

Yes

**36** If ANY individual who is related by employment to you do not wish to disclose the answers to these questions to you, they may write directly to the Migration Agents Registration Authority with their answers.

Is ANY individual who is related by employment to you making a written submission?

No

Yes  Please refer to Information Sheet MARA 0110.


**37** To the best of your knowledge and belief, are you aware of any bankruptcy (present or past) of ANY individuals who are related by employment to you?

No

 Yes


**38** To the best of your knowledge and belief, are you aware of any finding of guilt against ANY individuals who are related by employment to you for a criminal offence (except a conviction that is spent under Part VIIC Crimes Act 1914 (Cth))?

No

 Yes


**39** To the best of your knowledge and belief, are you aware of ANY individuals who are related by employment to you being the subject of an investigation or an inquiry by a professional association, corporate regulatory agency or consumer organisation?

No

 Yes


**40** To the best of your knowledge and belief, are you aware of ANY individuals who are related by employment to you being the subject of a complaint investigated by the Migration Agents Registration Board or Migration Agents Registration Authority?

No

 Yes


**41** To the best of your knowledge and belief, are you aware of ANY individuals who are related by employment to you being the subject of an investigation by a department or agency of the Commonwealth or a State or Territory of Australia?

No

 Yes


**42** To the best of your knowledge and belief, is any disciplinary action being taken, or has been taken against ANY individuals who are related by employment to you, that has not previously been declared to the Migration Agents Registration Authority by you?

No

 Yes

**43** Have you obtained the results of your Australian Federal Police Criminal History Name Check for all names you have been known by or used as stated in Question 2?

No  **This is required before you can apply to be registered as a migration agent. Please refer to Information Sheet MARA 0112.**

 Yes

**44** Have you met the requirements for the award of a Diploma, Degree or Graduate Certificate from an Australian or New Zealand University?








No




 Yes  **Go to 53**

**45** Have you met the requirements for the award of a Diploma or Graduate Certificate from a tertiary institution in Australia or New Zealand?

No

 Yes  **Go to 53**

- 46 Have you obtained a pass in English in **THE** final year of secondary education in Australia or New Zealand?
- No
-  Yes  **Go to 53**
- 47 Have you resided **AND** engaged in education or employment or a combination thereof for ten years or more in the last 20 years in one or more of the selected English speaking countries as listed in Information Sheet MARA 0106?
- No
-  Yes  **Go to 53**
- 48 Have you met the requirements for the award of a Diploma, Degree or Graduate Certificate from a country other than Australia or New Zealand where the tuition was in English?
- No
-  Yes  **Go to 52**
- 49 Have you obtained a pass in English in **THE** final year of secondary education in a selected English speaking country as listed in Information Sheet MARA 0106?
- No
-  Yes  **Go to 52**
- 50 Have you obtained a minimum of an overall band of 6 from an International English Language Testing System (IELTS) test or a computer based score of 213 in Test of English as a Foreign Language (TOEFL) from an approved country as approved in the Gazette for 5A102 of the Migration Regulations 1994?
- No
-  Yes  **Go to 52**
- 51 Have you obtained accreditation with NAATI with English listed as a language, within the professional scale as an, Interpreter (Level 3) or Advanced Translator or Conference Interpreter, (Level 4) or Advanced Translator (Senior) or Conference Interpreter (Senior)(Level 5)?
- No  **If you answered "No" to ALL of questions 44 to 51, you do not qualify for registration as a migration agent. Please do not apply for registration as there can be no refund of your application fee.**
-  Yes  **Go to 52**
- 52 Were these studies (questions 48 and 49) or was this test (question 50) completed or was this accreditation (question 51) awarded in the last two years?
-  No  You will need to attach details of how your English language skills have been maintained.
- Yes
- 53 Have you been registered as a migration agent in Australia at any time in the previous twelve months?
- No
- Yes  **Your application cannot be accepted on this form.**

- 54 Have you **ever** applied for registration as a migration agent under Australian law?
- No  **Go to next question**
- Yes  Date(s) of previous application(s)
- Registration number(s) or reference number(s)
- 55 Have you ever given immigration assistance while not registered?
- No
-  Yes
- 56 Have you made immigration representations for a fee or reward while not registered?
- No
-  Yes
- 57 Have you advertised yourself as giving immigration assistance while not registered?
- No
-  Yes
- 58 Have you read and understood Part 3 of the *Migration Act 1958* and the Migration Agents Regulations 1998 containing Schedule 2, the Code of Conduct, and Schedule 1 which details Continuing Professional Development requirements?
- No  **You must read and understand these documents before you make your application.**
- Yes
- 59 Will you maintain a professional library as defined in clause 2.5(b) of the Code of Conduct from the date of registration?
- No  **You are required by law to maintain a professional library. See Information Sheet MARA 0109 for details of the content of a professional library.**
- Yes
- 60 Do you understand and will you comply upon registration with the requirement of keeping separate accounts with a financial institution for your 'operating account' and an account for clients' money containing the words 'clients' account' in the name of the account as defined in Part 7 of Schedule 2 of the Migration Agents Regulations 1998?
- No  **You are required to maintain a separate clients' account with a financial institution in accordance with 7.1 of the Code of Conduct.**
- Yes
- 61 Do you have professional indemnity insurance of a kind prescribed by the Regulations? **See Information Sheet MARA 0400**
- No
- Yes

**62** Have you published a notice stating your intention to apply for registration?  
No  **S288(2) requires you to publish a notice of intention. Your application cannot be considered until this is provided. See Information Sheet MARA 2002 for details on the requirements for a notice of intention.**

Yes

**63** You are required to attach two passport-sized photographs of yourself taken within the last 12 months, as specified in Information Sheet MARA 0001. A copy of the photograph will be printed on your certificate of registration.

Do you wish to have your photograph also displayed on the Authority's web page of the Register of Migration Agents?

No

Yes

**64** The Authority has implemented password protected access to controlled areas on its web site for registered migration agents. Please specify a six to twelve character password (this may include letters and digits, must be at least six characters and contain no spaces). The password is case sensitive.

Password

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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**65** Please indicate your method of payment for the (non-refundable) application fee.

cheque

money order

BPAY® Please include a copy of your BPAY receipt in order for your payment to be matched with your application.

NB Cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or banks with representation in Australia.

**Go to next page**

Before you send us your registration application, you will need to attach all required documents. Use the following checklist to ensure that ALL relevant documents are attached before signing the Statutory Declaration and submitting it to the Authority.

### CERTIFIED COPIES

In some cases you are required to attach a CERTIFIED copy of a document. This is a copy of the document with a certification of its authenticity signed by a person before whom a Statutory Declaration can be made. We suggest that you have such copies certified at the same time as you make the statutory declaration at the end of this form.

Question numbers below refer to your answers to the questions in the form.

- |   |   |
|---|---|
| <p><input type="checkbox"/> <b>Q2.</b> If Yes; CERTIFIED evidence of use of other names or change of name where those names have been official.</p> <p><input type="checkbox"/> <b>Q5.</b> You are required to provide CERTIFIED evidence of your Country or Countries to which you hold Citizenship.</p> <p><input type="checkbox"/> <b>Q6-7.</b> If Yes; the documents listed in Information Sheet MARA 0103.</p> <p><input type="checkbox"/> <b>Q10.</b> If Yes; a list of the names of the partners on the partnership's letterhead and a CERTIFIED copy of the current Business Name Registration for the partnership.</p> <p><input type="checkbox"/> <b>Q11.</b> If Yes; a CERTIFIED copy of the current business name registration for the association and/or certificate of incorporation as an association.</p> <p><input type="checkbox"/> <b>Q12.</b> If Yes and organisation is a <u>corporation or Incorporated Legal Practice</u>; a current Australian Securities and Investments Commission (ASIC) <u>search</u> showing names of directors and shareholders, and any charges (either fixed or floating) over some or all of the assets of the corporation. This must be an ASIC "Current and Historical Company Extract", not a certificate of registration or your annual return.<br/>if Yes and organisation is a <u>Solicitor's Corporation</u>; a CERTIFIED copy of the Certificate of Registration and a statutory declaration declaring that the organisation is a Solicitor's Corporation.</p> <p><input type="checkbox"/> <b>Q13.</b> If Yes AND business name is registered; a CERTIFIED copy of the current business name registration for EACH business name used.</p> <p><input type="checkbox"/> <b>Q14.</b> If Yes AND business name is registered; a CERTIFIED copy of the current business name registration for EACH business name used.</p> <p><input type="checkbox"/> <b>Q17.</b> If Yes; please provide written confirmation from your employer confirming they are aware you are applying and there is no conflict of interest.</p> <p><input type="checkbox"/> <b>Q20.</b> If Yes AND you are a non-commercial or non-profit agent; details of your role and responsibilities signed by an authorised officer of the non-commercial or non-profit organisation on the organisation's letterhead.</p> <p><input type="checkbox"/> <b>Q23.</b> If Yes; a CERTIFIED copy of your practising certificate.</p> <p><input type="checkbox"/> <b>Q24.</b> If Yes; a statutory declaration stating that you have applied for renewal of your practising certificate.</p> <p><input type="checkbox"/> <b>Q26.</b> If Yes; a copy of your results printed from the MAPKE Examination results page.</p> <p><input type="checkbox"/> <b>Q27.</b> If Yes; the documents listed in Information Sheet MARA 0104.</p> <p><input type="checkbox"/> <b>Q29.</b> If Yes; the documents listed in Information Sheet MARA 0105.</p> <p><input type="checkbox"/> <b>Q30.</b> If Yes; the documents listed in Information Sheet MARA 0105.</p> <p><input type="checkbox"/> <b>Q31.</b> If Yes; attach the following information: description of the matter investigated, dates, name of investigative body, results of investigation, letter or other written evidence.</p> <p><input type="checkbox"/> <b>Q32.</b> If Yes; attach the following information: description of the matter investigated, dates, results of investigation, letter or other written evidence.</p> <p><input type="checkbox"/> <b>Q33.</b> If Yes; attach the following information: description of the matter, dates, name of professional association, disciplinary action being considered or taken, letter or other written evidence.</p> <p><input type="checkbox"/> <b>Q35.</b> If No; a statement as to why you did not ask the persons about the matters in the following questions.</p> <p><input type="checkbox"/> <b>Q37.</b> If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> | <p><input type="checkbox"/> <b>Q38.</b> If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> <p><input type="checkbox"/> <b>Q39.</b> If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> <p><input type="checkbox"/> <b>Q40.</b> If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> <p><input type="checkbox"/> <b>Q41.</b> If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> <p><input type="checkbox"/> <b>Q42.</b> If yes; attach the following information: name of individual, position within the organisation, brief details about the matter.</p> <p><input type="checkbox"/> <b>Q43.</b> If Yes; attach the <b>ORIGINAL</b> copy of your Australian Federal Police Criminal History Name Check. See information sheet MARA 0112 for details.</p> <p><input type="checkbox"/> <b>Q44.</b> If Yes; a CERTIFIED copy of your qualification.</p> <p><input type="checkbox"/> <b>Q45.</b> If Yes; a CERTIFIED copy of your qualification.</p> <p><input type="checkbox"/> <b>Q46.</b> If Yes; a CERTIFIED copy of your qualification.</p> <p><input type="checkbox"/> <b>Q47.</b> If Yes; a Statutory Declaration as described in Information Sheet MARA 0106.</p> <p><input type="checkbox"/> <b>Q48.</b> If Yes; a CERTIFIED copy of the certification from the relevant Australian assessing authority indicating that the qualification is equivalent to an Australian Diploma, Degree or Graduate Certificate, AND confirmation from the tertiary institution that tuition was conducted in English.</p> <p><input type="checkbox"/> <b>Q49.</b> If Yes; a CERTIFIED copy of your qualification, AND a letter from the institution confirming that the classes were conducted in English. See Information Sheet MARA 0106 for a list of selected English speaking countries.</p> <p><input type="checkbox"/> <b>Q50.</b> If Yes; a CERTIFIED copy of your results. See Information Sheet MARA 0106 for a list of selected English speaking countries.</p> <p><input type="checkbox"/> <b>Q51.</b> If Yes; CERTIFIED evidence from the National Accreditation Authority for Translators and Interpreters of Interpreter (Level 3) or Advanced Translator or Conference Interpreter, (Level 4) or Advanced Translator (Senior) or Conference Interpreter (Senior)(Level 5) accreditation with English listed as a language</p> <p><input type="checkbox"/> <b>Q52.</b> If No; details of how your English skills have been maintained.</p> <p><input type="checkbox"/> <b>Q55.</b> If Yes; attach a statement giving details of any immigration assistance given while not registered.</p> <p><input type="checkbox"/> <b>Q56.</b> If Yes; attach a statement giving details of any representations given for a fee or reward while not registered.</p> <p><input type="checkbox"/> <b>Q57.</b> If Yes; attach a statement giving details of any advertising for immigration assistance while not registered.</p> <p><input type="checkbox"/> <b>Q62.</b> If Yes; an <b>original FULL page</b> of the newspaper that contained the notice. See Information Sheet MARA 2002.</p> <p><input type="checkbox"/> <b>Q63.</b> TWO passport-sized photographs. On the back of <b>ONE</b> of the photos a person authorised to witness a statutory declaration must write the following statement: "This is a true photograph of 'insert your full name'." and then place his or her signature under the statement. See Information Sheet MARA 0001.</p> <p><input type="checkbox"/> <b>Q65.</b> Cheque, money order or BPAY<sup>®</sup> receipt number for registration application fee (NOT REFUNDABLE).</p> |
|---|---|

NB cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or a bank with representation in Australia.

# Statutory Declaration

This declaration must be made before an authorised person. Please see the *Statutory Declaration Act 1959 (Cth)* for a current list of the authorised persons relevant to your State or Territory. Information on these authorised persons can be found using either of the following web sites: <<http://www.austlii.edu.au>> or <<http://scaleplus.law.gov.au>>

## WARNING

The giving of false or misleading information in this declaration is subject to penalties under the *Statutory Declarations Act 1959*, the *Migration Act 1958* and the *Migration Agents Regulations 1998*. The *Statutory Declarations Act 1959*, for example, provides for penalties of up to four years imprisonment.

I, (full name of applicant).....

of (address).....

.....

occupation .....

do solemnly and sincerely declare the following:

1. The information I have provided on this form, and any attachments, is complete, correct and up to date in every detail; and
2. I understand that I may not give immigration assistance until I am registered; and
3. I understand that the prescribed fee which I have paid is not refundable after presentation of the financial instrument to the Commonwealth of Australia's designated bank; and
4. I have read and understood that the receipt of notices occurs in accordance with section 332H of the *Migration Act 1958*; and
5. I understand that if I become an 'inactive agent' as defined in Division 3A of Part 3 of the *Migration Act 1958*, I, or my legal personal representative, may be required by the Authority to produce certain documents for two years following my becoming an 'inactive agent' and that a penalty applies for non-compliance; and
6. Any information I provide to the Authority may be disclosed to the Department of Immigration and Multicultural and Indigenous Affairs for any purpose and I authorise the disclosure of my name, address and date of birth to Dunn and Bradstreet (Australia) Pty Ltd and Lawpoint Pty Limited to gain public information relating to bankruptcy or corporate involvement.
7. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

Declared at..... on this..... day of..... 20.....

Signature of Applicant .....

Before me .....(signature of person before whom declaration is made)

Title of authorised person .....[as defined in *Statutory Declarations Act 1959 (Cth)*]