



Office of the MARA Public Consultation  
on

The Prescribed Examination  
and the Prescribed Course

COMMERCIAL-IN-CONFIDENCE

March 2012

# Introduction

The Office of the MARA would like to invite comments from the migration advice profession and related stakeholders on the following options relating to the Prescribed Examination and the Prescribed Course.

These options are based on several reviews and have been informed by discussion with the Advisory Board and the Migration Agents Registration Entrance Advisory Committee.

It should be noted the following options do not impact the entry pathway for those holding the prescribed qualifications namely; a current legal practising certificate issued by an Australian body authorised by law to issue it.

## BACKGROUND

Under the current legislative instruments IMMI/06/56 and 57, the Prescribed Course is the Graduate Certificate in Australian Migration Law and Practice ('the Graduate Certificate') and the Prescribed Examination is the "*common assessment items relating to registration*" which form part of the Graduate Certificate.

Section 289A of the *Migration Act 1958* requires, for the purposes of initial registration, that an applicant has "*completed a prescribed course within the prescribed period and has passed a prescribed exam within the prescribed period*".

Regulation 5 of the *Migration Agents Regulations 1998* stipulates the prescribed period as "*the 12 month period immediately before the day on which the applicant is taken to have made the application for registration*".

The Authority is inviting comment on:-

### OPTION ONE - Maintain the status quo

This option would mean that the Prescribed Course will continue to be the Graduate Certificate in Australian Migration Law and Practice and the Prescribed Exam would be an embedded assessment within the Graduate Certificate.

With this option it could be possible that the Prescribed Period could be extended from the current twelve to twenty four months to allow for more time for applicants to apply for registration upon completion of the Prescribed Course and the Prescribed Exam.

### OPTION TWO - Lift entry requirements to a Graduate Diploma

There has been robust discussion around this option in the past. The 2007- 08 Review of Statutory Self-Regulation of the Migration Advice Profession<sup>1</sup> recommended that "*as soon as practicable the Graduate Certificate as the knowledge requirement for entry to the profession be replaced with a Graduate Diploma level course*" (Recommendation 13). The rationale was "*to better prepare entrants to the challenges of the profession and ensure, through more rigorous entry standards, that only those committed to the profession entered*".

This option would involve stipulating that the Prescribed Course is the Graduate Diploma in Australian Migration Law and Practice ("the Graduate Diploma") and the Prescribed Exam would be the "common assessment items relating to registration" which form part of the Graduate Diploma.

With this option it could also be possible that the Prescribed Period could be extended from the current twelve to twenty four months to allow for more time for applicants to apply for registration upon completion of the Prescribed Course and the Prescribed Exam.

The duration of a Graduate Diploma course could facilitate access to university scholarships and other forms of Fee Help for students.

### **OPTION THREE - Introduce a Separate Capstone Assessment as the Prescribed Examination which is de-linked from the Prescribed Course**

This option involves the development of a stand alone capstone assessment as an entrance examination to qualify for registration. This separate assessment would then be stipulated as the Prescribed Examination.

This separate Prescribed Examination would have the following characteristics:-

1. 3-tiered capstone assessment comprising:-

- Tier 1: An invigilated written examination conducted under examination conditions. (Duration: 3 hours);
- Tier 2: A take home mock portfolio (Duration: 2 weeks);
- Tier 3: A simulated client interview (Duration: 45 minutes and videotaped for assessment)

Note: This tiered assessment format distinguishes the proposed Prescribed Examination from the MAPKEE (Migration Agents Professional Knowledge Entrance Examination) that preceded the Graduate Certificate as the MAPKEE consisted of a Tier 1 component only.

2. Completed within two weeks;

3. Delivered by third party providers selected through a tender process;

4. Cost will be determined by the provider;

5. Held at appropriate frequencies (say twice annually in Sydney and Melbourne and once annually in Brisbane, Perth and other relevant cities);

6. Pre-requisite for sitting the Prescribed Examination will be the successful completion of the Prescribed Course

A separate Prescribed Examination would enable:-

1. An outcomes focus on the knowledge requirement for entry into the profession.
2. More pathways and options to be stipulated as the Prescribed Course with different price points and greater flexibility for applicants, for example:-
  - Pathway 1: Graduate Certificate + Practice Ready Program
  - Pathway 2: Graduate Diploma in Australian Migration Law and Practice\*
  - Pathway 3: Masters in Australian Immigration Law + Practice Ready Program

- Pathway 4: Bachelors in Law or Commerce with an Immigration Law specialisation + Practice Ready Program

\* assumes Practice Ready Program incorporated into Diploma

Applicants undertaking the Graduate Diploma, Bachelors or Masters courses could access university scholarships and other forms of Fee Help not available to Graduate Certificate students due to the duration of the course.

3. The application of different prescribed periods to apply to the Prescribed Course from that of the Prescribed Examination.
4. A longer shelf life for the Prescribed Course, which could be fixed at five years (consistent with guidelines for currency of tertiary level courses which are deemed current for a period from five to ten years).
5. The Prescribed Period for lodging applications to remain at twelve months from date of successful completion of the Prescribed Examination. Applicants (who fall outside the Prescribed Period) need only re-sit the Prescribed Examination, provided the Prescribed Course had been completed within five years.
6. The separate capstone assessment could be extended to satisfying sound knowledge requirements in the following instances:-
  - For re-activation of lapsed agents;
  - As a condition to be fulfilled by suspended agents;
  - For cancelled/barrred agents if the barring period falls outside the period permitted for lapsed agents to re-register.

## Feedback

You can provide feedback using our online form.  
See: [Public Consultation Exam and Course 2012](#)

Public consultation on these options will close on **30 April 2012 at 5 pm (AEST)**

<sup>i</sup> See "2007–08 Review of Statutory Self-Regulation of the Migration Advice Profession: Final Report" May 2008 at <https://www.mara.gov.au/About-Us/Reform-Agenda/default.aspx>