



Australian Government

**Department of Immigration
and Border Protection**

Continuing Professional Development (CPD) approved provider standard conditions

Office of the MARA

Effective: 23 March 2013



Contents

1. Definitions	3
2. Introduction	4
3. Administration	5
4. Staff/Trainers	6
5. Policies and Procedures	7
6. Marketing and Advertising	8
7. Learning and Assessment	9
8. Evaluation and Continuous Improvement	11
9. Probity and Conflicts of Interest	11
10. Records Management	11

1. Definitions

1.1 The following definitions apply:

- **“approved activity”** means an activity approved by the Office of the MARA
- **“approved provider”** means a person that is approved by the Office of the MARA
 - Note: person includes an individual and other persons such as a business entity
- **“CPD”** means Continuing Professional Development
- **“electronic form”** may include electronic mail (e-mail), website, electronic document (e.g. pdf or word file),
- **“learning outcomes”** means the specific and attainable learning achievements that participants are expected to learn and be able to demonstrate at the completion of the CPD activity
- **“mandatory activity”** means an activity declared as mandatory for the purposes of clause 7A of Schedule 1 to the Migration Agents Regulations 1998
- **“Migration Act”** means the Migration Act 1958
- **“Migration Agents Regulations”** means the Migration Agents Regulations 1998
- **“Office of the MARA”** means the Office of the Migration Agents Registration Authority
- **“participant(s)”** means people who undertake approved activities
- **“Standard Conditions”** means the Continuing Professional Development Approved Provider Standard Conditions (this document)
- **“suitable mentoring arrangement”** means an arrangement between 2 registered migration agents under which one of the agents provides mentoring to the other agent about practice as a registered migration agent
- **“the Office of the MARA website”** means the website located at the following web address: www.mara.gov.au
- **“voluntary organisation”** means an organisation that provides immigration assistance without charging a fee

Note: Examples of voluntary organisations are:

- (a) a non-profit immigration advice organisation; and
- (b) a migrant resource centre; and
- (c) an ethnic community organisation

2. Introduction

- 2.1 The Standard Conditions are set out pursuant to the Office of the MARA's authority under Part 3 of the Migration Act and the Migration Agents Regulations. The Standard Conditions set out the minimum standards for the provision of nationally consistent, high quality CPD activities for registered migration agents.
- 2.2 Approved providers are required to comply with the Standard Conditions, and the Office of the MARA is authorised to revoke the approval in circumstances where an approved provider fails to comply with the Standard Conditions or any other conditions specified by the Office of the MARA in the approval.
- 2.3 The Standard Conditions apply to all approved providers. Approved providers may apply for CPD activities to be approved by the Office of the MARA. The activity types are specified in subregulation 9E(4) of Part 3A of the Migration Agents Regulations and may include the following:
- a. program of education that is:
 - (i) conducted by a person who is, or persons who are, qualified by practical experience or academic qualifications in the subject matter of the course; and
 - (ii) comprehensive or refresher training;
 - b. distance learning, which:
 - (i) may include the collective or private study of written material or live or recorded material in electronic form; and
 - (ii) may or may not require a facilitator;
- Note: Examples for paragraph b are:
- (a) participation in a web-based seminar; and
 - (b) watching live streaming or a recorded event; and
 - (c) participation in video conferencing.
- 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;
 - d. authorship and publication of an article of at least 1,000 words;
 - e. preparation or presentation of written or oral material for the purposes of paragraph a, b or c, or for use in an examination that demonstrates competency as a registered migration agent;
 - f. authorship, shared authorship or editorship of a book;
 - g. providing immigration assistance without charge for a voluntary organisation;
 - h. participation in a suitable mentoring arrangement;
 - i. any other activity, specified by the Office of the MARA in an instrument in writing for paragraph 9E(4)(i) of Part 3A of the Migration Agents Regulations, for the purpose of meeting continuing professional development requirements.

- 2.4 Where the Office of the MARA approves an activity it may set requirements for the completion of the activity. Examples include, but are not limited to:
- a. a minimum mark for an examination; and
 - b. a requirement that the quality of a presentation be certified by qualified persons; and
 - c. journals in which a publication must appear; and
 - d. a requirement that the quality of work for an activity be assessed in a particular way; and
 - e. a requirement dealing with work for an activity undertaken jointly with another person.
- 2.5 The Standard Conditions replace the Continuing Professional Development Registered Provider Standard Conditions and apply to all approved providers with effect from 23 March 2013.
- 2.6 Approved providers will be advised of any changes to the Standard Conditions prior to the change taking effect. A notice for the date of effect of any changes to the Standard Conditions will be communicated to approved providers via electronic form.

3. Administration

- 3.1 Approved providers must:
- a. ensure the policies and procedures of the approved provider are circulated and implemented consistently throughout the approved provider's organisation,
 - b. ensure training is provided to staff on policies and procedures of the approved provider to ensure consistent implementation,
 - c. maintain a working knowledge of the Office of the MARA Policy and Procedures Manual (PPM), the Office of the MARA Newsflash and Office of the MARA newsletters,
 - d. notify the Office of the MARA of any significant changes to an activity once the activity has been approved by the Office of the MARA (including learning outcomes),
 - e. inform the Office of the MARA, in writing, of changes to any of the following in relation to the approved provider:
 - (i) the information contained in the 'Company Extract', the certificate of registration of a business name, or certificate of incorporation as an association;
 - (ii) senior personnel;
 - (iii) location and contact details;
 - (iv) principal Office of the MARA contact person and enrolment contact person;
 - (v) the transfer of records of a kind referred to in Part 10 of the Standard Conditions; and
 - (vi) written policies for learning and assessment, quality assurance, complaints, cancellations and refunds.

Within twenty eight (28) days of the change taking effect.

Changes to information specified in paragraphs 3.1(e)(iii) and (iv) above must be made via the approved provider login facility on the Office of the MARA website. Other changes must be communicated by completing the relevant sections of the Application for CPD Approved Provider Registration form and submitting it to the Office of the MARA.

- 3.2 Approved providers must:
- a. ensure that adequate staff are available to address enrolment enquiries,
 - b. make available, at time of enrolment, written refund and cancellation policies that are fair and reasonable. It is expected that fees paid in advance will be protected enabling participants to obtain a full refund if the activity is cancelled by the approved provider,
 - c. conduct internal audits at least once annually to ensure compliance with the Standard Conditions, and
 - d. take corrective and preventative action, within a reasonable period of time, where the approved provider has not complied with the Standard Conditions.
- 3.3 Approved providers must, within a reasonable period of time, inform the Office of the MARA of any instances of non-compliance with the Standard Conditions, and of the corrective and preventative action taken. This will assist the Office of the MARA in the management of issues or concerns raised by participants.

4. Staff/Trainers

- 4.1 Persons connected with an activity must be of sound character and reputation. The following persons are taken to be connected with an activity:
- a. a person who conducts, produces, writes or presents materials for it;
 - b. a person concerned in the management of a company or a body of persons that conducts, produces, writes or presents material for it;
 - c. a person appointed as the principal Office of the MARA contact or enrolment contact, or
 - d. a person who has been appointed as a consultant to advise a person mentioned in paragraph a or b about the activity.
- 4.2 Developers, trainers, facilitators and/or assessors of material used in any approved activity must be able to demonstrate subject matter expertise exceeding that being delivered or assessed. As a minimum this must include:
- a. at least 4 years' recent experience as a registered migration agent, or
 - b. at least 5 years' recent subject matter expertise, or
 - c. a senior DIBP officer, or
 - d. a member of a tribunal or judiciary, or
 - e. a person with a combination of the experience described in paragraphs 4.2a – d.
- 4.3 It is preferred that approved activities are delivered and assessed by trainers/facilitators who:
- a. hold a Certificate IV in Training and Assessment or are able to demonstrate the satisfactory completion of equivalent competencies; or
 - b. are under the direct supervision of a person who has the competencies specified in paragraph 4.3 a; or
 - c. are able to demonstrate vocational competencies.

5. Policies and Procedures

- 5.1 Prior to a participant commencing an approved activity, an approved provider must make available to the participant (in print or electronic form) current and accurate information regarding the following:
- learning outcomes for a particular approved activity or group of approved activities that form part of a program of approved activities,
 - fees and charges for an approved activity (including the cancellation and refund policy), and
 - the approved provider's policies in relation to complaints and refunds.
- 5.2 Approved providers must have documented policies and procedures in relation to the following:
- learning and assessment,
 - quality assurance,
 - complaints, and
 - cancellations and refunds.
- 5.3 The policies and procedures in relation to learning and assessment must include a completion policy which provides, as a minimum, that a participant must be present for at least 75% of the duration of an approved activity to be considered to have completed the approved activity.
- 5.4 Approved providers must be able to demonstrate to the reasonable satisfaction of the Office of the MARA that the policies and procedures set out at paragraphs 5.2 a – d above are being implemented.
- 5.5 The policies and procedures must be provided to the Office of the MARA at the time of applying for approval as a CPD approved provider and within 28 days after changes to the policies and procedures occur.
- 5.6 Learning and assessment policies and procedures must address the matters set out in Part 7 of the Standard Conditions, and must incorporate the following requirements:
- selecting an appropriate physical learning environment for face-to-face activities in accordance with clause 7.4 of the Standard Conditions,
 - ensuring learning materials are reviewed for currency (including the effect of upcoming legislative changes) by a member of staff or a consultant with subject matter expertise outlined in clause 4.2 of the Standard Conditions. This should be undertaken prior to issue or re-issue of the materials used in any approved activity,
 - ensuring that a participant has successfully completed an approved activity before electronically notifying the Office of the MARA, and
 - electronically notifying the Office of the MARA of participants who have successfully completed any approved activity. The notification must be in the approved format and be submitted to the Office of the MARA within 14 days of the participant completing the approved activity.

- 5.7 Electronic notification for allocation of CPD points to participants must be sent via the Office of the MARA website. If the website is not functional, confirmation should be sent to cpd@mara.gov.au in the approved rich text format (rtf) or word document format.
- 5.8 Quality assurance policies and procedures must address the matters set out in Part 8 of the Standard Conditions, and must incorporate the following requirements:
- a. obtaining feedback from participants who undertake an approved activity on whether the objectives of the approved activity were met, and
 - b. analysing the feedback at least once every twelve months to assess the learning effectiveness of the approved activity and strategies to improve the delivery of the approved activity.
- 5.9 Approved providers must comply with relevant Commonwealth, State and Territory legislation and regulatory requirements in relation to, but not limited to:
- a. occupational health and safety,
 - b. workplace harassment, victimisation and bullying,
 - c. anti-discrimination, including equal opportunity, racial vilification and disability discrimination,
 - d. privacy, and
 - e. intellectual property.

6. Marketing and Advertising

- 6.1 Approved providers must ensure that the marketing and advertising of approved activities is undertaken in a professional manner and maintains the integrity and reputation of approved providers and the migration advice profession.

Approved providers must:

- a. clearly identify the approved provider's name in written marketing and other material for participants, including when the marketing and other material is in electronic form,
- b. clearly identify the approved activity number of each approved activity,
- c. remove advertising and marketing for activities which are not approved activities from the date of notification of revocation of approval of an activity by the Office of the MARA,
- d. include the duration of an approved activity, and
- e. not give false or misleading information or advice in relation to:
 - (i) claims of association between approved providers,
 - (ii) the learning outcomes associated with an approved activity,
 - (iii) any other claims relating to the approved provider, its activities or learning outcomes associated with approved activities.

- 6.2 Approved providers must give the Office of the MARA at least two (2) weeks' notice of the commencement of an approved activity. This information must be communicated via the Office of the MARA website, utilising the Advertising Activities facility, unless other arrangements have been made with the Office of the MARA.
- 6.3 An approved provider must ensure the marketing and advertising of its approved activities and services complies with the Spam Act 2003, as amended from time to time. In particular, any commercial electronic messages must contain a functional unsubscribe facility.

7. Learning and Assessment

- 7.1 Each approved activity should:
 - a. have identified learning strategies to achieve the learning outcomes,
 - b. be appropriate and relevant to the work of a registered migration agent,
 - c. define content that clearly supports the delivery of the learning outcomes,
 - d. make participants aware of the social and ethical responsibilities of practice as a registered migration agent, and
 - e. include a planned break period after each 1.5 hours of tuition.
- 7.2 Activity developers, trainers, facilitators and/or assessors must be given the learning outcomes prior to the commencement of the activity and ensure the activity is focused on the attainment of those learning outcomes by the participants.
- 7.3 Applications for mandatory activities must comprise all the learning outcomes specified for each activity. Additional components or learning outcomes must not be included in the principal 1.5 hour activity. Additional components or learning outcomes must be covered in extra time. Mandatory activities and required learning outcomes are specified on the Office of the MARA website.
- 7.4 The physical learning environment for delivery of face-to-face activities should have:
 - a. adequate seating,
 - b. minimal external noise,
 - c. adequate lighting, and
 - d. appropriate acoustics.
- 7.5 Approved providers must consider, where appropriate, the Disability Standards for Education 2005, formulated under the Disability Discrimination Act 1992, as amended from time to time.
- 7.6 Approved providers must implement effective strategies for the support and monitoring of participants who undertake the following kinds of approved activities:
 - a. a program of education that is:
 - (i) conducted by a person who is, or persons who are, qualified by practical experience or academic qualifications in the subject matter of the course; and
 - (ii) comprehensive or refresher training;

- b. distance learning, which:
 - (i) may include the collective or private study of written material or live or recorded material in electronic form; and
 - (ii) may or may not require a facilitator;

Note: Examples for paragraph b are:

- (a) participation in a web-based seminar; and
 - (b) watching live streaming or a recorded event; and
 - (c) participation in video conferencing.
 - (c) additional assessment tasks required as a condition of an approved activity.
- 7.7 All activity applications must include a copy of all materials used in the activity (seminar papers, PowerPoint slides and handouts).
- 7.8 All activity applications for a program of education, distance learning or additional assessment tasks must also include a copy of the assessment task(s) and where relevant audio or video recordings.
- 7.9 Activity applications for distance learning must have a minimum of 1.5 hours of learning time. All approved activities for distance learning will only be allocated a maximum of 1 CPD point, even if duration of the activity exceeds the minimum of 1.5 hours.
- 7.10 All assessments offered must:
- a. assess current subject matter,
 - b. test the knowledge and skills stated in the learning outcomes for the approved activity,
 - c. assess a participant's ability to research, form opinions, and use resources. Less emphasis should be placed on speed and memory,
 - d. be completed individually by each participant and include a signed statement verifying this,
 - e. be commensurate with the 1.5 hour activity connected to the assessment, and
 - f. include strategies to ensure the provisions of clause 5.3 are complied with.
- 7.11 Appropriate forms of assessment include: essays, written reports, case studies, projects, short answer questions, presentations, and interviews.
- 7.12 If an assessment includes multiple choice questions (including true/false questions) the required pass mark must be at least 75%, and there must be a minimum of 20 multiple choice questions. All questions must relate to the content of the subject matter covered and assess understanding and knowledge of material presented.
- 7.13 For any assessment offered, individual feedback should be given to participants if requested. Feedback must include guidance in the areas that the participant was unsuccessful. Providing a pass or fail result, or a numerical score, is not considered sufficient feedback.

8. Evaluation and Continuous Improvement

- 8.1 Approved providers must participate in quality assurance processes conducted by the Office of the MARA. Approved providers must supply the Office of the MARA with any information or documentation requested regarding their approved activities and operations.
- 8.2 The approved provider's principal Office of the MARA contact person must provide the Office of the MARA with reasonable access to records and staff as required for the purposes of evaluation and continuous improvement.
- 8.3 Where the Office of the MARA recommends that changes to approved activities or operations are required, the approved provider must implement the changes within the period of time specified by the Office of the MARA, or if no period of time is specified, within a reasonable period of time.

9. Probity and Conflicts of Interest

- 9.1 Approved providers will take all reasonable steps to avoid any conflicts of interest (real or perceived) in connection with its dealings with the Office of the MARA.

10. Records Management

- 10.1 Approved providers must keep the following kinds of records for a period of at least two years from the date an approved activity to which the records relate was completed:
 - a. feedback from participants and other stakeholders on the delivery of the approved activity and whether the learning outcomes were met,
 - b. original documents relating to a participant completing the approved activity,
 - c. signed statements from participants who have completed the assessment in an approved activity of distance learning or additional assessment confirming they have completed the assessment independently,
 - d. the learning and assessment materials which relate to the activity, and dates those materials were used, and
 - e. electronic notifications sent to and from the Office of the MARA for participants who have successfully completed the approved activity.
- 10.2 The Office of the MARA will rely on electronic notification from approved providers to allocate CPD points to participants, negating the need for certificates to be provided. Approved providers can issue certificates of completion to participants who require them for their own purposes.