

## QUESTION TAKEN ON NOTICE

### ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(19) Program 1.1: Visa and Migration**

Senator Cash (L&CA 19) asked:

- 1) Provide details of the types and the nature of those complaints regarding OMARA.
- 2) And how they have been dealt with and whether and how they have been determined?

*Answer:*

- 1) The Office of the MARA may receive complaints through the department's Global Feedback Unit (GFU) or direct from the Ombudsman.

In the period 1 July 2009 to 30 June 2010, 25 complaints were received about the Office through the GFU.

Of these, 12 complaints related to the website, 12 related to service standards and one related to self-regulation.

In addition, the Ombudsman contacted the Office about one matter involving delay in finalising an application for registration.

In the period 1 July 2010 to 17 March 2011, no complaints were received about the Office through the GFU.

The Ombudsman contacted the Office about four matters. One involved registration service standards, one involved whether a previous complaint had been taken into account in registering an agent and two involved complaints handling.

- 2) All complaints received in 2009-10 have been finalised.

All complaints were acknowledged and responded to. The complaints were forwarded to the relevant area for consideration in the first instance and brought to the attention of both the Deputy Chief Executive and Chief Executive Officers.

In the case of the website, communications were issued to all registered migration agents to explain the reason for work that had to be done. The security concerns were addressed and functionality added. Work has continued on improving website useability and the information it contains.

In relation to service standards, the registration team reviewed its procedures, introduced more streamlined processes and strengthened resourcing and training.

The policy question about self regulation was responded to explaining that the creation of the Office of the MARA followed on from the recommendations of the *2007–08 Review of Statutory Self Regulation of the Migration Advice Profession*.

The enquiry from the Ombudsman was responded to and the matter was closed.

Of the Ombudsman enquiries received since 1 July 2010, two have been finalised and two remain open. Any enquiry from the Ombudsman is brought to the attention of the Executive team and passed to the relevant Section Head for response. All responses are cleared by the Deputy Chief Executive Officer and Chief Executive Officer.

One matter involving the handling of a complaint about an agent was finalised with a finding of administrative deficiency. The decision maker had failed to give sufficient consideration to particular clauses of the Code of Conduct in finalising a complaint against an agent. The aggrieved client was provided with a personal apology. Quality assurance procedures have been put in place to ensure complaints are properly considered and additional training has been provided to all staff in the Professional Standards and Integrity Section.

The other matter that has been finalised involved explaining to the Ombudsman that a previous complaint about an agent is not in itself sufficient to refuse registration. Each application is treated on its merits and natural justice must be afforded before a decision is made.

Of the two that remain open, the Ombudsman has sought further information in both matters. The Office is responding promptly and providing all information.