

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARINGS: 11 February 2013**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE13/0170) PROGRAM – OMARA**

Senator Cash (Written) asked:

In the financial years 2011-12, and 2012-date, how many registered migration agents have been sanctioned for mishandling client monies, and what is the current status or outcome in each of those cases?

*Answer:*

In the period 1 July 2011 to 30 June 2012, 12 agents were sanctioned as a result of mishandling client monies.

Mishandling of client monies includes a registered migration agent failing to maintain a client account in accordance with their obligations under the Code of Conduct, and receiving client fees without providing services.

Of these 12 sanction decisions, 5 appeal applications were lodged with the Administrative Appeals Tribunal.

Of these 5 appeal applications, 1 application was withdrawn by the review applicant, 1 application was dismissed by the AAT and 1 application was finalised by way of the AAT affirming the Office of the MARA's decision. 2 appeal applications are ongoing.

In the period 1 July 2012 – current (14 March 2013), 7 agents were sanctioned as a result of mishandling client monies. Of these 7 sanction decisions, 3 appeal applications were lodged with the AAT. The 3 appeal applications remain ongoing.

See Table A (1 July 2011 – 30 June 2012) and Table B (1 July 2012 – 14 April 2013) below for the relevant breakdown of sanction decisions.

**Table A** 1 July 2011 – 30 June 2012

**12 agents (involving 66 complaints)**

Barred 5 agents  
Suspended 1 agent (for three years)  
Cancelled: 4 agents  
Cautioned 2 agents

Agent	Complaint summary	Complaints	Decision Date
Ahm JOO	<ul style="list-style-type: none"><li>Received fees without providing services</li><li>Mishandling client monies</li><li>Not fit and proper person</li><li><b>Barred - 5 years</b></li></ul>	2	13/12/2011
Christopher MATTHEWS	<ul style="list-style-type: none"><li>Mishandling client monies</li><li>Received fees for no service</li><li><b>Barred - 5 years</b></li></ul>	4	14/12/2011
Vladimir BASHKIRTZEV	<ul style="list-style-type: none"><li>Mishandling client monies</li><li>Not fit and proper person</li><li><b>Cancelled – 5 years</b></li></ul>	3	12/01/2012
Kaviti BALI	<ul style="list-style-type: none"><li>Competency concerns – failure to act in clients' best interests</li><li>Mishandling client monies</li><li><b>Cautioned – for 12 months and until conditions met</b></li></ul>	3	07/02/2012
Jonathan WONG	<ul style="list-style-type: none"><li>Providing immigration assistance whilst suspended</li><li>Mishandling client monies</li><li>Providing false information to the Authority</li><li><b>Cancelled</b></li></ul>	4	28/02/2012
Betty BABAMOVSKI	<ul style="list-style-type: none"><li>Received fees without providing services</li><li>Mishandling client monies</li><li>Fraudulently altering documents</li><li><b>Barred – 5 years</b> (review application lodged)</li></ul>	11	13/03/2012
Ricardo VIANA	<ul style="list-style-type: none"><li>Competency concerns – failure to act in client's best interests</li><li>Mishandling client monies</li><li>Failure to cooperate with the Authority and Queensland Legal Services Commissioner</li><li><b>Cautioned – for 12 months and until conditions met</b></li></ul>	1	26/03/2012

Elenore BASHI	<ul style="list-style-type: none"> <li>• Failure to supervise employees</li> <li>• Mishandling client monies</li> <li>• <b>Suspension</b> (review application lodged)</li> </ul>	2	12/04/12
Hami ALJADER	<ul style="list-style-type: none"> <li>• Received fees without providing services</li> <li>• Mishandling client monies</li> <li>• Fraudulently altering documents</li> <li>• <b>Barred – 5 years</b></li> </ul>	6	12/04/12
Vu NGUYEN	<ul style="list-style-type: none"> <li>• Agent struck off the legal practitioner's roll</li> <li>• Mishandling client monies</li> <li>• Not a fit and proper person to provide immigration assistance</li> <li>• <b>Cancelled</b> (review application lodged)</li> </ul>	1	13/04/12
Raymond SALOMONN	<ul style="list-style-type: none"> <li>• Received fees without providing services</li> <li>• Mishandled client monies</li> <li>• Not a fit and proper person</li> <li>• <b>Cancelled</b> (review application lodged)</li> </ul>	7	23/04/2012
Mark MERCURIUS	<ul style="list-style-type: none"> <li>• Received fees without providing services <b>Barred – 5 years</b> (review application lodged)</li> </ul>	22	8/05/2012

**Table B** 1 July 2012 – current (14 March 2013)

**7 agents (involving 64 complaints)**

Barred 2 agents

Suspended (2013)

**7 agents (involving 64 complaints)**

Barred 2 agents

Suspended 1 agent (2 years)

Cancelled: 3 agents

Cautioned 1 agent

Agent	Complaint summary	Complaints	Decision Date
John PASS	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Competency concerns – failure to act in client's best interests</li><li>• <b>Cautioned – for 6 months and until conditions met</b></li></ul>	2	6/08/12
Jackie CHANG	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Acting in a conflict of interest</li><li>• <b>Cancelled (review application lodged)</b></li></ul>	6	10/08/12
Melissa O'MALLEY	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Not a fit and proper person</li><li>• Competency concerns – failure to act in client's best interests</li><li>• <b>Barred – 5 years</b></li></ul>	24	24/10/12
Wei YIN	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Not a fit and proper person</li><li>• <b>Cancelled</b></li></ul>	9	21/01/13
Martin AGUILAR	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Failure to act in clients' best interests</li><li>• Not a fit and proper person</li><li>• <b>Barred – 5 years</b></li></ul>	3	25/02/13
Maria AGUILAR	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Failure to supervise employee</li><li>• Not a fit and proper person</li><li>• <b>Suspended – 2 years</b> (review application lodged)</li></ul>	1	28/02/13
Weiming QIAN	<ul style="list-style-type: none"><li>• Mishandling client monies</li><li>• Failure to supervise employees</li><li>• Not a fit and proper person</li><li>• <b>Cancelled</b> (review application lodged)</li></ul>	17	11/03/13