

Stephen Wood, CEO, Office of the MARA.

Thank you Chair and members of the committee. I would like to provide a brief update on the performance of the Office of the Migration Agents Registration Authority (MARA) since I last appeared in October 2012.

Profile

Firstly to update you on the profile of the profession. At the end of January 2013, there were 4,788 registered migration agents in the profession. This is approximately a 2 per cent increase since 30 June 2012 following a 5 per cent increase the previous program year.

In the 2012-13 program year to 31 January 2013, the number of non-commercial registered agents increased by approximately 6 per cent to 334.

Registrations by holders of legal practising certificates increased to 1,536 as at 31 January 2013, which is approximately a 7 per cent increase since the end of June 2012. Legal practitioners now represent 32 per cent of registered migration agents.

Improving Services

The Office of the MARA has improved the online repeat application process to further streamline application requirements and introduce payment by credit card. This has resulted in a significant reduction in cheque payments and an improved capacity to finalise applications.

Ensuring only suitable persons are registered

This financial year, three applications for registration have been refused. Appeals to the AAT have been lodged in respect of one of these decisions. One appeal has carried over from the previous year. No determinations have yet been made on these two appeals.

From 1 July 2012 to 31 January 2013, a total of 241 complaints were received or reopened by the Office of the MARA relating to 171 registered migration agents or former agents. In pro rata terms this is a slight decrease compared to the previous year¹.

In the 2013 program year to date, six agents have been sanctioned on the basis of 43 complaints.

- one agent was barred for five years,
- three agents had their registration cancelled for five years
- two agents were cautioned

Since 1 July 2012, two agents appealed sanction decisions with the AAT. Six appeals were also carried over from the previous financial year. Two agents have since withdrawn their appeals, one appeal was dismissed (for want of jurisdiction) and one appeal resulted in the AAT affirming the sanction. Four appeals remain on foot.

Internal analysis of complaints incidence over the past five years reveals the good news that most registered migration agents do comply with their obligations under the Code and do not receive complaints. In fact approximately 75 per cent of those agents registered today have never received a complaint during their entire professional life. Even where complaints are received, the majority of registered migration agents are found to be doing the right thing. And even where a breach is found, most registered migration agents learn from the experience and improve their business without receiving a sanction. And for those agents that do deserve a sanction, the good news for the profession is that the

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sanction decisions are standing up on appeal. This reduces the risk that the reputation of the profession will be tainted by the small few who do not meet their obligations.

Education and Awareness

At Supplementary Budget Estimates in October, I reported on support provided for registered migration agents through continued focus on education and awareness.

Since 1 July 2012 a total of 113 CPD activity applications were received and 108 applications were approved. At the end of January 2013, there were 379 approved activities offered by 50 providers.

The Practice Ready Program (PRP) continues to be available to assist registered migration agents during their first year of practice. Since 1 July 2012, a total of 120 agents have completed this mandatory CPD program.

To complement the ethics toolkit provided to all registered migration agents, the Professional Development Section within the Office of the MARA has now published all four of the Ethics Bytes modules. These are available to all registered migration agents through our website. Ethics is one of the cornerstones of professionalism. There are nine CPD providers offering 15 ethics CPD activities using these free resources. Since the toolkit was released on 1 December 2012, 3430 RMAs have completed ethics CPD. The toolkit has been downloaded approximately 140 times per month and the ethics bytes modules viewed 75 times per month.

In December 2012, a Client Monies Toolkit was also released. This toolkit provides practical guidance to registered migration agents (particularly those without a legal practicing certificate) on how to set up a client account and appropriately manage their client's money in compliance with their obligations under the Code of Conduct.

I am also pleased to say that the New Zealand Immigration Advisors Authority has entered into a Licensing agreement with the Commonwealth of Australia to use the Ethics Toolkit, Client Monies Toolkit and Consumer Guide as a base upon which to develop their own materials.

Stakeholders

We have continued to meet with stakeholders on a regular basis. Productive dialogue with peak bodies continues. The Migration Institute of Australia hosted a special function to formally welcome me into my new role as CEO and introduce me to members which was much appreciated.

Following Advisory Board consideration at its 14th meeting in November 2012, the review of the Office of the MARA's complaints handling by Mr Phil Khoury of the Navigator Company has been made publicly available on the Office of the MARA's website. I have brought copies for the Committee.

Public consultation was completed in relation to improvements to the Code of Conduct. We will shortly be publishing the consolidated feedback from the focus groups held. Engagement was constructive and a consistent theme was that there were a number of areas where the appropriate way to manage the right outcomes was through policy rather than legislative change.

I am happy to answer questions from members of the Committee.

¹ In 2011/12 481 complaints were received relating to 302 persons (or approximately 281 complaints against 176 agents in seven months).