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Office of the MARA

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1.1 CEO'S OPENING STATEMENT

Thank you Chair and members of the committee. I would like to update you on progress with the Office of the Migration Agents Registration Authority (Office of the MARA).

Operations

At the end of March 2012, there were 4,649 registered migration agents in the profession. This is approximately a 4 percent increase (184 agents) since 30 June 2011 (4,465). This follows a slight decrease over the period 2010-11 of approximately 0.4 percent (17 agents). By comparison, for the period 2009-10 there was an increase of 9 percent (285 agents).

Between 1 July 2011 and 31 March 2012, the number of non-commercial registered agents increased by approximately 15 percent (41), to 318 which compares to 277 agents at 30 June 2011.

Registrations by holders of legal practising certificates increased to 1,404 as at 31 March 2012, which is approximately an 11 percent (140) increase since the end of June 2011. Legal practitioners now represent 30% of registered migration agents.

Since 1 July 2011, 11 applications for registration have been refused. Appeals to the AAT have been lodged in respect of 4 of these decisions resulting in two appeals being withdrawn. No determination has yet been made by the AAT regarding the remaining decisions.

This compares to the 8 applications for registration which were refused for the period 2010-11. Of these, 4 appeals were made to the AAT resulting in two appeals being withdrawn, and one decision dismissed. A further decision was remitted for consideration by the Office of the MARA and refused on other grounds. No appeal has been lodged in respect of this decision.

From 1 July 2011 to 31 March 2012, a total of 362 complaints were received or reopened by the Office of the MARA relating to 245 persons. This is a similar trend to the previous year, when the Office of the MARA received a total of 519 complaints relating to 343 persons.

Concerns relating to the standard of professional conduct demonstrated by agents (part 2 of the migration agents Code of Conduct) remains the primary issue of the complaints received (72%). The second highest concern related to disputes regarding fees and charges, representing 10 per cent.

The majority of complaints (83.4% or 287) were from individuals, with the next biggest group being the Department of Immigration and Citizenship (8.7% or 30 complaints). This reflects a trend over the last few years for complaints from individuals to increase and complaints from the department to decrease.

From 1 July 2011 to 8 May 2012, 19 agents were sanctioned on the basis of 76 complaints.

- seven agents were barred for five years,
- five agents had their registration cancelled for five years,
- five agents were cautioned, and
- two agents were suspended for three years.

This compares to 8 agents sanctioned in 2010 -11, on the basis of 41 complaints.

Six agents have appealed the sanction decision with the AAT. One agent withdrew this appeal in August 2011 and the remaining five are current.

Education and Support

From 1 July 2011 to 31 March 2012, a total of 87 CPD activity applications were received and 108 applications were approved. At the end of March 2012, there were 438 approved activities offered by 55 providers.

CPD reforms have resulted in greater activity choices for agents. In addition to existing activities, agents can now claim CPD points by completing new activities like mentoring, workshops and conferences.

A review of CPD has indicated that 82% of agents are satisfied with the CPD they complete, which represents an increase of 21% to that indicated in the 2010 survey.

The first Practice Ready Program (PRP) course was held in Melbourne in March 2012 and to date 42 people have completed the course. The PRP is a practical and highly interactive program to equip registered migration agents in their first year with the relevant skills and knowledge to successfully practice as a registered migration agent. It includes passing an assessment task. Persons who lodge an application for initial registration on or after 1 September 2011 must complete the PRP within the 12 months prior to lodging their first repeat application for registration as a migration agent. Persons who lodged their initial registration before 1 September 2011 are strongly encouraged to complete this course. Persons who hold a legal practicing certificate or accountants who are members of recognised professional bodies are not required to complete the PRP.

A standard ethical framework and toolkit have been provided to migration agents and CPD providers. This is supported by a free and confidential counselling service called 'Ethi-call' which is provided by the St James Ethics Centre. To complement the toolkit, the Office of the MARA is developing 'ethics bytes', a series of four on-line modules which will be available to all agents through the website.

Following on from the success of the ethics toolkit, we are developing a toolkit for handling client monies. The draft is available on our website together with a report on the handling of client monies for public consultation.

Communications Strategy

A focus of our communications strategy has been on ethnic communities. This has included a translated booklet titled *Your rights – tips on using a registered migration agent* which is now available in a total of 24 community languages online at the Office of the MARA's website. A total of almost 6,000 printed copies have been distributed and the electronic version has been downloaded over 5,000 times.

A YouTube video titled *Using a Registered Migration Agent* was made available in November 2011 in 9 languages (including English). As at 2 May 2012, this video has been viewed 10,285 times, with 15% (1,555) of these being in languages other than English (with 8,720 hits).

We have continued to engage with a number of bodies including migrant resource centres and education providers to improve the awareness of the regulatory framework for migration assistance.

Advisory Board

The Advisory Board has met 12 times since its establishment and made valuable contributions in taking forward a strong program of reform.

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