

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0026) PROGRAM – OMARA

Senator Cash (L&CA 17) asked:

I also refer you to the answer given to BE12/0019, which states: 'In the period from 1 July 2009 to 31 May 2012 ten agents were sanctioned by the Office of the Migration Agent Registration Authority (the Authority) as a result of mishandling client monies. ... Three of the Authority's decisions are currently subject to an appeal to the Administrative Appeals Tribunal (AAT).' Have there been any developments in those cases?

Answer:

Two further agents were identified since the previous answer was given following careful review of the data based on a refined definition 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 or receiving client fees without providing services.

In the period 1 July 2009 to 31 May 2012, 12 agents were sanctioned as a result of mishandling client monies.

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

Of these four appeal applications, one application was withdrawn by the review applicant and one application was dismissed by the AAT. Two review applications are currently ongoing.

See Attachment A for the relevant table.

Attachment A – Sanctions regarding mishandling of client monies

35 Sanctions (involving 131 complaints) from 1 July 2009 – 31 May 2012

Agent	Sanction Decision	Complaints	Decision Date	Mishandling client money	Appeal lodged
Jonathan WONG	Suspension*	3	6/8/2009	No	No
Mohd JAMALUDIN	Barred – 5 years	3	30/9/2009	Yes	No
Agnieszka KURZAK-REEVES	Barred – 5 years	3	30/11/2009	No	No
Harrison MENG	Suspension*	1	14/12/2009	No	No
Varinder Singh SANDHU	Suspension*	1	9/3/2010	No	No
Mukteshwar OBEROI	Barred – 6 months	1	11/6/2010	No	No
Lesley SMITH	Caution	1	29/6/2010	No	No
Siew Ling WONG	Caution	1	29/6/2010	No	No
Svetlana DZELEBDZIC	Barred – 5 years	3	5/10/2010	Yes	No
Maria LEYES	Cancelled - 5 years	14	27/10/2010	Yes	No
Ronald WRIGHT	Cancelled - 5 years	9	03/02/2011	Yes	Yes – lodged 25 March 2011. Finalised 16 August 2011 Applicant withdrew.
William SUI	Barred – 5 years	1	25/03/2011	No	No
Raymond SOLAIMAN	Suspended – 2 years*	3	11/04/2011	No	No
Kaifeng SHU	Cancelled – 5 years	1	6/05/2011	No	No
Hendrik VAN DER MERWE	Barred – 5 years	9	12/05/2011	Yes	No
Min HU	Cautioned – 6 months*	1	23/06/2011	No	No
Xue YAO	Barred – 5 years	1	12/07/2011	No	No
Nicholas PAVELESCU	Cancelled – 5 years	4	18/08/2011	No	No
Akhilesh ARORA	Suspended – 3 years*	1	30/11/2011	No	No
Ahm JOO	Barred - 5 years	2	13/12/2011	Yes	No

Attachment A – Sanctions regarding mishandling of client monies

Agent	Sanction Decision	Complaints	Decision Date	Mishandling client money	Appeal lodged
Christopher MATTHEWS	Barred - 5 years	4	14/12/2011	Yes	No
Vladimir BASHKIRTZEV	Cancelled – 5 years	3	12/01/2012	Yes	No
Kaviti BALI	Cautioned	3	07/02/2012	No	No
Matthew RUMLEY	Cautioned	1	14/02/2012	No	No
Madhukar NAIKER	Cautioned	1	17/02/2012	No	No
Jonathan WONG	Cancelled – 5 years	4	28/02/2012	No	No
Betty BABAMOVSKI	Barred – 5 years	11	13/03/2012	Yes	Yes – lodged 11 April 2012. Finalised 18 June 2012. Applicant withdrew.
Ricardo VIANA	Cautioned	1	26/03/2012	No	No
Michael CHURCHILL	Barred – 5 years	1	30/03/2012	No	Yes – lodged 20 April 2012. Finalised 22 Nov 2012. Applicant withdrew.
Ziran Guo	Cautioned	1	11/04/12	No	Yes – lodged 2 May 2012. Ongoing.
Elenore Bashi	Suspended – 2 years*	2	12/04/12	No	Yes – lodged 3 May 2012. Ongoing.
Hami Aljader	Barred	6	12/04/12	Yes	No
Vu Nguyen	Cancelled	1	13/04/12	No	Yes – appeal lodged 17 April 2012. Ongoing.
Raymond Solaiman	Cancelled – 5 years	7	23/04/2012	Yes	Yes – lodged 17 May 2012. Ongoing.
Mark Mercurius	Barred	22	8/05/2012	Yes	Yes – lodged 23 May 2012. Finalised 25 Sept. 2012 Dismissed.

*until conditions met