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EXECUTIVE MINUTE

on

**JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
REPORT No. 512**

Report of the inquiry into the administration of Commonwealth regulations

**Department of Home Affairs' (the Department's) response to Recommendation 3
(March 2026)**

The Department welcomes the opportunity to provide a further response to Recommendation 3 of the Joint Committee of Public Accounts and Audit *Report No. 512: Report of the inquiry into the administration of Commonwealth regulations*.

Recommendation No. 3 paragraph [6.41]

The Committee recommends the Department of Home Affairs provides an update every six months on its material progress towards reporting on whether it has used its regulatory powers. The update should identify which powers were used, for each complaint received against a registered migration agent, whether or not the complaint results in a sanction. The Committee expects the Department of Home Affairs will continue to provide this update until the end of 2025–26.

In line with Recommendation 3, which the Department supports, the Department submits its second report.

The Department agreed to report to the JPCAA every six months, from September 2025 until the end of FY 2025-26 on its material progress towards reporting on whether the Office of the Migration Agents Registration Authority (OMARA) has used its regulatory powers to investigate complaints.

Each update will identify which regulatory powers were used under the *Migration Act 1958* (Migration Act) in relation to each complaint received against a registered migration agent (RMA), and whether or not the complaint results in a sanction.

The first report was tabled on 19 December 2025. This is the second report provided as part of the Department's response.

Progress

In October 2024, the OMARA established a reporting functionality within the OMARA's business system.

The OMARA reports on the exercise of powers under sections 305C, 308, 309, 311D and 311EA of the Migration Act. These provisions either:

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- provide the OMARA with the power to require RMAs and former RMAs to provide information or prescribed documents; or
- require the OMARA to provide natural justice to RMAs and former RMAs if the OMARA is considering making a disciplinary decision to sanction an RMA or bar a former RMA. A summary of these legislative provisions is at **Attachment A1**.

For the period of 1 July 2025 to 31 December 2025, the OMARA exercised a regulatory power (through the issuing of a Notice under the relevant legislative provision) 100 times in respect to 111 complaints against 69 RMAs or former RMAs.

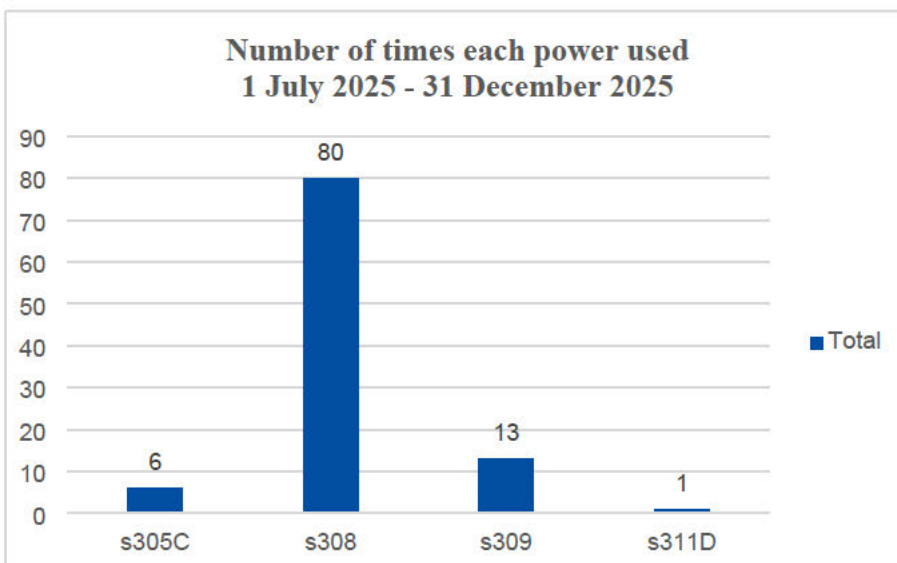
1 July 2025 to 31 December 2025:

Total RMAs or former RMAs	Total Complaints	Total instance of exercise of regulatory power
69	111	100

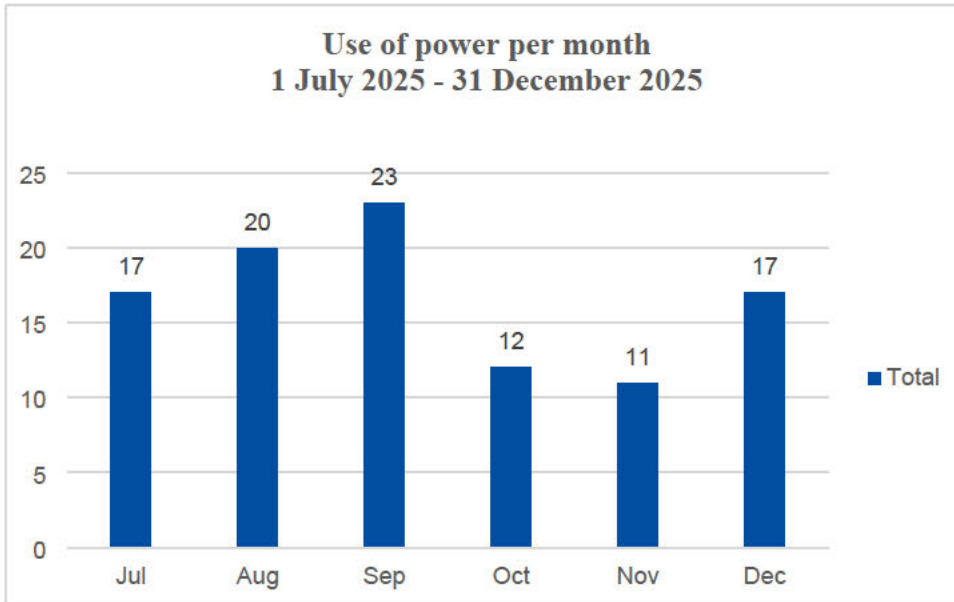
A detailed table that identifies which powers were used for complaints against individual RMAs or former RMAs (with identifying information removed) and whether or not the complaint resulted in a sanction has been provided at **Attachment A2**.

The OMARA may exercise a power to issue a single notice to an RMA or former RMA in relation to multiple complaints received. Alternatively, circumstances may arise where the OMARA issues multiple notices and in doing so, exercises several of its powers in relation to a single complaint. What powers are used to investigate complaints received about RMAs and former RMAs, and when they are exercised, will be different for each complaint depending on the circumstances.

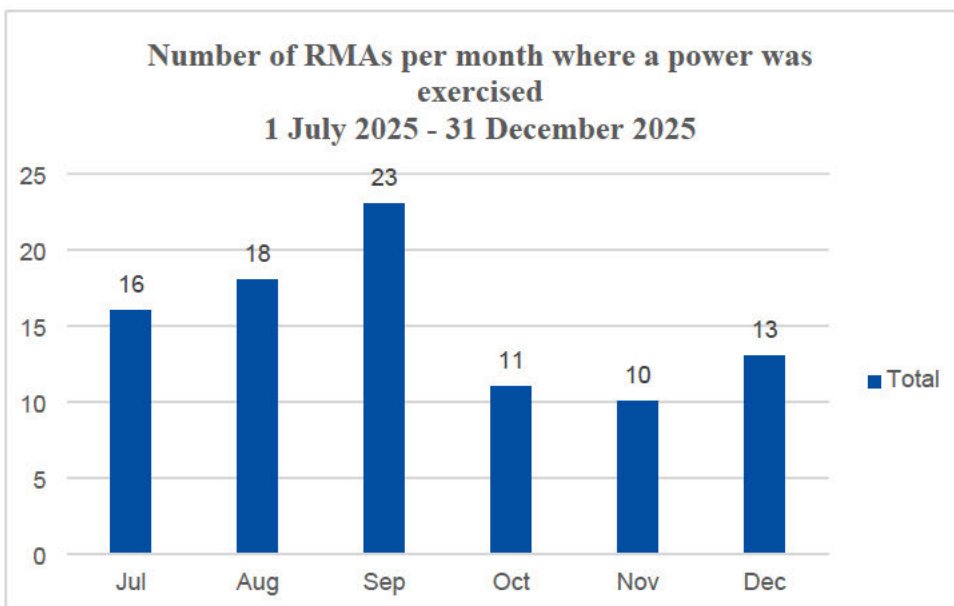
The following graph sets out the number of times each regulatory power had been exercised between 1 July 2025 and 31 December 2025:



The following graph sets out the number of times a regulatory power was exercised per month between 1 July 2025 and 31 December 2025:



The following graph sets out the number of RMA or former RMA who were the subject of an exercise of regulatory power by the OMARA each month between 1 July 2025 and 31 December 2025. In some instance, certain RMA may have been the subject of a power on more than one occasion in a particular month:



Complaint Outcomes 1 July 2025 to 31 December 2025

	2025 -26
Complaints received	228
Complaints finalised	135
Resulted in sanction decision	13 (against 10 RMAs)
Suspected breach notice	8
Addressed with agent	41
No breach found	7
Dismissed*	66
Sanction decisions – Registered Migration Agents	10
Registered Migration Agents cancelled	4
Registered Migration Agents suspended	2
Registered Migration Agents cautioned	3
Former Registered Migration Agents barred	1
Complaints on hand as at 31 December 2025	468

* Complaints are dismissed for a number of reasons. Those reasons include when the substance of a complaint is outside of the OMARA's jurisdiction such as a complaint against a legal practitioner. Other reasons to dismiss a complaint include there being no merit to the complaint; there being insufficient evidence to make a finding; withdrawal of the complaint.

Next steps

The OMARA will report on the exercise of all its regulatory powers in the *Migration Agents Activity Reports* that are published by the OMARA on a bi-annual basis.

The Department looks forward to updating the Committee on the OMARA's progress in exercising its regulatory powers during investigations of complaints against RMAs and former RMAs in the next reporting period.

Signed by



Michael Thomas
Deputy Secretary
Immigration Compliance
Department of Home Affairs

Relevant Legislative Provisions

Legislative provision	Applies to	Summary of power
<p>s305C Requiring registered migration agents to give information or documents</p>	<p>Registered migration agents who the OMARA is considering refusing registration or considering sanctioning the agent</p>	<ul style="list-style-type: none"> Section 305C(1) applies if OMARA is considering refusing a registration application from a registered migration agent or is considering making a decision under section 303 to cancel or suspend an agent's registration, or to caution such an agent. In these circumstance the OMARA may, by written notice given to the agent, require him or her to provide the OMARA with prescribed information or prescribed documents within the specified period and within the specified manner (s305C(2)). The specified period must end at least 14 days after the notice was given (s305C(3)). A person commits an offence if they contravene this requirement - 60 penalty units.
<p>s308 Requiring registered migration agents to give information</p>	<p>Registered migration agents</p>	<ul style="list-style-type: none"> The OMARA may require a registered migration agent: to make a statutory declaration in answer to questions in writing by the OMARA (s308(1)(a)); or to appear before an individual or individuals specified by the OMARA and to answer questions (s308(1)(b)); or to provide the OMARA with specified documents or records relevant to the agent's continued registration s308(1)(c).
<p>s309 Persons may make submissions</p>	<p>OMARA if it is considering refusing a registration application or is considering making a sanction decision</p>	<ul style="list-style-type: none"> If OMARA is considering refusing a registration application, s309(1) requires that the OMARA must inform the applicant of that fact and the reasons for it and invite the applicant to make a further submission in support of his or her application. If OMARA is considering making a decision under section 303 to cancel or suspend a registered migration agent's registration, or to caution such an agent, s309(2) requires that the OMARA inform the agent of that fact and the reasons for it and invite the agent to make a submission on the matter.
<p>s311D Former registered migration agents may make a submission etc</p>	<p>OMARA prior to barring a former registered migration agent from being registered</p>	<ul style="list-style-type: none"> Before making a decision to bar a former agent under s311A(1), the OMARA must give the former agent a written notice stating that it proposes to make such a decision and the reasons for it (s311D(1)(a)), and invite the former agent to make a written submission within 28 days after the notice is given.
<p>s311EA Requiring former registered migration agents to give information or documents</p>	<p>OMARA prior to barring a former registered migration agent from being registered</p>	<ul style="list-style-type: none"> If OMARA is considering making a decision under section 311A to bar a former registered migration agent from being a registered migration agent for a period, the OMARA may, by written notice given to the former agent, require him or her to provide prescribed information or prescribed documents within a specified period. The specified period must end at least 14 days after the notice was given. A person commits an offence if they contravene this requirement - 60 penalty units.

ATTACHMENT A2

Office of the Migration Agents Registration Authority

Exercise of Regulatory Powers – 1 July 2025 to 31 December 2025

Agent	Complaints received	s305C	s308	s309	s311D	Total powers exercised	Sanction	Status/Outcome
RMA1	2	0	2	0	0	2		Ongoing
RMA2	1	0	3	0	0	3		Ongoing
RMA3	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA4	2	0	1	0	0	1		Ongoing
RMA5	1	0	1	0	0	1	Non sanction	Insufficient Evidence
RMA6	2	0	2	0	0	2	Non sanction	Addressed with agent
RMA7	1	0	1	0	0	1		Ongoing
RMA8	2	0	1	0	0	1		Ongoing
RMA9	6	0	1	0	0	1		Ongoing
RMA10	1	0	1	1	0	2	Sanction	Cancelled
RMA11	3	0	1	0	0	1		Ongoing
RMA12	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA13	2	0	1	0	0	1		Ongoing
RMA14	1	0	2	0	0	2		Ongoing
RMA15	2	0	1	0	0	1		Ongoing
RMA16	1	0	3	0	0	3	Non sanction	Suspected breach notice
RMA17	1	0	2	0	0	2		Ongoing
RMA18	1	0	1	0	0	1		Ongoing
RMA19	1	0	1	0	0	1		Ongoing
RMA20	1	0	1	0	0	1		Ongoing
RMA21	3	0	1	0	0	1		Ongoing
RMA22	1	1	0	1	0	2		Ongoing

Agent	Complaints received	s305C	s308	s309	s311D	Total powers exercised	Sanction	Status/Outcome
RMA23	2	1	0	1	0	2		Ongoing
RMA24	1	1	1	1	0	3		Ongoing
RMA25	2	0	1	0	0	1		Ongoing
RMA26	1	0	2	0	0	2		Ongoing
RMA27	2	0	1	1	0	2		Ongoing
RMA28	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA29	1	0	0	1	0	1	Sanction	Suspended
RMA30	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA31	1	0	1	0	0	1		Ongoing
RMA32	3	0	1	0	0	1		Ongoing
RMA33	1	0	1	0	0	1		Ongoing
RMA34	1	0	1	0	0	1		Ongoing
RMA35	1	0	2	0	0	2		Ongoing
RMA36	1	0	1	0	0	1	Non sanction	No breach
RMA37	1	0	1	0	0	1		Ongoing
RMA38	6	0	3	0	0	3		Ongoing
RMA39	1	0	2	0	0	2	Non sanction	Addressed with agent
RMA40	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA41	1	0	0	1	0	1		Ongoing
RMA42	2	0	1	0	0	1	Non sanction	Addressed with agent
RMA43	13	0	1	0	0	1		Ongoing
RMA44	2	1	0	1	0	2		Ongoing
RMA45	1	0	1	0	0	1	Non sanction	Suspected breach notice
RMA46	1	0	0	1	0	1		Ongoing

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Agent	Complaints received	s305C	s308	s309	s311D	Total powers exercised	Sanction	Status/Outcome
RMA47	1	0	2	0	0	2		Ongoing
RMA48	1	0	1	1	0	2		Ongoing
RMA49	2	0	1	0	0	1	Non sanction	Suspected breach notice
RMA50	1	0	1	0	0	1		Ongoing
RMA51	1	0	1	0	0	1	Non sanction	No breach
RMA52	1	0	1	0	0	1		Ongoing
RMA53	1	1	0	1	0	2		Ongoing
RMA54	2	0	3	0	0	3		Ongoing
RMA55	1	0	2	0	0	2		Ongoing
RMA56	1	0	1	0	0	1		Ongoing
RMA57	1	0	3	0	0	3		Ongoing
RMA58	1	0	1	0	0	1		Ongoing
RMA59	1	0	1	0	0	1		Ongoing
RMA60	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA61	2	1	1	1	0	3	Sanction	Cancelled
RMA62	1	0	1	0	0	1		Ongoing
RMA63	1	0	0	1	0	1	Sanction	Cancelled
RMA64	1	0	1	0	0	1		Ongoing
RMA65	1	0	2	0	0	2	Non sanction	No breach
RMA66	1	0	1	0	0	1		Ongoing
RMA67	1	0	0	0	1	1		Ongoing
RMA68	1	0	1	0	0	1	Non sanction	Addressed with agent
RMA69	1	0	1	0	0	1	Non sanction	No breach