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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
(September 2025)**

The Department welcomes the opportunity to respond 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.

The Department supports this recommendation.

The Department will 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 is provided as part of this response.

Progress

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

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

- provide the OMARA with the power to require RMAs and former RMAs to provide information or prescribed documents; or

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- 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 October 2024 to 30 June 2025, the OMARA exercised a regulatory power (through the issuing of a Notice under the relevant legislative provision) 82 times in respect to 67 complaints against 61 RMAs or former RMAs.

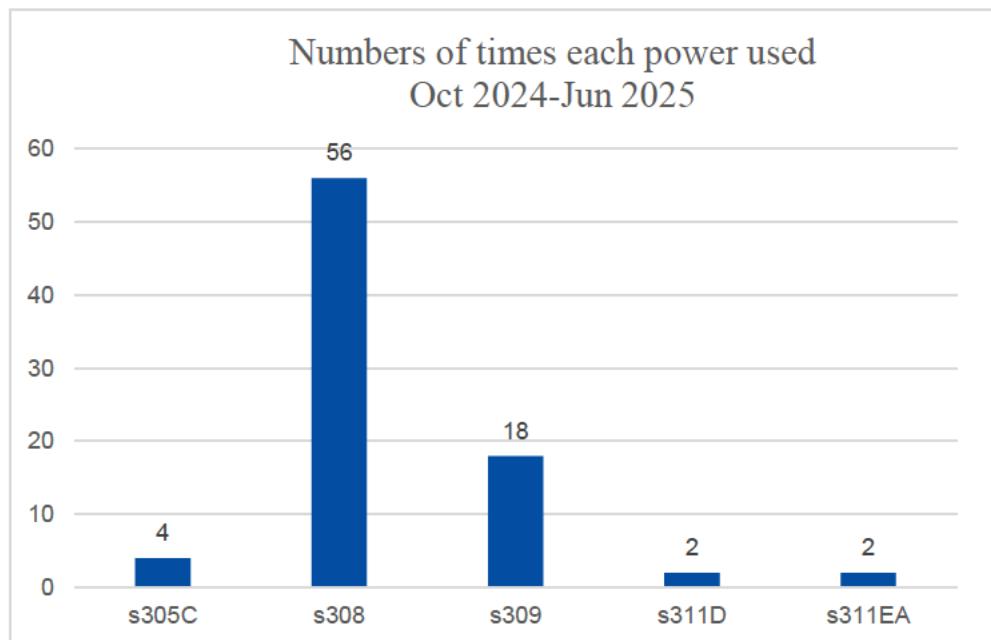
1 October 2024 to 30 June 2025:

Total RMAs or former RMAs	Total Complaints	Total instance of exercise of regulatory power
61	67	82

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**.

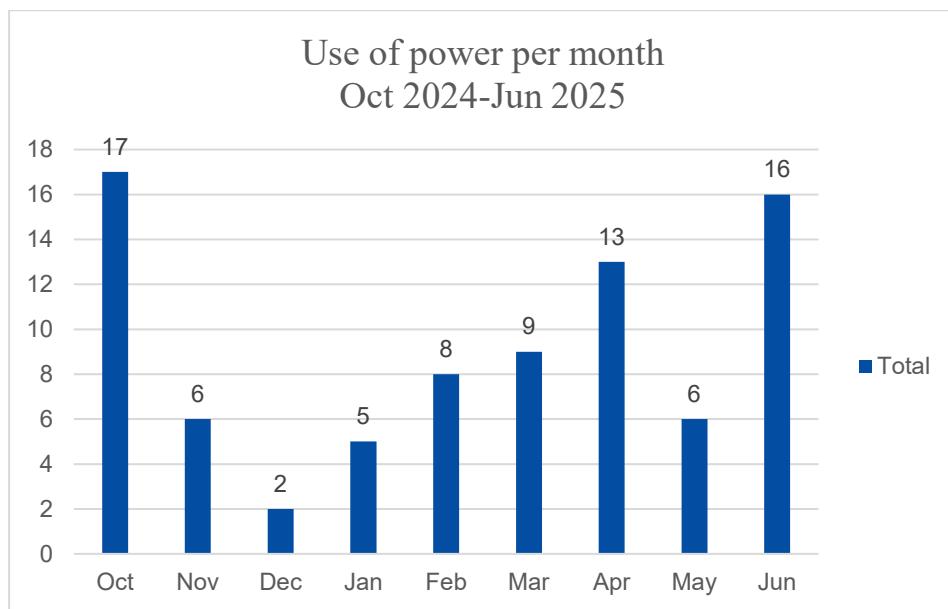
The OMARA may exercise a power to issue a single notice to an RMA or former RMA in relation to multiple complaints received. Alternatively, circumstances may arise where the OMARA issues multiple notices and in doing so, exercises several of its powers in relation to a single complaint. What powers are 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 has been exercised between 1 October 2024 and 30 June 2025:

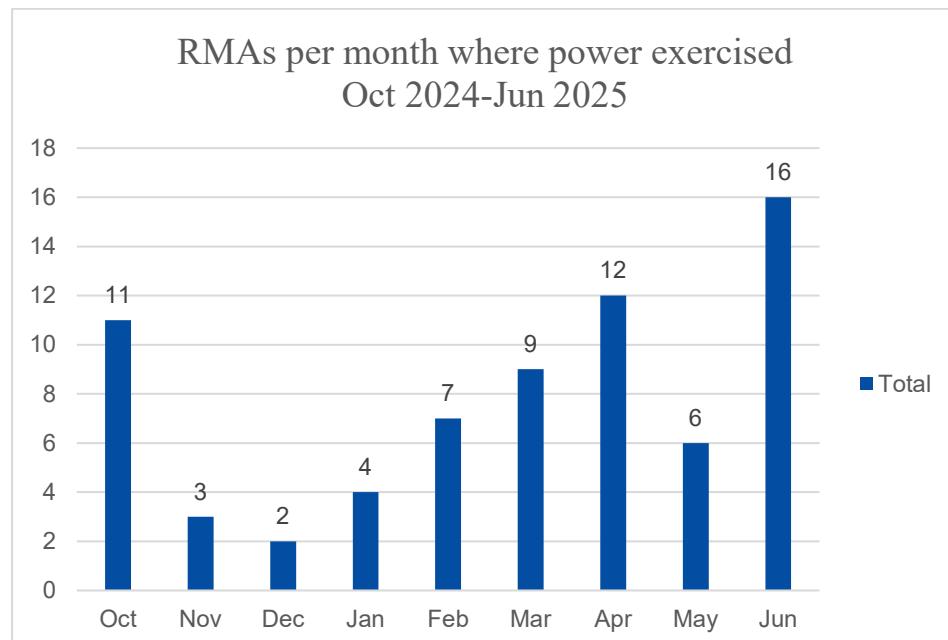


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The following graph sets out the number of times a regulatory power was exercised per month between 1 October 2024 and 30 June 2025:



The following graph sets out the number of RMAs or former RMAs who were the subject of an exercise of regulatory power by the OMARA per month between 1 October 2024 and 30 June 2025:



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Complaint Outcomes 2024 - 2025

	2024 -25
Complaints received	363
Complaints finalised	267
Resulted in sanction decision	60 (against 20 RMAs)
Suspected breach notice	24
Addressed with agent	36
No breach found	12
Dismissed*	135
Sanction decisions – RMA's	20
RMA's cancelled	8
RMA's suspended	6
RMA's cautioned	3
Former RMA's barred	3
Complaints on hand as at 30 June 2025	372

* 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 Burke
A/g Deputy Secretary
Immigration Compliance
Department of Home Affairs

ATTACHMENT A1

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Relevant Legislative Provisions

Legislative provision	Applies to	Summary of power
s305C Requiring registered migration agents to give information or documents	Registered migration agents who the OMARA is considering refusing registration or considering sanctioning the agent	<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.
s308 Requiring registered migration agents to give information	Registered migration agents	<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).
s309 Persons may make submissions	OMARA if it is considering refusing a registration application or is considering making a sanction decision	<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.
s311D Former registered migration agents may make a submission etc	OMARA prior to barring a former registered migration agent from being registered	<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.
s311EA Requiring former registered migration agents to give information or documents	OMARA prior to barring a former registered migration agent from being registered	<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

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Legislative provision	Applies to	Summary of power
		<p>a specified period. The specified period must end at least 14 days after the notice was given.</p> <ul style="list-style-type: none">• A person commits an offence if they contravene this requirement - 60 penalty units.

OFFICIAL**ATTACHMENT A2****Office of the Migration Agents Registration Authority****Exercise of Regulatory Powers – 1 October 2024 to 30 June 2025**

Agent	Complaints received	s305C	s308	s309	s311D	s311EA	Total powers exercised	Sanction	Outcome
RMA1	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA2	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA3	1	0	0	1	0	0	1	Sanction	Cancelled
RMA4	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA5	2	0	1	1	0	0	2	Non Sanction	No Further Action*
RMA6	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA7	1	0	0	1	0	0	1	Non Sanction	Ongoing
RMA8	1	0	1	0	0	0	1	Non Sanction	Insufficient Evidence
RMA9	1	1	1	1	0	0	3	Non Sanction	Ongoing
RMA10	1	0	3	0	0	0	3	Non Sanction	Ongoing
RMA11	1	0	0	1	0	0	1	Non Sanction	Suspected breach notice
RMA12	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA13	1	0	2	0	0	0	2	Non Sanction	Addressed with agent
RMA14	1	0	1	0	0	0	1	Non Sanction	Ongoing

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Agent	Complaints received	s305C	s308	s309	s311D	s311EA	Total powers exercised	Sanction	Outcome
RMA15	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA16	1	0	0	0	1	1	2	Sanction	Barred
RMA17	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA18	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA19	1	0	0	1	0	0	1	Non Sanction	Suspected breach notice
RMA20	1	0	1	0	0	0	1	Non Sanction	Suspected breach notice
RMA21	1	0	0	1	0	0	1	Non Sanction	Ongoing
RMA22	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA23	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA24	1	0	0	1	0	0	1	Sanction	Cautioned
RMA25	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA26	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA27	1	0	0	1	0	0	1	Non Sanction	Ongoing
RMA28	1	0	1	0	0	0	1	Non Sanction	Insufficient Evidence
RMA29	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA30	1	0	0	1	0	0	1	Sanction	Cautioned
RMA31	1	0	0	1	0	0	1	Sanction	Cautioned

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Agent	Complaints received	s305C	s308	s309	s311D	s311EA	Total powers exercised	Sanction	Outcome
RMA32	1	0	2	1	0	0	3	Sanction	Cancelled
RMA33	1	0	1	0	0	0	1	Non Sanction	Suspected breach notice
RMA34	3	0	3	0	0	0	3	Non Sanction	Ongoing
RMA35	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA36	1	0	0	0	1	1	2	Sanction	Barred
RMA37	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA38	1	0	0	1	0	0	1	Sanction	Cautioned
RMA39	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA40	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA41	1	0	0	1	0	0	1	Non Sanction	Ongoing
RMA42	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA43	1	0	0	1	0	0	1	Non Sanction	Ongoing
RMA44	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA45	2	0	2	0	0	0	2	Non Sanction	No Breach
RMA46	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA47	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA48	1	0	2	0	0	0	2	Non Sanction	Ongoing

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Agent	Complaints received	s305C	s308	s309	s311D	s311EA	Total powers exercised	Sanction	Outcome
RMA49	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA50	1	0	3	0	0	0	3	Non Sanction	Ongoing
RMA51	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA52	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA53	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA54	1	0	1	0	0	0	1	Non Sanction	Suspected breach notice
RMA55	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
RMA56	3	3	0	3	0	0	6	Sanction	Cancelled
RMA57	1	0	1	0	0	0	1	Non Sanction	Insufficient Evidence
RMA58	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA59	1	0	1	0	0	0	1	Non Sanction	Ongoing
RMA60	1	0	1	0	0	0	1	Non Sanction	No Breach
RMA61	1	0	1	0	0	0	1	Non Sanction	Addressed with agent
Total	67	4	56	18	2	2	82		

* Agent opted to withdraw registration application following s 309 notice