

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/008) PROGRAMME –

Senator Bilyk (L&CA 23) asked:

Senator BILYK: Are you able—and once again you might need to take this on notice—to give me the numbers that have been cautioned or deregistered—or cancelled and barred—for the financial year 2013-14, since September 2013 and since the previous estimates hearings in February, and what the reasons for each of those actions were?

Mr Ingram: I will have to take that on notice, because I do not have the precise timing.

Answer:

In the financial year 2013-14 the registration of one agent was cancelled. The agent was found to have assisted international students to obtain fraudulent positive skills assessments and visas under the General Skilled Migration Visa Program. One agent was suspended for 12 months, for failure to act competently, diligently and fairly, or with due regard to his clients' dependence on his skill and knowledge, and failure to maintain proper financial and client records. This decision was substituted to a caution for 3 years with remedial conditions, following a direction to reconsider the decision by the Administrative Appeals Tribunal. One agent (who had allowed his registration to lapse) was barred from applying for registration for one year. The agent departed Australia without making proper arrangements for the continued provision of immigration services to his clients, with the consequence that the agent failed to provide immigration assistance to three clients despite receiving a fee.

Since 7 September 2013 one agent has been suspended for 12 months, (changed to a caution for 3 years after a direction to reconsider the decision by the Administrative Appeals Tribunal). One agent (who had allowed his registration to lapse) has been barred from applying for registration for one year.

From the previous estimates hearing in May 2014 until 30 June 2014 no agents were deregistered for disciplinary reasons. Three agents had cautions placed on their registration. The total number of sanction decisions for 2013-14 was six.

In the financial year 2014-2015 the registrations of three agents have been cancelled. Two cancellation decisions were made in October 2014 and one in November 2014. They were all cancelled for the maximum period of five years.

The first cancellation decision was made on 10 October 2014. The agent prepared and submitted applications containing generalised information not supported by

instructions from his clients; included misleading and inaccurate statements to enhance the prospects of success of the visa applications; and failed to provide frank and candid advice to clients about the prospects of success of their visa applications.

The second cancellation decision was made on 24 October 2014 for the reason that the agent misappropriated clients' monies. The third agent was cancelled on 6 November 2014 for knowingly submitting fraudulent information to the Department in support of visa applications.