

Date: 13-2-2012

Christine Sykes, CEO, Office of the MARA.

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 December 2011, there were 4560 registered migration agents in the profession. This is approximately a 2 percent increase (95 agents) since 30 June 2011 (4465). This follows a slight decrease over the period 2010-11 of approximately 0.4 percent (there were 4482 agents as at 30 June 2010, compared to 4465 as at 30 June 2011). By comparison, for the period 2009-10 there was an increase of 9 percent (4097 agents as at 30 June 2009 and 4482 as at 30 June 2010).

Between 1 July 2011 and 31 December 2011, the number of non-commercial registered agents increased by 6 percent (17), to 294 which compares to 277 agents at 30 June 2011.

Registrations by Australian Legal Practitioners increased to 1332 as at 31 December 2011, which is approximately a 5.4 percent (68) increase compared with 1264 legal practitioners registered as migration agents at the end of June 2011.

From 1 July 2011 to 31 December 2011, 4 applications for registration were refused, along with 2 further applications being refused in January 2012. Appeals to the AAT have been lodged in respect of 2 of these decisions and no determination has yet been made by the AAT. 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 Of these, 4 appeals were made to the AAT resulting in two appeals being withdrawn, one decision dismissed and one decision remitted for consideration by the Office of the MARA (not yet finalised).

From 1 July 2011 to 31 December 2011, a total of 247 complaints were received or reopened by the Office of the MARA relating to 171 agents. From July 2010 to June 2011, the Office of the MARA received a total of 519 complaints relating to 343 persons, 311 of whom are current or former registered migration agents.

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 (74.5%). The second highest concern related to disputes regarding agents' obligations, representing 6.6 percent of the issues raised.

From 1 July 2011 to 31 December 2011, 5 agents were sanctioned on the basis of 12 complaints. One agent had their registration cancelled, three agents were barred, and one agent was suspended for three years. Since 1 January 2012, another agent has been cancelled on the basis of 3 complaints.

From 1 July 2010 to 30 June 2011, 41 complaints resulted in eight agents being sanctioned. Three agents had their registration cancelled for five years, three

former agents were each barred for the maximum period of five years, one agent was suspended for two years, and another agent was cautioned. One agent initially lodged an appeal with the AAT, but withdrew this appeal in August 2011.

From 1 July 2011 to 31 December 2011, a total of 87 CPD activity applications were received and 108 applications were approved. At the end of December 2011, there were 466 approved activities offered by 52 providers.

CPD reforms have gone smoothly and 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. The reforms also acknowledge and recognise CPD completed by Accredited Specialists in Immigration Law by removing the need for them to undertake additional CPD to meet registration requirements.

Revised registration application forms, which are designed to streamline the registration process, are now available on the Office of the MARA's website and incorporate such features as no longer requiring statutory declarations (replaced with a declaration made by the agent), and most attachments will no longer need to be supplied as certified copies.

The new English language requirement for repeat registrations was announced in June 2011. The requirements will be either IELTS 7 (general) (with minimum scores of 6.5 in each subtest) or the internet based Test of English as a Foreign Language (TOEFL - with an overall score of 100 with minimum scores of 22 in each subtest). There will also be specified exemptions based on education in English speaking countries. These requirements will come into effect on 1 January 2014.

A standard ethical framework has been developed for use by migration agents. This is supported by a free and confidential counselling service called 'Ethi-call' which is provided by the St James Ethics Centre. The framework will provide better guidance to agents to both identify and manage ethical dilemmas and conflicts of interest. CPD providers can also use the framework and associated toolkit to deliver 'Ethics and Professional Practice' training.

A Practice Ready Program (PRP) has been developed. It is designed as 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.

Communications Strategy

A translated booklet was provided in March 2011 to enhance our communication with ethnic communities. I am pleased to report that the translated booklet, titled

'Your rights – tips on using a registered migration agent' has been very well received with close to 6,000 printed copies distributed. The translated booklet is available in a total of 24 community languages online at the Office of the MARA's website. For the period 1 July 2011 to 31 December 2011 the translated booklet was downloaded a total of 3348 times.

The translated booklet provided the basis for an ethnic media strategy to support the translated booklet and extend our reach to these communities. A translated editorial piece and information from the booklet were placed in key community newspapers. This resulted in exposure across 11 community groups and the targeted newspapers have to date published the editorial piece on approximately 85% of available opportunities.

A YouTube video titled "Using a Registered Migration Agent" was made available in November 2011 in 8 community languages.

Another part of our stakeholder engagement plan has been the delivery of presentations to a number of bodies including migrant resource centres and education providers. Through involvement in these seminars we are improving the awareness of the regulatory framework for migration assistance that will benefit their clients and constituents.

Advisory Board

The Advisory Board has met 11 times and made valuable contributions in taking forward a strong program of reform. I would like to thank each member and in particular, the Chairman, Mr Robert Cornall AO and Mr Stirling Henry who were unavailable for re-appointment to the Advisory Board. I would like to take this opportunity to record my sincere appreciation for the hard work that both Mr Cornall and Mr Henry have done. I would like also to welcome the new chair, Ms Helen Williams AO and the new member, Mr Ray Brown.

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