

OFFICE OF THE MARA  
SUPPLEMENTARY ESTIMATES – OCTOBER 2012

**Stephen Wood, 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 June 2012, there were 4,687 registered migration agents in the profession. This is approximately a 5 per cent increase (222 agents) since 30 June 2011 (4,465). This follows a slight decrease over the period 2010-11 of approximately 0.4 per cent (17 agents). By comparison, for the period 2009-10 there was an increase of 9.4 per cent (385 agents).

In the 2011-12 program year, the number of non-commercial registered agents increased by approximately 17 per cent (47), to 324 which compares to 277 agents at 30 June 2011.

Registrations by holders of legal practising certificates increased to 1,435 as at 30 June 2012, which is approximately a 13.5 per cent (171) increase since the end of June 2011. Legal practitioners now represent 30.6 per cent of registered migration agents.

In 2011-12, 13 applications for registration were refused. Appeals to the AAT have been lodged in respect of 4 of these decisions resulting in one decision being set aside. Two appeals were withdrawn. No determination has yet been made on the remaining matter.

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 Of these, 4 appeals were made to the AAT resulting in two appeals being withdrawn, and one decision dismissed. A further decision was remitted for consideration by the Office of the MARA and refused on other grounds. No appeal has been lodged in respect of this decision.

From 1 July 2011 to 30 June 2012, a total of 481 complaints were received or reopened by the Office of the MARA relating to 302 registered migration agents or former agents. This is a slight decrease compared to the previous year, when the Office of the MARA received a total of 519 complaints relating to 343 persons.

The majority of complaints (80.9 per cent or 389) were from individuals. 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 (72.5 per cent). The second highest concern related to disputes regarding fees and charges, representing 11.8 per cent.

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In the 2011-12 program year, 19 agents were sanctioned on the basis of 76 complaints.

- seven agents were barred for five years,
- five agents had their registration cancelled for five years, (2 in period 1/7/12 – 30/9/12)
- five agents were cautioned, (1 in period 1/7/12 – 30/9/12) and
- two agents were suspended for three years.

This compares to 8 agents sanctioned in 2010 -11, on the basis of 41 complaints.

During the 2011-12 program year seven agents appealed sanction decisions with the AAT. One agent withdrew their appeal in June 2012 and six remained pending at 30 June 2012. From 1 July 2012 to 30 September 2012 a further 2 appeals were lodged, with AAT. One of these was dismissed by AAT for want of jurisdiction.

### ***Registered Migration Agents***

We have provided further support for registered migration agents through continued focus on education and awareness.

In the year 2011-12 a total of 163 CPD activity applications were received and 173 applications were approved. At the end of June 2012, there were 413 approved activities offered by 47 providers.

A review of CPD indicated that 82% of agents are satisfied with the CPD they complete, which represents an increase of 21% to that indicated in the 2010 survey. This review followed CPD reforms which resulted in more activity choices for registered migration agents. In addition to existing activities, registered migration agents can now claim CPD points by completing new activities like mentoring, workshops and conferences.

The Practice Ready Program (PRP) has been developed to assist newly registered migration agents. It is a practical and highly interactive program to equip and empower registered migration agents in their first year with the skills and knowledge to successfully practice as a registered migration agent. At 30 June 2012, 50 people had completed the course. Persons who lodged 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 registration 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 recognized professional bodies are not required to complete the PRP.

The Office of the MARA has also provided advice on suggestions for improving education on, and awareness, of registered migration agents' obligations for protecting the confidentiality of their clients' information, particularly in electronic storage and communication.

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We have empowered registered migration agents to increase their capacity to resolve ethical dilemmas, by providing an ethical framework and toolkit as well as materials for continuing professional development (CPD) providers. Registered migration agents were closely engaged in the development of both the framework and the toolkit. These tools are supported by a free and confidential counselling service called Ethi-call which is provided by the St James Ethics Centre. To complement the toolkit, the Office of the MARA has released two Ethics Bytes modules. The modules are available to all registered migration agents through our website.

**Consumers**

Our communications strategy has been focused strongly on ethnic communities. The translated booklet *Your rights—tips on using a registered migration agent* is now available online in 24 community languages on the Office of the MARA website. In the year 2011-12, 2780 printed copies were distributed and the electronic version was downloaded over 6689 times.

The YouTube video *Using a Registered Migration Agent* was made available in November 2011 in nine languages (including English). At 2 July 2012, this video has been viewed 12,361 times, with 14.1 per cent (1747) of these being in languages other than English. The English version was viewed 10,614 times.

**Stakeholders**

An important 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 the Office of the MARA is improving awareness of the regulatory framework for migration assistance.

The Office of the MARA has continued to interact with its professional stakeholders through both formal liaison and committee meetings and informal liaison. I am very pleased that we have worked in partnership to develop a number of memoranda of understanding with legal regulatory bodies in Victoria, NSW, Queensland and Western Australia. The ACT legal regulator is currently considering signing an MOU.

We have also sought and received advice and feedback from stakeholders on the implementation of reform measures. This has included the development of competency standards relating to the new entry level requirement, options for the entry level framework, and English language standards.

The advisory board has met three times during the year 2011-12 (13 times since it's establishment) and made a valuable contribution to the strong program of reform.

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***Office of the MARA***

It would be remiss of me not to comment on the strong leadership that the Office of the MARA have received over the past three years from the former CEO, Ms Christine Sykes. In turn, Christine and I have continued to receive strong support from a very dedicated group of staff.

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