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Removal of dual regulation to reduce costs for consumers

Removal of expensive and inefficient regulation of migration lawyers will improve access to justice by reducing costs for consumers and allow more lawyers to provide immigration assistance.

The Law Council of Australia strongly supports measures contained in the [Migration Amendment \(Regulation of Migration Agents\) Bill 2019](#) introduced to Federal Parliament today by Assistant Minister for Customs, Community Safety and Multicultural Affairs Jason Wood removing the dual regulation of migration lawyers.

The Bill permits lawyers to offer services independently of the regulatory framework for migration agents.

Law Council President, Arthur Moses SC, said dual regulation of migration lawyers through rules applying to migration agents as well as the legal profession was unnecessary and caused confusion.

“Lawyers must already demonstrate qualifications, fitness to practice and maintenance of professional standards in order to maintain a practising certificate,” Mr Moses SC said.

“Lawyers must also be covered by professional indemnity insurance and a fidelity fund, which protects clients. This Bill advances the objective of a single, comprehensive and uniform regulatory framework for the legal profession throughout Australia and allows review and reform of the regulation of migration agents to be undertaken separately.”

The discontinuation of dual regulation is in accordance with multiple major recommendations spanning a number of years, including those of the [2014 Independent Review of the Office of the Migration Agents Registration Authority](#), and the Senate Legal and Constitutional Affairs Legislation Committee.

Mr Moses SC said dual regulation had diminished consumer protection by allowing regulatory functions and oversight to fall between the cracks of the legal and non-legal regulators. “This Bill will fix this problem which is why the Law Council supports it,” Mr Moses SC said.

“Dual regulation is a source of confusion for consumers, who may be uncertain about the differences between immigration lawyers and migration agents.”

“Discontinuation of the dual regulation of migration lawyers will reduce costs to consumers and improve access to justice by allowing a wider range of lawyers to provide immigration assistance, including on a pro bono basis.”

The Law Council supports the implementation of a transitional period, during which time migration agents holding a restricted practising certificate may complete their supervised training and obtain an unrestricted practicing certificate.

Mr Moses SC congratulated Assistant Minister Wood for introducing the Bill and called for the Parliament to swiftly pass the legislation.

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