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Recommendation to end dual regulation of migration lawyers marks a win for access to justice

The era of inefficient, costly, and confusing dual regulation of migration lawyers could be coming to an end, in a development warmly welcomed by the Law Council of Australia.

The Federal Parliament's Legal and Constitutional Affairs Legislation Committee has handed down its report into the [Regulation of Migration Agents](#) and has recommended passing the [Bill](#) permitting lawyers offering their services independently of the regulatory body for migration matters.

"The removal of dual regulation is a reform the Law Council has been pursuing since the 1990s, and I am extremely glad to see that the end may finally be in sight," Ms McLeod said.

"There is simply no need for migration lawyers to be supervised by a registered migration agent when consumers are already well protected by lawyers' professional standards and the availability of lawyers' professional indemnity insurance.

"Dual regulation increases costs to consumers in the form of higher advisory fees and reduced access to legal services. It also diminishes consumer protection by allowing regulatory functions to fall between legal and non-legal regulators.

"If the government accepts the recommendations of the Committee then it will increase access to justice in the sector and improve standards of practice in this critical area.

"More lawyers will be able, for example, to offer pro bono migration advice in community legal services if they do not have to be supervised by a registered migration agent.

"The Law Council looks forward to continuing its constructive engagement with the Australian Government to ensure that this important reform is implemented."

The Committee also recommended implementing a formal transition period of two years from the commencement of the Bill for registered migration agents currently holding restricted practising certificates, who wish to complete their supervised training and obtain an unrestricted practising certificate. This measure is also supported by the Law Council.

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