

Monday, 22 March 2021

The end of dual regulation for migration lawyers

All comments to be attributed to Law Council President, Dr Jacoba Brasch QC.

“From today, migration lawyers will be able to offer services independently of the regulatory framework for migration agents, and all lawyers with unrestricted practising certificates will be freely able to provide immigration assistance in the course of legal practice.

The discontinuation of dual regulation is in accordance with multiple major recommendations spanning many years and has been a long-held advocacy position of the Law Council.

The removal of expensive and inefficient regulation of migration lawyers will improve access to justice by reducing costs for lawyers and therefore their clients.

The changes to the legislation are a win for access to justice.

By permitting a wider range of lawyers to provide immigration assistance, the changes will increase competition for high quality services, which is good for consumers.

The removal of the dual regulation eliminates any confusion over the differences between immigration lawyers and migration agents and will help to clearly distinguish services provided by legal practitioners (solicitors and barristers), who are subject to extensive legal education, training, and ethical standards.

Considering that the legal profession in Australia is well-regulated and offers effective consumer protection mechanisms, including for vulnerable consumers, such as those who seek migration assistance, dual regulation was unnecessary.

Legal practitioners must demonstrate qualifications, fitness to practise and the maintenance of professional standards to retain a practising certificate. Lawyers must also be covered by professional indemnity insurance and a fidelity fund, which protects clients.

The Law Council is pleased that there a transition period for migration lawyers who hold restricted practicing to remain as migration lawyers while they complete their legal supervision.”

ENDS

A temporary website with information for potential clients, together with information from OMARA for lawyers, is available lcaimmigrationlawyers.asn.au.

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