



Senator Chris Evans

Leader of the Government in the Senate
Minister for Immigration and Citizenship

Ms Maurene Horder
Chief Executive Officer
Migration Institute of Australia
PO Box Q102
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Dear Ms Horder *Maurene*

Appointment of the Migration Institute of Australia as the Migration Agents Registration Authority

I am writing to advise the Migration Institute of Australia Limited (MIA) that I am considering allowing the Deed of Agreement between the Commonwealth and the MIA to lapse and then revoking the appointment under section 315 of *The Migration Act 1958* of the MIA as the Migration Agents Registration Authority (MARA). I am writing to seek the MIA's views on this proposal.

As you are aware, the intention of the appointment of the MIA to administer the MARA function was for the migration agents industry and the government to co-regulate the industry and for the industry to eventually move to self-regulation. The *2007-08 Review of Statutory Self-Regulation of the Migration Advice Profession* (the Review) has now reported to me. I have enclosed a copy of the Final Report of the Review for your information.

A key issue identified by the Review is the significant potential for, or the creation of a perception of conflict of interest between the MIA as the industry peak body and the MIA as the regulator of that industry. The Review recommended that the Australian Government consider addressing any remaining concerns regarding potential or perceived conflicts of interest by establishing a new Board in an independent regulatory body separate from the MIA.

I take the concerns relating to conflict of interest seriously, as the MIA regulates the industry under statutory powers.

The submissions to, and the recommendations of the Review reflect a strong view in the broader stakeholder community that the architecture of the current arrangements for regulating the migration advice profession is not ideal. In principle, I agree with this view. However, the Government has a strong view that the past practice of setting up ever more independent statutory bodies to administer such functions does not necessarily represent best practice or best value to the public purse.

I also note the recent audit of the MIA's management of funds provided to it to operate the MARA. I consider that, although the situation in this case may be remedied, it does expose

a weakness within the current arrangement. That weakness is that the MIA is regulating the industry under statute using money appropriated to it by the Commonwealth but is not required to comply with the statutory obligations to do with management of that money.

In order to respond to the outcomes of the Review, I am minded to allow the Deed of Agreement to lapse on 31 March 2009 and then revoke the appointment of the MIA as the MARA. If I decide to do so, under section 275 of the Act, I will be the MARA. However, rather than administering it directly, I would establish a discrete office attached to the Department headed by a specifically designated senior officer solely responsible for MARA activities. The office would be guided by a representative and independent advisory board. I would envisage the MIA being represented on the advisory board as befits its status as a major peak body in the migration advice profession.

Consistent with clause 2.5 of the Deed, I invite the MIA to provide its views on this proposal within 28 days of receiving this letter.

In the event that the appointment is revoked it is my expectation that the MIA's strong working relationship with the Department would be preserved and that the Department and the MIA would move forward together with good will and cooperation.

Yours sincerely



CHRIS EVANS

15/12/08