



Migration Agents Instruments Review

Theme 1 – A qualified industry

Introducing a provisional licence with a supervision requirement

For details, please refer to Chapter 1.3 of the Review Report.

Issue

Recently registered migration agents often lack the experience to apply theoretical knowledge obtained through their initial training and assessment into practice. This can lead to flaws in immigration assistance they provide, which can be detrimental to the client's migration prospects as well as the new RMA's career. Supervised practice has been recommended by three successive independent and parliamentary inquiries, most recently the Joint Standing Committee on Migration's 2019 inquiry into efficacy of current regulation of Australian migration and education agents. Supervision was overwhelmingly supported by relevant submissions to the discussion paper, *Creating a World Class Migration Advice Industry*.

Matters for public feedback

We welcome the public's feedback on the following reform option.

Submissions can be provided online using the [feedback page](#) by no later than 5pm AEST, 25 June 2021.

The Department of Home Affairs could introduce a mandatory 12-month provisional licence during which an RMA would be permitted to provide immigration assistance only under the supervision of an experienced RMA or a legal practitioner. The provisional licence requirement could be introduced either as a stand-alone scheme or as part of a tiering system, should one be agreed by Government.

In addition to the supervisory requirement, provisionally licensed agents would be restricted in the kinds of immigration assistance they could provide. In particular, it is proposed that provisionally licensed RMAs would not be permitted to provide immigration assistance on matters before the Administrative Appeals Tribunal and representations to the Minister. A supervisory framework would support this arrangement by providing an appropriate standard of oversight and guidance, while limiting regulatory and administrative burden.

The introduction of supervised practice would serve a dual purpose: protection of consumers of immigration assistance and professional development of newly-registered migration agents. The supervised practice period would be an opportunity for new RMAs to have their work reviewed by a supervisor before finalisation to avoid mistakes resulting from inexperience. Supervised practice would not be just an educational tool. It would be integral to the professional culture and conduct of the industry. Supervisors would also be mentors, providing foundational professional guidance and networks that would benefit the new RMA throughout their career. For new industry entrants intending to become sole traders, an initial stint under the guidance of an experienced supervisor would provide an invaluable introduction to the industry, to business more generally, and the potential for ongoing mentorship.

Should this option be progressed, the Department would work closely with industry to form a comprehensive plan. Consideration could be given to broadly modelling Australia's approach on elements of the established supervisory frameworks administered by the New Zealand Immigration Advisers Authority and the United Kingdom's Office of the Immigration Services Commissioner. Practical considerations, including those relating to sole traders and remotely located RMAs, would be addressed through the design of a supervised practice model.