

MEMORANDUM OF UNDERSTANDING ("MOU")

BETWEEN

THE OFFICE of the LEGAL SERVICES COMMISSIONER ABN ("OLSC")

AND

THE OFFICE OF THE MIGRATION AGENTS REGISTRATION AUTHORITY ABN 33 380 054 835 ("Office of the MARA")

Purpose

The parties intend to share information in respect of the *Migration Act 1958* ("MA") and the *Legal Profession Act 2004 (NSW)* ("LPA") on an ongoing basis.

The purpose of this MOU is to establish processes to share information between the OLSC and Office of the MARA and facilitate timely communication and advice on regulatory matters for which each is responsible.

The parties will each nominate a contact officer for the purposes of this MOU.

Consultation

- The OLSC will respond promptly to all requests for information from Office of the MARA.
- The OLSC will liaise with Office of the MARA if it receives information which it believes may be of relevance to Office of the MARA in the discharge of their responsibilities. Examples of such information include:
 - conduct by registered migration agents who are legal practitioners (lawyer agents) in their provision of *immigration assistance*;
 - conduct by lawyer agents in relation to their provision of *immigration legal assistance*; and
 - information about current or former registered migration agents obtained during Board and LSC investigations and enforcement actions.
- Office of the MARA will liaise with OLSC if it receives information it believes may be of relevance to OLSC in their discharge of their responsibilities. Examples of such information include:
 - conduct by lawyer agents which raises concerns about their compliance with the LPA;
 - information about current or former Australian lawyers and Australian legal practitioners obtained during Office of the MARA investigations and enforcement actions, and
 - conduct by lawyer agents which results in a decision to sanction.
- The parties will respond promptly to requests for information.

Co-ordination of investigation and enforcement action

- The parties may agree to co-operate in joint investigations. If that occurs, the parties may provide advice on their respective statutory and regulatory frameworks to assist in any investigation being undertaken.
- The parties will keep each other informed of the progress, proposed actions or concluded actions arising from a joint investigation or enforcement action.

Privacy

- The parties will comply with their respective obligations in relation to privacy.

Legal Status

- This MOU is not a contract and does not create any legally binding obligations.
- The parties may vary the MOU by agreement in writing.

EXECUTED AS A MEMORANDUM:

**SIGNED for and on behalf of THE OFFICE of the
LEGAL SERVICES COMMISSIONER**

on the *20th* day of *Dec* 2011

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Steve Mark
Legal Services Commissioner

**SIGNED for and on behalf of the Commonwealth of
Australia as represented by the Migration Agents
Registration Authority**

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Christine Sykes
CEO, Migration Agents Registration Authority
on the *20th* day of *Dec* 2011