

MEMORANDUM OF UNDERSTANDING (MOU)

between

THE LEGAL SERVICES COMMISSIONER (the LSC)

and

THE OFFICE OF THE MIGRATION AGENTS REGISTRATION AUTHORITY (the MARA)

BACKGROUND AND PURPOSE

- The LSC is responsible for dealing with complaints about lawyers and law practice employees under the (Queensland) *Legal Profession Act 2007* (the LPA) and more generally for promoting, monitoring and enforcing appropriate standards of conduct in the provision of legal services
- The MARA is responsible for dealing with complaints about registered migration agents (and former agents) under the (Commonwealth) *Migration Act 1958* (the MA) and more generally for promoting, monitoring and enforcing appropriate standards of conduct in the provision of immigration assistance services.
- The parties agree to share information we each obtain in the course of exercising our respective responsibilities under the LPA and the MA. The purpose of this MOU is to document that agreement.

REFERRAL OF COMPLAINTS AND CONSULTATION

- The LSC will refer to the MARA any information it receives about the conduct of migration agents that it believes may be relevant to the MARA in the discharge of its responsibilities under the MA including, for example, information about:
 - conduct by lawyers who are registered migration agents in their provision of immigration assistance;
 - conduct by lawyers who are registered migration agents in relation to their provision of immigration legal assistance; and
 - conduct by current or former registered migration agents who are not lawyers that the LSC obtains in the course of its investigations or other enforcement actions in relation to lawyers and law practice employees.
- The MARA will refer to the LSC any information it receives about the conduct of lawyers and law practice employees that it believes may be relevant to the LSC in the discharge of its responsibilities under the LPA including, for example, information about:

- conduct by lawyers who are registered migration agents which raises concerns about their compliance with the LPA and their professional obligations more broadly;
 - conduct by lawyers who are registered migration agents which results in a decision under the MA to sanction; and
 - conduct by lawyers and law practice employees that MARA obtains in the course of its investigations and other enforcement actions which raises concerns about their compliance with the LPA and their professional obligations more broadly.
- The parties will respond promptly to any request for information either party may make of the other.

COORDINATION AND ENFORCEMENT

- The parties will each nominate a contact officer for the purposes of this MOU.
- The parties may agree to cooperate in joint investigations. If that occurs:
- the parties will give each other advice about their respective statutory and regulatory powers to ensure that the investigation is conducted effectively and efficiently and is well coordinated.; and
 - the parties will keep each other fully informed about their investigation plans, the progress of and the outcomes of any joint investigation or enforcement action.

PRIVACY

- The parties will share information fully and freely but will comply with their respective statutory obligations in relation to privacy and non-disclosure.

LEGAL STATUS

- The parties enter into this MOU in good faith but it is not a contract and does not create any legally binding obligations.
- The parties may vary the MOU by agreement in writing.



John Britton
Legal Services Commissioner



Christine Sykes
CEO, Migration Agents Registration Authority

Date 3 April 2012

4 APRIL 2012
Date