

MEMORANDUM OF UNDERSTANDING (*MOU*)

BETWEEN

LEGAL PROFESSION COMPLAINTS COMMITTEE (*LPCC*)

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 2008 (LPA)* on an ongoing basis.

The purpose of this MOU is to establish processes to share information between the LPCC and the 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 LPCC will respond promptly to all requests for information from Office of the MARA.
- The LPCC 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 its 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 LPCC investigations and enforcement actions.
- Office of the MARA will liaise with the LPCC if it receives information it believes may be of relevance to the LPCC in its discharge of its 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)
 Legal Profession Complaints Committee)



 C L Zelestis QC
 Chair, Legal Profession Complaints Committee

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



 Christine Sykes
 CEO, Migration Agents Registration Authority

4th January 2012