

8 July 2010

Your ref:

Our ref: LPG/AS

Mr Warren Mundy
Associate Commissioner
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

By Email: regulatoryburdens@pc.gov.au

Dear Mr Mundy

**ANNUAL REVIEW OF REGULATORY BURDENS ON BUSINESS
SUBMISSION IN SUPPORT OF SUBMISSIONS PROVIDED BY LAW COUNCIL OF
AUSTRALIA**

I am General Counsel for The Salvation Army, Australia Eastern Territory. I am also the Principal of Courtyard Legal, a free law firm and migration service which I run on behalf of The Salvation Army Australia Eastern Territory.

Courtyard Legal has offices at The Salvation Army in Auburn, Parramatta and Surry Hills, New South Wales.

The large majority of Courtyard Legal's clients at each of its Auburn and Parramatta offices concern family reunion cases for permanent residents who were recently granted Protection Visas, or who have come to Australia under the Offshore Humanitarian Program. To give you some idea of the numbers of clients Courtyard Legal sees each week, I can confirm that on the evening of Monday, 28 June 2010 my team and I saw 38 clients, approximately 31 of which were family reunion migration cases. The figures for migration clients which Courtyard Legal saw on 28 June 2010 are quite typical of those we see each week at our service.

As far as I am aware, Courtyard Legal is the only pro bono service for offshore family reunion visas in New South Wales. For the past 5 years, Courtyard Legal has helped reunite hundreds of family members separated (and usually, presumed dead) by war or civil unrest, to settle and have a new life in Australia.

Each of the migration cases Courtyard Legal deals with require migration advice and assistance within the meaning of those terms under the *Migration Act 1958* (Cth).

Courtyard Legal is a free service run by The Salvation Army without any government funding. It is a service which relies exclusively on the generosity of its private benefactors and the very

NOTICE

The information contained in this email/facsimile/letter is confidential and intended only for the use of the addressee and it may also be privileged. If you are not the intended recipient, any use, disclosure or copying is prohibited. If you have received this email/facsimile/letter in error, please telephone the sender and return it by mail to the sender.

Courtyard Legal

140 Elizabeth Street NSW 2000 (PO Box A435 Sydney South NSW 1235)

T 02 9213 3902 F 02 9266 9593

salvos.org.au

Luke Patrick Geary is a registered migration agent number 0635598

significant contributions of time given to it by a very well skilled and dedicated team of solicitors, migration agents and law students/graduates.

It was with great concern and interest that I read each of the submissions by the Law Council of Australia and the Department of Immigration and Citizenship in respect of the inclusion of lawyers within the migration agent regulatory framework.

I believe the most compelling arguments have already been made by the Law Council of Australia against the requirement for dual regulation of lawyers who wish to provide migration advice and assistance. I wish to support those submissions and indicate to you that if the dual regulation of solicitors who wish to practice in providing migration advice and assistance were to be withdrawn, I have no hesitation in submitting that a far greater number of very compassionate cases would be able to be considered and dealt with by Courtyard Legal and the wider Salvation Army. I do not say this without some hesitation as to appropriate safeguards being put into place to ensure consumer protection and risk management procedures are as best as they possibly can be in any area of the law.

It is my submission that the practice of providing migration advice and assistance by solicitors, at least in respect of refugee and humanitarian cases and family stream visas, should be undertaken without dual regulation in the following circumstances:

1. Where the advice and assistance is undertaken by a solicitor who holds a current Practising Certificate in their State or Territory of practice; and
2. Is done on a non-commercial (i.e. free) basis; and
3. Under the direct supervision of a registered migration agent; and
4. Is covered by a policy of professional indemnity insurance which covers the voluntary work undertaken by those solicitors in respect of migration advice and assistance provided under the *Migration Act* on a non-commercial basis.

I would be pleased to answer any queries or address the Productivity Commission on any further issues should you consider them relevant from the perspective of The Salvation Army.

I hope that the regulatory hurdles, which from a solicitor's perspective are completely onerous and prohibitive for the provision of pro bono services, can be overcome and more people can be helped in what is very clearly a very needy area for our communities.

If you have any questions or require further information please do not hesitate to contact me on 02 9266 9643 or by email at luke.geary@aue.salvationarmy.org.

Yours faithfully

LUKE GEARY
PARTNER