



Kinslor Prince Lawyers
immigration specialists

30 July 2010

Mr Warren Mundy
Associate Commissioner
Regulatory Burdens Review
Productivity Commission

Dear Mr Mundy,

RE: REGULATORY BURDENS REVIEW – DUAL REGULATION OF MIGRATION LAWYERS

Kinslor Prince Lawyers is a specialist immigration law firm. David Prince and Joanne Kinslor, the Principals of the firm, are both accredited as specialists by the Law Society of New South Wales in the field of Immigration Law.

We refer to the submissions of the Law Council of Australia dated 20 April 2010 and 15 June 2010. We endorse those submissions.

It is our submission that the requirement for lawyers with current practising certificates to be registered as migration agents constitutes excessive, needlessly complex and duplicative regulation.

The costs to our business include the direct costs of an annual registration fee of approximately \$1,800 per solicitor per annum (which is a much higher fee than our practising certificate fees) as well as significant indirect costs in terms of keeping up date to with the requirements of an additional regulatory and addressing the myriad complexities arising from being subject to dual regulation of our professional work.

For the reasons detailed in the Law Council's submissions, dual regulation undermines consumer protection, which is a significant concern to us, and on one line of reasoning (that lawyers are not acting as lawyers in providing 'immigration assistance' as outlined in the Law Council's submission of 15 June 2010) dual regulation prevents consumers from having access to a lawyer in the complex field of immigration law.

Moreover, it is our experience that dual regulation acts as a disincentive for lawyers to practice in the field of immigration law, both limiting the availability of lawyers and the interaction of this field of law with other fields of law.

Through my volunteer work with legal centres offering pro bono immigration legal assistance I am acutely aware of the impact of dual regulation in terms of the availability of pro bono lawyers able to offer assistance. Legal training involves not only the acquisition of technical



Suite 102, Level 1, 155 King Street, Sydney NSW 2000

Phone: +61 (0)2 9223 4242

Fax: +61 (0)2 9223 4142

Email: info@kplaw.com.au

Website: www.kplaw.com.au

knowledge, but also legal skills of analysis, taking instructions and drafting and dual regulation acts to severely limit the access of pro bono immigration legal centres to such skills.

We support the Productivity Commissions draft recommendation that:

The Australian Government should amend the Migration Act 1958 to exempt lawyer migration agents from the Migration Agents' Registration Scheme. An independent review of the performance of lawyer agents, complaints handling and disciplinary procedures should be conducted three years after an exemption becomes effective.

We suggest a small, technical amendment to the recommendation, that 'lawyer migration agents' be changed to 'lawyers' as the amendment would act to exempt all practising lawyers from the requirement to be dual regulated as migration agents.

We thank the Commission for its consideration of this submission.

Yours faithfully,

Joanne Kinslor

Principal Solicitor
Accredited Specialist, Immigration Law
joanne@kplaw.com.au
MARN 0102692