

J.W.K. BURNSIDE Q.C.

29 July 2010

Regulatory Burdens: Business and Consumer Services  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

*By email to: [regulatoryburdens@pc.gov.au](mailto:regulatoryburdens@pc.gov.au)*

Dear Mr Mundy,

**ANNUAL REVIEW OF REGULATORY BURDENS ON BUSINESS**

I refer to Recommendation 4.2 of the Productivity Commission's draft report into its *Annual Review of Regulatory Burdens on Business* (the Review), regarding the exemption of lawyer migration agents from the Migration Agents' Registration Scheme.

I would like to express my support for the draft recommendation and for the submissions to the Review of the Law Council of Australia.

I have carried out a significant amount of work as an advocate on behalf of refugees and special interest groups in this area. As a result of my personal experience, I believe that dual regulation of migration lawyers is unnecessary and provides a disincentive for lawyers to practice immigration law. This has led to a significant shortage of qualified advocates in this area, to the detriment of refugees and disadvantaged migrants seeking immigration advice and assistance.

In particular, dual regulation seriously undermines the work *pro bono* legal providers who advise and represent most refugees and humanitarian visa applicants.

Legal practitioners are already subject to a significant degree of regulation and strict obligations in all areas of practice, including the requirement to pay an annual legal practising certificate fee, professional indemnity insurance and the obligation to undertake continuing professional development activities. These requirements exist to provide the highest possible protection to clients of legal practitioners.

I agree with the submissions of the Law Council of Australia, including its suggested amendment to draft Recommendation 4.2, to confine the recommendation to lawyers holding a current legal practising certificate.

Please contact me if you have any queries.

Yours sincerely,

Julian Burnside