

REFUGEE ADVICE + CASEWORK SERVICE (AUST) INC.



Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
By email: legcon.sen@aph.gov.au

20 July 2009

We are writing on behalf of the Management Committee of the Refugee Advice and Casework Service (RACS) in Sydney. RACS is a not-for-profit legal centre, established over 20 years ago, which provides free legal services for asylum seekers in detention and in the community. RACS principally represents clients before the Department of Immigration and Citizenship and the Refugee Review Tribunal. RACS assists around 1,000 people per year.

Our principal submission to this inquiry is that due to severe funding constraints, RACS is unable to assist many asylum seekers who contact us for help. At any time we have a substantial client waiting list which we are frequently unable to service. As a result, there are too many people in the community who have protection claims who are at risk of persecution in their own countries and who are unable to access justice in their efforts to seek protection.

Unlike many other Community Legal Centres (CLCs), RACS does not receive *core recurrent funding* from government to sustain its basic operating costs. Many CLCs receive core annual funding of between \$144,211 and \$368,715 per CLC (NSW CLC Review, June 2006, p 3).

As a result, RACS is forced to rely almost exclusively on unpredictable (and capped) income from case referrals funded by the Department of Immigration and Citizenship under the IAAAS contract. Since case loads cannot be easily forecast from month to month, RACS finds itself operating in a very difficult financial situation.

RACS's small team of dedicated caseworkers/lawyers receive very low wages given their qualifications, even for the already low-paid CLC sector. Working with clients who have often experienced trauma is stressful enough, yet RACS employees must take on very high (and unsustainable) case loads to fund core operating costs. The result is more pressure on low-paid and over-worked employees.

RACS clients have a high rate of recognition as refugees precisely because of the quality of legal advice provided – including advice, where appropriate, that claims have no reasonable prospect of success. Good advice at the start of the asylum process saves the government considerable time and resources later on, by avoiding protracted or unfounded litigation.

On its small current annual budget of less than \$500,000, RACS has an extraordinary impact on the lives of people fleeing from persecution. In our estimation, RACS requires an additional \$100,000 per year to cover core recurrent expenditure, to sustain RACS in efficiently processing asylum claims in this vital area of federal responsibility.

Yours sincerely

Dr Ben Saul
President, RACS

Dr Jane McAdam
Vice-President, RACS