

I apologise for the lateness of this submission and hope it will still be considered.

This submission is made on behalf of the Refugee Action Collective in Brisbane.

The Refugee Action Collective in Brisbane (RAC) is a broad group of concerned people from all walks of life dedicated to fighting for the rights of refugees and asylum seekers, and for the reform of Australia's immigration policies.

RAC's purpose statement is "To uphold the right of asylum in Australia and to inform and mobilise people to challenge current government policy and legislation which adds to the suffering of refugees and asylum seekers."

RAC objects to the proposed provisions 486E and 486F of the Migration Litigation Reform Bill 2005.

It is understood the political rationale is for these provisions to act as a disincentive to lawyers accepting cases, in an attempt to reduce the number of appeals on migration matters.

RAC is concerned that these provisions will limit people's ability to find lawyers prepared to act on their behalf, and will punish lawyers acting in their client's interests.

People have the right to access all legal avenues open to them, and these provisions will limit their ability to do so. As it will be more difficult for people to find lawyers prepared to accept their cases, this will mean they are less able to act on their rights to have their case considered. The proposed legislation is further erosion of the rights of people imprisoned in detention centres and those on temporary protection, and similar, visas.

RAC believes the provisions will leave the way open for lawyers to be penalised for acting in their client's interests. RAC is particularly concerned about the impact of these provisions on lawyers and legal organisations that accept cases on a pro bono basis.

There is also a concern that these provisions will set a precedent such that if the government of the day wishes to deter litigation in any particular area, the possibility of costs orders personally against lawyers will be the method they choose.

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