

REFUGEE ADVICE AND CASEWORK SERVICE
(AUSTRALIA) INC



EIGHTH ANNUAL REPORT
1997-1998

**REFUGEE ADVICE AND CASEWORK SERVICE
(AUST) INC.**

EIGHTH ANNUAL REPORT

1997-1998

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CHAIRPERSON'S REPORT

Introduction

For an organisation in the service of asylum seekers, it may be a hard life. For asylum seekers themselves, it is even harder. That is why RACS was conceived. That is why it has struggled against a formidable tide of funding, legislative and political obstacles to maintain the service that it has. And that is why it has survived 10 years.

1997/8 has been another difficult year for RACS, one of casework, policy and funding struggles and one of serial metamorphoses.

RACS(Australia) and the tender

We started the year with a Special General Meeting on 1 July 1997 at which it was agreed that RACS (Vic) would, with the co-operation of the RACS (NSW) Management Committee, change its name to RACS (Australia) with a view to reviving the RACS office in NSW which had been forced to close in 1996.

With this in mind, RACS (Australia) submitted a joint tender with the Victorian Immigration Advice and Rights Centre ('VIARC') to provide immigration and refugee advice and assistance in Victoria and refugee advice and assistance in NSW. The tender was successful to a point, but the clearly political decision to appoint a panel of contractors to deliver services was, for the Melbourne office, crippling.

With just two working days between notice that the tender was successful and commencement of the contract, the Sydney

office had to open virtually overnight from a standing start. Lyn Payne, formerly of RACS (NSW) and Lauren Matthews, formerly of RACS (Vic) set up the office together and quickly established a thriving, dynamic and efficient service in Sydney offering the high quality advice and assistance for which RACS had become known.

Fortunately the Melbourne office had entered the financial year in good shape and was able to draw on reserves carried over from the Cambodian litigation which meant there were greater prospects for survival at least in the short-term.

The RACS Melbourne/VIARC merger

In my last report I indicated that we would need to review RACS' priorities and find a way to re-shape the service in a manner which maintained the objectives of its founders but brought a fresh and sustainable vision for the years ahead.

Hence the next metamorphosis; a merger of VIARC and the RACS Melbourne office to become the Refugee and Immigration Legal Centre ('RILC'). This merger has enabled the work of RACS to continue in Victoria in a truly fresh and sustainable way. RILC (operational from 1 July 1998) now offers a strong base of refugee and immigration advice and assistance as well as training courses. RACS' operations in Sydney will continue with its new, skilled and energetic staff of Angela Cranston, Sonia Di Mezza and Heather Gillies.

Legislative & Policy changes

Despite the major structural changes that have taken place over the last year, the consistent and central theme has always been a commitment to asylum seekers. And it has been the commitment of the staff, volunteers and Management Committee which has made it possible to put asylum seekers first. In that, although not as many asylum seekers are now able to benefit from the service RACS has provided in Victoria, clients of the service will have noticed no changes in service delivery. In NSW the return of RACS was much needed and even more so now that Legal Aid guidelines no longer authorise grants to assist Protection Visa applicants.

The barrage of legislative and administrative changes has continued to trample on the rights of asylum seekers. These have included changes to work, welfare and health care rights, review rights and rights to legal assistance. UNHCR in Geneva, in the context of this global trend, recently observed:

[A] comprehensive approach to refugee protection comprises, inter alia, respect for all human rights. [The Executive Committee] also underlined the obligation of States to treat asylum seekers and refugees in accordance with applicable human rights and refugee law standards, as set out in relevant international instruments. (UNHCR Note on International Protection, 25 May 1998).

RACS and RILC will continue to advocate for respect for the legitimate rights of asylum seekers.

Staff and Management Committee

For the service RACS has become, there are many people to thank. First and foremost are the staff. Jo Renshaw as Co-ordinator from April 1995-September 1997 and as National Co-ordinator since then has made a truly remarkable contribution to the service and to the jurisdiction. She has brought to the service an impressive combination of finely tuned legal and administrative skills as well as the creativity and vision needed to secure community-based legal services in Melbourne and Sydney. Carolyn Graydon with her seemingly endless supply of energy and commitment has been able to continue her outstanding contribution to the East Timorese asylum seekers as well as assume responsibility for co-ordination of the service from October 1997. Lauren Matthews has established an extremely professional service in NSW and has put RACS back on the Sydney map with style at many levels - administration, casework, policy and training.

During the year we farewelled Lyn Payne and Anthony Ham and welcomed Martin Clutterbuck, Angela Cranston, Sonia Di Mezza, Heather Gillies and Danny Brown. We enjoyed the continuing contributions of Sarah Brown and Danielle Edwards, as well as our locum caseworkers Sarah Westwood and Daniel McGlone.

Carolyn, Martin, Sarah Brown and Danny have taken up positions with RILC. Jo, Lauren and Danielle have all resigned from the service. We wish them well in all their endeavours and thank each one for the professional legacy they leave behind.

Another significant change for RACS (Australia) is that its base will move to Sydney. This also means major change for

the Management Committee. To all outgoing members, thanks are due for the support of the staff and the willingness to be responsive to initiatives for change in order to maintain a strong vision and commitment to the interests of asylum seekers.

This year we are particularly grateful to the VIARC staff and Management Committee for their co-operation in establishing RILC.

RACS has many other friends to whom we are grateful. We look forward to your continuing support and also to your support for RILC.

EVE LESTER
CHAIRPERSON

INTRODUCTION

The Refugee Advice and Casework Service (Australia) Inc ('RACS') was set up originally as a Victorian-based entity in May 1988 to provide a legal service to meet the specific needs of asylum seekers. Organisations involved in its establishment include the Refugee Council of Australia, Amnesty International, the Ecumenical Migration Service, International Social Services and the Jesuit Refugee Service. On 1 July 1997, RACS (Victoria) as it was then known changed its name to RACS (Australia) in order to set up a national entity with offices in Melbourne and Sydney. This was primarily a response to the closure of the RACS (NSW) office in December 1996 due to funding difficulties.

RACS is a unique service since its concerns embrace three distinct levels; the international, the national and the local.

1. The International Level

RACS (Australia) derives its mandate from the United Nations Convention (1951) and Protocol (1967) Relating to the Status of Refugees. Through our links with the Australian office of the UNHCR, our attendance at conferences and seminars and our subscription to a variety of international legal journals, RACS (Australia) aims not only to keep abreast of current thinking in international refugee law but to contribute to the development of the area wherever possible.

2. The National Level

The Refugee Council of Australia is a national body responsible for the co-

ordination and policy development of issues of concern for refugees. RACS (Australia) maintains close links to the RCOA, of which we are a member organisation.

RACS (Australia) plays an important part in the development of national policy on refugee law and procedure through our participation in DIMA and Refugee Review Tribunal liaison committees. We have also made submissions to the Senate Standing Committee on Legal & Constitutional Affairs on a number of proposed amendments to the Migration Act which directly affect asylum seekers and their rights under Australian law.

3. The Local Level

At a local level, the two RACS offices provide direct casework assistance to asylum seekers living in Victoria and New South Wales. This includes those who are held in immigration detention in Maidstone and Villawood.

RACS' staff also provide community education and training sessions to lawyers, community workers, students and the general public.

AIMS OF RACS (AUST)

1. To provide a free, expert legal service for individuals seeking asylum in Australia. To provide advice and limited assistance to those seeking to sponsor relatives from refugee-like situations overseas.
2. To provide referral for counselling and assistance on related welfare issues such as accommodation, social security, employment, psychological support, language training and education.
3. To provide a high standard of community education about refugee law, policy and procedure.
4. To provide training sessions, workshops and seminars on refugee law, policy and procedure to legal and welfare agencies and individuals involved in advising and assisting refugees.
5. To establish a resource base of current information and documentation necessary to support claims, for use by RACS, community organisations and lawyers assisting refugee claimants.
6. To participate in the development of refugee policy in Australia as it relates to the rights of those seeking asylum in this country.

DETAILS OF THE SERVICE

RACS (Australia) has offices in Melbourne and Sydney. Each office operates a full-time casework service from Monday to Friday between 9am and 5pm.

In addition, each office runs an evening advice service staffed by volunteer Migration Agents.

Persons requiring telephone advice may contact the duty solicitor at any time.

Contact details are as follows:

Melbourne office

161 Fitzroy Street
St Kilda
Victoria 3182

Ph: (03) 9525 4622

Fax: (03) 9525 4673

email: racsvic@peg.apc.org

Sydney office

Level 4/17 Randle Street
Surry Hills
NSW 2010

Ph: (02) 9211 4001

Advice (02) 9281 6004

Fax: (02) 92122957

email: racsaustr@peg.apc.org

COMMITTEE

STAFF

CHAIRPERSON

Eve Lester
Refugee Policy Officer
UNIYA

VICE-CHAIRPERSON

Andy Hamilton SJ
Jesuit Theological College

TREASURER

Erskine Rodan
Rodan & Associates

SECRETARY

Rex Fisher
Uniting Church

COMMITTEE MEMBERS

Savitri Taylor
School of Law
La Trobe University

Lia Kent
Community Aid Abroad

Margaret Piper
Refugee Council of Australia

Velvy Holden
Australian National Committee on
Refugee Women

Lachlan Murdoch
Service for the Treatment and Rehabilitation
of Torture and Trauma Survivors

MELBOURNE OFFICE

Jo Renshaw

Carolyn Graydon

Lauren Matthews (until Sept 97)

Anthony Ham (until Aug 97)

Martin Clutterbuck (from Aug 97)

Sarah Brown

Danielle Edwards

Danny Brown

Sarah Westwood (locum)

Daniel McGlone (locum)

SYDNEY OFFICE

Lauren Matthews

Lyn Payne (Oct - April 98)

Heather Gillies (from March 98)

Angela Cranston (from May 98)

Sonia Di Mezza (from June 98)

VOLUNTEERS

MELBOURNE OFFICE

Becky Batagol
Danny Brown
Madeline Chiam
Justine Clarke
Jackie Evenboim
Pauline Gartlan
Heather Gillies
Kate Hart-Smith
Claire Harris
Naomi Hauptman
Nicole Hogg
Marissa Jack
Nadia Krivetz
Daniel McGlone
David Manne
Alison Mercer
Clare Miller
Manu Peters
Joshua Puls
Kishwar Rahman
Joanna Renkin
Joan Scapetis
Alex Shiak
Marita Walsh
Sarah Westwood

SYDNEY OFFICE

Clare Byrt
Natasha Case
Andrea Gajdosik
Angelina Ann Gomez
Talis Harrington
Joanna Kwan
Susannah McNeill
Tracey Taylor

SUMMARY OF ACTIVITIES - VICTORIA

INTRODUCTION

1997/8 has been another rollercoaster year for both RACS and its clients. As the rights of asylum seekers continue to contract, the survival and expansion of RACS stands as a testimony to the determination of the staff and Committee to continue providing high quality representation and advocacy to this disadvantaged group.

FUNDING

Funding has been a major issue throughout the year. Once again, we had to tender for our funding contract with the Department of Immigration & Multicultural Affairs. For the first time this year, the 'parallel' contract for the provision of immigration advice, casework and training were also put out to tender under the same funding scheme.

RACS put in a joint tender with the Victorian Immigration Advice and Rights Centre ('VIARC') for the Victorian-based work and also tendered for contracts to provide assistance to asylum seekers in New South Wales.

Whilst we were happy to be offered contracts in both States, the funding level in Victoria was reduced to such an extent that we were forced to consider carefully whether the RACS office in this State was viable beyond the immediate short-term. VIARC also suffered a significant funding cut.

After a long period of reflection by the Management Committees and staff of both RACS and VIARC, it was agreed that the only way to secure the ongoing future of

both organisations was to merge our operations in Victoria. Consequently on 1 July 1998, a new merged service was born, to be known as the Refugee and Immigration Legal Centre ('RILC').

STAFF

The Victorian office was Co-ordinated this year by Jo Renshaw (until September 1997) and then by Carolyn Graydon. Lauren Matthews assumed the role of Acting Co-ordinator during Carolyn's leave in January. Martin Clutterbuck commenced full-time in August 1997, and quickly began shouldering much of the casework burden. In August we also farewelled Anthony Ham, whose exceptional written and oral advocacy talents and conscientious approach are greatly missed.

Lauren Matthews took four months leave of absence from the Victorian office in September but by October found herself back at RACS albeit in a different State! During Jo's leave in September-December Sarah Westwood and Daniel McGlone generously stepped in as locum caseworkers. Sarah Brown continued to breathe life into our highly utilised and specialist library.

In December 1997, Danielle Edwards became a registered Migration Agent and took on a dual administrative/casework role, dealing with colleagues and clients alike with great patience and compassion. Danny Brown joined the RACS team in November 1997 on a part-time basis with the unenviable responsibility for administration of our East Timorese project. He has also

donated many hours as a volunteer to the service. Jo Renshaw returned to us as the National Co-ordinator from January onwards, undertaking the onerous job of keeping both offices on track, formulating plans for the future and ensuring that we met all our reporting requirements.

Volunteers

Our volunteers continued in the tradition of tremendous community service, enabling hundreds more asylum seekers to obtain advice and assistance than would otherwise be possible.

In recognition of the important role of our volunteers and our increasing reliance upon them, we provided an intensive training course for volunteers which ran fortnightly for ten weeks from August to October 1997. All sessions, covering both legal topics and the development of practical skills, were well attended.

CASEWORK

In the course of the financial year, we opened 139 new files. 111 were community clients, 28 were in immigration detention.

Casework Results

We received 80 final decisions for community clients in the 1997/98 financial year of which 60 were approvals. This represents a 75% success rate. For detention cases we received 53 final decisions of which 41 were approvals, representing a 77% success rate.

PROJECTS

Burmese Student Project

In November we were asked by AusAID to provide casework assistance to 20 Burmese students in Victoria and NSW who were recipients of AusAID scholarships and

seeking permanent protection in Australia. All staff involved in this project were struck by the courage and idealism of this special group of students. At the time of writing almost all have secured their protection visas and are beginning the next challenging chapter, re-settlement in Australia.

East Timorese project.

RACS continued to act for approximately 650 East Timorese asylum seekers, whose cases sadly show few signs of being resolved in the near future. Processing of primary applications remained frozen and few developments occurred in the Refugee Review Tribunal or higher courts. The Tribunal found in three cases that the applicants were refugees and the Minister appealed all three to the Federal Court. The result of a further test case on the key question of nationality is keenly awaited.

Our work with the Timorese has focussed on trying to support the community as much as we are able throughout their ordeal. Of course our primary responsibility is to provide high quality representation to those Timorese who are our clients. To this end, in October we organised a number of sessions at North Richmond Community Health Centre to meet with clients and ensure that information we hold on file is up-to-date. More than 35 volunteer advisers and interpreters gave up two Saturdays to attend these 'working bees' which were very productive. This updating process is ongoing, as our clients lives continue despite the uncertainty of their future and we must keep abreast of marriages, new babies and other changes of circumstances.

In addition to casework, we believe that RACS has a broader role in providing advocacy for the wider Timorese asylum-seeker community. We provide accurate

information and regular updates through community information sessions. Our broader advocacy role has also included meetings with representatives of the Portuguese Government, including the Foreign Minister, Mr Jaime Gama and the Ambassador from Portugal on East Timor issues, Mr Fernando Neves. Since those meetings in February, dialogue has continued with Lisbon as all parties continue to acknowledge the important role Portugal's plays in any resolution of the asylum seekers' status.

In conclusion and on a more hopeful note, towards the end of this year, the situation for the Timorese began to look considerably brighter. In June 1998, the Portuguese Government issued a statement confirming that, contrary to the Australian Government's interpretation of Portuguese law, Portugal does not consider East Timorese to be Portuguese nationals and is not at liberty to impose its nationality upon unwilling Timorese. The Portuguese Government's recent statement will be considered in the test case before the Federal Court in Melbourne. With the fall of President Suharto, Indonesia's economic and political crises and the Australian Government's re-alignment on East Timor issues generally, some of the foreign affairs implications of accepting the East Timorese may no longer be so persuasive.

Applicants from the boat code-named *Vagabond*

RACS (Aust) continued to act in a *pro bono* capacity for 10 Vietnamese asylum seekers who arrived from Indonesia after been 'screened out' as refugees under the Comprehensive Plan of Action. RACS took on their cases after a successful Federal Court challenge to the previous Minister's actions in attempting to prevent RRT review

by issuing 'conclusive certificates'. Although the applicants were not ultimately successful before RRT, the Minister for Immigration intervened to grant them permanent residence on humanitarian grounds. It is heartening that this long saga ended on a positive note and we wish the applicants all the best in their new lives. Special thanks to Eve Lester for many voluntary hours work on this project.

Somali Removal Case

On 1 June 1998, RACS began acting in a *pro bono* capacity for a Somali asylum seeker, who despite the Tribunal having found he was not a Somalia national, was about to be removed to Somalia. The removal was to occur via South Africa where a private corporation would assume responsibility for his ultimate repatriation. Following interim injunctive relief from the High Court to prevent his removal, Justice Hayne ordered that the issue of the mode of his removal be remitted to the Federal Court for consideration. At the time of writing, this matter remains unresolved by the Court and in the meantime the Minister has intervened and permitted the applicant to lodge a second application for refugee status.

POLICY AND LAW REFORM

Statutory Rule 109

The year began on a sobering note with the introduction of Statutory Rule 109. The Regulations contained in this rule, which took effect on 1 July 1997, deny permission to work and access to health care to all asylum seekers who do not lodge applications for protection visas within 45 days of arrival in Australia. They also impose a \$1000 penalty fee upon unsuccessful applicants before the Refugee Review Tribunal.

Aside from the devastating impact on the lives of asylum seekers, these changes have also greatly increased the pressure on caseworkers to meet extremely tight deadlines for the preparation and lodgement of applications.

Migration Amendment Bills 4 & 5

The onslaught upon asylum seekers rights continued with the introduction of Migration Legislation Amendment Bills (No 4) and (No 5) of 1997. The former proposed a number of changes to the merits review tribunals (IRT and RRT) and the latter proposed to remove, as far as Constitutionally possible, access to judicial review of migration and refugee decisions. Both bills were referred to the Senate Legal and Constitutional Affairs Committee. RACS presented written and oral submissions which were referred to extensively in the Committee's report.

At the time of writing neither bill has become law.

Changes to Legal Aid Guidelines

Having reached what we believed was rock bottom in terms of the Government's treatment of asylum seekers, in March 1998 we were devastated to learn that national Legal Aid Guidelines were to be changed so as to remove entitlement to Legal Aid from Protection Visa applicants. These Guidelines took effect on 1 July 1998. It is ironic that the Government pointed to the existence of our funding scheme (known as the IAAAS) in justifying this change. Of course the number of cases funded under IAAAS is a drop in the ocean and there is no doubt whatsoever that this step will severely compromise the ability of asylum seekers to obtain much needed legal advice and assistance. We have yet to see the effects it will have on the already overstretched staff

of RACS and RILC.

CONCLUSION

It is sad that circumstances are such that the dream of a national RACS with offices in both Victoria and NSW proved unsustainable. However, we look forward to continuing to serve our clients through the new Refugee and Immigration Legal Centre and continuing to work closely with the RACS (Australia) office in NSW.

On behalf of all the staff of the Victorian office, many thanks to all those who have supported us over the years and provided us with the encouragement we needed to keep on fighting.

CAROLYN GRAYDON
CO-ORDINATOR

Table 1 - Activity Report 1997/8

SUBJECT	TOTAL
Files as at 30/6/98	408
Active files for period	582
E/Timor files @ 30/6/98	333
New clients for period	139
Client interviews	548
One-off advice	306
ORD interviews	67
RRT/IRT hearings	63
External meetings	55
Training given (inc talks)	19
Training attended	3
Community info	7

**Table 2: New clients 97/98
(Community)**

COUNTRY	RS	SHP	OTHER	TOTAL
Afghanistan	1	2		3
Albania	1			1
Burma	17	2		19
Cambodia	5			5
Cuba		1		1
East Timor	39			39
Egypt	1			1
Ethiopia	2			2
Eritrea		1		1
India	1			1
Iran	3	2		5
Iraq	1	1		2
Kuwait	1			1
Lebanon	3			3
Nigeria	1			1
Palestine	1			1
PRC (China)	2		1	2
Serbia (Kosovo)	2			2
Somalia	5	2		7
Sri Lanka	6			6
Sudan	2	1		3
Turkey	3		1	4
TOTAL	97	12	2	111

**Table 3: New clients 97/98
(Detention)**

COUNTRY	TOTAL
Afghanistan	1
Algeria	5
Chad	1
Iraq	7
Kuwait	1
Palestine	1
PRC (China)	5
Russia	1
Somalia	4
Turkey	1
Ukraine	1
Total	28

**Table 4: Results summary 97/98
(Community)**

COUNTRY	REFUGEE				OTHER	
	P		R		WD	H
	Y	N	Y	N		
Afghanistan	2					
Albania		1				
Bosnia				1		
Burma	18		2			
Cambodia						
Ethiopia			3	2		
India	1					1
Iran	3			1		
Iraq					1	
Kazakhstan	2					
Kosovo			1			
Kuwait	2					
Lebanon		1				
Nicaragua				1		
Nigeria				1		
Palestine	1		2			
Peru			3	1		
Romania				1		
Somalia	6			3		
Sri Lanka	2	2	5	2		
Sudan	1					
Tanzania			1			
Turkey	2			2		
Zaire	2	1				
TOTAL	42	5	17	15	1	1

**Table 5: Results summary 97/98
(Detention)**

COUNTRY	REFUGEE STATUS				
	P		R		WD
	Y	N	Y	N	
Afghanistan	1				
Algeria	9			3	
Chad			1		
Iran	1				
Iraq	8		3	1	1
Kenya				1	
Kosovo					
Kuwait	1				
Pakistan				1	
Palestine			1		
PRC		2		2	
Russia				1	
Somalia	7		4		
Sri Lanka	3		1	1	
Turkey			1		
Ukraine					1
TOTAL	30	2	11	10	2

Total final decisions: 53
Total approvals: 41
Success rate: 77.3%

Total final decisions: 80
Total approvals: 60
Success rate: 75%

SUMMARY OF ACTIVITIES - NEW SOUTH WALES

INTRODUCTION

In October 1997, RACS (Australia) secured contracts to provide advice and application assistance to asylum seekers in the community and in immigration detention in the State of New South Wales.

On 13 October 1997 we opened our new office in Surry Hills, based in the premises of our most welcoming hosts, the Australian National Committee on Refugee Women ('ANCORW').

ESTABLISHING THE NEW OFFICE

Initially the office was staffed with two caseworkers, Lyn Payne formerly of RACS (NSW) and Lauren Matthews formerly of RACS (Victoria). In March 1998, Heather Gillies joined the team in the position of caseworker/administrative assistant. After Lyn left us in April 1998, we were joined by Angela Cranston and Sonia Di Mezza.

As word got round that a RACS office had re-opened in Sydney, the demand for advice and assistance increased steadily. By March 1998, the number of telephone inquiries and requests for casework assistance were stretching staff to their limits and far outstripping the levels for which were funded.

This coincided with the news that Legal Aid was to be cut to Protection Visa applicants from 1 July 1998. Given the rising need in the community for specialist refugee legal advice, we were devastated to learn of the impending loss of Legal Aid and braced ourselves for the expected onslaught of inquiries and demands.

VOLUNTEERS

We began our volunteer program in the first week of May. After initial induction, our volunteers began to assist staff in conducting client interviews during our weekly evening advice sessions. A 'hard core' of committed volunteers has continued to assist us. We are grateful not only for their dedication, but for the energy they bring to the organisation. We have held a number of training sessions for the volunteers, all of which have been very well attended.

CASEWORK

In our first nine months of operation, we opened 93 new files - 51 detention and 42 community cases. Being a new office, we did not start the year with an 'inherited' caseload, making it easier to work with lower staff levels in the first three months.

During the financial year, we received 10 final decisions on community cases, 7 of which were successful, representing a 70% success rate and 39 final decisions on detention cases, 33 of which were successful, representing an 84% success rate.

In conjunction with our Victorian office, we assisted 6 Burmese students as part of the AusAid project. Of the 6 cases, 5 were approved at primary and the final case remains unresolved at time of writing.

POLICY AND LAW REFORM

Throughout the period, we noted the significant ramifications of the procedural changes introduced by Statutory Rule 109

on 1 July 1997. In particular, the restrictions on work rights and access to health care have had a dramatic impact on our community clients. The need to lodge applications within 45 days, coupled with the severe curtailment of Departmental interviews and rapid decision-making 'on the papers' have increased the need for speedy and detailed legal advice. In response we have attempted to adapt our services so that we are able to see more asylum seekers for face-to-face 'one-off' advice.

RACS has also become involved with the Asylum Seekers Interagency Group, actively participating in both the Legal Working Group and the Detention Working Group. This has enabled us to forge links with other service providers in NSW and to feed into the policy debate up here.

During Law Week, RACS was invited by the NSW Law Society to speak on a panel with the Minister for Immigration and Multicultural Affairs and Nick Poynder of Australian Lawyers for Refugees. We were able to draw on our extensive experience of representing clients in the detention centre to speak about the human suffering behind Australia's detention policy.

CONCLUSION

Since inception nine months ago, the RACS office in NSW has grown in strength and resources. Internally, we will need to focus on the development of our library and the restructure of our telephone advice service to cope with the increased demand. With the loss of Legal Aid and the loss of our Melbourne office, the challenges facing the Sydney office as we head into the new financial year are daunting. However, with the support of the Committee, volunteers,

service providers and other friends of RACS, we look forward to continuing to serve the needs of asylum seekers in NSW for many years to come.

LAUREN MATTHEWS
SENIOR CASEWORKER

Table 1 - Activity Report 1997/8

SUBJECT	TOTAL
Files as at 306/98	38
Active files for period	93
New clients for period	92
Client interviews	391
One-off advice (face-to-face)	164
ORD interviews	20
RRT hearings	38
External meetings	34
Training given	2
Training attended	1
Community ed	1
Talks/lectures given	2
Talks/lectures attended	3

**Table 2: New clients 97/98
(Detention)**

COUNTRY	TOTAL
Afghanistan	1
Albania	1
Algeria	5
Croatia	1
Ghana	1
Iran	9
Iraq	16
Kuwait	6
Malaysia	1
Nigeria	1
Pakistan	1
PRC	1
Rwanda	1
Sri Lanka	2
Sudan	1
Syria	1
Turkey	1
Country not identified (at client's request)	1
TOTAL	51

**Table 3: New clients 97/98
(Community)**

COUNTRY	TOTAL
Algeria	1
Bangladesh	1
Burma	9
Colombia	1
Ecuador	2
Honduras	1
India	1
Iran	4
Iraq	1
Lebanon	2
Malaysia	3
Nigeria	5
Pakistan	3
Russia	1
Somalia	2
Sri Lanka	1
Turkey	1
Uganda	2
Zimbabwe	1
TOTAL	42

**Table 4: Results Summary 97/98
(Detention)**

COUNTRY	REFUGEE STATUS				
	P		R		WD
	Y	N	Y	N	
Algeria			3		
Croatia				1	
Ghana			1		
Iran	1		5	2	
Iraq	9		5		
Kuwait	5		1		
Malaysia		1			
Pakistan				1	
PRC				1	
Sri Lanka			1		1
Syria			1		
Turkey	1				
TOTAL	16	1	17	5	1

Total final decision: 39
 Successful: 33
 Success rate: 84.6%

**Table 5: Results Summary 97/98
(Community)**

COUNTRY	REFUGEE STATUS			
	P		R	
	Y	N	Y	N
Burma	5		1	
Iraq			1	
Malaysia		3		
Total	5	3	2	-

Total final decisions: 10
 Successful: 7
 Success rate: 70%

TREASURER'S REPORT

Statement of Income and Expenditure

Funding issues once again dominated our thoughts this financial year. Contracts with the Department of Immigration and Multicultural Affairs were again put out to tender and in September 1997 we were informed that we were to be offered work in both Victoria and New South Wales. Unfortunately, as foreshadowed in my last report, the funding levels in Victoria under both the community and the detention contracts was cut to such an extent that the future of the Victorian office became a fundamental issue for us.

On a brighter note, we were delighted to be able to re-establish a RACS office in Sydney, which opened its doors in October 1997. Whilst the funding under the community part of the NSW contract is roughly on a par with Victoria, the rate of detention referrals is significantly higher and this aspect of the work ensures that the office in Sydney remains viable.

Donations and grants

Thank you to all those who gave donations - every cent counts in the current climate. Special thanks to the Sisters of Mercy for their donation for work with our large and unfunded East Timorese caseload.

Thanks also to AusAid for their assistance with our Burmese project.

Assistance in kind

Once again, we are grateful for all those who have given generously of their time to assist RACS to perform such a high quality service on such a small budget. Special thanks to our volunteer staff in both States.

Thank you also to Anthony Yong and BDO Nelson Parkhill for assisting us with an early audit and to Grace Corso for her help with our accounting software questions.

Thanks also to the staff of the South Central Migrant Resource Centre in Victoria and the Australian National Committee on Refugee Women (ANCORW) in New South Wales for being such supportive landlords.

Conclusion

This year has been a very difficult one, particularly for the Victorian office, which has continued to service a large caseload against the backdrop of falling funding and an uncertain future. The pressures on both offices will, of course, be greatly increased from 1 July 1998 when the entitlement to Legal Aid is removed from most asylum seekers. It is sad that the national service could not be sustained into the 1998/9 financial year. However, we wish the new organisation in Victoria all the best and look forward to working with them in the coming years.

ERSKINE RODAN
TREASURER

**INDEPENDENT AUDITORS' REPORT TO THE MEMBERS OF
THE REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC.**

FOR THE YEAR ENDED 30 JUNE 1998

Scope

We have audited the accompanying financial statements, being a special purpose financial report comprising the Statement by Members of the Committee, Income and Expenditure Statement, Balance Sheet and notes to and forming part of the accounts of The Refugee Advice and Casework Service (Aust) Inc. for the year ended 30 June 1998. The Committee of Management is responsible for the financial statements and have determined that the accounting policies used are appropriate to meet the needs of the Associations Incorporation Act Victoria and the needs of the members. We have conducted an independent audit of these financial statements in order to express an opinion on them to the members. No opinion is expressed as to whether the accounting policies used and described in Note 1, are appropriate to the needs of the members.

The financial statements have been prepared for distribution to members and for the purpose of fulfilling the requirements of the Associations Incorporation Act Victoria. We disclaim any assumption of responsibility for any reliance on this report or on the financial statements to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial statements are presented fairly in accordance with accounting policies described in Note 1 to the financial statements. These policies do not require the application of all Accounting Standards and other mandatory professional reporting requirements.

The audit opinion expressed in this report has been formed on the above basis.

Qualification

As is common for organisations of this type, it is not practicable for Refugee Advice and Casework Service (Aust) Inc, to maintain an effective system of internal control over donations and government grants until their initial entry in the accounting records. Accordingly, our audit in relation to such items was limited to amounts recorded.



Qualified Audit Opinion

In our opinion, subject to the effects of such adjustments, if any, as might have been determined to be necessary had the limitations discussed in the qualification paragraph not existed, the financial statements present fairly in accordance with the accounting policies described in Note 1 to the financial statements the financial position of Refugee Advice and Casework Service (Aust) Inc. as at 30 June 1998 and the results of its operations for the year then ended.

BDO Nelson Parkhill

BDO NELSON PARKHILL
Chartered Accountants

R D D Collie

R D D COLLIE
Partner

Melbourne: 20 July 1998

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC
STATEMENT OF INCOME & EXPENDITURE
FOR THE YEAR ENDED 30 JUNE 1998

	\$	\$
	1998	1997
INCOME		
Interest income	2,028	3,878
Donations	7,470	3,085
Jobskills	-	683
Victoria Legal Aid	11,305	1,644
Grants		
DIMA (Community contract)	162,164	126,083
less: amounts not acquitted	<u>(9,627)</u>	<u>(9,283)</u>
	152,537	116,800
DIMA (Detention contract)	177,902	156,763
AusAID	14,000	-
Expense reimbursement	1,954	4,506
Other	<u>5,261</u>	<u>15,035</u>
	<u>372,457</u>	<u>302,394</u>
 LESS: EXPENSES		
Accounting Fees	25	-
Bank Charges	106	43
Conference Fees & Training	55	-
Depreciation	5,753	2,852
DIMA Fees	1,055	30
Disbursements	1,888	-
Fax & Phone	8,070	3,027
Insurance	636	750

**STATEMENT OF INCOME &
EXPENDITURE (CONTINUED)**

	\$	\$
	1998	1997
Legal Fees	-	61,312
Maintenance of equipment	1,774	2,141
Meetings	2,145	-
Membership	1,020	250
Miscellaneous	2,120	1,160
Photocopying	4,040	2,319
Postage & Courier	1,817	1,576
Practising Certificates	1,793	1,189
Printing & Stationery	3,491	1,170
Provision for Employee Entitlements	6,720	5,102
Rent	19,791	13,581
Resources & Subscriptions	5,651	3,971
Salaries	232,385	151,160
Superannuation	12,600	7,883
Translations & Interpreting	41,681	8,505
Travel - Local	4,099	2,412
Travel - Interstate	4,970	5,478
Volunteers' Expenses	514	135
Workcover	<u>1,501</u>	<u>802</u>
TOTAL EXPENSES	<u>365,700</u>	<u>276,848</u>
NET (DEFICIT)/SURPLUS	<u>6,757</u>	<u>25,546</u>

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC BALANCE SHEET AS AT 30 JUNE 1998
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	Notes	\$ 1998	\$ 1997
MEMBERS' FUNDS		<u>77,122</u>	<u>101,304</u>
 CURRENT ASSETS			
Cash at Bank		72,560	98,428
Receivables	2	77,003	30,528
Total Current Assets		<u>149,563</u>	<u>128,956</u>
 NON-CURRENT ASSETS			
Property, Plant & Equipment	3	<u>15,672</u>	<u>7,296</u>
Total Assets		<u>165,235</u>	<u>136,252</u>
 CURRENT LIABILITIES			
Accrued Expenses	4	20,919	9,755
Accounts Payable	5	14,347	10,005
Provisions	6	<u>21,908</u>	<u>15,188</u>
Total liabilities		<u>57,174</u>	<u>34,948</u>
 NET ASSETS		 <u>108,061</u>	 <u>101,304</u>

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC
NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30 JUNE 1998

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

These financial statements are a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act Victoria. The Committee has determined that the Association is not a reporting entity.

The statements have been prepared in accordance with the requirements of the Associations Incorporation Act Victoria and the following Australian Accounting Standards and other mandatory professional reporting requirements:

- AAS 1 Profit and Loss or Other Operating Statements
- AAS 3 Accounting for Income Tax
- AAS 5 Materiality
- AAS 8 Events Occurring After Reporting Date

No other Australian Accounting Standards or other mandatory professional reporting requirements have been applied.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values, or except where specifically stated, current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of these financial statements.

(a) Property, Plant and Equipment

Fixed assets are brought to account at cost. The depreciable amount of all fixed assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

(b) Employee Benefits

Provision is made for any liability for annual leave, amounts owing in lieu of overtime and long service leave at balance date. Long service leave is accrued in respect of all employees with more than 10 years service. Contributions are made on behalf of employees to a superannuation fund and are charged as expenses when incurred. There is no other legal obligation to provide benefits to employees on retirement.

(c) Income tax

The Refugee Advice & Casework Service (Aust) Inc is a non-profit charitable institution and is therefore exempt from income tax under Sec 23(e) of the Income Tax Assessment Act

	\$	\$
	1998	1997
2. RECEIVABLES		
Debtors	<u>77,003</u>	<u>30,528</u>

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 1998

	\$	\$
	1998	1997
3. PROPERTY, PLANT & EQUIPMENT		
Property, Plant & Equipment at cost	47,967	33,838
Less: Accumulated Depreciation	<u>(32,295)</u>	<u>(26,542)</u>
	<u>15,672</u>	<u>7,296</u>
4. ACCRUED EXPENSES		
Australian Taxation Office (Group Tax)	18,541	9,755
Rent	<u>2,378</u>	—
	<u>20,919</u>	<u>9,755</u>
5. ACCOUNTS PAYABLE		
Interpreting	1,813	-
Photocopying	320	-
Superannuation	2,408	722
Sundry creditors	179	-
DIMA Community contract -amount not acquitted	<u>9,627</u>	<u>9,283</u>
	<u>14,347</u>	<u>10,005</u>
6. PROVISIONS		
Provision for Employee Entitlements	<u>21,908</u>	<u>15,188</u>

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC
NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30 JUNE 1998

7. CONTINGENT LIABILITY

The Refugee Advice & Casework Service (Aust) Inc receives income in advance from DIMA in respect of community and detention contract work. RACS has a continuing legal obligation to its clients to represent them to the conclusion of the stage of their case for which we have been funded (ie either primary or review), regardless of when that may be. At the date of this report, RACS had obligations to a total of 87 such clients.

8.

EVENTS SUBSEQUENT TO BALANCE DATE

As of 1/7/98 the Victorian office of the Refugee Advice & Casework Service (Australia) Inc merged with the Victorian Immigration Advice & Rights Centre ('VIARC') to form the Refugee and Immigration Legal Centre. RACS (Australia) will continue to operate its NSW office.

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC STATEMENT OF CASH FLOW FOR THE YEAR ENDED 30 JUNE 1998
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	\$	\$
	1998	1997
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts	326,326	257,631
Payments to suppliers & employees	<u>(352,194)</u>	<u>(273,607)</u>
Net Cash used in Operating Activities	(25,868)	(15,976)
Cash at the Beginning of the Financial year	<u>98,428</u>	<u>114,404</u>
Cash at the end of the Financial Year	<u>72,560</u>	<u>98,428</u>

REFUGEE ADVICE & CASEWORK SERVICE (AUST) INC NOTES TO THE STATEMENT OF CASH FLOW FOR THE YEAR ENDED 30 JUNE 1998

	\$ 1998	\$ 1997
1. Reconciliation of Cash		
Cash at Bank	24,793	12,625
Investments: Cash held on deposit	<u>47,767</u>	<u>85,803</u>
	<u>72,560</u>	<u>98,428</u>
 2. Reconciliation of Net Cash used in operating activities		
Operating Surplus/(Deficit)	6,757	25,546
Non-cash flows in operating profit		
Depreciation	5,753	2,852
Provision for employee entitlements	6,720	5,102
Changes in Assets and Liabilities		
Increase/(decrease) in Creditors	4,342	(14,354)
Increase/(decrease) in Accrued Expenses	11,164	790
(Increase)/decrease in Receivables	(46,475)	(30,340)
(Increase)/decrease in Fixed Assets	<u>(14,129)</u>	<u>(5,572)</u>
	<u>(25,868)</u>	<u>(15,976)</u>