



THE LAW SOCIETY
OF NEW SOUTH WALES

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17 June 2015

The Hon Gabrielle Upton MP
Attorney General
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Dear Attorney General,

Funding for the ALS NSW/ACT Custody Notification Service

I write to you to express the serious concern of the Law Society of NSW that funding for the Aboriginal Legal Service NSW/ACT ("ALS") custody notification service ("CNS"), a 24-hour legal advice phone line, will cease on 30 June 2015.

The Law Society understands that the CNS was a recommendation of the Royal Commission into Aboriginal Deaths in Custody, and it has been an extremely successful initiative. We understand that there have been no Aboriginal deaths in police custody since the CNS began in 2000. This has not been the case in other jurisdictions without a similar service.

The Law Society urges the NSW Government to provide funding for this service, and to commit to funding the CNS for at least two to five years. The Law Society considers that it is necessary for the ALS to have certainty to allow for orderly planning and resourcing.

The Law Society is informed that the cost of funding the CNS is \$526,000 per year. The Law Society is informed also that trained solicitors take more than 300 calls per week, which, on a cost per unit analysis, amounts to \$32 per call. The Law Society further understands that the CNS assists over 15,000 Aboriginal people every year. This service is not expensive when it is considered that, among other things, the CNS:

- Reduces the number of defended hearings in criminal cases in which alleged confessions are contested;
- Increases the prospect of bail for arrested persons; and
- Has minimised deaths in police custody.

The Law Society notes that pursuant to clause 33 of the *Law Enforcement (Powers and Responsibilities) Regulation 2005* (NSW), all Aboriginal people who are taken into police custody are legally entitled to speak immediately to a lawyer from the ALS. Police are required to contact the ALS whenever an Aboriginal person is taken into custody. Although clause 33 is a State imposed rule, the NSW Government does not provide any funding for the phone line.

Crucially, the CNS is not only a legal service. In addition to the access to justice service it represents, the solicitors who staff the line are skilled at hearing ideation or real threats of self-harm or suicide and are therefore able to also provide a welfare check at a time when a detained Aboriginal person is particularly vulnerable.

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The Law Society would be very concerned if this service was discontinued and would consider it a backwards step in respect of Closing the Gap. In our view, the CNS should be supported as a Treasury priority through an adequate allocation of resources by the NSW Government. This service is too important to fall victim to funding demarcations between the NSW and Commonwealth Governments.

The Law Society seeks your urgent advice in respect of the allocation of funding for the CNS past 30 June 2015.

Yours sincerely,



John F Eades
President