



THE LAW SOCIETY
OF NEW SOUTH WALES

Direct line: 9926 0200

10 May 2013

The Hon. Mark Dreyfus QC MP
Attorney-General
Robert Garran Offices
3-5 National Circuit
BARTON ACT 26

Dear Attorney-General,

Support for the ALS 24-hour legal advice phone line

The Law Society's Criminal Law Committee, Juvenile Justice Committee and Indigenous Issues Committee (Committees) have asked that I write to you in relation to the funding of the Aboriginal Legal Service (ALS) custody notification service, a 24-hour legal advice phone line.

Pursuant to Regulation 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 call the ALS whenever an Aboriginal person is taken into custody.

In order to comply with Regulation 33 the ALS phone line operates 24 hours a day, 7 days a week. The ALS phone line receives over 300 calls a week and was a recommendation of the 1991 Royal Commission on Aboriginal Deaths in Custody. The phone line is an important measure to improve the safety, wellbeing and access to justice of Aboriginal people in custody in NSW police stations.

From 2007 to 2012 the Commonwealth Government funded the phone line. In May 2012 the Commonwealth Government informed the ALS it was ceasing funding on the grounds that it is a State responsibility, however the NSW Government does not provide any funding for the phone line. The Committees understand that the ALS cannot internally fund the program, which costs \$500,000 per annum, from 30 June 2013. The NSW Police Force will not be able to comply with Regulation 33 if the phone line ceases to exist.

The Committees urge the Commonwealth Government to restore appropriate funding for the ALS phone line, for a minimum of four years, so that the ALS can continue to provide an essential service for Aboriginal people in custody. This service is too important to fall victim to funding demarcations between the NSW and Commonwealth Governments and the Committees call on you to ensure that proper funding is provided.

I look forward to hearing from you at your earliest convenience.

Yours sincerely,

John Dobson
President



THE LAW SOCIETY
OF NEW SOUTH WALES

Direct line: 9926 0200

10 May 2013

The Hon. Greg Smith SC MP
Attorney General and Minister for Justice
Level 31
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Attorney General,

Support for the ALS 24-hour legal advice phone line

The Law Society's Criminal Law Committee, Juvenile Justice Committee and Indigenous Issues Committee (Committees) have asked that I write to you in relation to the funding of the Aboriginal Legal Service (ALS) custody notification service, a 24-hour legal advice phone line.

Pursuant to Regulation 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 call the ALS whenever an Aboriginal person is taken into custody.

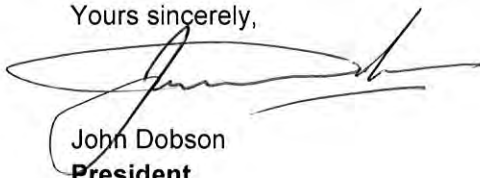
In order to comply with Regulation 33 the ALS phone line operates 24 hours a day, 7 days a week. The ALS phone line receives over 300 calls a week and was a recommendation of the 1991 Royal Commission on Aboriginal Deaths in Custody. The phone line is an important measure to improve the safety, wellbeing and access to justice of Aboriginal people in custody in NSW police stations.

From 2007 to 2012 the Commonwealth Government funded the phone line. In May 2012 the Commonwealth Government informed the ALS it was ceasing funding on the grounds that it is a State responsibility. Although Regulation 33 is a State imposed rule, the NSW Government does not provide any funding for the phone line. The Committees understand that the ALS cannot internally fund the program, which costs \$500,000 per annum, from 30 June 2013. The NSW Police Force will not be able to comply with Regulation 33 if the phone line ceases to exist.

The Committees urge the NSW Government to provide appropriate funding for the ALS phone line, for a minimum of four years, so that the ALS can continue to provide an essential service for Aboriginal people in custody, which must in our view be supported as a Treasury priority through an adequate allocation of resources by Government. This service is too important to fall victim to funding demarcations between the NSW and Commonwealth Governments and the Committees call on you to ensure that proper funding is provided.

I look forward to hearing from you at your earliest convenience.

Yours sincerely,



John Dobson
President

cc The Hon Michael Gallacher MLC, Minister for Police and Emergency Services

THE LAW SOCIETY OF NEW SOUTH WALES

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