



AUSTRALIAN
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The Hon Mark Dreyfus QC MP
Attorney-General
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

By email: mark.dreyfus.mp@aph.gov.au

Dear Attorney-General,

Funding of the Custody Notification Service, Aboriginal Legal Service (NSW & ACT)

Australian Lawyers for Human Rights (**ALHR**) commends and thanks you for the decision to provide funding for the Aboriginal Legal Service (NSW & ACT) Limited (**ALS**) to continue operating its Custody Notification Service (**CNS**) for another two years.

As noted in the tremendous outpouring of public support for the continuation for this service, the CNS is essential, and an excellent example of a practical initiative that is actually working to reduce the number of Aboriginal deaths in custody. It is truly remarkable that there have been no Aboriginal deaths in custody since the implementation of the CNS in 2000.

As the CNS is required under NSW legislation, and a recommendation of the Royal Commission into Aboriginal Deaths in Custody, we urge government to ensure its ongoing viability so that the ALS can focus on the substance of its crucial work instead of diverting already scarce resources into seeking funding.

We understand the NSW Government has not contributed to the cost of this service.¹ Given CNS is a NSW legal requirement, this seems an indefensible situation. While human rights are focused more on ensuring the necessary standard exists, rather than the origin of resources necessary for that standard,

¹ *Commonwealth funds NSW Custody Notification Service*, 16 June 2013
<www.attorneygeneral.gov.au/Mediareleases/Pages/2013/Second%20quarter/16June2013-CommonwealthfundsNSWCustodyNotificationService.aspx>.

there are cases which indicate that the NSW Government must do more in this regard. For example, the South African Constitutional Court considered the issue of resourcing, indicating that for federal states, or those with different levels of government responsibility for human rights, processes 'must clearly allocate responsibilities and tasks to the different spheres of government and ensure that the appropriate financial and human resources are available'.² This requires a co-ordinated, comprehensive program to be determined by **all** levels of government.³

Our view is that the ALS should be congratulated for its invaluable work on this front, and should be supported in its efforts to bring better justice and human rights outcomes for Aboriginal and Torres Strait Islander peoples, and ultimately to close the gap between Aboriginal and mainstream Australian life expectancy.

Once again, ALHR commends you and the Australian Government for its leadership on this issue. Equally, we call on the NSW Government to do more.

We would like to make this letter available through our website. This is a standard practice for all our work, wherever possible, to increase accountability. If you do not want this letter to be made publically available, please can you advise us within 10 business days of receipt of this letter.

If you have any questions regarding this matter, please contact me on john@southalan.net .

Yours sincerely



John Southalan
President

Australian Lawyers for Human Rights

Copy:

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² *Government of the Republic of South Africa -v- Grootboom* [2000] ZACC 19, [39].

³ *Government of the Republic of South Africa -v- Grootboom* [2000] ZACC 19, [40].