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Media release

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Failure to fund the CNS may see the return of Indigenous deaths in custody

Australian Lawyers for Human Rights (ALHR) is warning that failure to fund the Custody Notification Service (CNS) successfully operated by Aboriginal Legal Service NSW & ACT for 15 years may ultimately result in a return to Indigenous deaths in police custody in NSW and the ACT. The CNS is a 24/7 phone service for Indigenous peoples detained in police custody. The service has lawyers rostered and ensures that lines of communication are kept open.

ALHR has written to the Australian and NSW governments calling for funding of the CNS. Nathan Kennedy, President of ALHR said, "There have been no deaths in police custody in NSW or the ACT since the phone line began in 2000. The CNS is a rare example of an extremely successful program that resulted from the Royal Commission into Aboriginal Deaths in Custody. ALHR has grave fears that adverse outcomes for Aboriginal persons in custody will worsen if the CNS ceases to exist."

Aboriginal people are among the most highly incarcerated peoples in the world, being 15 times more likely than other Australians to be imprisoned¹ and are still more likely than other Australians to die in custody.² Failure to fund the CNS would see us going backwards on implementing the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody. Failing to fund the CNS may also be inconsistent with the spirit of Article 10(1) of the *International Covenant on Civil and Political Rights* (ICCPR) and Article 7 of the United Nations *Declaration on the Rights of Indigenous Peoples*.

"The cost of funding the CNS phone line is only \$526,000 per year⁷" said Mr Kennedy, "whilst the cost of holding a single juvenile in detention for one year is more than \$240,000. Without the CNS, more juveniles will unnecessarily end up in detention, costing the government more than if they were to fund the CNS. A single death in custody costs the government significantly more than the annual cost of funding the CNS. So even in purely economic terms, even if one ignores the appalling human cost of terminating the CNS, this is a wrong decision."

Mr Kennedy notes that "in States where there is no comparable service there have recently been deaths in police cell custody. Tragically, a Northern Territory man died last month and a young Western Australian woman died last year.

¹ Australian Bureau of Statistics *Prisoners in Australia* 11th December 2014 <http://www.abs.gov.au/ausstats/abs@nsf/mf/4517.0/>

² Australian Bureau of Statistics *Prisoners in Australia* 11th December 2014 <http://www.abs.gov.au/ausstats/abs@nsf/mf/4517.0/> and see also: AHRC, *A Statistical Overview of Aboriginal and Torres Strait Islander Peoples in Australia* (2008). <http://www.hrlrc.org.au/files/Fact-Sheet-4-ATSI-CP-Rights.pdf>

⁷ 'Operational costs of \$526,000 a year includes the phone line, a rotating roster of 6 intermediate criminal solicitors working day and night, and one part time administration officer; brief out costs and all associated operating costs.': <http://www.alsnswact.org.au/pages/custody-notification> (May 2015).

ALHR is aware that the Government's own Minister for Indigenous Affairs, Senator Scullion has been an outspoken supporter of the CNS on many occasions and has even advocated that it be rolled out in other Australian States and Territories, stating: "*It works, it has worked in NSW , it has led to zero deaths, so that speaks for itself.*"⁸ Yet, in December 2014 the Australian Government through the Indigenous Advancement Strategy Funding Round rejected the ALS NSW/ACT application for CNS funding. The 24 hour phone line will cease to operate on 30th June 2015 unless a funding source is found.

ALHR's letters to the Commonwealth Attorney-General, Minister for Indigenous Affairs and the NSW Attorney-General can be accessed at: <https://alhr.org.au/alhr-calls-commonwealth-fund-cns/>

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ALHR was established in 1993 and is a national network of over 2600 Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

⁸ *The Stringer* 6 March 2015 and 3 June 2015: <http://thestringer.com.au/custody-notification-service-prevents-aboriginal-deaths-in-police-cell-custody-10399>.