

## Accepting Police Briefs

Our responsibility under sections 25 & 26 of the *Legal Aid Commission Act 1979*

This fact sheet outlines your responsibility under sections 25 & 26 of the *Legal Aid Commission Act 1979* and what these obligations mean when Legal Aid NSW is served with a police brief

### What do sections 25 & 26 of the Act mean?

Sections 25 and 26 of the *Legal Aid Commission Act* (the Act) mean that Legal Aid NSW staff cannot disclose information about:

- anyone who has applied for legal aid
- anyone who has received a grant of legal aid
- anyone who has attended an advice service

Unless that person consented to or has given authority to Legal Aid NSW to disclose the information.

### Who must comply with sections 25 & 26 of the Act?

All legal and non-legal staff are bound by sections 25 and 26.

### Is there a penalty for non-compliance?

Yes, it is an offence to divulge any information and there is a maximum penalty of \$5,500 or six months in prison.

### DOs and DON'Ts for accepting police briefs

#### DO

- ✓ do tell the police that Legal Aid NSW is not acting for the client if legal aid has been refused or terminated
- ✓ do accept the brief if the legal aid application is pending (if legal aid is later refused then the brief can be forwarded to the client)
- ✓ do tell the police the name and address of the private practitioner if a matter is assigned so that the brief can be served on the correct person

#### DON'T

- X don't accept the brief if Legal Aid NSW is not acting
- X don't tell the police that a person has been refused legal aid, or that legal aid has been terminated
- X don't give the police the client's personal or contact details

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