

**Victorian Bar one-page summary of key findings of the April 2008 Pricewaterhouse
Coopers Review of Fees Paid by Victoria Legal Aid to Barristers in Criminal Cases (“the
April 2008 PWC Review” and “VLA”): Senate Committee Melbourne Public Hearing
15 July 2009**

- In each of the three jurisdictions, the VLA fee scales have fallen significantly below the CPI since 1993. Over that period, the CPI has increased by 44%. By contrast, VLA fees have increased by only 16% in the Magistrates Court, 22% in the County Court, and 31% in the Supreme Court;
- On an annualised basis, VLA fees equate to a nett income (gross income minus operating expenses) of:
 - (i) Magistrates Court \$36,383
 - (ii) County Court \$91,479
 - (iii) Supreme Court \$110,241
- By contrast, a police prosecutor earns \$55k - \$64k depending on experience. A crown prosecutor earns \$170k - \$190k depending on experience. A senior crown prosecutor earns \$263k. Salaries for lawyers at VLA start at \$47,451 and range up to \$103,800 for managing lawyers, plus super and 17.5% leave loading.
- By contrast with other lawyers, the take home pay of barristers dependent on VLA criminal cases is the lowest in each of the junior, mid career and senior levels. In each level, the take home pay is 20 to 30% lower than it was 10-15 years ago.
- The number of barristers practising 90% criminal law has declined by 26% (346 – 258) between 2005/6 and 2007/8. In the lowest income category, the number has dropped by 59% (95 – 39). If the Government continues to under-fund legal aid in criminal cases, market forces will force many barristers out of this area and deter new barristers from entering the field. That has very serious implications for the operation of the criminal justice system.
- Some of the economic consequences of continued under-funding of criminal cases include additional costs to both victims and defendants and their dependants due to malfunctioning of the criminal justice system. The malfunctions will include delays resulting from shortages of expert and experienced criminal defence barristers. This will also be seen in a failure to settle cases early, and the increased costs associated with appeals, aborted trials and re-trials. They also include misallocation of resources in the sentencing process: excessive rates of imprisonment and failure to make efficient use of rehabilitation programs.
- The economic benefits of increasing fees for barristers in criminal cases exceed the cost of failing to do so. Without an increase, the ability of the criminal justice system to attract and retain appropriately skilled professionals to service legal aid clients in criminal cases will continue to decrease.