



THE
VICTORIAN
BAR

**AUSTRALIAN SENATE LEGAL AND CONSTITUTIONAL REFERENCES
COMMITTEE INQUIRY INTO CURRENT LEGAL AID AND JUSTICE
ARRANGEMENTS**

**SUBMISSION OF THE VICTORIAN BAR
ADOPTING THE SUBMISSIONS OF THE LAW
COUNCIL OF AUSTRALIA AND OF THE
PUBLIC INTEREST LAW CLEARING HOUSE**

1. The Law Council of Australia as the peak national representative body of the Australian legal profession took responsibility for putting together a comprehensive submission on behalf of the legal profession nationally. The Victorian Bar is a constituent body of the Law Council of Australia and it adopts and endorses the 23 September 2003 submission of the Law Council of Australia.
2. The Victorian Bar has its own legal assistance scheme established to increase and improve accessibility to the pro bono legal assistance provided to the community by members of the Bar. That scheme is administered on behalf of the Bar by the Public Interest Law Clearing House (PILCH).
3. PILCH has put in a submission that relates particularly to its experience in administering the Victorian Bar legal assistance scheme as well as its own public

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interest referral service and, since October 2002, the Law Institute of Victoria legal assistance scheme. The Bar adopts and endorses the PILCH submission.

4. The Law Council of Australia submission refers in paragraph 7.4 to legal aid criminal law fees for barristers in Victoria. In 1997, the Victorian Bar Council commissioned Accountants Price Waterhouse Urwick to review the then current Victoria Legal Aid fee scales for barristers in criminal cases in the Magistrates' Court, County Court and Supreme Court. A copy of the Price Waterhouse Urwick report is enclosed with the hard copy of this submission. Paragraph 4.2 of the report states that the maximum net income for the year for a barrister doing legal aid Magistrates' Court criminal work is \$31,154 (not \$38,000 as stated in the Law Council submission). In comparison, a senior sergeant police prosecutor's income then was \$54,965. Since that report, in July 2003, there were increases to the Victoria Legal Aid scales for Magistrates' Court criminal work flowing from a special four-year grant by the Victorian State government. The scale fee on a contested hearing was raised from \$261 to \$400. However, the fee on a plea was raised by only \$24 from \$261 to \$285. Even taking the increases into account, legal aid scale barristers fees remain significantly below private fees, particularly for counsel of any significant number of years' experience. The levels of legal aid barristers' fees both in criminal matters, and in family law, particularly for preliminary work, remain a serious problem.

26 September 2003