



MEDIA RELEASE

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LAWYERS THREATEN TO WITHDRAW FROM LEGAL AID WORK

Criminal lawyers are threatening to withdraw from legal aid work unless funding is lifted to a fair rate, according to the Law Institute of Victoria.

LIV President, Tony Burke said the rates that Victoria Legal Aid pays to criminal lawyers have fallen so low as to be unsustainable.

“It is no longer economic for private lawyers to take cases from VLA and there are not enough VLA lawyers to do all the work,” Mr Burke said.

“It has reached the point where the system is on the verge of collapse unless our lawyers continue to substantially subsidise the cost of running a case on legal aid funding,” he said.

Mr Burke called on the State Government to provide an immediate cash injection for VLA criminal law funding.

The LIV represents over 1500 criminal lawyers.

“Vastly inadequate payments are made by Victoria Legal Aid to private lawyers doing criminal law matters,” Mr Burke said.

“When criminal lawyers do withdraw from legally aided matters, it has a grave impact on Victorians’ access to justice. There are more likely to be court delays and a greater risk of cases being subject to appeals,” he said.

Mr Burke said in the interests of justice, three elements had to be well resourced – the police, the prosecution and the defence. Increasingly, the defence lawyers are being disadvantaged by the better resourced State, he said.

Chair of the Criminal Law section of the LIV, Stella Stuthridge, said over the past few years many lawyers had stopped taking Legal Aid files and this problem was set to worsen if rates are not increased.

“The work has increased in complexity with the increasing jurisdiction of the Magistrates Court, and the changes to sexual offences law, yet the rates have not increased in real terms since 2003,” Ms Stuthridge said.

Traditionally, criminal lawyers were prepared to do legal aid work for approximately 80 per cent of the rate charged to private clients. Figures prepared by the LIV show that the rates now range between 15 and 45 per cent of the average private fee.

“The criminal justice system functions most efficiently when the police, the prosecution, the defence and the judiciary and properly funded and resource,” Ms Stuthridge said.

She said that the lower funding had resulted in a juniorisation of lawyers prepared to do legal aid work.

“It is simply not fair that legally aided defendants will not be able to receive the same quality of representation as their privately funded counterparts,” she said.

Victoria Legal Aid reported an operating deficit of \$20.3 million last financial year, representing a state deficit of \$6 million and a Commonwealth deficit of \$14.3 million.

**The LIV submission to the State Government on Victoria Legal Aid funding is available at www.liv.asn.au/submissions*