



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Peter Cain MLA

Addressed to: Dr John Boersig, Chief Executive Officer, Legal Aid Commission ACT

Redirected to:

Reference: Legal Aid Commission ACT

Hearing: 12 February 2025

In relation to: Legal Aid and Duty Lawyer Services

Question received: 17 February 2025

Answer Due: 24 February 2025

- (1) Referring to Table 5 on page 32 concerning Duty Lawyer Services, it appears that the number of duties rose for Criminal, Family and Civil in-house Duty Lawyer services in comparison to the previous financial year.
 - (a) Can you please explain why this increase has occurred?
- (2) Why was there a significant increase for Criminal law duties in particular, which went up to 4,269 in 2023-24, compared to 3,680 in 2022-23?
- (3) How many employees are usually allocated to performing Duty Lawyer Services?
- (4) What pressures are present on managing client demand for Duty Lawyer Services?

Dr John Boersig: The answer to the Member's question is as follows:

- (1) (a) Legal Aid ACT did experience an increase in demand for our Criminal, Family and Civil in-house Duty Lawyer services in 2023-24 compared to in 2022-23. This is likely due to a range of factors, including:
 - The ACT's increasing population, which has resulted in a larger number of legal issues within the community and hence a higher demand for people seeking assistance from our duty lawyers.
 - The cost of living crisis within the ACT which has resulted in a larger proportion of the population being unable to afford private legal assistance and representation. This in turn has created an increased demand for Legal Aid ACT's services.
 - Legal Aid ACT's means test which has placed upward pressure on the number of people in the 'missing middle', where they earn too much to qualify for ongoing

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legal aid assistance but are unable to afford private legal representation. Our duty services, which are not means tested, are the only services available to support these people who will then need to represent themselves in their legal matters.

- A range of law reform and court procedure changes, which have created more work and court events. Specifically, this includes interlocutory proceedings, where interim relief injunctions and procedural steps regarding the case's preparation require more appearances before the court, as well as amendments to the *Evidence Act 2011* (ACT).
 - A particular increase in family and domestic violence pre-proceedings work, that result in more appearances before the courts.
- (2) Demand for our criminal law duty services is always high. Duty Services are integral to the optimal management of court processes (e.g. bail applications).

In the last financial year, Legal Aid ACT delivered 16% more criminal duty lawyer services than previously. As mentioned above, this is likely due to an increasing population and Legal Aid ACT's means test, but also reflects the additional work resulting from recent law reform changes and pre-proceedings work for sexual assault and family violence matters described above.

- (3) Legal Aid ACT facilitates duty services in a range of ACT courts and tribunals, including the ACT Magistrates Court, the ACT Children's Court, the Family Court and the ACT Civil & Administrative Tribunal. These services are provided Monday through Saturday.

While the number of duty lawyers varies, it is estimated that there are up to 20 lawyers providing these duty lawyer services every week.

- (4) There are several pressures that limit how Legal Aid ACT can respond to high demand for duty lawyer services, including:
- Limited funding for duty lawyer services, and the Commission's services more broadly, which restricts the number of staff that can be assigned to these services.
 - Particularly high demand for these non-means tested services, which often results in a large queue of people waiting for assistance. In many cases, our rostered duty lawyers are unable to assist every person queuing prior to the service closing for the day. This demand has been exacerbated by the current cost of living crisis.
 - The fast-paced nature of duty service work, which requires our lawyers to digest an extensive amount of material – in some cases, including prior court appearances and orders – as well as construct arguments, offer advice, and often appear in court within a very short amount of time. This is particularly the case for lawyers offering duty services for bail applicants.

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Approved for circulation to the Standing Committee on Legal Affairs

Signature:

A handwritten signature in black ink, appearing to read 'John', followed by a large, stylized flourish or checkmark.

Date: 21/2/24

By the Chief Executive Officer of Legal Aid ACT, Dr John Boersig PSM

