



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 Barristers

Question received: 17 February 2025

Answer Due: 24 February 2025

I refer to media reporting in The Weekend Australia on 7 December 2024, which noted that ACT criminal barristers were experiencing negative financial impacts due to low legal aid fee schedules. The ACT Bar Association has claimed that fees for barristers appearing for legal aid have been stagnant for over a decade, amounting to around 25% to 33% of what a barrister would normally earn in private practice.

- (1) What steps have been taken within Legal Aid to address this situation?
- (2) Is there a price point where barristers will no longer undertake legal aid work in the ACT? If so, what impact would these have on Legal Aid?
- (3) Is this the result of structural funding issues affecting Legal Aid?

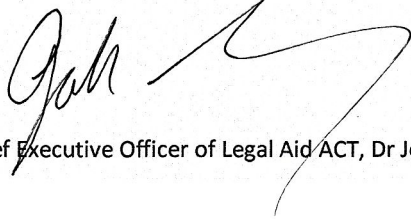
Dr John Boersig: The answer to the Member's question is as follows:

- (1) Legal Aid ACT raised the scale of fees for barristers from \$240 to \$280 per hour in 2023.
- (2) The Commission is not aware of a general price point where barristers will not undertake legal aid work within the ACT. However, the availability of barristers will impact how Legal Aid ACT conducts its work into the future – namely, potentially needing to reallocate additional funding towards improved fee scales for barristers and hence reduce our services in other areas.
- (3) Legal Aid ACT manages the investment in legal aid to provide optimal services to clients within the financial envelope provided by Territory and Commonwealth governments and the ACT Law Society Statutory Interest Account. However, cost pressures are significant, and additional funding could be used to help address the issue of fee scales for legal aid, among others.

OFFICIAL

Approved for circulation to the Standing Committee on Legal Affairs

Signature:

A handwritten signature in black ink, appearing to read 'John Boersig', written over a light grey rectangular background.

Date: 21/2/24

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