

Dr Warren Mundy

Reviewer

National Legal Assistance Partnership

By Email: nlapreview@ag.gov.au

27 October 2023

Dear Dr Mundy,

Re: THE INDEPENDENT REVIEW OF THE NLAP

Introduction

This submission is made by the private law firms represented by the signatories below.

Each of these firms is a member of Victoria Legal Aid's indictable crime and summary crime panels and provides specialist legal representation to accused persons in Victoria under grants of legal assistance from Victoria Legal Aid. Each of these firms has a strong commitment to access to justice, has a long and proud history of representing individuals facing criminal charges, and is headed by highly experienced criminal defence lawyers who are recognised by the Law Institute of Victoria as accredited specialists in criminal law.

We make this submission because of our recognition and concern that the current funding allocation for legally aided work is entirely inadequate and that, as a result, the system is on the precipice of a genuine crisis.

Our submission is intended to provide feedback about the practical impacts and dangers of such grossly inadequate funding, unconstrained by the bureaucratic niceties that may, by necessity, restrain the submissions of other organisations.

It is our hope that this NLAP Review may be the catalyst for genuine change. That government may come to understand both the true value and the true financial cost of a legal assistance sector and commit to funding the sector in a manner that actually meets that cost.

What is poorly understood and too often ignored is that one of the sources – perhaps the single most substantial source – of 'funding' for the legal assistance sector comes not from government, but from private legal practitioners. This funding source will not appear in any tables or graphs or financial reports, but the fact is that the legal assistance sector in Australia is subsidised to the tune of many tens of millions of dollars annually by the unpaid and underpaid labour of private practitioners.

Let us be perfectly clear about the extent to which the legal assistance sector is currently being propped up in this way: without the goodwill of private practitioners who are routinely

undertaking crucial legal work either entirely unpaid or grossly underpaid, the legal assistance sector in Victoria would collapse, with significant impacts not just for legally aided clients, but for the criminal justice system generally.

Inadequate funding arrangements have persisted for far too long and the extent of that inadequacy has gotten worse over time. It has now reached a point of crisis. A point where legally aided work is becoming truly unviable and unsustainable for the private profession to undertake.

When we refer to the concept of sustainability, we do so from the perspective of legal practitioners who have a long-standing, demonstrated, instinctive and deeply-held commitment to access to justice and to advocating for some of the mostly vulnerable members of our community. We are practitioners who would give up legally aided work only as an option of last resort. Any lawyer who was motivated primarily by commercial considerations would have ceased doing legal aid work many years ago. However, the tipping point, even for the most committed, is upon us.

Terms of Reference

We are pleased to see that the terms of reference for the NLAP Review include

A holistic assessment of legal need and all Commonwealth legal assistance funding, including quantum

In undertaking this holistic assessment of legal and funding need, we urge the Review to look carefully not just at the community need for legal services, but also at the costs of provision of those legal services. That is, to look at the true picture of the time, expertise and operating expense that is required by a legal practice to actually carry out those services. And only then to make an assessment of the appropriate quantum of funding.

The persisting problem is that not only is there a significant unmet legal need (in the sense that too many who need it go without assistance), but there is also a significant unmet funding need in that what is presently paid to legal practitioners for the services that are provided is inadequate, unfair and unsustainable.

In assessing the appropriate quantum of funding for the legal assistance sector, we urge the Review to unshackle itself entirely from the 'fee tables' created by various legal aid commissions across the country. These fee tables bear no resemblance whatsoever to the work undertaken by the private profession in servicing clients under a grant of legal assistance. They are an entirely unsuitable place from which to assess funding needs.

Long-standing concerns

The inadequacies of current funding arrangements are not unknown to government authorities. They have been reported on, repeatedly, for at least a decade.

Indeed, the foreword to the Issues Paper for this Review contains the following concession:

Legal assistance lawyers are among the lowest paid in the profession and grants of legal aid for private practitioners are in many cases inadequate.

It is well past due for that state of affairs to be abandoned.

Whether from the private profession, legal aid commissions or CLCs, legal assistance lawyers perform some of the most difficult, high-stress, and high-stakes legal work and they perform it in support some of the most vulnerable, disadvantaged and complex-needs participants in the justice system. The work of these lawyers is utterly crucial to upholding basic human rights and the rule of law in this country. That private practitioners are remunerated so poorly – indeed inadequately – in the context of the difficulty and importance of the work is shameful and unjustifiable.

Productivity Commission Report (2014)

In 2014, the Productivity Commission was already reporting¹ on widespread concerns about the inadequacy of legal aid rates, the significant gap between market rates and legal aid rates, and the sustainability of legal aid work for private practitioners.

The Productivity Commission concluded as follows:

The Commission considers that over the medium term, it will be necessary to narrow the gap between the legal aid rate and the 'market' rate so that experienced private lawyers continue to undertake legal aid work. The financial implications of doing so should be considered as part of a broader assessment of the appropriate level of funding for legal assistance services.

Regrettably, this well-founded advice has not been heeded. Not only has the gap between the legal aid rate not 'narrowed', it has in fact widened significantly. It is now not so much a gap as a gaping chasm.

We urge the Review to return to and reflect upon the matters set out at pages 726 to 728 of the Productivity Commission Report. The concerns set forth in those pages not only remain relevant, but are more acute now than ever before.

Access to Justice Review (2016)

Next, the 2016 *Access to Justice Review* ('2016 Review') authored by the Department of Justice and Regulation in Victoria noted that the devaluing of legally aided work can be traced back as far as legislative amendments in 1992:

¹ Productivity Commission. (2014). Inquiry Report: Access to Justice Arrangements. In particular, page 726 – 728.

In 1992 legislative amendments removed the requirement that private lawyers undertaking legal assistance work would be paid 80 per cent of the fee that could be charged for the same work if undertaken privately. These changes coincided with an increase in the value of legal work in the private commercial sector. The removal of this requirement, the granting of power to the Legal Aid Commission to set payment scales, and changes in the broader market for legal services, has seen a reduction in the relative value of legal assistance work over time. The Review heard from a number of people in the legal sector that the relative value of legal assistance work makes it difficult to attract legal practitioners to work under grants of legal assistance. This input is consistent with the findings of the Productivity Commission that the gap between legal assistance rates and ‘market’ rates is likely to persist, and will need to be narrowed ‘so that experienced private lawyers continue to undertake legal aid work’.²

At the time of the 2016 Review, the Law Institute of Victoria was already reporting that the gap between private and legal aid fees had reached extraordinary levels:

The Law Institute of Victoria also submits that the fee gap is so wide (on figures it provides, legal aid fees were in some cases less than 20 per cent of private equivalents, as assessed by a legal costs assessor), that law firms are cross-subsidising legal assistance work. The Law Institute suggests that this practice should be considered as a form of ‘hidden’ pro bono practice.³

After an extensive analysis of the issues, the 2016 Review supported the Productivity Commission’s finding that it was necessary to narrow the gap between the market rate and the legal aid rate, and highlighted the myriad of system-wide problems created by such low fees.⁴

VLA Summary Crime Review (2017)

Again in the Victorian context, an extensive evaluation of Victoria Legal Aid’s summary crime program was conducted between 2015 – 2017. That research culminated in a 275-page final report (released publicly in June 2017) titled *In summary: Evaluation of the appropriateness and sustainability of Victoria Legal Aid’s Summary Crime Program* (‘VLA Evaluation Report’).⁵

The findings and comments made in the VLA Evaluation Report include the following:

- [The summary crime system in Victoria] was described as ‘approaching crisis’ if not already in crisis, due to being ‘overloaded, under-resourced and overborne’. There are clear indications that the summary crime system is operating under escalating

² Department of Justice and Regulation (DJR) 2016, Access to Justice Review: report and recommendations, 362.

³ Department of Justice and Regulation (DJR) 2016, Access to Justice Review: report and recommendations, 362.

⁴ Department of Justice and Regulation (DJR) 2016, Access to Justice Review: report and recommendations, 423.

⁵ <https://www.legalaid.vic.gov.au/sites/default/files/vla/vla-evaluation-of-the-appropriateness-and-sustainability-of-victoria-legal-aids-summary-crime-program-report.pdf>

workload pressure, and that practices and stakeholder relationships are breaking or have broken down at some locations.⁶

- The wellbeing of Duty Lawyer Service staff is jeopardised by increased service demand, as is the willingness and financial viability of private practitioners doing VLA funded work.⁷
- Private practitioners, who provide around 70 per cent of VLA's grants of legal assistance, reported that undertaking legally aided work had become less attractive as the gap between fees for private and VLA funded work has increased, and as VLA funded work has become more time consuming, with higher proportions of in-custody clients and summary case conferencing practices breaking down.⁸
- VLA and private practitioners reported that the summary crime system was being 'propped up' by their commitment to providing legal assistance services for the public, and how they had had to work harder and longer in an inefficient summary crime system. According to VLA, practitioners had 'absorbed the deficit' by doing more and more, to the risk of staff wellbeing.⁹
- Private practitioners thought that government neither understood nor appreciated their commitment to undertaking VLA funded work, and said that in addition to concerns with the growing gap between the fees paid by VLA and private work, they also bore the costs of system inefficiencies and breakdown in both their VLA funded and private work.¹⁰
- Given that private practitioners perform some 70 per cent of the grants of legal assistance, sustainability of the [Summary Crime Program] is contingent upon private practitioners continuing to take on VLA funded work.¹¹
- Factors affecting sustainability include...practitioner goodwill and financial viability. While private practitioners said the work done for clients on a grant of aid went well beyond the level of funding they received from VLA, there was a view that VLA funded work was becoming less financially viable. Increased time demands associated with accessing in-custody clients, and police prosecutors being unavailable for summary case conferencing in advance of court, further affect the financial viability of VLA funded work.¹²
- [Legal Aid Commissions] have argued that funding constraints limit the fees they are able to pay to private practitioners and that consequently there is a risk they will be

⁶ VLA Evaluation Report, Overview

⁷ VLA Evaluation Report, Overview

⁸ VLA Evaluation Report, xiii

⁹ VLA Evaluation Report, xix

¹⁰ VLA Evaluation Report, xix

¹¹ VLA Evaluation Report, xxi

¹² VLA Evaluation Report, xxi-xxii

unable to obtain services from suitably experienced private practitioners (so-called 'juniorisation'), particularly in regional and rural areas.¹³

It is important to note that VLA relies on the goodwill and willingness of private practitioners to sustain the mixed model, particularly for summary crime services. Survey work has identified that one of the primary drivers of private practitioners doing legal aid work, which they typically perform at below market discounted rates, is a sense of 'moral obligation' and commitment to access to justice (see TNS Social Research 2006, 2007, 2013). The same survey research, however, also reported that lack of government resourcing for legal aid, and payments being insufficient to cover the cost of doing legal aid work, are drivers of private practitioners ceasing to do legal aid work.¹⁴

- Private practitioners stated that to ensure the best outcome for their clients they often undertake work that goes well beyond the level of funding they receive from VLA.¹⁵
- The private practitioners who participated in the evaluation were of the view that VLA funded work was becoming increasingly less financially viable. As the gap between what private practitioners are paid by private clients and what they are paid by VLA increased, the opportunity costs of undertaking VLA increased.¹⁶
- Private practitioners are critical to the operation of the SCP. However, some private practitioners have formed the view that VLA funded work may not be sustainable in the long-term without some action on fees, and the way in which VLA and the profession work together.¹⁷
- [The Evaluation] found widespread examples of the demands of the service environment detrimentally impacting staff wellbeing, manifesting dissatisfaction, fatigue and burnout.¹⁸

Worsening conditions

While the 2014, 2016 and 2017 reports referred to above set out in detail the widespread and serious concerns about inadequacy of legal aid fees at that time, it is indisputable that the situation has become even worse since that time.

The following factors, in particular, have contributed to a significantly increased time commitment in criminal law casework:

- More stringent bail laws, resulting in a significantly higher remand population and therefore a higher proportion of in-custody cases for practitioners

¹³ VLA Evaluation Report, 12

¹⁴ VLA Evaluation Report, 13

¹⁵ VLA Evaluation Report, 213

¹⁶ VLA Evaluation Report, 213

¹⁷ VLA Evaluation Report, 214

¹⁸ VLA Evaluation Report, 243

- Increased complexity of criminal law and procedure, particularly in the areas of sentencing, sexual offences, and post-sentence orders
- A proliferation of body worn camera footage, CCTV footage, digital device extraction, and other forms of electronic evidence, resulting in significantly more complex and time-consuming briefs of evidence, even for relatively straightforward cases
- Increased use of 'digitally recorded evidence in chief' provisions in sexual offence and family violence matters, resulting in a requirement to watch videos of evidence rather than reading a witness statement
- Increased prevalence and expectations with respect to the provision of written submissions
- Additional procedural requirements and case-management processes imposed by the courts, including an increase in the use of forms and email correspondence

There has been no adjustment to legal aid rates whatsoever to accommodate the additional burden on practitioners that has been imposed by these and other factors.

Instead, the additional work has simply been absorbed by practitioners within the fees that (as the 2014, 2016 and 2017 reports all confirm) were already grossly inadequate. In 2023, it is now very clear that the fees are inadequate and unsustainable.

Unpaid and underpaid work

The chronic underfunding of the legal assistance sector flows through to the private profession in a myriad of ways.

Unpaid

One of the most extraordinary aspects of this is that not only is legal aid work underpaid, but there are actually instances where a structural expectation of entirely unpaid labour is built into the fee structures of legal aid. A few examples:

- Appearances at mention hearings in summary criminal proceedings do not attract any fee at all. The profession understands that legal aid has determined that it simply cannot afford to pay a fee for such hearings, and so they determine not to pay one except in exceptional circumstances. And yet, a mention hearing is a necessary hearing (legislated in Victoria's *Criminal Procedure Act*) in every single summary criminal proceeding and a hearing at which the Court may exercise a myriad of powers for or against an accused person. Many such proceedings in fact have several mention hearings. A fee for appearing at the hearings is non-existent.

- Appearances at filing hearings. Again, a necessary Court event mandated by legislation, but this time in committal proceedings. Again, legal aid has determined not to pay practitioners any fee at all for these court appearances.
- Remand hearings. No fee is payable by legal aid for appearances at remand hearings unless a bail application is made. When an accused person is brought before a Court having been held in custody by police, it is critically important that a lawyer reviews the remand application, that the accused is seen by a lawyer and has an opportunity to discuss their position, that a considered decision can be made about whether or not to apply for bail, that instructions can be obtained about any custody management issues and that any such issues can be made known to the court and authorities. This work can often take several hours of a lawyer's time and, for obvious reasons, is utterly crucial work. However, unless a bail application is made, no fee is payable to the practitioner.
- Additional preparation fees for solicitors. Legal Aid's method of calculating¹⁹ additional preparation fees for solicitors in indictable matters contains two structural expectations of unpaid labour. First, in that the first 20 hours of work are subtracted from the fee calculation (despite that those 20 hours are not to be found anywhere else in the fee structure). Second, in that the maximum number of hours payable is 15 hours. So, under this calculation, a practitioner is to be paid for hours 20 – 35 of their work, but not hours 0 - 20 and not any hours past the 35th hour. This issue is compounded, of course, by the fact that the expected reading speed underpinning the calculation is entirely unrealistic and the hourly fee rate applied to the calculation is inadequate. Further there is no allowance for additional preparation in summary matters despite the increasing occurrence of large scale briefs and disclosure materials. The expectation is simply that the additional time spent examining this material and obtaining instructions in relation to it will simply be absorbed by practitioners.
- Consolidations in summary crime. Where a legally aided client faces one proceeding, the lump sum preparation fee for all work on that file is a paltry \$412.73. However, where that client faces a second proceeding, separate grants are not awarded for each matter. Rather, they are funded under an arrangement called a 'consolidated rate', where the preparation fee for the file is increased to \$493.64. That is, for the additional work involved as a result of the second proceeding²⁰, only \$80.91 is payable. But many clients present with not just two proceedings, but several. Clients with up to 10 outstanding matters are common. The 'consolidated rate' does not increase with the number of proceedings. It is fixed at \$493.64, regardless of how many outstanding matters the client has. And so, for all of the work involved in the handling 3rd, 4th, 5th, 6th, ... 10th matter, the practitioner is not remunerated by any additional fee at all.

¹⁹ <https://www.handbook.vla.vic.gov.au/node/5915>

²⁰ This additional work will include such things as reading and analysing the brief of evidence, watching a record of interview, reviewing BWC footage CCTV and other exhibits, requesting and reviewing disclosure, providing advice to the client, obtaining instructions, conducting summary case conferencing and other resolution negotiations and related conferencing, correspondence and other attendances.

These structural expectations of unfunded work ought to be identified and removed as a matter of priority.

Underpaid

The issue of underpayment pervades every aspect of the legal aid fee regime. Some areas of particular concern include:

- Lump sum legal aid fees that are based on a certain number of hours of work, where that time provision significantly understates the amount of work required to actually provide the legal service covered by the fee. As indicated above, this issue has been exacerbated by various factors over the past several years that have resulted in criminal law casework becoming considerably more time-consuming.
- Legal aid fees that are based on hourly rates that are significantly below both market rates and scale costs. For example, 'scale costs' for a solicitor in the County Court are fixed at \$365.60 per hour. Market rates are higher than scale costs of course, often significantly so. Legal aid, however, provides a fee of \$140.91 per hour. That is, less than 40% of the scale costs and a lower proportion still of market rates. It should not be forgotten that criminal proceedings in the County Court are almost always inherently serious and are usually of a nature where a significant term of imprisonment is on the cards. Such matters include serious sexual offences (including sexual offending against children), serious violent offences resulting in serious injuries and dangerous/culpable driving causing death. These are serious, complex criminal proceedings that require specialised, expert legal representation.
- Appearance fees that are significantly below market rates. For some hearing types, the fee for an appearance at Court (which might ultimately involve a commitment of several hours) is fixed as low as \$152.73.
- Overnight fees applying to circuit cases in regional courts that do not even cover the costs of accommodation, meaning the practitioner must incur an out-of-pocket expense in order to receive an inadequate fee.

In practice

The three-punch combination of unpaid work, underestimation of the time required and below-adequate hourly rates is, in practice, a cruel and crippling combination for the private profession.

By way of example, a recently concluded legal aid file that was itemised on a time basis by one private firm revealed the following:

- Court appearances by the practitioner: five appearances, none of which attracted a fee from legal aid

- Preparation, conferences and other work on the file: fully itemised to a conservative estimate of 35.5 hours. Preparation fees payable by legal aid: \$606.37

This was a summary criminal proceeding involving serious charges alleging stalking (and related offences) and a client in-custody with complex needs. For in excess of 35 hours of work, plus 5 court appearances, the private practitioner was paid total fees of \$606.37. That is, an hourly rate less than the national minimum wage (in circumstances where that fee needs to cover not only a wage but all other costs of operating a legal practice and running a file). This equates to fees below 5% of the equivalent market rates for the work undertaken.

Whole of system impacts

The negative impact of underfunding the legal assistance sector generally and private practitioners specifically is both widespread and well-known.

The 2014, 2016 and 2017 reports referred to above all make reference to these impacts and we do not propose to repeat them in detail in this submission.

Concerningly, however, it is clear that both access to justice and the quality of representation across the system is impacted by the failure to properly fund the sector and failure to properly remunerate practitioners.

The matters set out at section 4.13 of the Issues Paper (pages 29-30) require attention and action. It is recognised there that:

- The Review has already heard of the difficulties in attracting and retaining lawyers to the legal assistance sector, particularly in the light of their need to service debts from their tertiary education. These issues are exacerbated in regional, rural and remote areas by a range of factors including access to adequate housing and professional development.
- Many workers experience vicarious trauma as a result of the complex needs of the individuals they are supporting.
- Workloads are also reportedly high, with significant file loads and limited support which contributes to burnout. This impacts the retention of both legal and non-legal professionals, resulting in relatively high staff turnover.
- The Review understands from initial consultations that these fees paid may not cover all hours of work required, are generally lower than market rates and in many instances have fallen in real terms.

Such conditions are plainly unfair and simply cannot be permitted to persist.

Setting legal aid rates appropriately

At page 30 of the Issues Paper, it is stated that:

The Review is keen to consider how grants of legal aid might be more appropriately set and how this would reduce unmet legal need particularly in regional, rural and remote areas.

In answer to the question of how grants of legal aid might be more appropriately set, we first implore that the current legal aid rates are scrapped. Practitioner remuneration has become so inadequate that it needs to be considered afresh, without reference to the current scales.

We propose that the Supreme Court Scale of Costs is an appropriate reference point for the fixing of legal aid fees. Fixing costs according to this scale would mean that government still retains a discount against market rates, but practitioner fees would rise to a basic level of sustainability and fairness.

For County Court and committal proceedings, the County Court scale (80% of Supreme Court scale) could be used and some lesser percentage in the range of 60-70% of the SC scale could be used for summary criminal proceedings in the Magistrates' and Children's Courts.

It is difficult to see how fees lower than this proposal can be justified. It should be remembered that a person facing a criminal proceeding in the Supreme Court will typically be charged with homicide or terrorism offences. Charges that typically carry a maximum penalty of life imprisonment. The skill, expertise, commitment and stress involved in running such a proceeding is immense.

In the lower courts, the stakes remain high. In summary criminal proceedings, the legal aid guideline in Victoria has been progressively tightened to the point that the threshold for eligibility is now framed as 'a conviction is likely to result in a term of immediate imprisonment.'

In the alternative, the old rule of fees 'equal to eighty per centum of the fees ordinarily payable in respect of similar services provided to a person who is not an assisted person'²¹ could be reinstated. A discount of 20% against market rates is fair and reasonable.

Discounts of 50%, 80% or 90%+, however, are neither fair or reasonable. And they are not sustainable.

We appreciate that to achieve either of these outcomes would require a significant investment from government in the legal assistance sector. It is a necessary investment. It is also an investment that would have system-wide benefits. Without it, we hold grave and increasingly urgent concerns for the viability of private practitioner involvement in legal aid work.

²¹ Legal Aid Commission Act 1978, s 32(2) (now repealed)

Pay disparity

The impact of underpayment of private practitioners is exacerbated by the fact that Legal Aid do not discount payments to their own staff in the same way. Rather, Legal Aid offer salaries, allowances and working conditions to Legal Aid staff that are simply unaffordable on the rates that are paid to private practitioners.

The disparity between what Legal Aid offers its own staff and the funding it provides to the private profession distorts the market for legal services and negatively impacts private practitioners who undertake legally aided work.

Community legal centres have long complained, quite rightly, about the disparity in pay offered by legal aid commissions and other government agencies and that which they are funded to offer to their own staff. This point is articulated again by the Far West Community Legal Centre at page 4 of their submission to this Review.

The issue of pay disparity complained of by CLCs also impacts, significantly, the private profession. For this reason, we urge the Review to look not just at the size of the current pie, but also the manner in which it is cut by the legal aid commissions.

To be clear, we are not advocating that Legal Aid staff should be paid less. They do good and important work. They deserve to be properly remunerated for that work and to enjoy a properly funded workplace and a reasonable and sustainable workload. It is necessary however that funding arrangements be sufficient to allow for the same conditions to be offered to practitioners in the private profession.

Overall increase in supply

Section 4.13 of the Issues Paper concludes as follows:

The Review is keen to hear views and evidence regarding whether there is an adequate supply of lawyers to meet the current and forecast legal need, and whether any changes in employment arrangements, including but not limited to remuneration levels, would lead to an overall increase in supply that would be able to address unmet legal need as opposed to simply improving outcomes for the existing workforce.

While we wholeheartedly support the goal of an overall increase in supply to help address unmet legal need, we urge the Review not to review 'improving outcomes for the existing workforce' as an unworthy goal. The conditions of grants of legal assistance to private practitioners are appallingly bad. Improving outcomes and conditions for the current cohort of private practitioners (and broader legal assistance sector workforce) is not a luxury. It is a necessity.

It does however appear that these goals are aligned. An improvement in conditions can, both as a matter of commonsense and given what is known from the 2014, 2016 and 2017 reports,

be expected to attract more practitioners to commence (or to return to) undertaking legally aided work.

Unmet legal needs

We acknowledge that this submission has focused on only one aspect of the Terms of Reference of the Review.

It is, in our view, clearly the most critical aspect.

With respect, no amount of tinkering with data collection, performance monitoring, service delivery models or similar will make a meaningful difference. The lemon is being squeezed as hard as it can be squeezed.

The only measure that can fix the issues facing the sector is a significant and sustained injection of government funding.

Before concluding our submission we do however wish to voice our strong support for provision of funding to allow for an expansion of eligibility guidelines. Current funding guidelines, particularly in the area of summary crime in Victoria, are incredibly tight. The result is that far too many accused persons are ineligible for a grant of legal assistance. This unmet legal need undermines access to justice and the fairness of the criminal justice system. In considering where guidelines should be expanded, the categories of case identified at pages 167 -174 of the VLA Evaluation Report would be an excellent start.

We thank you for your consideration of this submission and confirm that we would welcome the opportunity to discuss these issues (or any other aspects of the Review) with you further should that be of assistance.

Yours sincerely,



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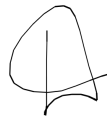
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