

INDICTABLE CRIME

MAIN FEATURES

- The period of time immediately before, during and after committal represents the best opportunity to resolve a case before trial. VLA will be investing in that opportunity by:
 - increasing the brief fee for contested committals by one third;
 - adding a fee for post committal negotiations so that case knowledge is not lost;
 - including in the brief fee for the contested committal, the first hearing in the trial court following committal. This will ensure that counsel who knows the case, and who has negotiated with the Crown, appears at the case conference/first directions hearing with improved chances of progressing the case;
 - providing a reading fee for solicitors for voluminous cases. Having solicitors familiar with a file pre-committal when cases are often resolved, should increase the likelihood of solicitor led resolution.
- Encourages appropriate early resolution and continuity of same lawyer representation, by suitably skilled practitioners.
- There is no reduction in fees for acting for co-accused.
- Sentence indication hearings are valuable but underused. There is a separate fee for sentence indication hearings.
- Fees for serious cases in the Children's Court are currently very low. There is a doubling of the brief fee.
- Create savings by allowing one full day instructing and limiting instructing for any subsequent day of trial to half a day.
- The fee structure is simple to understand.

BACKGROUND

The minimum fee in indictable cases compares favourably with other States:

	QLD	NSW	TAS	WA	SA	ACT	NT	VIC
County Court Plea	\$1,834	\$1,050	\$613	\$900	\$834	\$1,900	\$1,000	\$2,247
County Court Trial one day	\$3,442	\$2,490	\$1,390	\$2,520	\$2,626	\$3,380	\$2,000	\$4,865

All fees are GST Exclusive

- However, the real value of fees has been eroded because fees have not kept pace with inflation.



QUESTIONS & ANSWERS

Q What is the brief fee for a contested committal?

A A one-third increase from \$665 to \$887 for day 1 and \$800 for subsequent days.

Q What is the post committal negotiation fee?

A The post committal negotiation fee will be \$334 for County Court matters and \$456 for Supreme Court matters.

Q What if the OPP aren't in a position to negotiate immediately following the committal?

A During the review, the project team has been liaising closely with the OPP to make sure that any changes are complemented by changes to OPP processes.

Q How can solicitors ensure that counsel is available for the first court event in the trial court following the committal?

A When counsel is briefed for the committal, they must also be briefed for the first court event in the trial court and commit to attending this hearing before accepting the committal brief.

Q What is the brief fee for a sentence indication hearing?

A The brief fee for sentence indication hearing will be \$250 in the County Court and \$342 in the Supreme Court.

Q What is the brief fee for serious cases in the Children's Court?

A The proposed daily fee for serious cases in the Children's Court will double to \$840.

Q How will additional reading fees be calculated?

A There is no doubt that improvements in technology have resulted in briefs of evidence becoming more complex and voluminous. This trend is likely to continue, and this in turn will add to the cost of providing legal aid for such cases. A carefully considered formula has been developed for additional reading fees for both barristers and solicitors, in order to control costs whilst ensuring that accused people are not disadvantaged.