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Legal Aid Private Practitioners

2024 Census

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Acknowledgement of country

We value the cultures, knowledge and practices of Aboriginal and Torres Strait Islander Peoples and their contributions to quality research. We are committed to not perpetuating harms that have been caused by research on and about Indigenous Peoples. We embrace and honour Indigenous knowledges and continue to learn from Indigenous Peoples where we work.

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Glossary

ADR	Alternative Dispute Resolution
ATSIL	Aboriginal and Torres Strait Islander Legal Service
CALD	Culturally and Linguistically Diverse
CLC	Community Legal Centre
CPD	Continuing Professional Development
ICL	Independent Children's Lawyer
LAC	Legal Aid Commission
NLA	National Legal Aid
NLAP	National Legal Assistance Partnership 2020-25

Executive summary

In Australia, legal aid services are government funded legal services which help people experiencing disadvantage access legal representation and justice, and enable courts to operate more efficiently. Legal aid is provided via a mixed model by directly employed, in-house practitioners, and practitioners working privately who are paid from the legal aid grants that Legal Aid Commissions (LACs) allocate to approved clients. This report focuses on the group who perform the bulk of legal aid representation: private practitioners. Findings come from a survey of 1010 private practitioners who obtained or sought legal aid work via the panels or preferred supplier lists managed by Legal Aid Commissions in each State and Territory.

Characteristics of private practitioners

Private practitioners express high commitment to doing legal aid work. They value legal aid as an opportunity to contribute to clients and communities, and to make a real difference in people's lives. Junior practitioners particularly value the career experience gained from doing legal aid work.

Most legal aid private practitioners are highly experienced, having accumulated many years, even decades of involvement in delivering legal aid:

- 54% have delivered legal aid for over a decade.

Private practitioners are mainly self-employed or working in very small private practices:

- 32% are the only paid employee in their practice and a further 28% are in very small practices, with only 2-4 paid staff.

The legal aid private practitioner workforce is gendered. Women form the majority, but the gender profile differs across age groups. Men dominate the older cohorts, which likely reflects the recent feminisation of the legal profession rather than women's attrition from legal aid work.

Delivering Legal Aid

Many private practitioners travel long distances to deliver legal aid.

- 37% of participants deliver legal aid both in and outside of capital cities, 33% work in capital cities only, and 30% deliver legal aid only outside the capital cities.
- In the last 2 years, 38% travelled over 200km (one way) to deliver legal aid, but proportions travelling long distances are higher in the larger states of NT (where 70% have travelled over 200km), WA (59%) and QLD (55%).

Practitioners servicing regional areas face particular challenges in delivering legal aid, not only because of the time and cost of travel, but also because clients outside the major cities lack access to the community services and supports they need, including drug and alcohol, mental health and homelessness services.

Legal Aid Caseloads

Some private practitioners do significant amounts of legal aid work but this is usually combined with other private fee-paying work. Legal aid constitutes the entire caseload of just 4% of participants but forms most of the caseload for a third (32%). Around 18% do just the occasional legal aid case.

A large group, albeit a minority of private practitioners, are happy with the amount of legal aid they are doing.

- 40% are happy with their current amount of legal aid work; they report enjoying the work and despite its challenges, can accommodate it in their business model. The remainder are split between wanting more legal aid work (26% of private practitioners) and wanting less (34%).

Practitioners not currently working on any legal aid cases, and those for whom legal aid already constitutes their entire current caseload, are most likely to say they want more legal aid work (39% of each of these groups). By jurisdiction, the proportion wanting more legal aid work ranges from 15% in WA to 33% in NSW.

Practitioners more commonly want less rather than more legal aid work. Among those for whom legal aid comprises most of their current caseload, 42% would prefer to do less. By jurisdiction, the proportion wanting less legal aid work ranges from 17% of private practitioners in NT to 55% in TAS.

Practitioners who do not want more legal aid work (or feel they cannot do more) commonly cite inadequacy of legal aid grants, which causes financial difficulties for their organisation. Overall, 74% say legal aid cases are costly for their organisation. Other barriers include workload and stress.

Working with Clients

In the last 2 years, the most common types of cases private practitioners have worked on relate to domestic and family violence (delivered by 45% of practitioners), summary crimes (45%), family law (40%) and indictable or serious crimes (40%).

Correspondingly, people experiencing or at risk of family violence are the most common National Priority Client Group that private practitioners work with. Higher proportions of women than men work with this Priority Client Group, while male practitioners are more likely than women to work with people in custody and/or prisoners.

Many private practitioners are concerned about clients' eligibility and access to legal aid.

- Only 57% agree that people needing legal aid are 'always' or 'usually' eligible to receive it.
- Two thirds (66%) feel unmet need in the community for legal aid grew in the last two years
- Three quarters (74%) have seen complexity of cases increase in the last two years.

Most practitioners (72%) have observed that clients' need for non-legal services and supports has grown over the last 2 years. 65% have observed growth in the level of support required by clients to engage with legal aid. A very high proportion of practitioners (83%) say the time they need in order to engage with their legal aid clients has increased.

Working with Legal Aid Commissions

Private practitioners engage with Legal Aid Commissions to obtain grants to deliver legal aid and to access information and professional development.

- While many reported being neutral or unsure, only 22% said they feel well supported by their Legal Aid Commission
- Only 14% feel support from their Commission has improved in the last 2 years.

Often, private practitioners feel grant levels are predicated on Commission's unrealistic expectations about what is required in delivering legal aid.

- 85% of private practitioners rate 'having to perform unremunerated work' as a difficulty.
- 77% rate 'trying to do quality work with limited time and resources' as a difficulty.

Practitioners find their legal aid grants do not always cover what courts require of them. Many feel frustrated with:

- low grants which do not cover the time and activities required in legal aid cases;
- inadequate coverage of travel costs;
- inefficient processes around grant approvals, audits, and billing; and
- lack of access to Commission staff to quickly resolve queries.

Some private practitioners feel they could more efficiently perform their legal aid role if Legal Aid Commissions did more initial work, including to: ensure clients have realistic expectations; provide practitioners with required information and communication channels; and ensure clients have access to social work and other community supports. Continuing Professional Development offered by Legal Aid Commissions is viewed positively.

Practitioners' Plans for the Future

Private practitioners often experience frustration with their legal aid work, particularly in relation to funding levels and the timeliness of grants. Half (51%) feel undervalued. However, most (70%) intend to continue delivering some quantity of legal aid in 12 months. Practitioners are committed to providing access to legal support and recognise the importance of the work, particularly for children and for Aboriginal clients and people in regional areas.

- However, 20% of private practitioners are unsure if they will continue in 12 months, and 11% wish to cease delivering legal aid.

The main reasons practitioners wish to stop or reduce their legal aid work are resource-related, including low funding levels and inadequate increases in grant amounts over time. Some barriers also relate to the nature of legal aid cases, including needing to meet clients' complex needs.

Practitioners shared many ideas about how they could be better supported, including: simpler, more efficient grant application and claims systems; more support with client information and

documentation prior to case allocation; use of Duty Lawyers or audio/video links for some appearances; and better communication with Legal Aid Commissions. Expanding non-legal supports were also suggested, including to help clients access drug and alcohol, housing and mental health services.

Overwhelmingly however, private practitioners call for improved funding, for the legal aid system overall, and for the grants that enable them to deliver legal aid.

Box 1 Examples of private practitioners' perspectives

Overall, I view legal aid work as good for our organisation. That is for the single reason that it is incredibly important work and I want to do it. In no other way whatsoever is it good for organisation. It creates financial pressures, stress and burnout. (Lawyer, VIC)

Legal aid work is challenging and rewarding and is worthwhile doing but there are usually far more work hours required than allocated funding permits so the choice is either do a substandard job or work for free. (Barrister, NSW)

The demands and needs of legal aid clients are often extremely difficult to deal with and there are limited resources or supports in place to assist lawyers in handling these. (Principal, TAS)

Legal aid work is great experience for junior practitioners and is important work from a social justice perspective. Unfortunately, the miserable grant amounts mean that it doesn't even break even, let alone be profitable. Every legal aid file we open costs us money. People's access to quality representation is becoming more and more compromised by the lack of funding. Experienced criminal practitioners are turning away from legal aid work as it just isn't financially viable. This comes at a cost - not only to the clients, but to the court system, as matters are dealt with less efficiently. (Principal, QLD)

Governments need to commit a lot more funding to the provision of Legal Aid services. This is absolutely one situation where more money will fix, or significantly ameliorate, the problem. (Principal, SA)

1. Background

Legal aid services are government funded legal services which promote access to justice by helping people experiencing economic disadvantage to access support with criminal, family and other legal matters. Legal aid is particularly important for people affected by poverty, and women who have experienced domestic and family violence, along with others unable to afford legal advice and representation. By helping people navigate the legal system and access legal representation, legal aid helps courts to operate efficiently and prevents further social and economic harms and costs which may arise from unmet legal needs.[1]

Legal aid is administered by Legal Aid Commissions (LACs), which operate as independent statutory authorities in each State and Territory. Among other responsibilities, LACs manage provision of legal aid via a 'mixed model' which involves a combination of directly employed, in-house practitioners, and private practitioners drawn from the broader legal sector.[2,3] Private practitioners play an integral role. Although the structure of the mixed model fluctuates by year and varies across jurisdictions[4] recent national data indicates that the balance remains heavily weighted toward private provision. Indeed, the vast majority of legal aid cases involve private practitioners. In 2022-23, 72% of approved applications for legal aid were assigned to private practitioners.[5]

Although models differ around Australia, private practitioners are generally allocated work via panels or registers of preferred suppliers. These are managed by Legal Aid Commissions and list individual lawyers or firms approved to act for legal aid clients. Client eligibility for legal aid is determined through financial means tests, and sometimes, through merit tests, which consider the likelihood of successful outcome and the appropriateness of allocating limited public funds to the case. Private practitioners are funded out of the grants of aid allocated to approved clients, with amounts regulated through a fixed scale of fees determined by LACs. Grant funds are usually released to practitioners in stages, initially to cover advice, investigation and negotiation, with funds extended to cover more work, such as going to trial, if cases progress.[6] Private practitioners are expected to assist disadvantaged clients at the standard of quality they would provide to other, fee-paying clients, however it is unclear whether there are actual differences in levels of quality between in-house and

[1] PwC (2023) *The benefits of providing access to justice*, Report for National Legal Aid, https://www.nationallegalaid.org/wp-content/uploads/2023/05/Final-Public-Report-PwC-The-Benefits-of-Providing-Access-to-Justice1-January-2023.pdf; Mundy, W. (2024) *Independent Review of the National Legal Assistance Partnership Final Report*. https://www.ag.gov.au/sites/default/files/2024-06/NLAP-review-report.PDF

[2] Boersig, J. and Davenport, R. (2020). Distributing the legal aid dollar - effective, efficient, and quality assured? *Canberra Law Review*, 17(2), 54-71; Fleming, D. and Daly, A. (2007) The retreat of the legal profession from legal aid: labour market change in the Australian mixed model , *International Journal of the Legal Profession*, 14:1, 21-56; Productivity Commission (2014) *Access to Justice Arrangements,* Productivity Commission Inquiry Report No. 72 https://www.pc.gov.au/inquiries/completed/access-justice/report, p681.

[3] In some jurisdictions, legal aid may also be delivered through other legal assistance services such as Community Legal Centres (CLCs) and Aboriginal and Torres Strait Islander Legal Services (ATSILS).

[4] The source of fluctuations is unclear but may reflect capacity of in-house legal aid, and the community legal sector, which likely influence case allocations to private practitioners.

[5] National Legal Aid (2023) *Submission to the Independent Review of the National Legal Assistance Partnership*, October 2023, page 12. https://www.nationallegalaid.org/resources/nla-submissions/

[6] Mundy, 2024.

private practitioners.[7]

Like their in-house counterparts, private practitioners deliver legal aid in contexts which are highly challenging, being technically complex, emotionally charged and resource stretched. Levels of demand from people unable to otherwise afford legal supports are recognised to be high and growing. Clients unable to pay are not necessarily deemed eligible under means tests. Further, demand for legal representation has been exacerbated by rising social and economic challenges in recent years. These include the financial hardship affecting households associated with post-pandemic housing and living cost pressures, trends of rising mental health needs, and the continued impacts of disadvantage, discrimination, and trauma affecting Aboriginal and Torres Strait Islander people, who despite the National Agreement on Closing the Gap, remain over-represented in criminal justice systems.[8]

At the same time, the supply of legal aid is constrained. Funding shortfalls necessitate tight eligibility criteria and targeting, with legal aid grants limited to a narrow set of circumstances resulting in much unmet need.[9] Legal Aid Commissions are stretched as funding levels have been stagnant or have decreased in real terms, and there are difficulties in both attracting in-house legal aid practitioners, and offering grants at levels required to encourage private practitioners to perform legal aid work.[10] Private practitioners in larger for-profit firms usually work under systems of 'billable hours', which oblige them to complete allocated tasks whilst generating specified volumes of activity which can be charged to their private, fee-paying clients.[11] Private practitioners and their managers must therefore consider the opportunity cost of allocating time between activities which attract different rates, or which have resource demands which are 'non-billable'.

Strong professional traditions of enacting social commitment have historically ensured a supply of practitioners willing to undertake pro-bono and what is termed 'low bono'[12] work. However, for decades, practitioners have noted growing constraints on their ability to provide free or discounted legal services. The idea that doing legal aid work is unprofitable for private practitioners has been 'anecdotal orthodoxy' since at least the mid-1990s, when a small body of empirical research started to indicate that family law solicitors and criminal lawyers were opting out of legal aid, most commonly because of remuneration but also because of the bureaucracy involved in representing legal aid clients.[13] Similar perceptions have been apparent in other countries including New Zealand, Canada and the United Kingdom, where reduction or cessation of legal aid work by experienced practitioners

[7] Boersig and Davenport, 2020.

[8] Mundy, 2024.

[9] Impact Economics and Policy (2023) Justice on the Brink – Stronger Legal Aid for a Better Legal System, report for National Legal Aid, https://www.nationallegalaid.org/resources/justice-on-the-brink/, p23.

[10] Impact Economics and Policy, 2023; Boersig and Davenport, 2020.

[11] Campbell, I. and Charlesworth, S. (2012) Salaried lawyers and billable hours: a new perspective from the sociology of work, *International Journal of the Legal Profession* 19(1), 89-122. https://doi.org/10.1080/09695958.2012.752151

[12] Hsu, C., Chiang, I.,and Chang, H. (2024) Lawyers' legal aid participation: A qualitative and quantitative analysis, in *Journal of Empirical Legal Studies*, 21(2), 337-374. https://doi.org/10.1111/jels.12385

[13] Fleming, D. and Daly, A. (2007) The retreat of the legal profession from legal aid: labour market change in the Australian mixed model , *International Journal of the Legal Profession*, 14(1), 21-56, page 25-27, 33.

has resulted in shortages and 'juniorisation'.[14]

Legal aid funding is key to the supply decisions of private practitioners, and their willingness to deliver legal aid. In Australia, the National Legal Assistance Partnership (NLAP) sets out shared responsibility for legal assistance, with funding split between Australian and State and Territory Governments[15]. A 2023 report outlined the impacts of legal aid funding shortfalls accumulating over years. Indeed, the additional Commonwealth funding recommended by the Productivity Commission in 2014 was not provided, and while state government legal aid funding subsequently grew on a per capita basis, Commonwealth funding has shrunk by 3 per cent over the last decade.[16] In 2024, the report of the Independent Review of the National Legal Assistance Partnership depicted Australia's legal assistance sector as subject to ongoing neglect by governments. The Review found funding levels were generally insufficient to meet community needs, with legal aid grants set at rates too low to attract experienced practitioners, and to enable providers to cover growing pressures on their costs.[17]

Legal aid grant amounts can differ according to jurisdiction, type of legal matter and court, and seniority of practitioner, but average legal aid grants range from $154 per hour for a private solicitor on a family law case to $327 per hour for senior counsel on a criminal case.[18] The Independent Review documented widespread perceptions that these grant levels are low, inflexible, and do not reflect case complexity nor the need to travel to remote locations. The Review also noted that legal aid work was funded at lower levels than other legal services procured by government; and that numbers of lawyers joining legal aid panels appeared to be falling while growing numbers were leaving.[19] The review recommended that the Commonwealth fund increases in legal support, including legal aid grants, to adequately compensate private practitioners in response to shrinking practitioner supply.

While the Independent Review and other policy reports provide an indication of the pressures faced by legal aid private practitioners, much has been anecdotal, and further evidence, including from practitioners themselves, is required to develop more comprehensive understandings of their range of experiences. Indeed, while legal aid private practitioners share some common experiences and pressures, they are also highly diverse in terms of their characteristics and work contexts, and there are differences as well as commonalities in their experiences and perspectives on their legal aid work. Thus, to contribute a more detailed and comprehensive account, this report uses information from a large national survey of private practitioners to give voice to their experiences of delivering legal aid, and to inform strategies for securing an ongoing supply of quality legal aid practitioners.

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[14] Fleming and Daly, 2007; Productivity Commission, 2014, p726.

[15] Australian Government funded matters include Commonwealth matters include as family law, social security appeals, and migration while State funded matters include criminal law, domestic and family violence legal issues, mental health and tenancy.

[16] Impact Economics and Policy, 2023.

[17] Mundy, 2024

[18] PwC (2023) *The benefits of providing access to justice*, as cited in Mundy (2024) page 137.

[19] Mundy, 2024.

2. About the Census of Legal Aid Private Practitioners

Information comes from the Census of Legal Aid Private Practitioners, conducted in August 2024 as an initiative of National Legal Aid.[20] The Census was designed to gain a better understanding of private practitioners' demographic characteristics, the types of legal aid work they do and the populations they work with, their motivations for doing legal aid work, the supports they receive from their organisations and Legal Aid Commissions, the practical and ethical challenges they face in doing legal aid work, and what is needed to support and sustain quality contributions by private practitioners. As a Census, it sought to capture responses from the full range of private legal aid practitioners, including those who undertake low volumes or occasional legal aid work, along with more regular suppliers whose caseload is comprised primarily of legal aid cases. Participation was restricted to practitioners who have performed legal aid work in the last two years, along with those listed on a panel or preferred supplier list but who had not been allocated or taken on legal aid cases in that time period. However, participants were overwhelmingly private practitioners who had performed legal aid work in the last two years.

2.1 Study design and development

Participation in the Census was voluntary. The questionnaire was designed by the research team in consultation with National Legal Aid and the project advisory group, which consisted of members drawn from Legal Aid Commissions and the Law Council of Australia. Consideration was also given to the content of the UK Legal Aid Census[21]. In developing our approach, a key priority was to reach large numbers of private practitioners to capture their diversity of experiences, while minimising participant burden. Importantly, the study sought to enable participants to provide their perspectives using their own words and frames, and so included multiple opportunities for comments, alongside closed survey questions with fixed options. Questions were also intended to provide a baseline against which to track change among private practitioners, in future studies.

The questionnaire covered practitioners' demographics and legal experience, clients they work with and perceptions of changes in client need, membership of legal panels, perceptions of their legal aid work, organisational support to do legal aid work, engagement with their Legal Aid Commission, and general challenges associated with doing legal aid work, including those relating to funding. Where participants were required to select items from lists, including in relation to aspects of their legal aid work that were satisfying and difficult, potential bias was reduced through rotations of options. The survey was administered via Qualtrics. It was piloted with a few practitioners prior to distribution.

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[20] We note that the legal aid context is dynamic, and that the survey captured perspectives at a particular point in time, and may not reflect subsequent changes.

[21] Denvir, C., Kinghan, J., Man, J., Newman, D. and Aristotle, S. (2022) *We are Legal Aid: Findings from the 2021 Legal Aid Census*, https://lapg.co.uk/wp-content/uploads/We-Are-Legal-Aid_Findings-from-the-2021-Legal-Aid-Census_Final.pdf. Note that in contrast to the UK legal aid census, we surveyed private practitioners only. The UK study surveyed current and former legal aid practitioners, organisations and chambers engaged in the provision of legal aid services, and prospective legal aid practitioners (students).

Ethics clearance was obtained from the UNSW Human Research Ethics Panel (iRECS6806).

2.2 Recruitment

Private practitioners were invited to participate via the Legal Aid Commissions. LACs emailed information about the study to practitioners on their panels or preferred supplier lists, and who had been in the last 2 years. LACs also included information about the research in newsletters and other communications. In addition, Law Councils and Law Societies informed their networks of practitioners about the study. The survey was initially open for three weeks from 5 August 2024, and extended for a final week, to close on 30 August. As an incentive to participate, those completing the survey could opt to enter a prize draw to win one of two $250 gift vouchers, which were drawn and randomly distributed once the survey closed.

2.3 Analysis and reporting

Responses were analysed to produce results for the sample overall, and to explore differences between groups of practitioners. Quantitative data was analysed using SPSS and Excel. Where important differences among participants were identified, breakdowns are provided by jurisdiction, gender[22], and age in the main body or Appendix B. In the analysis, statistically significant differences were identified using chi-square tests (for categorical variables) and t-tests for continuous (numerical) variables. Significance testing was used to prioritise differences between groups of practitioners reported in the text ($p<.05$), but testing is not reported through the report to maintain accessibility. As response numbers were small for the NT and ACT, data for these jurisdictions should be interpreted with caution.

Qualitative data is drawn from participants' responses to open-ended questions. This information was analysed to identify the main recurring themes. Examples of quotes are provided throughout the report to give voice to private practitioners and to share their experiences of providing legal aid services. Across the open-ended questions, practitioners' comments echoed previous research in underlining legal aid funding, and the adequacy of grants as key concerns. These perspectives recur through the report, building a picture of practitioners' experiences and the impacts of under-resourcing. In addition, a series of vignettes were developed, reported in Box 2 to Box 8. These document individual practitioners' circumstances and perspectives. Names used in case studies are pseudonyms and minor details have been changed to preserve participants' privacy.

2.4 Response analysis

While 1032 practitioners attempted the survey overall, there were 1010 completions from practitioners who were in scope, having either worked on a legal aid case in the last two years (97%), or having been on a panel or preferred supplier list but had not worked on a legal aid case (3%). For

[22] Note that in the survey sample, 7 practitioners identified as either nonbinary or specified a different term. Due to low numbers, this group was combined with the 25 practitioners who preferred not to indicate a gender identity.

some survey items, total response numbers may be below 1010 due to non-response. Response numbers for each jurisdiction are in Appendix Table A. 1, which shows the highest numbers of participants came from the more populous states of NSW, VIC and QLD. An accurate response rate could not be calculated, however, to give an indicative response rate, we compared survey completion numbers to approximate panel size where information was available. This used information provided by Legal Aid Commissions about numbers of practitioners on their panels (which for some jurisdictions included numbers of organisations on preferred supplier lists). Indicative response rates appear high for an online survey of professionals, ranging from 18% to 41% in jurisdictions where the figure could be estimated. However, these figures likely over-estimate the response rate as in some cases the panel numbers provided were current (for a point in time) while the survey could be answered by any practitioner who had been on a panel in the last two years.

Further response analysis, including comparison of legal practitioners' demographics in the study and in the 2021 Census of Population and Housing, is in Appendix A. This shows the sample of private practitioners is slightly more feminised than the wider legal profession (Appendix Table A. 2). In addition, legal aid private practitioners in the sample appear older than the broader legal profession. Indeed, the sample of private practitioners contained smaller proportions of practitioners aged in their 20s and 30s than indicated in ABS data, and larger proportion aged in their 60s and 70s (Appendix Table A. 3).

2.5 Structure of this report

Survey findings are presented through the report as follows. Section 3 introduces survey participants, outlining their roles and organisations (3.1); demographic characteristics such gender, age, and background (3.2-3.3); and their locations of practice (3.4). Section 4 introduces their involvement with legal aid, showing the lengthy experience that many have with legal aid (4.1), and that many travel outside their area to deliver it (4.2). Section 4 also shows practitioners' panel listings and types of cases performed (4.3); the amount of legal aid in their caseloads (4.4); and their preferred amounts (4.5).

Section 5 sets the context of private practitioners' legal aid work by outlining the priority client groups they work with (5.1), and showing widespread perceptions of unmet need (5.2), problems of client eligibility and access (5.3) and increasing case complexity (5.4). Practitioners' engagement with Legal Aid Commissions is covered in Section 6, including their perceptions of administration processes (6.2), and Commission resources and supports (6.5). Section 7 looks at practitioners' plans to continue doing legal aid work, before delving deeper to examine issues underlying these intentions, that is, the aspects of the work they find satisfying (Section 8) and challenging (Section 9). A specific focus is on challenges relating to funding and financial issues (Section 9.4) as these issues were very prominent in practitioners' survey responses. Section 10 outlines ways to improve supports for private practitioners, before the report concludes (Section 11). Supplementary information is in Appendix A and Appendix B.

3. Private practitioners in the study

3.1 Organisations and roles

Of the 1010 participating practitioners, 1006 reported both their main role and the type of organisation they worked in (Table 1). The most common role was principal (511 participants) followed by lawyers (including solicitors, 313 participants) and barristers (166 participants).[23] Just over half were self-employed (52%). Private practice was next most common (44%). The remainder (4%) worked in other types of organisations.[24] Almost all barristers (97%) were self-employed[25], while most lawyers were in private practice (77%). Principal practitioners were mainly self-employed (61%) (Table 1).

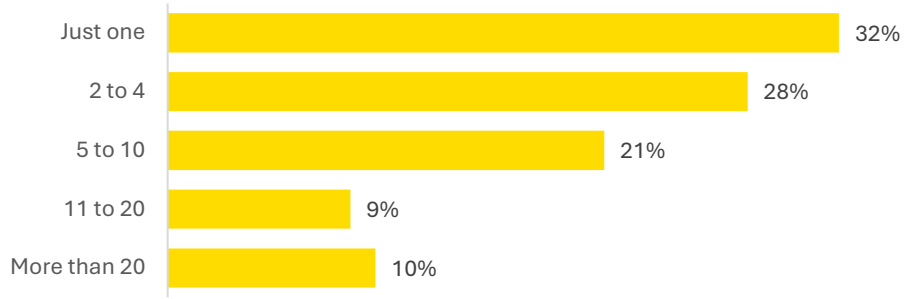
Reflecting high rates of self-employment especially among principals and barristers, 32% of survey participants were the only paid staff member in their practice, that is, they did not employ other staff (Figure 1). A substantial proportion of participants were in practices with 2 to 4 paid staff (28%). Only 10% of participants worked in practices with over 20 paid staff. Some variation by jurisdiction is evident. Participants from New South Wales and South Australia included very high proportions working in small organisations, while in Victoria, 21% of participants from VIC worked organisations with over 20 staff (see Appendix Table B. 2).

Table 1 Participants' roles and organisation types

	Principal (n=511)	Barrister (n=166)	Lawyer (n=313)	Other role (n=16)	Total (n=1006)
Self-employed	61%	97%	15%	44%	**52%**
Private practice	37%	2%	77%	44%	**44%**
Other type of organisation	2%	1%	7%	13%	**4%**
Total	100%	100%	100%	100%	**100%**

Note: Columns may not add to 100 due to rounding.

Figure 1 Number of paid staff in private practitioners' legal practice (n=1007)



Note: 'Just one' includes self-employed practitioners who did not employ others.

[23] For numbers of participants by role for each jurisdiction, see Appendix Table B. 1.

[24] Other types of organisations included CLC and ACCOs, and in a few cases, participants worked across different types of organisations.

[25] Four barristers selected 'private practice' as their organisation and one selected 'other' but did not specify.

3.2 Gender and age

The legal aid private practitioner workforce is gendered, as is the broader legal profession. Overall, 58% of participants were women, which is slightly higher than among the wider legal profession (52%), although measurement categories are not perfectly comparable (see Appendix Table A. 2). Among legal aid private practitioners in the study, women formed the majority among lawyers (66%) and principals (57%). However, women (46%) were outnumbered by men among barristers.

Gender differences were evident across age cohorts.[26] Women formed the majority among participating private practitioners in their 20s, 30s and 40s (Figure 3). However, men dominated the older cohorts of private practitioners doing legal aid work. This likely reflects the younger age profile of women in the wider legal profession, which has been interpreted as the result of the recent feminisation of the legal profession.[27] It is less likely that lower proportions of women in older age cohorts indicates attrition of women from legal aid work. Indeed, response analysis in Appendix Table A. 3 indicates that the gendered profile of age cohorts in the survey broadly reflects the profile of the wider legal profession, although the survey sample is more feminised in each age group.

Figure 2 Main role of participants, by gender

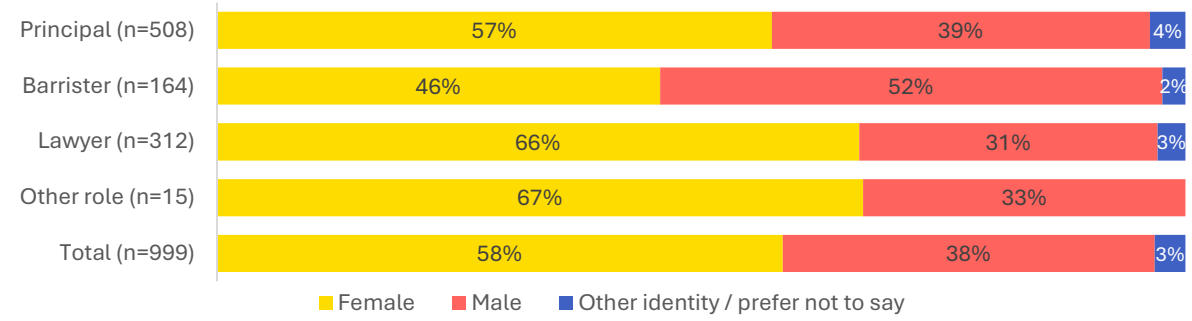
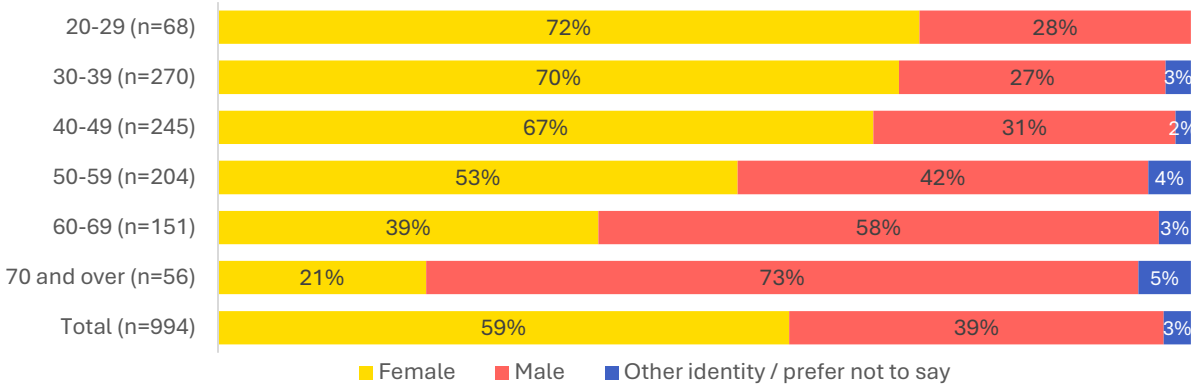


Figure 3 Age group of participants, by gender



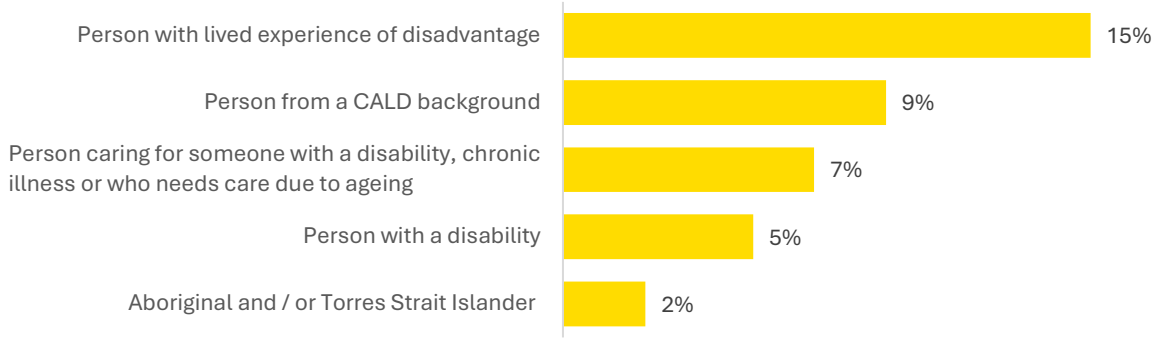
[26] Seven practitioners indicated a gender identity other than male or female, which was too small for separate analysis.

[27] Urbis (2023) *2022 National Profile of Solicitors*, Final report prepared for Law Society of NSW, https://www.lawsociety.com.au/sites/default/files/2023-05/2022%20National%20Profile%20of%20Solicitors%20-%20Final.pdf

3.3 Practitioners' background

To understand diversity among private practitioners, they were asked about their background. Practitioners were invited to self-identify, no strict definitions were given. 15% identified as a person with lived experience of disadvantage. One in 11 (9%) were from a culturally and linguistically diverse (CALD) background, and 2% were Aboriginal and/or Torres Strait Islanders. 7% were carers for a person requiring care due to disability, chronic illness or ageing and 5% were themselves a person with disability.

Figure 4 Self-identities of participants (n=1010)



3.4 Locations of practice

Questions about jurisdictions of practice, and of legal aid work, were asked, to understand practitioners' location, and the legal aid system to which their work related. This showed that most participants were practicing law in one jurisdiction only (92%), with 4% practicing in two jurisdictions, 2% in three jurisdictions, and a further 2% in four or more jurisdictions. Participants who had worked on legal aid cases in the last two years were asked to state the main jurisdiction for their legal aid cases. Over a third of the sample (35%) said their legal aid cases were mainly located in NSW, while a quarter (24%) said Victoria, and 16% said QLD (Table 2). The main jurisdiction of their legal aid work, as indicated in Table 2, was used as the basis for subsequent jurisdictional analysis about practitioners' experiences of delivering legal aid and engaging with Legal Aid Commissions.

Table 2 Main jurisdiction of legal aid cases in last 2 years

	NSW	VIC	QLD	SA	WA	NT	TAS	ACT	Total	No legal aid cases in last 2 years	Total
n	348	240	153	88	77	23	40	15	984	26	1010
%	35%	24%	15%	9%	8%	2%	4%	2%	97%	3%	100%

4. Legal aid cases and panels

Practitioners' were asked about their experience with legal aid, including their length of experience (Section 4.1); locations (Section 4.2), and the panels they were on and types of cases they had recently been involved in (Section 4.3). The survey also captured practitioners' legal aid caseloads (Section 4.4). Section 4.5 shows these caseloads did not always match private practitioners' preferred amounts of legal aid work.

4.1 Years of experience with legal aid

The vast majority of survey participants had worked on a legal aid case in the last 2 years (97%). The 26 practitioners who had not worked on legal aid cases had been on a panel or preferred supplier list through this period. These practitioners gave only a few reasons for not doing legal aid cases in the period, most commonly that there were low payments for legal aid work, too much administration, and too few hours allocated to legal aid cases.

Many practitioners had many years, even decades of engagement with legal aid. Indeed, a quarter (24%) worked on their first legal aid case over 20 years ago, and a further 30% worked on their first case 10 to 20 years ago. However, this differed for different groups. Figure 5 shows that over half of both male and female practitioners had been delivering legal aid for over a decade, but men were more likely to have done so 20 years ago or more.

Length of engagement with legal aid also differed by jurisdiction (Figure 6). Among practitioners who were mainly delivering legal aid in South Australia, relatively high proportions had lengthy engagement with legal aid, with two thirds having first worked on a legal aid case over 10 years ago (and most of this group having done so over 20 years ago). Although respondent numbers were low, a relatively high proportion of practitioners in NT were new to legal aid, having worked on their first case either in the last 2 years (22%) or 2 to 5 years ago (26%).

Figure 5 Length of time since practitioners first delivered legal aid, by gender

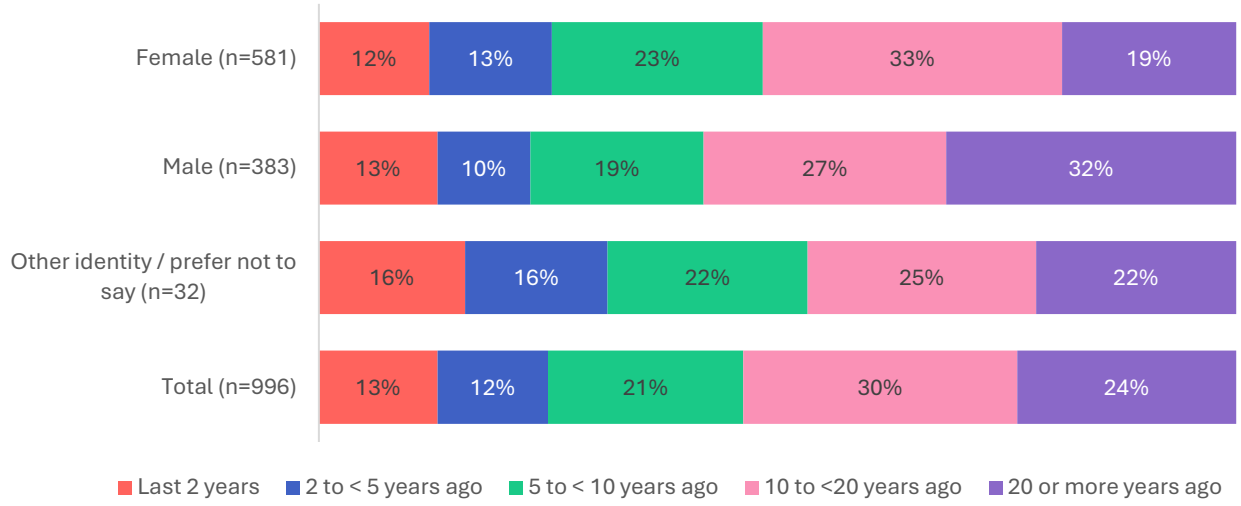
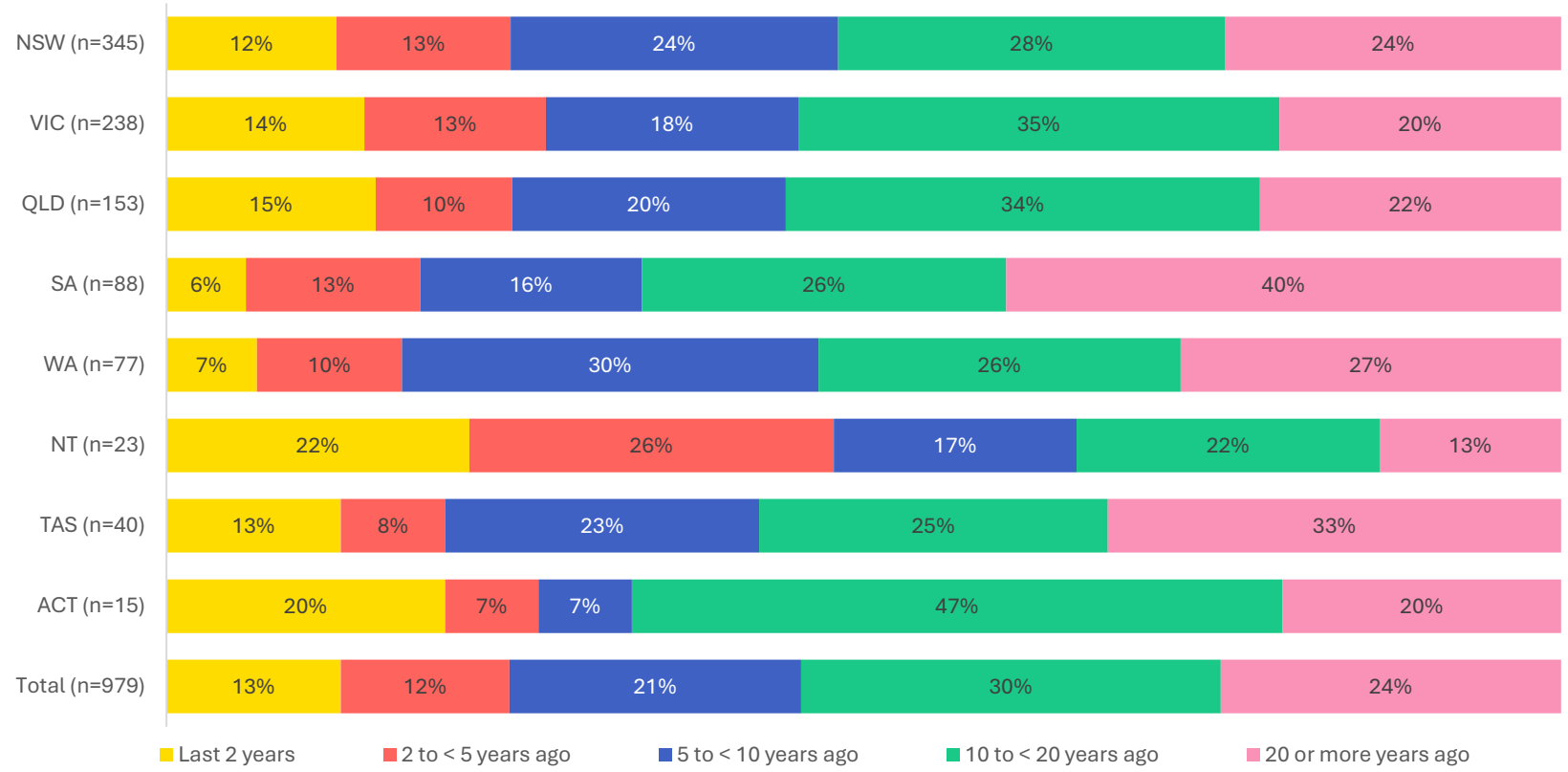


Figure 6 **Length of time since practitioners first delivered legal aid, by jurisdiction**



4.2 Travel to deliver legal aid

Legal aid private practitioners work in various locations, and many travel long distances to perform legal aid work. The largest group of practitioners in the survey delivered legal aid both in and outside of capital cities (37%). Slightly fewer (33%) delivered legal aid work in capital cities only, and a further 30% worked on legal aid cases only outside the capital cities (Figure 7). This differed by jurisdiction (Figure 7). In WA for example, almost half of practitioners were doing legal aid cases both in and outside of Perth, and relatively few (10%) worked exclusively outside of Perth. Figures in the NT were similar, with few focusing on legal aid work outside Darwin, although survey participant numbers were low. In NSW, relatively large proportions worked on legal aid cases outside Sydney only (41%), and in Tasmania, 38% performed legal aid work exclusively outside Hobart.

Private practitioners were asked about the furthest distance they travelled (one-way) to deliver legal aid, and many reported travelling large distances. While the biggest group (42%) had travelled less than 100km, almost as many (38%) travelled over 200km to deliver legal aid. High proportions of practitioners in NT, WA and QLD reported travelling over 200km (Figure 8). The perspective of Deanna, a regional practitioner frequently travelling long distances to deliver legal aid services, and who supports clients with very limited access to the community services they need, is shown in Box 2.

Figure 7 Practitioners working in and outside capital cities, by jurisdiction

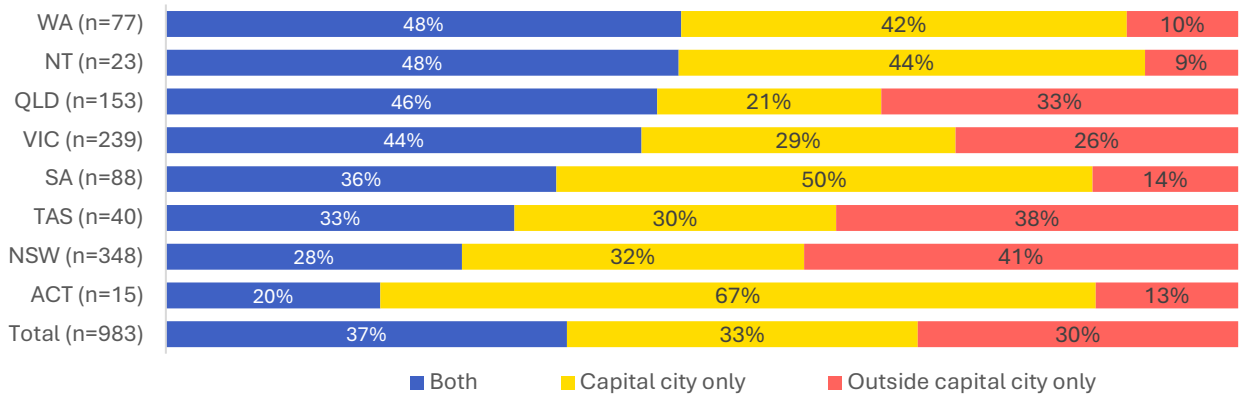
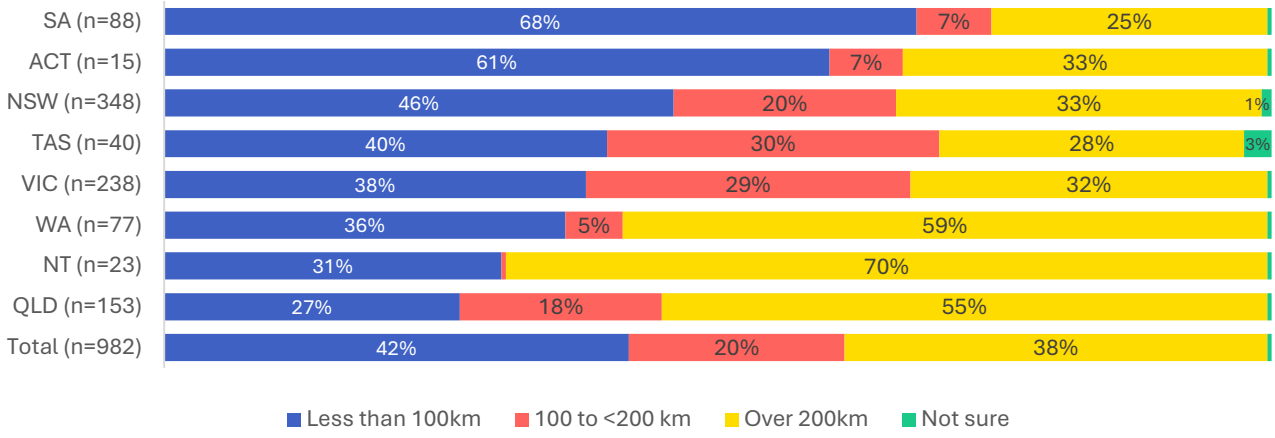


Figure 8 Furthest distance travelled to provide legal aid, last 2 years



Box 2 Deanna's experience of gaps in provision in a regional area

Deanna is a private practitioner in regional NSW. Her small firm is the only local practice taking on legal aid cases, including overflow cases to fill resource gaps for the local Legal Aid office. Deanna is relatively new to legal aid work and focuses on domestic and family violence and family law. Legal aid is around half her caseload. Deanna likes working for a firm with a 'big heart' for the local community and finds it satisfying to keep local families safe. Deanna's firm covers a very large geographic area. Clients face severe housing pressures and difficulties accessing essential services and supports which places additional demands on her legal support:

"...Clients are struggling to find rentals and are forced to stay in the homes with the perpetrator so they don't lose access to their children. Women in particular face this. Those in Aboriginal communities are constantly subjected to supervised visits, drug testing etc however, there is [nowhere] that provide them within 2 hours of where they live. ...The travel time, the complexity and lack of resources means we are spending more time trying to support the client because they have no support. Often I am stopping my work after many free hours of legal work because I can't refer them to find a GP or a lab to test for drugs/alcohol or visitations changeovers."

Deanna is concerned about her firm's ability to continue to do this work in the context of limited funding, and limited community infrastructure which she found impacted profoundly on her ability to focus on the legal aspects of her legal aid work. She observes that her work on complex cases is for a very low hourly rate. Administration takes a lot of time, such as working out invoices and claims, and this is compounded when she needs to help clients find ways to access services and supports. Sometimes, she works late on her legal aid cases "out of goodwill" and does not tell her Principal Solicitor. Deanna calls for better local supports to ensure her legal aid clients can comply with requirements, and higher grants to cover costs of regional service delivery:

"The closest contact centre for supervised visits is 2-3 hours away from our clients and they are booked up 6 months in advance. Hair Follicle Tests are 3-4 hours away and my clients don't understand the process. There isn't enough funding for us to be constantly mediating and communicating to support persons on what our clients need. Also constantly my clients are rejected at the door because they've forgotten documents or need help asking the Nurse which test they should take. We make the time to work smarter. But the truth is our clients are more disadvantaged due to the housing and regional distance. We need more special funding - say 4 hours extra- to claim for special provisions. We don't want to turn clients away but in time we will need to."

She feels strongly that regional Legal Aid private practitioners require additional provisions:

"...We don't want to turn away regional clients but at the same time we are receiving the same funding as those in the CBD. Arguably our clients are more isolated, they have no cars or ability to drive, housing issues, difficulty with reading and writing and yet we are stretched to cover such a wide area with the same funding. In time, we will have to say no to the work. We know that our [local legal aid service] is providing us with their overflow cases because they are inundated. However, soon the finances and hours won't justify us always saying yes."

Deanna likes the work but knows that if she is to continue doing it, legal aid grants must cover her salary. She worries that the Principal Solicitor will make decisions to decline legal aid work.

4.3 Panels and types of legal aid cases

Practitioners were asked whether, in the last 2 years, they had been on a legal aid panel or preferred supplier list that would enable them to work on particular types of cases, and on which types of legal aid cases they had actually worked. Fourteen categories were provided. On average, practitioners reported 3.4 types of panel listings, although they worked on slightly fewer types of cases (2.9). The most common panel listings were family law. This was listed by 54% of practitioners, and 40% had delivered legal aid in the area of family law. Half of practitioners (50%) were on a panel or list enabling them to do domestic and / or family violence work, and 45% had worked on these cases. Figures were similar for summary crimes. Data is shown in Table 3.

Table 3 Practitioners on panel or list, and who worked on cases, in last 2 years

	On panel or list	Worked on cases
Domestic and/or Family violence	50%	45%
Summary crimes	49%	45%
Family law	54%	40%
Indictable or serious crimes	43%	40%
Sexual offences	32%	31%
Youth crime	29%	26%
Child protection	24%	21%
Appellate work	20%	17%
Independent children's lawyer	19%	15%
Mental health law	13%	10%
Other^	5%	3%
Migration law	2%	1%
Housing and tenancy law	2%	1%
Employment law	1%	0%

^Those who specified 'other' types reported a range of types including FDR, mediation, guardianship, disability, criminal law and cross-examination.

4.4 Legal aid in practitioners' caseloads

Some private practitioners do significant amounts of legal aid work, while others do just a little. Figure 9 shows that legal aid is more prominent in the caseloads of practitioners working in small organisations. For those who were sole practitioners, 7% said legal aid work currently comprised 'all' their caseload, while for 39% of sole practitioners, it comprised 'most' of the caseload. Practitioners in medium sized organisations (11 to 20 employees) were less likely to report that legal aid comprised the majority of their caseload, with only 1% saying it comprised 'all' their cases and 18% saying it comprised 'most' of their cases. Figure 10 shows small differences in the role legal aid cases played in practitioners' caseloads, by jurisdiction. Although respondent numbers are small, in the ACT and Tasmania many survey respondents were just doing the occasional case, while there was a relatively high proportion for whom it comprised all or most cases among participants in VIC and QLD.

Figure 9 **Legal aid cases in practitioners' current caseload, by size of organisation (number of employees)**

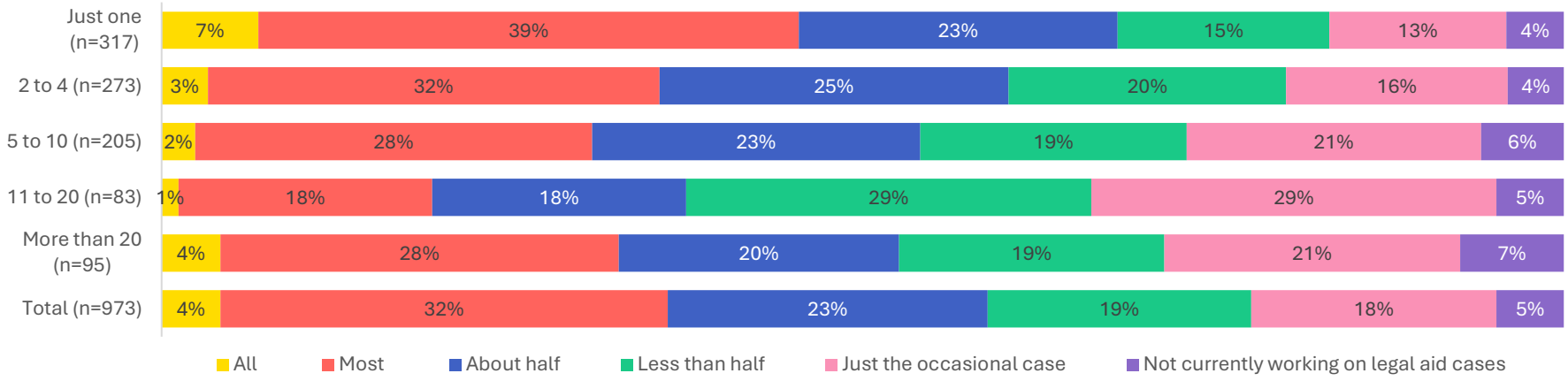
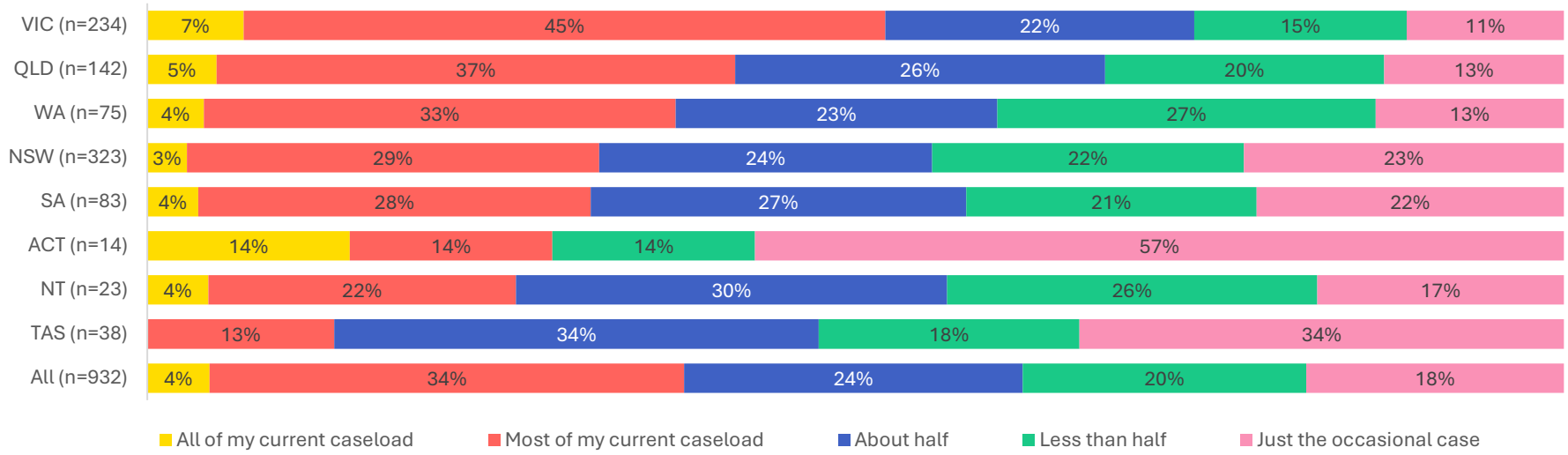


Figure 10 **Legal aid cases in practitioners' current caseload, by jurisdiction**

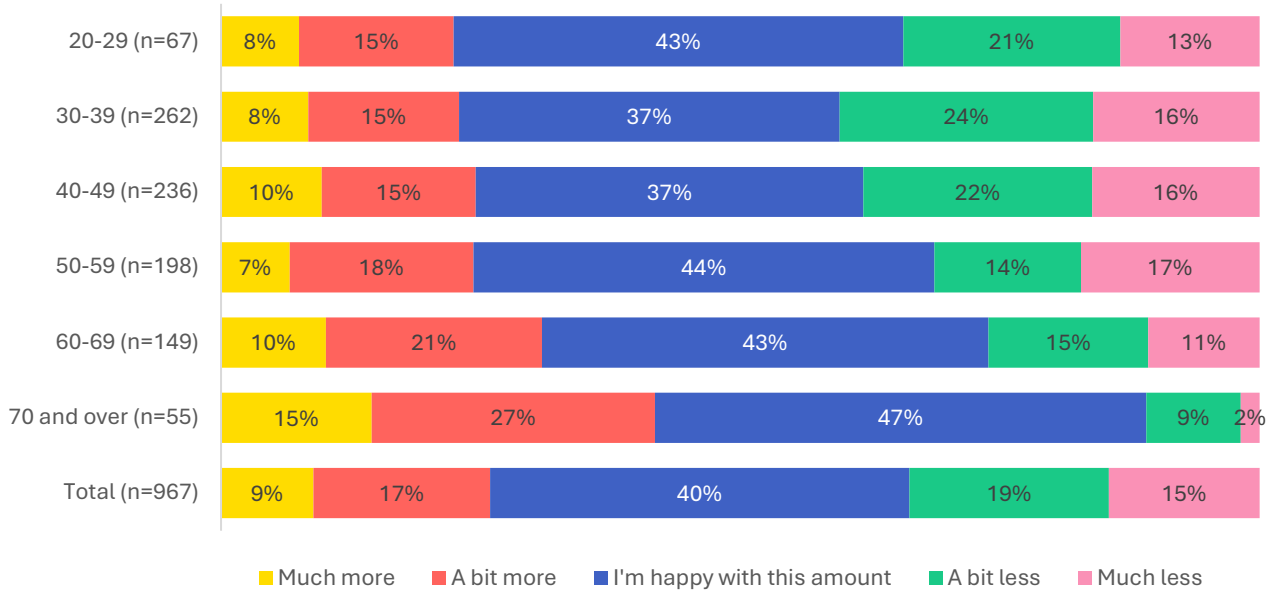


4.5 Preferred amount of legal aid work

For many practitioners, the amount of legal aid work in their current caseload was not their ideal. Overall, 40% were happy with the current amount they were doing (Figure 11, see also Section 4.5.1). The proportion who were happy with their amount of legal aid was fairly similar regardless of how much legal aid work they were currently doing; data in Appendix Table B. 3 shows 44% of those doing 'just the occasional case' were happy with that amount as were 44% of those for whom legal aid formed 'all their caseload' and 36% of those for whom legal aid formed 'most' of their caseload.

Practitioners not happy with their current caseload were split: around a third would prefer less (34%) while 26% would prefer more. In most cases the preference was for 'a bit' more or less rather than 'much' more or less (Figure 11). Practitioners aged in their 30s and 40s were most likely to report that ideally, they would do less legal aid work, while those in the older cohorts were most likely to prefer more. Preferences also differed across jurisdictions (Appendix Table B. 4). Practitioners in NSW were most likely to say they would prefer to do more legal aid work (34%) while those in Tasmania (55%) and WA (43%) were most likely to prefer less (see Appendix Table B. 4).

Figure 11 Practitioners' ideal amount of legal aid work, by age cohort



4.5.1 Practitioners who were happy with their legal aid caseloads

Practitioners who reported being happy with their current amount of legal aid work most commonly said this was because they enjoyed the work, and were able to balance their private and legal aid work with a manageable caseload. However, they often needed to limit their legal aid cases for financial reasons. Reflecting on their caseloads, practitioners' comments underlined considerations of enjoyment and financial sustainability, saying things like:

> I have a good mix of private and legal aid work, enabling me to sustain the business while giving back to the community (Principal, for whom legal aid comprises most of the caseload, NSW)

> This is a sustainable amount which allows my practice to remain funded by fee-paying clients. (Principal, doing just the occasional legal aid case, NSW)

> I enjoy the work, but fees limit how much I can do (Barrister, for whom legal aid comprises less than half of the caseload, NT)

Some practitioners who were happy with their current amount of legal aid work stated why they did not want more. They pointed to low funding levels, reflected in statements like "it's not paid well enough so doesn't make sense to take more" (Lawyer, NSW),"I am happy to do it but can't afford to have it dominate my case load" (Barrister, ACT), and "I don't want to go broke" (Barrister, WA). Practitioners limit their legal aid work to remain financially viable, reflected in comments like these:

> I take on about 3-4 legal aid matters a year now. It is such a high opportunity cost that I can't really afford to do more (Barrister doing just the occasional legal aid case, NSW)

> It's not economic to do any more than this as its tantamount to pro bono (Lawyer doing just the occasional legal aid case, SA)

Some were also concerned to manage their workload so they could ensure a level of quality:

> If any more, I will be overloaded and compromise on quality (Lawyer for whom legal aid comprises most of the caseload, QLD)

Less commonly, practitioners expressed concerns about their personal wellbeing, citing the stress and mental health impacts of legal aid work as reasons they were containing the amount they did, and not pursuing growth, for example:

> Some of my family law parenting legal aid matters are complex due to the number of risk issues and clients are often high needs. Any more cases puts a strain on my workload and mental health. (Lawyer for whom legal aid comprises most of the caseload, NSW)

4.5.2 Practitioners preferring more legal aid work

Among practitioners who said that ideally they would like more legal aid work, the most common reasons related to their commitment to clients and justice, their enjoyment of the work, and the capacity in their practice. A key reason to do more legal aid work was to contribute to the community and help vulnerable clients. In explaining their preference to do more they said things like "I believe everyone in our community should be able to receive legal representation" and "Legally Aided work is often more interesting work, with the ability to have a greater impact on client's experience of the legal system and outcomes". However, positive statements like these were often tempered with recognition that funding and financial issues make it difficult to take up additional legal aid cases:

> We have a strong commitment to social justice and are passionate about providing quality legal aid services, however, we generally lose money on legal aid cases as the

> fees are so low. It is not a sustainable business model. (Principal doing just the occasional legal aid case, VIC)

Others explained wanting to do more as they found it enjoyable and rewarding, for example a Principal Practitioner in NSW stated "I love LA work - it is rewarding. Yes the money is not great, but I love working and helping the community". However, it was common again for practitioners to qualify their positive statements, saying that although they enjoyed the work and wanted to do more, this needed to be balanced with resource considerations, for example:

> I enjoy the Independent Children's Lawyer work and would prefer to do more of this work but the funding is insufficient and I need to balance the work with private family law work for the viability of my firm. (Principal doing mostly legal aid work, SA)

> I prefer legally aided work however currently if you get briefed in a trial and it doesn't run you only get paid an adjournment fee instead of a full day fee. You can't even charge for the prep that you have done. It makes it completely untenable to do the work. Whilst I prefer it, most barristers with experience can't afford to do it. (Barrister doing just the occasional legal aid case, VIC)

Some private practitioners commented that they wanted to do more legal aid work as their practice had capacity to take on more work, with some wanting it to help them expand their practice. A few commented that legal aid work provided some security; a lawyer from NSW described it as "steady and consistent" and a lawyer from QLD similarly saw it to help with "steady cashflow". Others also mentioned certainty of payment by legal aid as a reason to do more, with a lawyer from SA stating: "I don't like having to argue with privately paying clients about their bill".

4.5.3 Practitioners preferring less legal aid work

Among those who would ideally do less legal aid work, comments overwhelmingly focused on financial issues and profitability, with practitioners describing legal aid as 'time consuming' and 'not financially viable', for example:

> Legal aid work has taken over and is not profitable, it is preventing the firm taking on more profitable work and we need to reduce because it is not economical to be doing so much, given the funding is so poor. (Principal whose caseload is mostly legal aid cases, QLD)

> There is no real financial benefit to acting for legal aid clients and they typically have more complicated matters so would never pass a cost/benefit analysis. I consider the legal aid clients a public service as opposed to obtaining any real financial benefit. (Principal, for whom legal aid cases are less than half the caseload, NSW)

> Administration of legal aid matters is significant and the pay rate is 1/3 of what I earn per hour privately. (Principal, whose caseload is about half legal aid cases, WA)

In commenting on the financial challenges causing them to want to reduce their legal aid load, many also mentioned the financial risks associated with slow administrative processes, including around extensions:

> You do not get properly paid for the work you do and the extensions process is time consuming and responses are vague. As a barrister you often have to do the extra work and cross your fingers that you will get an extension (Barrister, for whom legal aid cases comprise half the caseload, NSW)

Financial difficulties were clearly taking a toll on morale, and depleting ongoing commitment. Several practitioners' comments conveyed frustration with current arrangements:

> Legal aid work is exploitative - we are expected to do enormous amounts of highly stressful and traumatising work with compensation that doesn't come close to covering the work that is done. The profound impact on the mental health of professionals is not recognised. Private practitioners carry caseloads well in excess of double in house legal aid employees, and earn less. The system exploits junior lawyers, many of which are women. (Principal, for whom legal aid is about half the caseload, VIC)

Box 3 outlines the experience of Alexis, a barrister who, due to workload and lack of funding, chose to scale down and phase out legal aid work. Notwithstanding the preference of Alexis and others to reduce their legal aid load, practitioners recognise the huge impact that reducing their involvement in delivering legal aid would have on the legal system. As a result, many feel obliged to continue:

> Without me working on these files, it would be enormously difficult for our jurisdiction to run (Principal, ACT)

Box 3 Alexis, an experienced barrister who is phasing out legal aid work

Alexis is a barrister in South Australia who has worked on legal aid cases for over 25 years, most recently she has been working on family law cases and as an Independent Children's Lawyer. Alexis has reduced her legal aid caseload significantly over the last three years as she found doing legal aid work was too costly. She currently has just the occasional legal aid case in her caseload, which she considers to be suitable for now. However she plans to reduce this further in future. She feels well supported by her Legal Aid Commission, finding it accessible and responsive, but states that: "*Engagement is not the problem. Lack of funding is*."

Having lived experience of disadvantage herself, Alexis is committed to assisting disadvantaged people to access justice. However, she feels frustrated that *"the tremendous amount of work involved is simply not compensated."* Because her legal aid work needed to be subsidised by her work for private clients, she decided three years ago to drastically reduce her load from a proportion of 50/50 (legal aid and private work) to 10/90 explaining:

"It was simply not economically viable. I have a family to house and feed."

Alexis plans to shortly finalise existing legal aid matters, and will then completely phase legal aid out of her caseload. She has declared a date from which she will only accept private briefs.

"*Carrying on with legal aid is no longer financially justifiable. If I do 10 hours on a private matter I bill $5500. If I do 10 hours on a legal aid matter I bill $416. By the time I factor in printing, parking, chambers fees etc I am paying to do legal aid work."* She says: "*more funding is desperately needed as I know I'm not the only barrister who now refuses significant amounts of legal aid work*".

5. Working with legal aid clients

Schedule A of the National Legal Assistance Partnership requires that legal services focus on people who fall within one or more of the eleven National Priority Client Groups. The survey asked practitioners which client cohorts they were working with, and how they perceived client need, access and challenges. Responses reflect practitioners' perspectives only. Although they work closely with clients experiencing legal, financial and other difficulties, practitioners inevitably provide only a window onto, and not a definitive account of, clients' experiences.

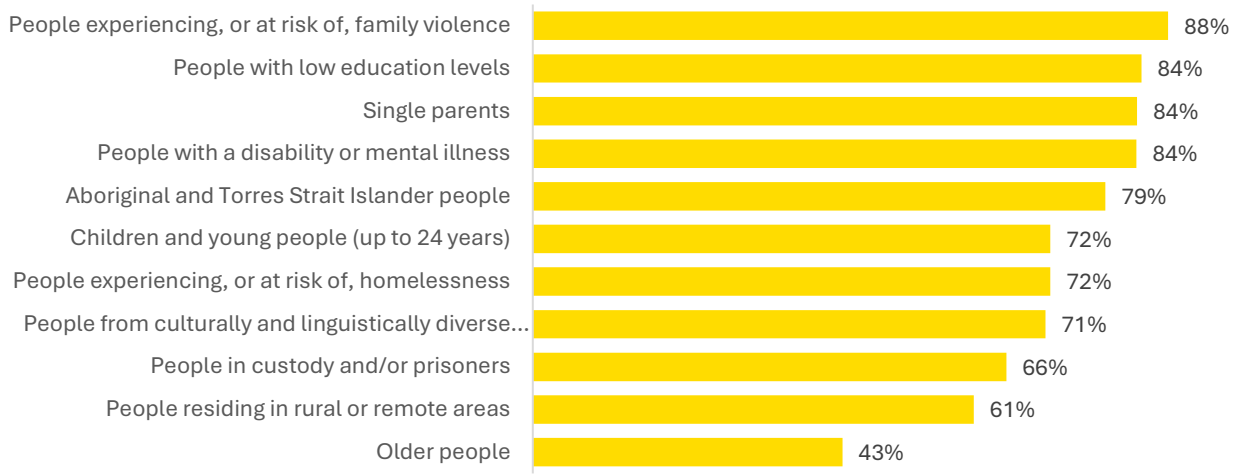
5.1 National Priority Client Groups

To understand the National Priority Client Groups that legal aid private practitioners were working with, the survey asked about the groups they had worked on legal aid cases for, over the last 2 years. On average, practitioners had worked with 7.6 of the eleven National Priority Client Groups, although as would be expected, this figure was higher (over 9.0 groups) among practitioners who were most focused on legal aid, in that it comprised all or most of their caseload (see Appendix Table B. 5).

Although only half of practitioners were on a domestic violence panel (see Section 4.3), the vast majority of practitioners were working with people experiencing or at risk of family violence. Indeed, 88% of legal aid private practitioners worked on cases for this National Priority Client Group in the last 2 years (Figure 12). Differences by gender and age were evident. Very high proportions of female practitioners worked with people experiencing or at risk of family violence (93%) and most male practitioners (80%) were also working with this group (Appendix Table B. 6). Reflecting the gendered age profile of practitioners, younger practitioners, who are a more feminised group than older practitioners, had virtually all worked with people experiencing, or at risk of family violence. This was the case for 99% of practitioners aged in their twenties and 95% of those aged in their thirties, compared with 80% of those aged 60 or over (Appendix Table B. 7).

Large proportions of practitioners (84%) had also worked with single parents, a National Priority Client Group which may overlap with people experiencing or at risk of violence. Again, the proportion of practitioners working with this group was higher among women than men (87% of women compared with 78% of men). By contrast, higher proportions of male (77%) than female (58%) practitioners worked with people in custody, perhaps reflecting higher focus on criminal law, and/or that barristers were more likely to be working with this group than feminised sub-groups of practitioners (Appendix Table B. 6). Some differences in National Priority Client Groups were also evident by jurisdiction, likely reflecting population differences. Overall, 79% of practitioners worked with Aboriginal and Torres Strait Islander people, but this was higher in the NT (91%) and lower among practitioners in SA, TAS and ACT (62%-64%) (Appendix Table B. 8).

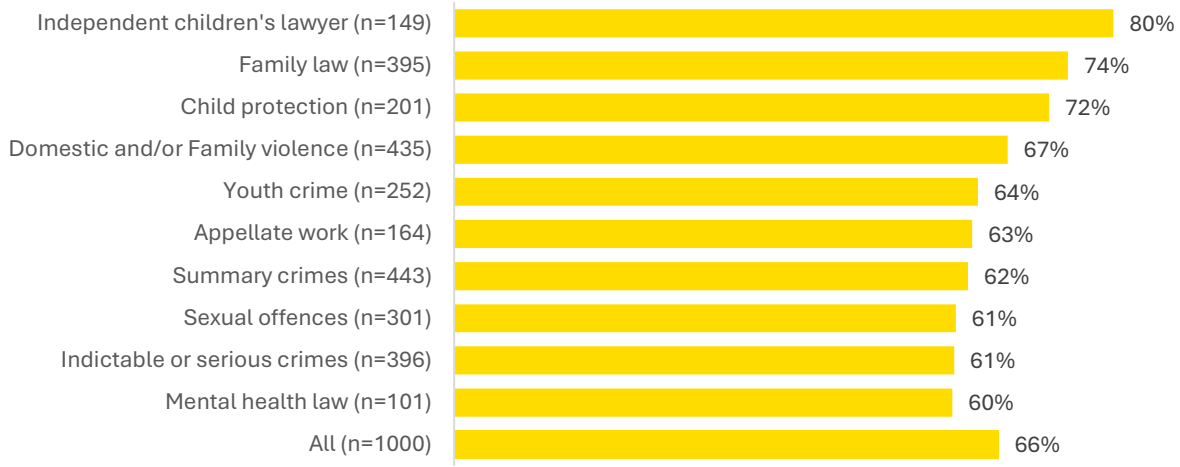
Figure 12 Proportion working with National Priority Client Groups, last 2 years, n=962



5.2 Perceptions of unmet need

Private practitioners were asked about their perceptions of unmet need for legal aid services, and whether they had observed it to increase, decrease, or stay the same over the last two years.[28] Overall, two thirds (66%) reported that unmet need in the community for legal aid had increased in the last two years. This figure was higher among those who had worked on legal aid cases in the related areas of family law (74%), child protection (72%) and who had acted as an Independent Children's Lawyer (80%) (Figure 13). Breakdowns by jurisdiction and gender are in Table B. 9 and Table B. 10 respectively.

Figure 13 Proportion of practitioners who reported that unmet need in the community for legal aid had increased in the last 2 years, by type of cases delivered



Note: Practitioners could nominate multiple categories of cases delivered

[28] Unmet need was asked in general terms, and not specifically defined in the survey, but may relate to people needing legal aid but ineligible, or barriers to accessing practitioners which leaves needs unmet.

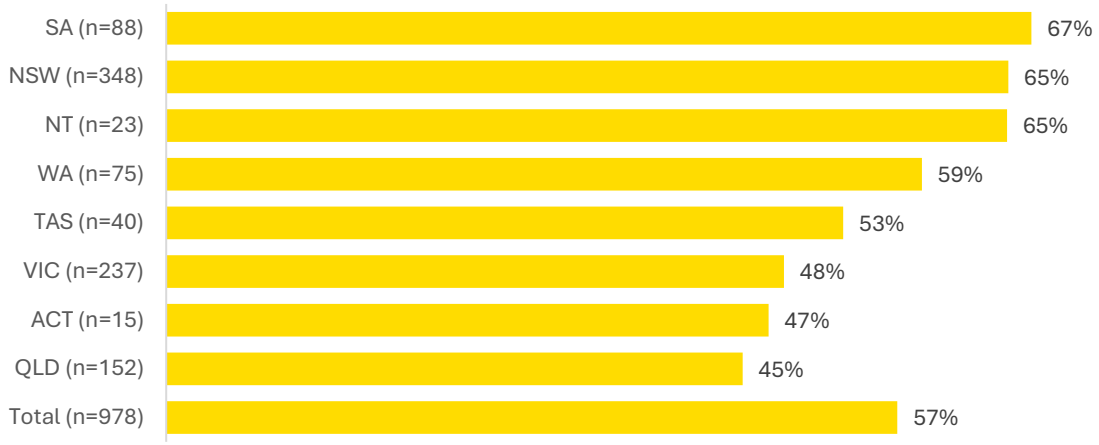
5.3 Perceptions of eligibility and access

To explore unmet need in more depth, survey questions separately explored practitioners' perceptions on eligibility, and on access for those deemed eligible. Many practitioners observed gaps.

5.3.1 Eligibility

As shown in Figure 14, only 57% felt that "People needing legal aid are eligible to receive it" either always or usually, however this ranged from 45% in QLD to 67% in SA.

Figure 14 Proportion of practitioners who reported that "People needing legal aid are eligible to receive it" either always or usually, by jurisdiction



Practitioners left comments in the survey relating to eligibility. Often, they pointed to the poor calibration of means-tests, which were perceived to leave gaps in eligibility for too many clients, and contribute to unmet need. Practitioners said things like:

> The amount that a person must earn to be eligible for legal aid is too low and it does not account for a person's everyday living expenses such as rent, car loans, personal loans. These should be included particularly in the cost of living crisis we are in at the moment. Most average people would not be able to afford a private lawyer and are ineligible for legal aid, there is a huge gap in the market (Lawyer, QLD)

> There is a gap which is increasing - those who don't get legal aid, but can't afford lawyers. Indeed lawyers don't want to act because their fees will take the whole value of the house. (Family Dispute Resolution Practitioner, SA)

> Legal aid means and merits tests should be broadened, as many people who cannot afford legal representation are missing out. (Barrister, NT)

Proving eligibility was also considered difficult in some contexts:

> Quite often, we find that the requirement to provide financial information (including bank statements and payslips) so that eligibility can be assessed itself operates as a barrier to accessing legal aid: these hurdle requirements mean that often, the people

> *most* in need of legal aid aren't getting it, because they can't manage themselves to be able to provide the necessary information. (Lawyer, NT)

Merit test were also seen as problematic for eligibility. Practitioners commented that merit was sometimes inconsistently assessed, and that some community members were granted legal aid despite a lack of merit in their case, while more meritorious cases had legal aid applications rejected:

> The biggest issue is in family law matters and domestic violence. In both types of cases the 'merit' test applied by legal aid sees many people who need assistance not receiving assistance. (Principal, QLD)

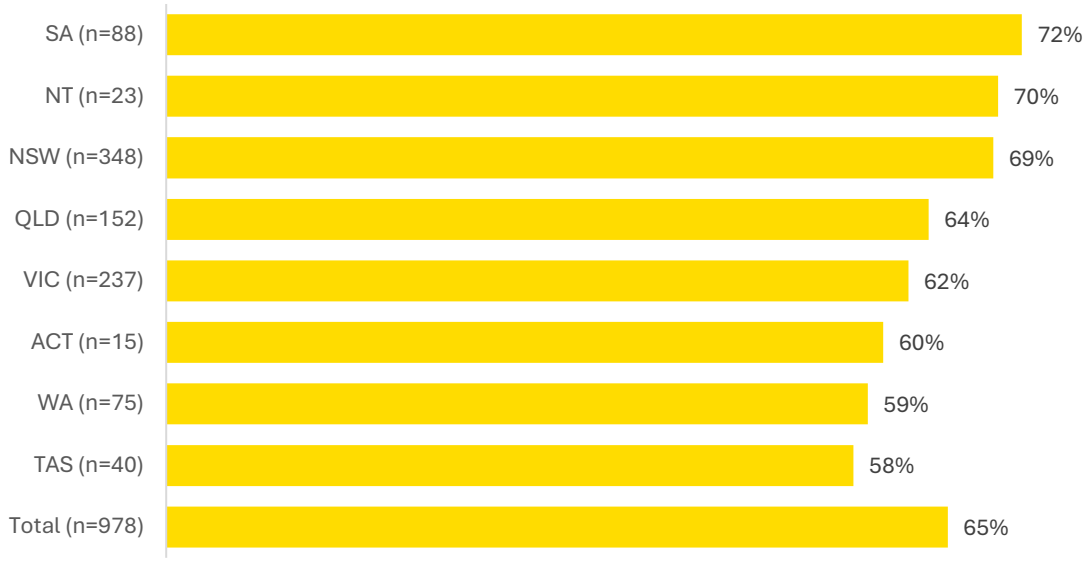
> Time wasters clog the system with people who don't care as they are not paying for the service. While those in real need with real outcomes get knocked back. It's a very poor model of determining merits and needs. (Principal, NSW)

Such problems of eligibility were seen to shut people out of legal aid and exacerbate unmet need.

5.3.2 Access

In addition to asking practitioners about client eligibility, the survey also asked about perceptions of access, for those who are eligible. As shown in Figure 15, 65% practitioners reported that "People who are eligible for legal aid can access it" always or usually. Responses varied across jurisdictions, with higher levels of confidence in access among private practitioners based in SA, NT and NSW. While confidence in access (for clients who were eligible) was higher than for eligibility, less than half of practitioners felt that people needing legal aid were 'always' or 'usually' eligible to receive it in QLD (45%), VIC (48%) and the ACT (47%). Of course, this reflects practitioners' perspectives only, and may not indicate issues of access in the community.

Figure 15 Proportion of practitioners who reported that "People who are eligible for legal aid can access it" either always or usually, by jurisdiction



While there were fewer comments about client access than eligibility, some highlighted how shortages of legal practitioners could be a barrier to client access and contribute to unmet need. This was evident among those working outside the capital cities, for example:

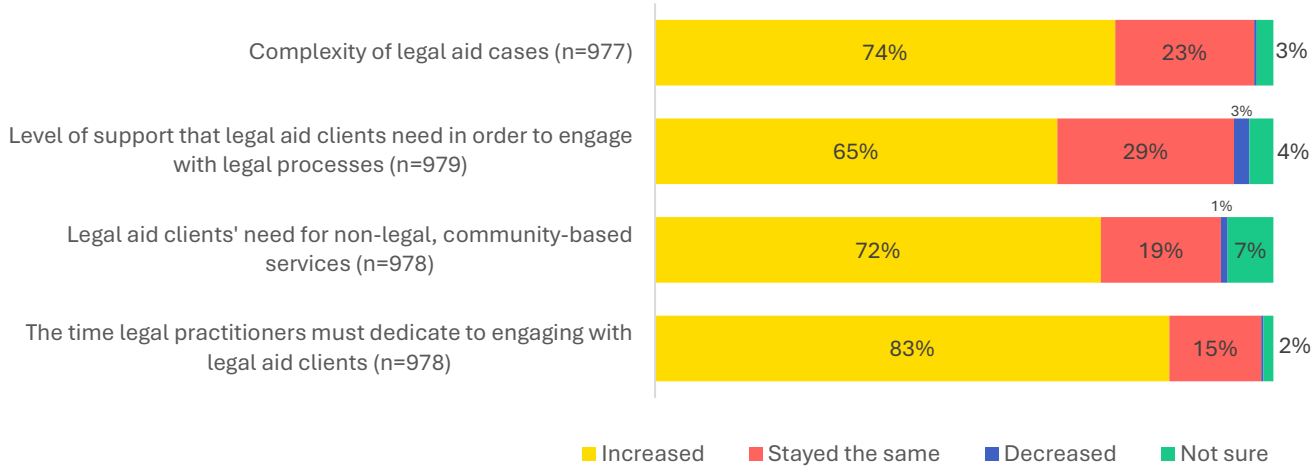
> There are less lawyers in my area of the state who practice in this area and stay practising in this area. So it is difficult to meet the need. (Principal, TAS)

> I work in regional NSW ... and there are not enough solicitors on the panel willing to take on the work, due to amount of work involved and not being paid enough. (Principal, NSW)

5.4 Trends in case complexity

In addition to asking about unmet need, eligibility and access, the survey asked practitioners about their perceptions of changes in client and case complexity over the last two years. Figure 16 shows that most private practitioners observed increases in complexity of cases, level of support required, and time required from practitioners. Around three quarters (74%) reported that complexity of cases had increased. Correspondingly, high proportions of practitioners observed growth in clients' need for other community services (72%), and in the level of support required by clients to engage with legal aid (65%). The vast majority of practitioners (83%) felt the time they needed in order to engage with legal aid clients had grown. Breakdowns by jurisdiction are in Appendix Table B. 9, showing that on all measures, practitioners from NT were least likely to observe client need and complexity had grown. Breakdowns by gender are in Appendix Table B. 10. On each measure, higher proportions of female practitioners observed increasing levels of need and complexity. This may be because of different types of legal aid work that men and women perform, and the different clients that they engage with (for example female practitioners may do more work with women affected by violence). It may also reflect other gender differences in practitioners' exposure or sensitivity to patterns of complexity among clients.

Figure 16 Practitioners who perceived growth in client need and complexity



Practitioners' comments attest to their in-depth understanding of clients' complex personal needs. Many explained the ways clients' non-legal challenges affect their engagement with the law, with legal aid processes, and with the time required of legal aid private practitioners. In particular, the complex non-legal circumstances of legal aid clients meant this work required a substantial amount of time from private practitioners, as these survey participants explained:

> Legal aid client usually have difficulty in understanding the process and have difficulty in providing instructions. Due to the socio-economic positioning they usually have complex legal issues. The vast majority of legal aid clients either have or their partner has had or has drug and alcohol issues and we are more likely to see ADVOs and breaches of same. Due to these issues, the time spent on a legal aid matter and the number of subpoena to be issued can far outweigh that of a private paying client. (Principal, NSW)

> Very complex. [It] takes a lot of time to navigate all their legal and non-legal needs, and often a lot of social work (e.g. calling services, chasing up appointments etc). Often their chances at bail or a good sentence depend on whether you have time to do all of that. (Barrister, Vic)

> The level of support needed for legally aided clients in my view, is much higher than that of private clients. Over the past year, I would say that client needs have substantially increased as our workload has increased, especially for clients affected by drug and mental health issues. (Lawyer, Qld)

Lack of access to community supports for legal aid clients was a major factor shaping demands on practitioners, and their capacity to deliver legal aid efficiently and meet clients' legal needs. Practitioners' comments often underlined client need for mental health, drug and alcohol and other services and supports, which were often unavailable to them. Without these supports, delivering legal aid was particularly difficult:

> Clients are unable to obtain support services and heavily lean on legal practitioners for support. (Lawyer, Vic)

> Access to non-legal supports is a big issue. Many people need access to psychology services that are unaffordable. (Principal, NSW)

> Clients who are in custody have very little access to community-based services or forms of treatment in custody. (Lawyer, Qld)

Importantly, non-legal support services are often assumed by courts, and lack of access for legal clients was seen to contribute to further challenges for practitioners delivering legal aid, and to impede legal processes and outcomes.

Box 4 Trent's experience of working with legal aid clients

Trent is a lawyer in his thirties working in a private practice in Perth and remote locations of WA. Legal aid comprises most of his caseload, he has a strong sense of civic duty and is committed to making a difference for vulnerable people. His recent cases have been criminal, including sexual offences, domestic and family violence, and youth crime, bringing him into contact with all National Priority Client Groups.

Typically, clients are in circumstances of adversity with many experiencing homelessness and mental health issues. He finds cases require time commitment which he finds is not supported by legal aid grants. He is sometimes exposed to violence or threats however the main pressures affecting him include unremunerated work, limited time and resources, worries about financial viability and feeling undervalued. He feels he has strategies for working effectively with vulnerable clients but wants this to be better recognised and remunerated:

"Legal Aid clients are more difficult to deal with than regular clients. I cannot count the number of times a client has abused me or threatened suicide. Nonetheless, I would have no problem with this if there was more time to spend with these more difficult clients and the firm was better remunerated for those efforts."

Trent feels he could do the same work privately and earn triple the income. He faces pressure to work more efficiently on complex and time-consuming cases. To make legal aid viable for his circumstances, Trent approaches his legal aid caseload with a particular mindset:

"Legal Aid work is 'good' provided it is approached with a purely grinding mindset. The emphasis is on fast advice and closing matters, and less on explaining processes, outcomes, or understanding."

"It is extremely difficult to develop any kind of relationship with your client. The case load is and must be high to grind through sufficient matters to earn an income. Anything less than a high case load on low pay ultimately means you cannot afford to pay yourself and the expenses associated with practice. The trade-off of course is that you are spread thin. Everything must be done with pure efficiency and brevity. There is a loss in the quality of service that can be provided as a result."

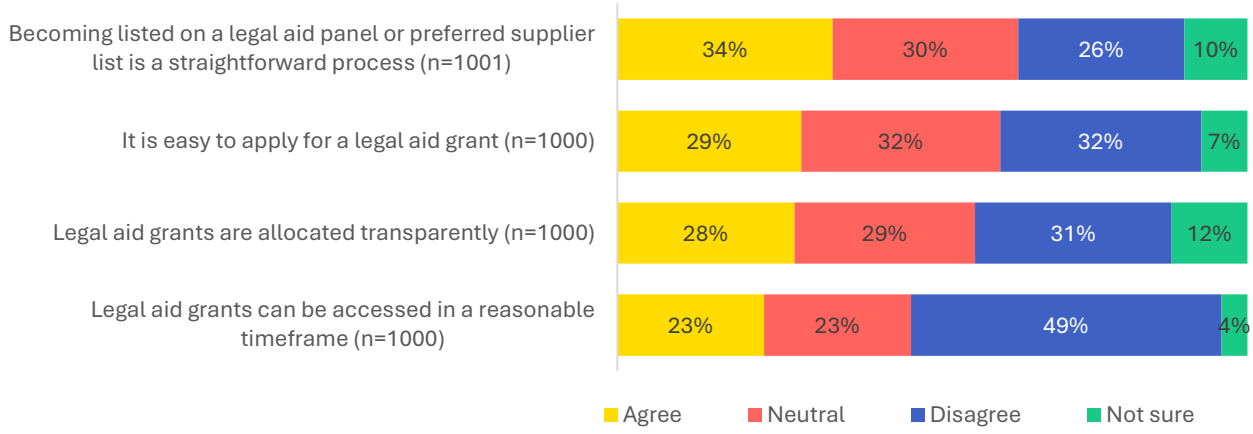
6. Working with Legal Aid Commissions

Private practitioners delivering legal aid are supported via the grants provided by Legal Aid Commissions. Private practitioners must engage with Legal Aid Commissions to obtain grants, and to access information about cases. They may also access professional development and other supports. To explore practitioners' perceptions and experiences of working with Legal Aid Commissions, the survey asked about accessing legal aid grants (sections 6.1 and 6.2), working together (section 6.3 and 6.4), and accessing LAC resources and supports (section 6.5).

6.1 Accessing legal aid grants

Practitioners were asked whether they agreed or disagreed with four questions about accessing legal aid grants. For each statement, large proportions were neutral, and the remainder were split. As shown in Figure 17, while 30% were neutral, a third of practitioners surveyed (34%) agreed that it is straightforward to become listed on a panel or preferred supplier list, and a quarter (26%) disagreed. There were also splits on measures relating the ease of applying for grants, and the transparency of grant allocation. However, a clearer message was evident in terms of timeliness of accessing grants: half of practitioners (49%) disagreed that grants can be accessed in a reasonable timeframe, and less than a quarter agreed (23%). Data by jurisdiction is in Appendix Table B. 11.

Figure 17 Agreement with statements about accessing grants



6.2 Comments on grant application and administration processes

When asked to comment on their experiences of engaging with their Legal Aid Commission practitioners articulated several difficulties regarding grant applications and administration. Some felt processes did not adequately recognise the challenges involved when working with vulnerable clients. This could be reflected in misrecognition of the administrative time required for administration, as a lawyer explained:

> The Commission has good processes for applications but due to the nature of my clients it can be so challenging obtaining Centrelink Income Statements and bank account statements from clients due to them being homeless, on the move, poor education, ill, in hospital, poor literacy and numeracy skills, no communication skills or access to a phone or computer to access or print documents - need to encourage them repeatedly to go to a bank or library or Centrelink, as some clients do not know how to scan or email documents. It all takes more time and so I need to appeal refusals of aid to the Commission due to no paperwork presented on finances and that delays their matters progressing in Courts. (Lawyer, SA)

Underlying this comment was a concern that the time required to complete administrative aspects of the work were not recognised in grant allocations. Concerns that grants were inadequate also underpinned other comments about legal aid administration and processes. The following participant, for example, described how the administration of grants was not well coordinated with court processes, and left them unpaid for essential aspects of their work, such as appearances:

> Legal aid fails to recognise the complexity of certain matters and only provides limited funding. This often results in lawyers absorbing the costs of representing a client such that the lawyer ends up paying part of the costs of representation. There is often a competing obligation between our duty to the court, our duty to the client and the need to cover costs of representing someone. In many instances, appearances beyond the grant go unpaid by Legal Aid, because we as lawyers have a duty to the court to appear. (Principal, QLD)

Some practitioners were frustrated by what they saw to be a lack of flexibility in funding in a context in which they contributed a lot of unremunerated work. This practitioner pointed out that strict rules about grant billing restricted how they could charge and ultimately, contributed to poor responsiveness of some lawyers to their clients:

> Typically lawyers are undertaking a vast amount of unpaid work for the benefit of legal aid clients. Any 'overcharging' in one area to account for a lack of applicable funding in others, where entirely necessary to perform work for the client and meet the standards set by Legal Aid, is punished and required to be accounted for. The net result are lawyers who are unwilling to pick up the phone on any issue which goes outside of the strict rules, knowing full well this time will go unpaid and there is no scope for leniency as to how the matter is subsequently billed. (Lawyer, WA)

Many comments reflect practitioners' concern about lengthy administration processes, and sometimes, the nature of their relationships with Legal Aid Commissions, which could leave practitioners feeling disrespected, for example:

> The application process is cumbersome and out of date. The approvals process is inconsistent. The overall relationship with private practitioners is combative and bureaucratic rather than constructive and solution orientated. (Lawyer, TAS)

> From my personal experience, out of the last dozen applications I have made, in about 1/3 to 1/2 of these applications the Legal Aid Commission grants department have failed to properly determine grants by incorrectly refusing grants, not applying the full grant and giving partial grants, taking excessive time to determine grants, not actually granting what was applied for. Legal Aid fail to recognize time spent when an extension

> is requested for preparation and somewhat insultingly say "we consider the work covered by the existing grant". For example a stage 4 grant in Care allows 5 hours work. The reality is generally 30+ hours of work is required. (Principal, NSW)

Grants applications processes were considered time consuming and non-intuitive, and many practitioners found themselves confused with “different information provided depending on who you speak to” (Principal, NSW). Timeframes were a major issue:

> It is taking longer and longer to get approval for grants, what is funded or considered to be funded under each grant is not clear or seems to change. (Lawyer, QLD)

> Grants cannot be accessed in a reasonable timeframe. I understand everyone has backlogs, but we are sometimes waiting months for grants to be allocated or approved. For example, I waited from November 2023 to May 2024 for a grant to be approved for an existing client. (Lawyer, WA)

> Legal Aid often won't determine applications and extensions for adult rep matters in a timely manner, making it impossible to comply with filing directions from the Court. (Principal, NSW)

Practitioners explained how late responses to grant applications led to unfunded, unpaid work:

> I have often been required to complete the work prior to receiving a response to my application [for an extension], just to later receive a response advising the grant has been denied and subsequently having to wear the [cost of] work already completed. (Lawyer, WA)

> I do ask for extensions sometimes these take many months to be granted by which time I have had to do the work not knowing whether it will be funded or not. (Barrister, TAS)

Addi’s experience with delayed legal aid grants is in Box 6. Others pointed to administrative requirements which did not consider the circumstances of vulnerable clients, undermining their access to justice:

> Applying for extensions of funding is particularly painstakingly slow. Often, we have to chase 3-4 times for a response over a period of months with no acknowledgement or progression of our application. This leaves a significant gap in access to justice, especially given we work in regional areas. Legal aid grants are taking far too long to assess. Requirements to apply and extend grants are often unreasonable when dealing with clients who have mental health, drug and homelessness issues. Refusing an application because a person who has been on Centrelink most of their natural life and has never held a job didn't provide pay slips less than 7 days old is ridiculous. In the case of a summary matter, the resources expended by private firms in chasing up client's financial documentation to even submit an application outweigh the fees payable on the entire grant. (Principal, VIC)

Box 5 Addi's experience of delayed grants

Addi is a principal practitioner in a private practice in NSW who has practiced law for over a decade but only recently worked on legal aid cases. Currently, legal aid comprises most of her caseload. Addi found it easy to become listed on the panel, and to apply for a legal aid grant. Addi's First Nations background and personal experience of disadvantage underpins her strong commitment to ensuring access to justice. In the survey, Addi made several comments about the grants process, focusing on grant adequacy and timeliness. While she finds grants for criminal cases are more reasonable, Addi finds family law work tends to be poorly supported:

Family Law is far too much work for the limited funding available. Often in matters with in excess of 40 large subpoena packets, with two interim hearings and long ADRs, we are severely underfunded. It is costing our organisation funds to remain in many matters in family law.

Timeliness is a major issue. The requirement to commence work prior to legal aid grants being allocated is an ongoing source of frustration, and a cost for the business:

Practitioners should not be made to attend hearings etc prior to funding allocation. Our firm has showed up for a number of matters on the promise of a grants officer that we would "shortly receive a grant" only to be told that either it has not been approved, or in house are allocated, in which case we have to waste further time explaining that the court date has passed, and we have serviced the matter therefore should be allocated the funding. This takes several more weeks. It is frustrating....

She suggests ways administration of legal aid funding could be improved, including the timeliness of grant decisions:

Grants are being approved or requisitioned a lot of the time on the day of a hearing commencing even where we have incessantly tried to push for the determination for several weeks beforehand. Last year I had paid over $25000 in advance for a matter and spent almost three months chasing reimbursement from Legal Aid who had indicated they would "definitely approve it soon". The trial was months, and the funds came through close to the end which left me with a serious cash at hand issue, being a small practice.

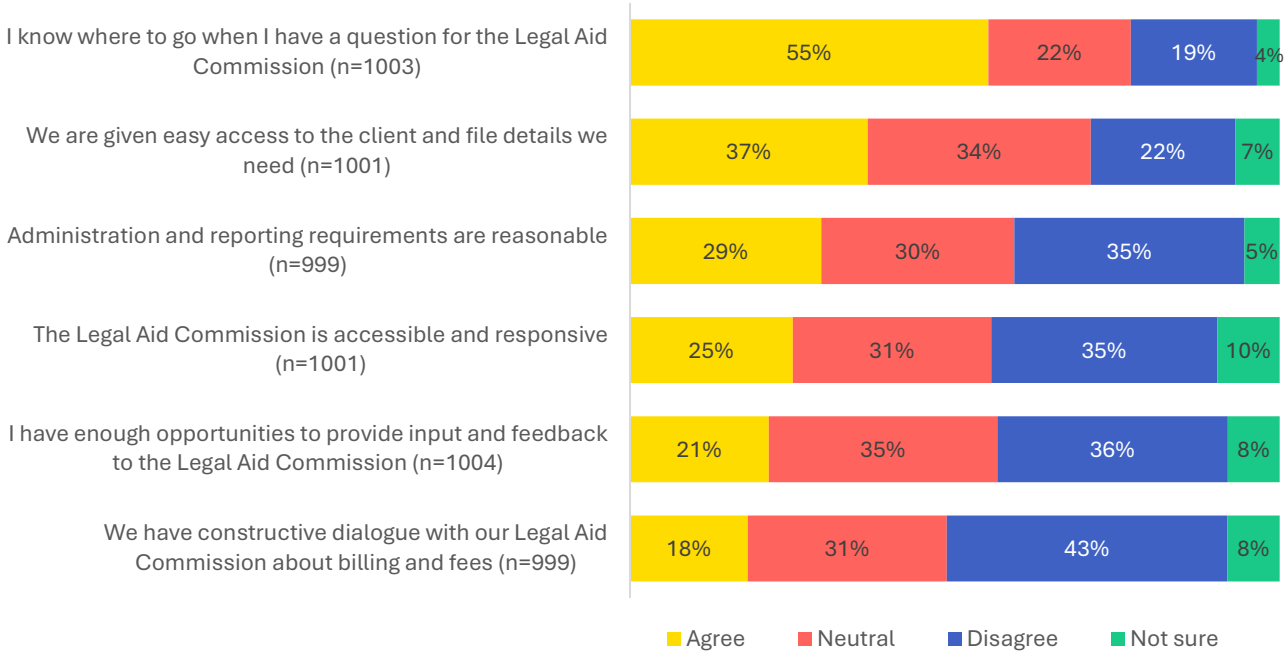
Addi notes that while legal aid grants don't cover all hours or tasks, *"I am not about to leave my vulnerable clients in the lurch due to being underfunded."* However, the firm will need to eventually review whether to continue to service legal aid, due to financial pressure. Addi calls for better recognition of the workload for family law matters, for longer ADR to be funded, and for consistency between Commonwealth and State rates.

6.3 Working together

The survey captured practitioners' perceptions of working with their Legal Aid Commissions, including in relation to information, reporting and responsiveness. Results are in Figure 18, with breakdowns for each jurisdiction in Appendix Table B. 12. As shown in Figure 18, a little over half of practitioners reported knowing where to go when they have a question for their Legal Aid Commission (55%), and while many were neutral or unsure, one in five (19%) disagreed that they know where to go.

On other measures, practitioners were split, with large groups being neutral or unsure. Reflecting room to improve collaboration, only a quarter of practitioners (25%) agreed that their Legal Aid Commission was accessible and responsive, and 29% considered administration and reporting requirements to be reasonable. Only 37% reported being given easy access to the client and file details they need. Also reflecting room for improvement, large groups do not find they have enough opportunities for input and feedback (36%) nor that there is constructive dialogue about financial aspects of their work (43%).

Figure 18 Agreement with statements about working with Legal Aid Commissions



6.4 Comments on working with Legal Aid Commissions

In their comments, several practitioners shared positive experiences of engaging with Legal Aid Commissions. Frequently, these were qualified with recognition that Commissions had to navigate their own challenging resource environment. For example:

> Staff are always great to communicate with, they are responsive and helpful. I think the services are hamstrung by insufficient government funding and staff are working to

> their best abilities to maximise the service. (Principal, NSW)
>
> They do the best they can with impossibly limited resources. (Barrister, ACT)
>
> Through no fault of the staff working there (who are generally wonderful) the funding is never enough - Government funding is not sufficient to meet the demands and needs of vulnerable people wanting to access justice. (Principal, VIC)

However, comments were most often focused on the difficulties of engaging with Legal Aid Commissions. Many mentioned difficulties contacting Legal Aid. A lawyer in QLD for example said "*Emails are often unanswered and missed phone calls are rarely returned. Often very hard to get a hold of by telephone"* while a Principal Practitioner in VIC stated "*There is no person to easily contact when you have a difficult question*." Several mentioned restrictions on when practitioners could contact Commissions which were considered frustrating. For example:

> Their new allocated phone times means I can only ring them in particular hours. This doesn't work as I often will submit correspondence and the wait times are 3-4 business days. (Lawyer, NSW)
>
> I have recently been informed that we can only reach Legal Aid by phone at limited times, which is most unhelpful. They should be available Monday to Friday, 9am to 5pm, like all private practitioners are expected to be. (Principal, NSW)

Another set of comments on working with Legal Aid Commissions related to the quality of information and advice. Some perceived Commission staff to have insufficient experience for the important work they were doing, which required detailed understandings of both Court and Commission processes. Others felt the case information they were provided at the outset of a case did not allow them to efficiently plan and run a case. Frequently, they found documents lacked important file details such as charges or client contact details, or information about a client's history (e.g. mental health reports) which was considered frustrating as it reduced the efficiency of their work. Some practitioners felt there was space for better engagement and dialogue with their Commission, commenting that this survey was the first opportunity to share their views:

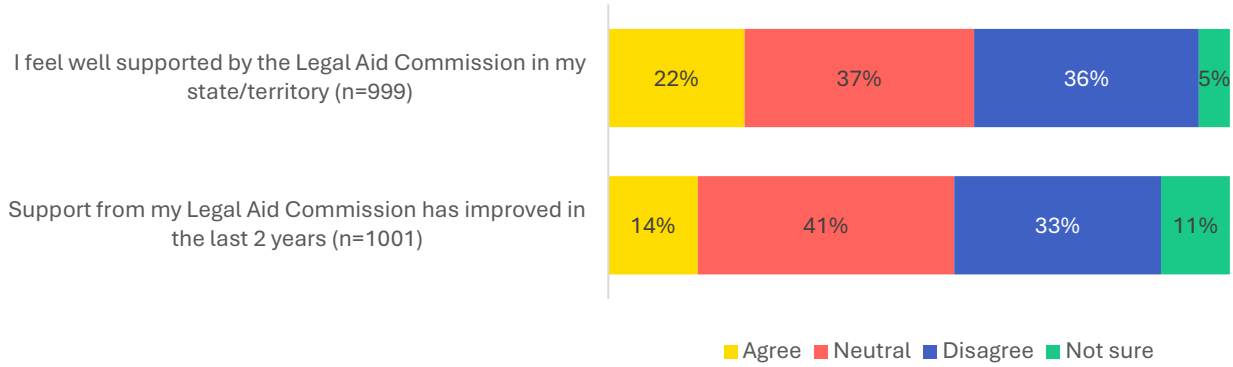
> The fees, although slightly increased recently, are still far too low. There is no option to express these concerns to Legal Aid (until I received notification of this survey recently). Until now, there has not been an opportunity to express my concerns. (Lawyer, QLD)

6.5 Legal Aid Commission resources and supports

To capture practitioners' views on Legal Aid Commission resources, they were asked about perceptions of support for clients, and for practitioners. In terms of support for clients, many practitioners lacked knowledge about the supports provided by Legal Aid Commissions. For example, 51% said they were unsure whether the Legal Aid Commission in their jurisdiction provided non-legal supports, such as social workers, disability officers or cultural liaison officers. This figure was high across all jurisdictions (see Appendix Table B. 13). Overall, a quarter perceived that these supports were not offered by their Legal Aid Commission.

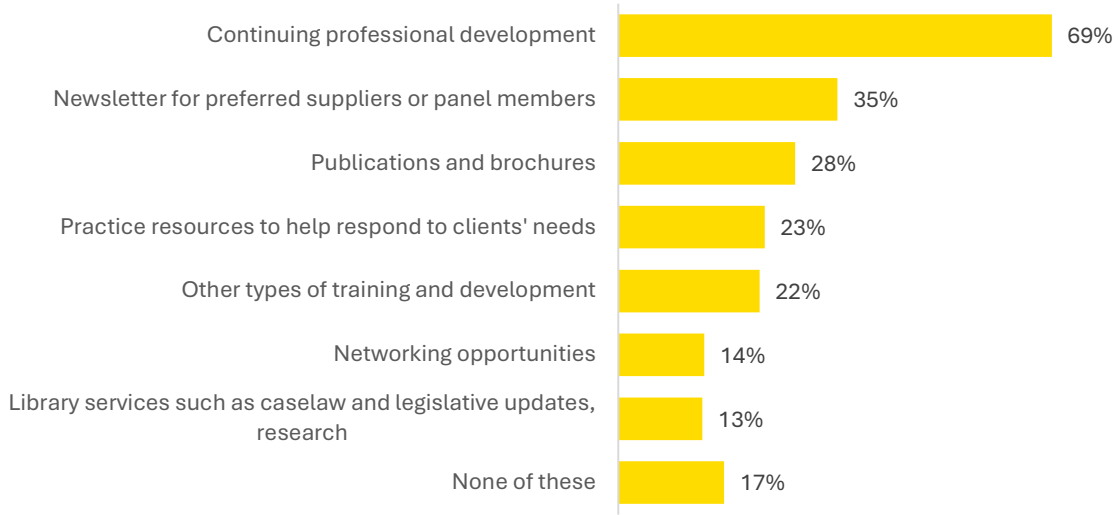
There were also high proportions who were neutral or unsure about supports for practitioners (Figure 19). For example, 42% were neutral or unsure as to whether they felt well supported by their Legal Aid Commission, and half (52%) were either neutral or unsure about whether support from their Legal Aid Commission had increased in the last 2 years. However, large proportions disagreed that they were well supported (36%), and that support had improved (33%) (Figure 19, see also Appendix Table B. 14).

Figure 19 Agreement with statements about Legal Aid Commission supports



To further capture practitioners' experiences of support, the survey asked about the resources practitioners had accessed from Legal Aid Commissions. Results are shown in Figure 20. Overwhelmingly, the most common support accessed was continuing professional development (CPD), utilised by 69% of practitioners, and 22% accessed other types of training and development. Other resources were accessed by fewer private practitioners. Only a third (35%) accessed newsletters for preferred suppliers or panel members, while 28% accessed other publications or brochures. 17% did not access any resources or supports. A breakdown by jurisdiction is in Appendix Table B. 15, which indicates high proportions had not accessed any of these resources in Tasmania, the NT and ACT, however respondent numbers for these small jurisdictions were small.

Figure 20 Resources accessed from Legal Aid Commission (n=1010)



7. Plans to continue delivering Legal Aid

As indicated above, practitioners had mixed experiences of delivering legal aid; some would prefer less in their caseload and many encountered frustration especially in relation to funding levels, administration processes and engagement with Legal Aid Commissions. To understand the dynamics of supply among legal aid private practitioners, the survey asked whether they planned to be doing legal aid work in 12 months. Overall, most (70%) were intending to continue to deliver legal aid, however 20% were unsure and 11% said they did not plan to be doing legal aid work. There was some variation by jurisdiction, with the proportion intending to continue providing legal aid ranged from 48% in TAS to 77% in VIC (see Appendix Table B. 16). Practitioners were also asked about the main reasons for their plans to continue or not, and a mix of responses were given, discussed below.

7.1 Practitioners planning to continue

Of those intending to do legal aid work in 12 months, many said this was because of their strong commitment to contributing to the community, or said they enjoyed the work, and felt it made a difference and was appreciated. They commented that they would continue to do it, saying things like "I believe there is an obligation on professionals to assist in providing access to justice", "I am dedicated to the criminal justice system and legal aid work is an important part of that" and "I have been doing it for that long, it is a part of my career choice". Some underlined the importance of their legal aid work for particular cohorts, such as regional communities, children, and Aboriginal and Torres Strait Islander people. For example:

> I like providing high quality advocacy to Aboriginal clients and those in regional areas generally. (Barrister, WA)

> It is important for the community. Everyone deserves good quality representation, especially children. (Barrister, NSW)

> I love the ICL work I do and am the only practitioner within a 400km radius to be able to undertake the work. I value the role I have within the Court circuits and I know the Bench also appreciate that work. (Principal, VIC)

Others provided comments which elaborated that although they enjoyed delivering legal aid and planned to continue, they needed to consider other factors, namely financial viability. This point was made repeatedly and by practitioners in different contexts:

> I have always wanted to help people - even those without ability to fund their own legal representation. The difficulty is that my outgoings need to be covered and legal aid work does not pay enough for me to accept the number of clients I would like to accept (Principal, NSW)

> I personally enjoy the work, but I am continually assessing its viability for me and my business. (Principal, VIC)

> It is a necessity in a regional area to perform this work. The work itself can be

> rewarding and it is very good experience, it is just difficult to balance this in a firm where financials and billing is important. (Lawyer, QLD)

> I do legal aid matters out of sense of duty and commitment to social justice. But it is always at a cost to the practice (Barrister, NSW)

> We will stay on the panel as it feels like the right thing to do socially, but it is not a commercial decision. (Principal, QLD)

However, practitioners could not always realise their commitment to continue doing legal aid. Sometimes, their ability to continue was beyond their control. Indeed, for those in large organisations, regardless of their personal preference to continue, managers may instruct them to avoid it, and for this reason, it could feel precarious, for example:

> It will be the first thing the bosses will tell me has to go if I get too busy on private work. (Lawyer, VIC)

While the comments above reflect practitioners' commitment to legal aid despite its financial costs, a few practitioners put forward an alternative perspective in that they planned to continue to do legal aid work because it had some financial advantages for their business. This is reflected in the comments below, however, it should be noted that this sentiment was much less common than those who found legal aid financially challenging:

> I like not having to charge people ridiculous amounts of money to represent them, and Legal Aid pays promptly (Barrister, NSW)

> It does assist with steady cash flow. (Lawyer, QLD)

> I run a criminal law practice in a regional area and there is not enough privately funded work in my region to maintain my staff. (Principal, VIC)

Box 6 Nola's commitment to continue legal aid work

Nola is the Principal in a small practice. Aged in her thirties, she has worked on Legal Aid cases for over a decade. She services the Melbourne area, and in the last couple of years has focused on summary and indictable crimes, and appellate work. Currently, legal aid comprises most of her caseload. She can consistently meet demand for legal aid and would be willing to take on more legal aid cases.

Nola works with all National Priority Client Groups and observes increases in unmet need and the complexity of cases she is working on. She has seen vulnerable people find themselves ineligible for legal aid, including single mothers and young people, with lack of legal aid generating further challenges when clients try to self-fund or self-represent in court. Nola is particularly concerned about lack of eligibility among people facing imprisonment for traffic offences. Nola notes that large amounts of unremunerated work are an expectation of her legal aid work.

"There is a significant amount of unpaid court appearances expected by the judiciary but not recognised by legal aid. It is not uncommon to go to court all week on an unpaid legal aid appearance…. I still do unpaid work as a vulnerable/disadvantaged person should still be afforded excellent legal representation"

Nola's commitment to promoting access to justice for disadvantaged people, her acceptance of unpaid work, and her ability to build legal aid grants into her business structure and plans enables her to continue doing legal aid work in coming years. Nola feels other legal practices could more efficiently organise their work so as to fit legal aid into their caseload. She observes that *"It is very apparent in the courtroom on whether a lawyer has bothered to prepare the case for a private vs legal aid client"* and is critical of lawyers who only do the hours covered by legal aid grants, as ultimately, disadvantaged people lose out.

7.2 Practitioners planning to discontinue

Comments from practitioners who were not planning to continue doing legal aid work strongly emphasised the financial aspects of the work. Only a couple of other reasons were given, such as intentions to retire or change employer, and the level of stress involved in legal aid matters. As for practitioners preferring to have fewer legal aid cases in their caseload (Section 4.5.3), lack of funding was by far the most common reason practitioners did not intend to do legal aid work in 12 months. They commented, for example, that "the pay rates are far too low" (Principal, NSW) and "too much work for not enough remuneration" (Principal, QLD). A principal practitioner said:

> Legal aid work feels like it is essentially pro bono work. Our firm makes a significant loss on lawyers working on legal aid matters and for that reason, we take very little of that work on anymore. (Principal, TAS)

Some practitioners elaborated further, explaining the ways legal aid work was not financially viable in

the context of their personal circumstances and organisational context. In doing so, many pointed to the time commitment required to deliver legal aid:

> Having reviewed my own firm's income, less related expenses on legal aid files and the time commitment required to service those files, I have discovered that legal aid files have taken up close to 40% of my time and have contributed around 3% of my income for a financial year. These files are now only taken on for altruistic reasons. (Principal, VIC)

> It is too much of a drain on my time, energy and money. I lose money doing legal aid work as I am often not paid for time I spend working on legal aid jobs but I still have to pay my office rent, part-time receptionist's wages and other costs. The time I spend in Court waiting around for my legal aid matters to be reached means I am not able to undertake paying work in my office. (Principal, NSW)

Legal aid work became difficult to sustain when practitioners found they could not balance it with higher paying, private work, for example:

> I work part time, 3 days per week, there is not enough time in my work week to make up for the deficit in renumeration for legal aid work with private work, particularly because complex cases mean that the work required properly represent the client far exceeds the grants of aid. It has substantially affected my ability to meet budget. (Lawyer, TAS)

Practitioners who were unsure about their plans to be doing legal aid work in 12 months similarly emphasised how financial considerations were key to their decision making, and were generally pessimistic about their likelihood of continuing. For example:

> I would like to continue to do legal aid work. However, I'm not sure if I can justify it financially because I am busy with other work which is more rewarding financially (Principal, WA)

> Depends on what other private work I have available to me at the time. I will always prioritise private fee paying clients over legal aid cases. (Principal, ACT)

> Going broke doing the work. My legal aid clients take about 80% of my time for about 5% of my revenue (Principal, NSW)

Box 7 Paul, a lawyer planning to stop delivering legal aid

Paul is a sole practitioner in a regional area of SA, with over a decade of experience of legal aid work. He focuses on family law, and works hours that fluctuate which helps to accommodate his care responsibilities for a family member with chronic illness. Legal aid comprises most of his caseload. He would prefer to do less legal aid work, and in fact, is considering leaving the legal profession altogether, but has found it difficult to make time to '*switch off being a lawyer long enough to contemplate other options'*. Paul feels unable to continue working as a sole practitioner taking on the current volume of legally aided work at present rates, which he describes as 'modest remuneration' which does not offset the stress, administration and overheads involved in the work.

Paul finds that legally-aided cases are "*not commercially viable on their own and need to be supplemented with a lot of private work. Unfortunately, this then bears on the issue of work/life balance, which is especially critical as a sole practitioner."*

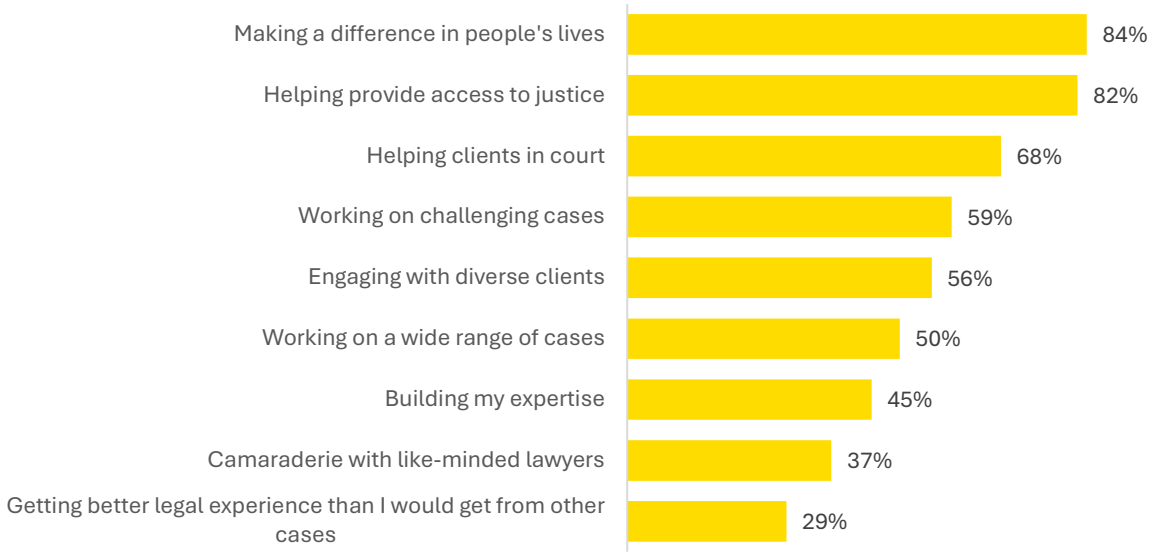
Having recently completed his 2023-24 tax return, he is aware of his low annual earnings and laments that this was because he was so heavily occupied with legal aid work. He implores government to increase funding*:*

The funding available in Legally Aided cases is virtually nothing relative to the actual time expenditure. Some cases can easily run into hundreds of hours, almost entirely pro-bono and [there is] no real way to gauge in advance whether a case will become a disproportionate drain. This is not a criticism of the Commission, as funding is the result of state and federal government priorities. The Commission, like the panel lawyers, does what it can with what is available.

8. Satisfying aspects of legal aid work

As indicated above, private practitioners have a mix of experiences and although often their comments focus on challenges of delivering legal aid, many enjoy it and find it a highly satisfying way to contribute to clients and communities. The majority intend to continue in the coming year. To more deeply understand why, questions were asked to identify the satisfying aspects of legal aid work. Specifically, the survey asked private practitioners to select which aspects of legal aid work, if any, they found satisfying. Provided with a list of nine potentially satisfying aspects, private practitioners selected five, on average. Responses reflect their strong commitment to clients and communities. As shown in Figure 21, the most common aspects found to be satisfying were 'making a difference in people's lives' (84%), 'helping provide access to justice' (82%) and 'helping clients in court (68%).

Figure 21 Aspects of legal aid work that practitioners find satisfying (n=1010)



Comments on the satisfying aspects of legal aid underline practitioners' strong sense of making a difference to their local community, and to people experiencing disadvantage. For example,

> A fantastic element of the work is the opportunity to support clients to feel heard in the sharing of their experiences of trauma and to then be able to support them to receive safer and more just outcomes through the legal process than would otherwise have been possible. (Principal, VIC)

> It's just great getting a good result for someone who was facing the meat grinder. (Principal, NSW)

> Providing the most vulnerable and most disadvantaged members of our community with a voice through our advocacy. A voice that has never been heard before. (Principal, VIC)

Other satisfying aspects mentioned by practitioners included seeing their contributions "allow a matter to progress better"; "Helping people get help and break the cycle of criminal behaviours no

matter how long their criminal history is" and "improving outcomes for families in the family law and child protection systems". Responses like these were strongly focused on quality service for clients:

> As a CLC being able to apply for a grant of aid means continuity of service for our clients throughout their proceedings and beyond a duty lawyer experience which is therapeutic practice. (Lawyer, VIC)

Private practitioners appreciated that legal aid work gave them opportunities to work on cases and engage with the legal system in ways that provided experience but which might not otherwise be available to them:

> Being able to practice in an area of law that is rarely privately funded. (Principal, QLD)

> The primary benefit Legal Aid provides is Courtroom experience. Few private clients can afford to proceed to a trial. (Lawyer, QLD)

> Legal Aid work is valuable to me because I am using my skills and experience to assist the most vulnerable members of our society. It is not financially rewarding but the work itself is rewarding. (Barrister, NSW)

Legal aid work could also be a source of pride for organisations, although it was demanding:

> The work is incredibly demanding and exhausting. We put everything into our advocacy for our clients. We achieve amazing results.... ...We are very proud of our achievements and due to our hard work and dedication to our clients we have developed a great reputation and respect within the judiciary and the community. (Principal, VIC)

While the point was not made frequently, a barrister pointed out the potential long term material benefits for private practices in addition to 'intangible rewards', in that clients previously assisted with legal aid funded matters tended to return to the practice years later, bringing other business. As such, it was considered important to keep legal aid work local:

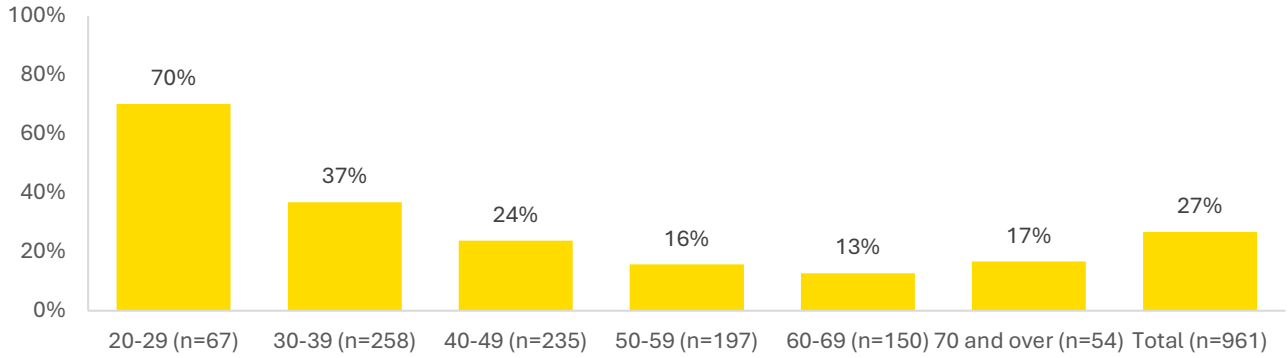
> In country and regional areas, where connections are closer, legal aid and pro bono work is done because we know people in the community need help. For all lawyers, city and country, the loss is offset by the intangible rewards. For solicitors, the loss is also offset by the client returning with their non criminal legal difficulties (divorces accidents wills and estates etc). When criminal work is diverted away from local solicitors by legal aid it also drains non-legal aid work out of the area. (Barrister, SA)

8.1 Sources of satisfaction among younger practitioners

The aspects of legal aid work that were considered satisfying varied for different groups of practitioners, including by age, with younger practitioners expressing some different perspectives from older, more experienced practitioners. Practitioners aged in their twenties and thirties were most likely to see legal aid as helping them advance their career (see Figure 22). Relatively high proportions of younger practitioners indicated that building expertise and experience were satisfying aspects of their work. As shown in Figure 23, 85% of practitioners aged in their twenties, and 62% of those aged in

their thirties selected 'building expertise' as a satisfying aspect of legal aid work, which was higher than the proportion among older cohorts. Similarly, high proportions of practitioners in their twenties considered 'getting better legal experience than I would get from other cases' to be a satisfying aspect of legal aid work, along with 'working on a wide range of cases' (Figure 23). This underlines the importance of legal aid work in providing experience and career opportunities to more junior practitioners and providing foundations for building legal careers.

Figure 22 Agreement that "Legal aid work helps me advance my career", by age



The importance of legal aid to junior practitioner was also evident in some comments about doing legal aid work, for example:

> Legal aid work does help to grow young practitioners and give them advocacy experience in court. (Principal, NSW)

> For practitioners starting out in their career, it creates an excellent foundation of experience of case managing files and preparing for and attending Court events. It will make you a better lawyer. (Lawyer, QLD)

However, survey participants were also conflicted about the use of junior practitioners, feeling it gave legal aid clients less experienced service, for example:

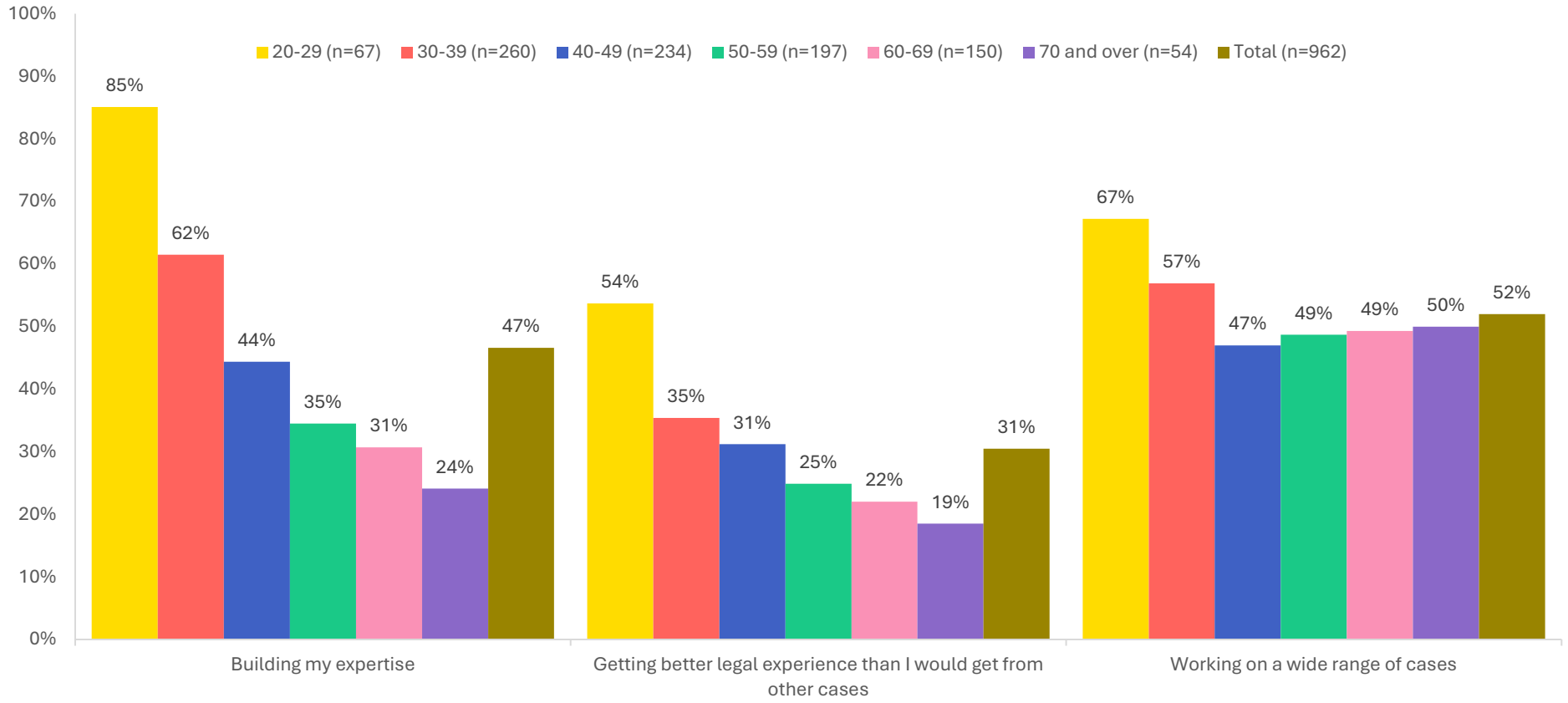
> Senior practitioners are not able to meet targets so junior practitioners end up with all the legal aid files meaning legal aid clients have less experienced counsel for their often complex matters (Lawyer, VIC)

> It is incredibly difficult work. As a senior practitioner, I am experienced enough to run the complex matters but I know some firms get their juniors doing legal aid work. There are times when I think, they aren't experienced enough to be juggling the demands of this case. Their client is not getting the advice they deserve. (Principal, VIC)

Others pointed out that junior practitioners have additional needs for supervision and support, which can constitute a cost for organisations:

> It is difficult to support younger lawyers in the firm to do Legal Aid work. We can only afford for one practitioner to do Legal Aid work. It is not just a fee issue but younger practitioners need supervision and in small to middle size firm this is not viable, where a director is already working very hard to meet targets when reasonable component of their practice is Legal Aid work. (Principal, WA)

Figure 23 Proportion who reported that aspects of legal aid work were satisfying, by age



9. Challenging aspects of legal aid work

Given that many practitioners are looking to reduce or cease their legal aid work, closer examination of the challenging aspects of legal aid work is warranted. The survey asked about the personal challenges practitioners encountered in their legal aid work (Section 9.1) and perceptions of any 'slight' or 'significant' barriers to their organisation taking on legal aid work (Section 9.2) including in larger practices (Section 9.3). As many practitioners found funding and financial issues to be the most challenging aspects of their work, resource issues are covered in Section 9.4. Case-related challenges are covered in Section 9.5.

9.1 Aspects considered personally difficult

The survey asked about various aspects of legal aid work that may be considered personally difficult, covering aspects related to resources, cases, and other aspects of legal aid work.[29] Practitioners were able to select from a list and state any other difficulty, in their own words. Results are depicted in Figure 24. The three most frequently selected difficulties relate to resource issues (coloured in red in Figure 24). These were:

- Having to perform unremunerated work (considered difficult by 85% of practitioners);
- Trying to do quality work with limited time and resources (considered difficult by 77%); and
- Worrying about financial viability for the organisation (62%).

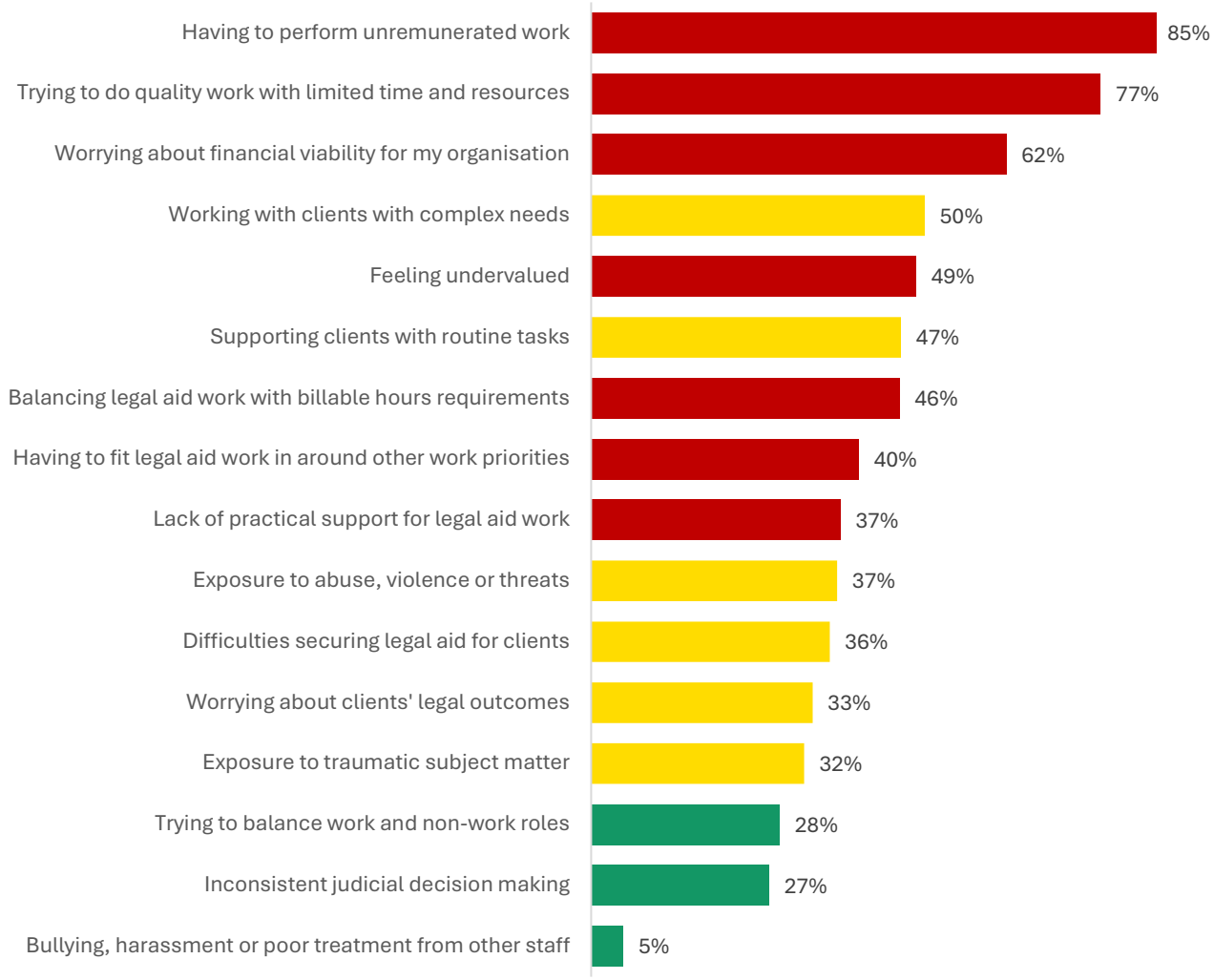
Some case-related factors were also found to be difficult by many practitioners. Half (50%) considered working with clients with complex needs to be a difficult aspect of their legal aid work, and 47% found supporting clients with routine tasks to be difficult. 37% considered exposure to abuse, violence or threats to be difficult, and around the same proportion encountered difficulties securing legal aid for clients. One in three (33%) worried about legal outcomes for clients, and 32% found exposure to traumatic subject matter to be difficult (Figure 24). Other difficulties were less prominent.

Some gender differences in perceived difficulties were evident. In particular, the average number of difficulties reported was higher for women than men (7.7 compared with 6.5) and higher proportions of women than men identified each item as a difficulty (see Appendix Table B. 17). For resource related difficulties, there was a large gap in the proportion of women and men who said worrying about the financial viability of their organisation was a difficulty (70% compared with 57% of men). Women were also more likely to report feeling undervalued (55% compared with 44%) (Appendix Table B. 17.

[29] *Resource related challenges* included: Lack of practical support for legal aid work (e.g. administration, research); Trying to do quality work with limited time and resources; Having to perform unremunerated work; Balancing legal aid work with billable hours requirements; Worrying about financial viability for the organisation; Having to fit legal aid work in around other work priorities and Feeling undervalued. *Case related challenges* included: Working with clients with complex needs; Supporting clients with routine tasks (e.g paperwork, turning up to court on time); Exposure to abuse, violence or threats; Exposure to traumatic subject matter; Worrying about clients' legal outcomes; Difficulties securing legal aid for clients. *Other difficulties included*: Inconsistent judicial decision making; Bullying, harassment or poor treatment from other staff; and Trying to balance work and non-work roles.

Importantly, much higher proportions of women than men said a personal difficulty was exposure to abuse, violence, and threats (46% of women compared with 27% of men). There was also a gender gap in the proportions reporting that 'exposure to traumatic subject matter' was a difficulty, this was reported by 40% of women and 23% of men (Appendix Table B. 17). Breakdowns by jurisdiction are in Table B. 18.

Figure 24 Aspects of legal aid work that practitioners find difficult (n=1010)



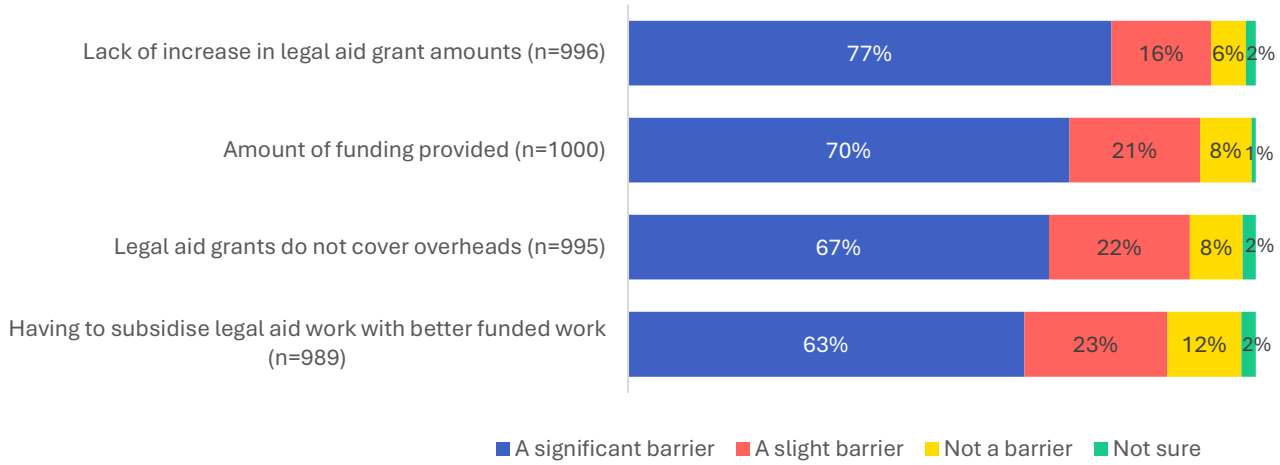
Note: Resource difficulties are red, case-related difficulties are yellow, and other difficulties are green.

9.2 Barriers to organisations doing legal aid work

In addition to asking about personal difficulties and barriers to doing legal aid work, participants were asked about any barriers encountered by their *organisations*. Many observed barriers and challenges; indeed, only 44% agreed with the statement "legal aid work is good for my organisation". Resource-related barriers were most commonly identified (Figure 25). Most practitioners reported that each of these resource issues were barriers to their organisation doing legal aid work, in most cases they were considered to present a 'significant barrier'. Lack of increase in legal aid grant amounts was considered a significant barrier by 77% of practitioners and a further 16% considered this a 'slight'

barrier. Large proportions also pointed to the amount of funding provided, and lack of coverage of overheads in the organisation, as barriers to doing legal aid work (Figure 25).

Figure 25 Extent to which resource issues were seen as barriers to doing legal aid work

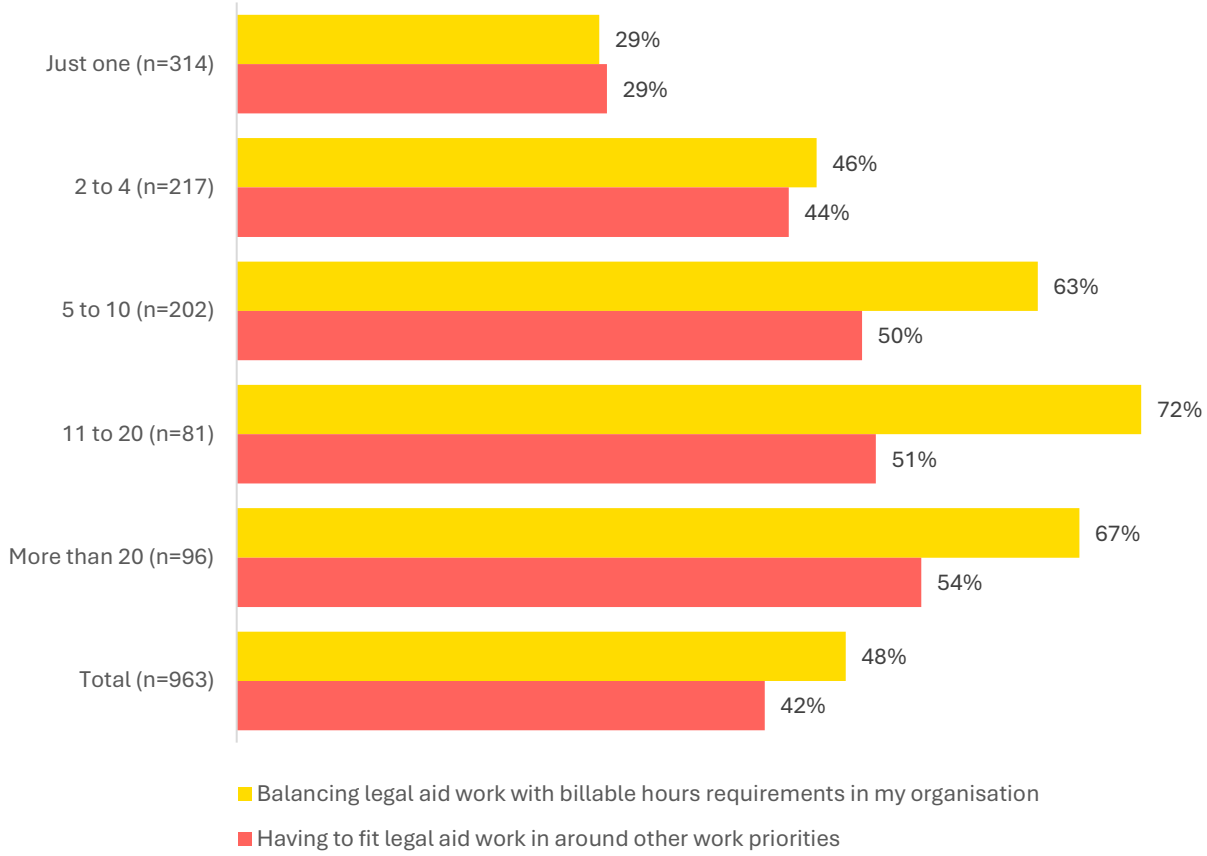


Reinforcing these findings, 74% agreed with the statement "Legal aid cases are costly for the organisation". Agreement was higher among those for whom legal aid cases were only a minor part of their caseload (Appendix Table B. 19). For example, 85% of those doing just the occasional case agreed legal aid cases were costly for the organisation, compared with 53% of those whose caseload was comprised solely of legal aid cases. This indicates that those finding legal aid work to be costly tend to do less. However, even among those doing a lot of legal aid work, over half said it was costly for the organisation: 53% of those doing a full caseload agreed it was costly, as did 64% of those for whom legal aid comprised the majority of their caseload (Appendix Table B. 19). While some practitioners will perform legal aid despite the financial impacts, costs do appear the major constraint on willingness to accept large amounts of legal aid work.

9.3 Challenges in larger practices

It is also important to note some particular challenges for practitioners in larger organisations. Two resource related difficulties were particularly common among those in larger organisations: having to fit legal aid work in around other work priorities, and balancing legal aid work with billable hours requirements. This is depicted in Figure 26. For both items, 29% of practitioners working in sole-practitioner organisations agreed with the statement. However, figures were higher in larger organisations. Very high proportion of practitioners in larger organisations found it challenging to balance legal aid work with billable hours requirements: 72% in organisations employing 11-20 staff and 67% of practitioners in organisations with more than 20 staff. Fitting legal aid around other priorities was also more challenging in larger organisations, with 54% finding it difficult in organisations with more than 20 staff. On the other hand, those in larger organisations tended to have better access to legal supervision and guidance (see Appendix Table B. 20).

Figure 26 Proportion who reported difficulties balancing legal aid and other work, by number of paid staff in their organisation (n=963)



9.4 A closer look at funding and financial challenges

As shown above, questions about personal difficulties in legal aid work, and barriers to doing legal aid work for organisations, emphasised challenges relating to resourcing, including insufficient legal aid funding, lack of increase to legal aid grants, pressures on practitioner time and quality, and unremunerated work. These resource challenges were also reflected in the correlation between agreement with the statement "Legal aid cases are costly for the organisation" and the amount of legal aid work performed. That is, where practitioners perceived legal aid cases to be costly, they were much less likely to have high legal aid caseloads (Appendix Table B. 19). Resource challenges also featured prominently in practitioners' comments. Indeed, resourcing was the most common source of dissatisfaction with legal aid work mentioned by practitioners. Survey participants listed multiple ways in which legal aid funding was too low. For example,

> The increasing complexity, time required to complete legal aid files, the pay that has not kept up with inflation and the grants that are inadequate are making it really difficult to justify continuing doing legal aid work. e.g. I was paid 8 hours for a conference that ran for 10 hours and was paid no preparation. This was an improvement from the 5-hour grant I was previously paid to attend a 9-hour conference. (Lawyer, QLD)

Participants explained that the remuneration for legal aid work does not cover the cost of the cases. Often, this was because of Commission's rules about what can be funded or not, and in what quantities, although some differences between types of proceedings were noted. Lack of payment for travel was an issue for some, for example:

> I was recently offered an indictable matter in a distant town but subject to a request that I take on the case without the travel allowance or km rate. I found such a request objectionable (Principal, NSW)

> I have to travel inter-state or intra-state for trials and Legal Aid will only pay a proportion of my travel and accommodation expenses. It is tough to absorb the cost of hotel/motel (I am sorry I am just not prepared to stay in a BackPackers Hostel in shared bunk accommodation) because Legal Aid pay only a certain amount - please do catch up with the cost of accommodation in regional areas! (Principal, QLD)

Additional costs were incurred to comply with audit procedures:

> The last audit I had, my Office Manager spent three full days collating the information and responding to queries about files. I did not receive any remuneration from Legal Aid for the audit process. (Principal, WA)

Frustration was evident in some practitioners' comments, who explained that the full range of costs associated with their cases were not adequately covered:

> Honestly, Legal Aid work is seen primarily as charity work. It is stressful, difficult, and increasingly complex. The lack of funding and ability for Legal Aid to allocate further funds or grants for clients who need mental health reports, or further funding for preparation on a complex fee, leaves practitioners feeling as though being a legal aid preferred supplier is indentured servitude. (Lawyer, QLD)

Meeting court expectations

Often, the requirements of the case, and the courts, were considered inadequately covered by legal aid grants. Practitioners found that more tasks and time were required to run cases properly, and to meet the requirements of the court. They explained, for example:

> The hours that go into a legal aid file are not compensated equitably. For example, there is no funding to instruct Counsel but you often do it because that is the right thing to do and Counsel does not have the background you do in family law matters. (Principal, VIC)

> It is difficult when you spend all day in court on a legally aided hearing and then get not reached. You have been six hours in court and you do not get paid one cent for that time because you only get paid for the time the matter is before the magistrate. (Principal, NSW)

Many pointed to the ways that court or mediation expectations and procedures could be at odds with legal aid funding rules, for example:

> There are significant gaps in available funding between court events. It also appears to be a disincentive to settle matters before court hearings if we then can't claim funding

for that stage. (Principal, VIC)

Courts too often, do not appreciate the cost to practitioners in doing legal aid work. Adjournments or delay in progress greatly impacts on billing and financial viability. High work load, limited financial benefit (Principal, SA)

If a Court requires a lawyer to attend, then the lawyer should be paid for that attendance. (Barrister, NSW)

Box 8 Marie's perceptions of the factors exacerbating the costs of doing legal aid work

Marie is a sole practitioner working in regional NSW. She has been doing legal aid work for twenty years, but currently does just the occasional case in family law or as an independent children's lawyer. This work is immensely rewarding, but costly for her business:

Legal aids cost me personally, on average, $30,000 per matter to run. I have tracked this over 9 1/2 years as a sole practitioner.

Marie finds there are two factors which exacerbate costs. First, there is a severe lack of resources in her community, and few networks of support to help clients with their complex circumstances. This means that legal aid lawyers need to do much more than legal work, they also need to support clients, including through referrals to help them obtain practical assistance from community services. Second, her business costs have blown out in the past from judges making orders that require she do things (or be held in contempt) but Legal Aid does not provide grants that cover these requirements. As a result, Marie does not feel well supported by her Legal Aid Commission.

Marie has made the difficult decision to reduce the number of legal aid matters she takes on. While she also notes that the risk of vicarious trauma is a personal challenge she encounters when doing legal aid work, her decision to reduce legal aid is primarily financial.

She feels conflicted about this decision, as it impacts on local community members' access to experienced practitioners:

"There is more work, and more complex work to be done than we have practitioners available to do it - and the clients with more complex cases are not able to access the more experienced, more appropriate practitioners - because the more experienced practitioners cannot afford to do the work - or do it to the extent that it is needed by the community."

Marie also feels guilty as her decision impacts on other lawyers in her local community*: "I know that my local colleagues (my friends) have to take on more if I don't help out".*

9.4.1 Consequences of inadequate funding

To ensure practitioners had full opportunities to describe resource challenges and the impacts of inadequate funding, they were asked, "What happens if grants don't cover all hours or tasks the case

requires?" Their responses are sobering. As one lawyer from Victoria responded, "We do them anyway." Other responses also reflected incredible commitment to clients and to the courts. Nearly all respondents to this question said that they work for free to complete the matter if the legal aid funding runs out. Typically, they reported that legal aid grants never cover all hours and tasks required by the cases, but that they proceed with the work regardless, with little choice. For example,

> This happens in every single legal aid matter. Legal aid matters effectively become pro bono matters near weeks into an initial grant, despite being potentially years-long. (Principal, SA)

> We essentially have no choice but to conduct the work in any event, as the Court has an expectation when we are on the Court Record and we cannot 'bail' on our client. (Lawyer, WA)

> Then we have to do it unpaid. It occurs in every case (Lawyer, NSW)

Many reported that they have decided to do fewer legal aid cases, or to refuse some types of cases, because the funding shortfalls are so substantial:

> As a sole practitioner my personal income is reduced to pay for the work to be done and for the resources required to complete the work such…I no longer accept legal aid grants as I simply cannot afford to keep paying for the significant gap in funding between actual work and resources required to complete the work and the funding provided. (Principal, SA)

> As a principal of my firm, I have had to make decisions to stop taking on legally aided matters in some areas in order to be able to make sure the firm remains financially viable : no more work in [remote area] because travel grants aren't provided, no more Children's Court because the volume of material which is filed is not able to be read and responded to within the grant funding available, no legally aided property settlements in [two jurisdictions] because of the low level of funding available for the amount of work required to prepare disclosure, balance sheets and consent orders applications. (Principal, VIC)

Pressure to reduce the quality of the work, by working more quickly and not doing the work as thoroughly as practitioners would like, was noted as a dilemma. However, responses to this question did not indicate this was a widely used strategy. In contrast, many specifically emphasised their moral and professional commitment to providing high quality legal representation, regardless of the funding level.

> Ethically we have to perform to the best of our ability and therefore the work is completed to the best standard possible notwithstanding it not being paid for. (Barrister, SA)

> I have to do the work anyway - because the courts expect it, and because I have a fiduciary relationship with my client. I have to put their interests before mine. (Barrister, WA)

> We do the work anyway and wear the cost. We will not underrepresent our clients. (Principal, SA)

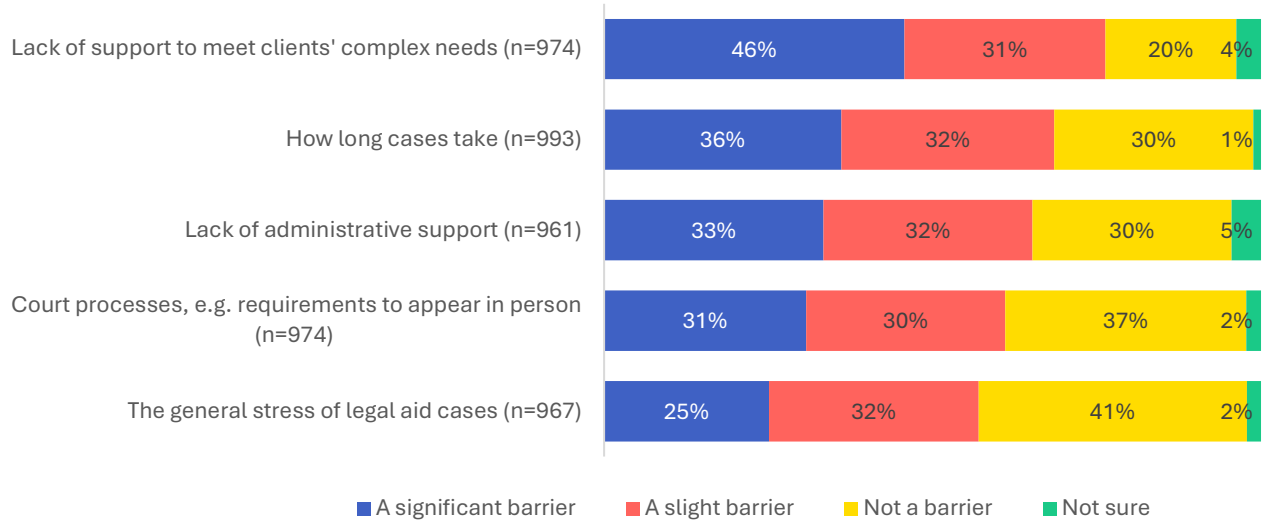
These responses demonstrate private practitioners' strong commitment to serving legal aid clients.

Lawyers are working long hours often unfunded in order to provide quality legal services. Yet many have indicated that they have reduced their legal aid work because of funding pressures and there is a risk others may do the same.

9.5 Case-related challenges

As discussed so far, practitioners found contributing to the lives of clients to be a valuable and satisfying aspect of legal aid work, but they encountered many difficulties often relating to widespread resource challenges. Challenges relating to the nature of legal aid cases were also identified, with many practitioners pointing to the complex and multifaceted relationships they had with legal aid clients. When asked about barriers to doing legal aid work, many noted barriers relating to the nature of legal aid cases (Figure 27). Over three quarters (77%) felt that in their legal aid cases, there was a lack of support to meet clients' complex needs. This was rated as a significant barrier by almost half (46%) and a slight barrier by a further 31%. Over two thirds said that 'how long cases take' was either a significant (36%) or slight (32%) barrier. Lower proportions saw lack of administrative support, court processes, and general stress of cases to be barriers. Breakdowns for each jurisdiction can be found in Table B. 21.

Figure 27 Extent to which case-related factors were seen as barriers to doing legal aid work



These issues were reflected in their comments. Some participants described stress arising from the high level of complex need among clients, which led them to worry. They also found client needs required them to provide additional and time-consuming supports. For example,

> I find that legal aid clients are the most vulnerable and accordingly, I feel a need to provide them with additional support as well as acting for them. Clearly that approach is not a financially viable one but it does help me sleep at night. (Principal, NSW)

> The clients are extra vulnerable and cannot seem to assist with the preparation of drafting their own documents, or gathering info the same ways that private clients can. Not only is the grant of aid a fraction of the amount that it actually costs, but everything takes longer due to the complexity of the matter. (Lawyer, QLD)

> I think we all worry about the client and what the best outcome will be for them. Not just legal outcome but how to resolve their ongoing issues. When we can assist with all that and get a good outcome for them it's worth the worry. That outcome looks different to different clients. It could be avoiding gaol, getting away from an abusive partner in getting into long term rehab. And yes, clients can become angry and threatening, particularly in my mental health advocacy practice. But it is just a reality of the work we do. (Principal, NSW)

The above lawyer's comment about 'angry and threatening' clients was raised by others, too, who also mentioned sometimes feeling unsafe because of clients and others involved in their legal cases, and the impact of this and vicarious trauma on their own mental health. For example,

> The work we do is often unsafe physically and always mentally. (Principal, NSW)

> Vicarious trauma is very real amongst lawyers. There is no support for private practitioners undertaking legal aid work at all for this which is appalling. (Principal, SA)

> It can put myself and staff at risk due to the nature of the parties. We are a private practice and had to lock down for multiple days due to a threat against me by a parent. This is very damaging to the private practice for work that is paid significantly below market rates. (Principal, QLD)

These comments reflect the evidence, discussed in Section 9.1 that many practitioners are exposed to traumatic subject matter and violence, abuse or threats in their legal aid work, with these safety issues affecting higher proportions of women than men. Further evidence in Appendix Table B. 22 confirms that women were less likely than men to feel safe doing legal aid work, and more likely to find it stressful.

Client expectations of legal aid

As already discussed (see Section 5), some practitioners felt legal aid clients require a higher level of support than clients in other cases. Lack of recognition of this in legal aid grant levels meant additional, unpaid work was required to properly support clients. For example, this lawyer explained,

> The clients are mostly high needs and there is no one else to help them, so we spend time finding referrals, or courses they need to do. The very high needs ones need constant reminders on what they need to be doing and when to attend court, and that we need documents etc from them. (Barrister, NSW)

Despite this, client expectations of legal aid lawyers often exceed the level of support than could actually be provided – either in terms of what is practical, or in terms of allowable expenses under legal aid funding rules. This exacerbated frustration experienced by survey participants, who felt clients were asking too much of them, when they were already offering far more than they would for other clients.

> Many clients value the work we do, many do not. Even the ones who are grateful don't realise the amount of unremunerated time and effort that goes into their matter… It is emotionally and mentally draining work and the inadequate payment for it makes me feel very underappreciated by Legal Aid in addition to the flippant attitude of the client. (Barrister, NSW)

At the same time, some participants expressed frustration at the lack of understanding among clients about the limitations of legal aid funding grants. They felt that client expectations were not in line with legal aid provisions.

> Clients are too demanding, legal aid needs to control them when they phone the legal aid hotline complaining about lawyers, rather than contacting the private solicitor with the client's demands. Clearer rules need to be set for clients. There should also be more information provided to them about expectations and level of work we can do. Some truly take advantage! (Principal, NSW)

As the above lawyer explained, dissatisfied clients sometimes make formal complaints, which can further increase practitioners' workloads and cause them additional stress.

> Clients are often able to access funding through a broadband grant, but extensions beyond this are often difficult to obtain, meaning we sometimes have to recommend aid is not extended mid proceedings. This process is difficult for clients to understand and results in clients becoming unrepresented. I understand that one client has made a complaint to the Legal Services Board about my firm for following the guidelines. (Principal, VIC)

Not only does this clash of expectations cause stress for legal aid practitioners, it is also likely to be distressing for clients. And, at times, it appears to be damaging the relationship between clients and their legal aid lawyers. A number of survey participants described clients as 'entitled', which seems to derive from this confluence of overworked and under-funded practitioners, providing a service to clients in complex circumstances with high support needs and insufficient knowledge about how, and how much, legal aid can assist them.

10. Improving supports for Private Practitioners

When asked to comment on ways they could be better supported, practitioners provided a range of suggestions. These related to Legal Aid Commission processes and supports for practitioners (Section 10.1) and supports for clients (Section 10.2), however they also reiterated the strong sentiment expressed throughout the survey that funding arrangements need to be increased, to better recognise the complexity of legal aid services and the time required of private practitioners (Section 10.3).

10.1 Legal Aid Commission supports for practitioners

Many ideas related to Legal Aid Commission operations and processes, such as "a simpler system for applying for grants and claiming funding" (Principal, VIC). However, there were also some suggestions of more fundamental changes that would make the delivery of legal aid more efficient for private practitioners.

Improving efficiency

One set of suggestions related to changes that would help free up practitioners to focus on their core legal work. For example, initial work could be done by Legal Aid including in contacting clients and collating essential documentation, and some tasks currently required of private practitioners could be shifted to in-house staff or duty lawyers, where this would be more efficient. These ideas are reflected in these practitioners' comments:

> Allow LA duty lawyers/in house lawyers to appear for private practitioners on legal aid matters for routine / compliance mentions in court lists so that private practitioners do not need to attend. (Principal, NSW)

> Legal Aid should increase its Duty Lawyer service to all suburban and major regional Magistrate's Courts, and private practitioners should be able to brief Duty Lawyers for non-substantive appearance work and still be able to charge for the time that they expended for the preparation of that appearance (as still takes time in the briefing of an agent) and it still saves government the cost of the travel as its only paying for a single lawyer in attendance not each private practitioner that has a legal aid client in that Court on that day. (Principal, WA)

> Lawyers should not have to waste their time, particularly in the current climate, in having to chase documents such as the Prosecution Notices, Statement of Material Facts, Bail Forms etc. Legal Aid should make it a requirement that it holds all of these critical documents in order to provide a grant of aid and be responsible for providing that to the assigned practitioner. (Principal, WA)

Changes in court processes were also suggested as a way to streamline legal aid work, including by allowing more appearances by audio and video which would reduce travel time and costs:

> A more uniform approach from the Courts around the expectations on legal aid funded practitioners- simple changes like enabling online appearances rather than lengthy travel, being considerate of the costs to an office of large amounts of copying/printing

> (those damn tender bundles) or the issuing of many subpoeana when these tasks could be managed by another privately funded practitioner in a matter (or just better streamlined). (Principal, QLD)

Many suggested that documentation could be managed in ways that would relieve the administrative burden on private practitioners and enable them to focus on the legal aspects of the work:

> More support in the administrative side of things would help. Instead of us chasing the client for all the financial information maybe Legal Aid could instead, or they upload it to a portal or something directly to LA (Barrister, NSW)

> I have a positive working relationship with my Legal Aid Commission. They are doing their job and allow me to do mine. It would be much more helpful though to receive as much information as the Commission does, however. For instance, it is impossible to advise the Commission of any changes to my client's income if I am not informed of what was disclosed at the time of the application. It could otherwise have changed between application and assignment and I would not know. Sharing their email addresses would also be very helpful. Presently, only physical addresses and phone numbers are provided with a grant. (Principal, SA)

Unpopular activities, namely, requirements to seek co-contributions, could be dropped altogether:

> I think LSC ought to collect the co-contribution (Principal, SA)

> Don't put lawyers in position to ask for the $75 contribution that detracts from establishing a good relationship (Principal, NSW)

> The $75 client contribution is unfair for practitioners to have to collect. Mostly it doesn't get paid. (Principal, NSW)

Better communication

In addition, practitioners called for better information from, and communication with Legal Aid Commissions. They called for more detailed information about grant processes, such as billing requirements, extensions and what will and will not be paid for. Clearer information and accessible support would help promote understanding of legal aid processes among newer legal aid private practitioners, and reduce the need for practitioners to support colleagues:

> Legal Aid does not have an easy to understand / simple training document that can be provided to a practitioner that is up to date and provides a clear 'how to' for legal aid commission matters. This means that I have to spend time to train up any staff member to assist me in the process - given the work-load of our firm, this results in other practitioners refusing to assist or be involved (Lawyer, VIC)

Some noted that efficiencies could come from better use of technology in the legal aid process. Online forms and docusign technology were suggested, along with online forums or chats to quickly resolve queries:

> Have a communication stream with Lawyers, maybe by way of a chat function rather than having an hour minimum to speak to someone. (Principal, NSW)

> Would be good if there can be a forum where private practitioners can ask questions

and have answers by peers re managing legal aid cases (Principal, WA)

However, practitioners also called for better opportunities for human contact with LACs. Many were frustrated with being unable to contact Commission staff to obtain information or quickly resolve queries:

> Sometimes it would be easier to talk with a grants officer about a decision over the phone rather than via email as there can be a lot of back and forth. (Lawyer, TAS)

> I would appreciate dealing with an individual (named allocation officer with legal training who provides an email address) not generic telephone number / email address / grants online submit correspondence. (Principal, NSW)

> There needs to be 1 or 2 people who can be called, and will answer, for urgent clarifying questions re eligibility, merit assessment and similar. VLA don't provide support with this but would criticize in an audit if they think you made the wrong decision or should have stopped acting earlier. A support line for lawyers would be a big help. (Principal, VIC)

Expanding supports

Several practitioners suggested expanded supports from Legal Aid Commissions for their legal aid work. They pointed to ways to enable lawyers to access support with their legal aid work and with their wellbeing:

> Mental health support should be provided free-of-charge to private practitioners undertaking legal aid work for vicarious trauma. Seminars on vicarious trauma should also be provided without cost to the private practitioners. (Principal, SA)

> Offer small peer support group meetings where discussion on difficult matters can take place (Lawyer, WA)

Calls for connection and support in their work are unsurprising in the context of other survey data, which indicated only 37% of practitioners felt they received adequate legal supervision and guidance in their legal aid work, and that figures were lower in smaller organisations (see Appendix Table B. 20). Wellbeing and peer support, among other forms of guidance and supervision, would assist those unable to access it in their own organisations.

Others suggested better sharing of the in-kind resources held by Legal Aid Commissions, which would help reduce costs among private practitioners. This included online resources such as legal databases and research materials that they currently paid to access privately:

> It would be helpful for the Legal Commission to allow private practitioners to use the Legal Aid library research services and to have a precedent database of "legal aid approved" documents such as letters. (Principal, QLD)

> Legal Aid should provide databases such as Lexis Nexus and Westlaw for practitioners who are often required to research novel legal issues. These databases are expensive for private practitioners. (Lawyer, NSW)

Other suggestions from practitioners included free admission to annual conferences in recognition of

the work they contribute:

> It would be really good if private practitioners undertaking legal aid work could attend the [Legal Aid] conferences for no charge, especially given the amount of unpaid work we end up doing for legal aid clients. (Principal, SA).

Although some practitioners did not have access to it, Continuing Professional Development provided by Legal Aid Commissions was well received, and some practitioners called for more or for better communication about its availability. Some examples of positive comments were:

> For child protection the legal aid commission is the best CPD provider (Principal, NSW)

> Legal Aid provide some of the best, practical professional development sessions available and the work being done to increase the variety of training for experienced practitioners is fantastic (Lawyer, VIC)

> I have been thrilled by the addition of the occasional CPD webinar. This was a very nice way that the Commission demonstrated its support for those of us who, at the end of the day, donate a huge amount of time to work on Legally Aided cases. (Principal, SA)

A few suggested private practitioners' access to CPD programs should be on par with in-house lawyers, while others shared suggestions about improving access to CPD, both by expanding coverage to a wider range of areas of practice, and to provide in ways that were more accessible including for those outside the metropolitan areas or main centres:

> The CPD offered is great, and at no cost, but it doesn't address the practice area I work in. (Principal, QLD)

> Provision of CPD is good but rarely provided without the need to travel to other centers which sometimes private practice cannot financially support. (Lawyer, TAS)

Ensuring training times provided by Legal Aid did not clash with court sitting times would also improve accessibility for practitioners.

10.2 Supports for clients

Often, practitioners highlighted that improved supports for clients would also assist them, as private practitioners, in their legal aid work. Better information for clients was suggested, so that clients were better educated about legal aid, and what to expect from private practitioners. This was seen as a source of efficiency for practitioners as it would enable practitioners to then 'hit the ground running' with cases. For example:

> Educating clients on what they can expect from their grant of legal aid, the limited nature in the funding and how they should work with their lawyers. These clients are often the most demanding on practitioners' time, with the most complex matters, and yet have no understanding of how to interact with their lawyers, what communication is acceptable etc. (Lawyer, QLD)

> The brochures for clients need significant work and consideration of what is going to

> be useful for clients from diverse backgrounds - pages of legal information is not helpful. (Lawyer, WA)

Closer attention to the needs of diverse clients was also suggested, such as longer funding timeframes in recognition of the needs of clients needing additional support:

> An extension for clients with significant mental health problems, learning complexities and other difficulties that impact how the matter runs. eg. client with learning disability often requires additional conferences and more attention to comfort them through the legal process. (Lawyer, QLD)

In addition, practitioners suggested expanding the non-legal supports available to clients from Legal Aid Commissions. They say that having Commissions provide options for social work, housing and other referrals to services for clients would take the pressure of lawyers and enable them to focus on their legal work. Practitioners suggested, for example:

> A social work team to help with referrals and take that off my legal hands would be great (Principal, NSW)

> I am aware Legal Aid has other resources (such as Social Workers) in house to assist clients. I have never received anything from Legal Aid to advise that we can refer clients there. (Lawyer, QLD)

> The bail support service has been exceptionally helpful. They assist with all the time-consuming bail related activities (eg finding accomodation) that used to consume a lot of my time. In my view, it's better that that work is completed by social workers and people who are trained in that area; and that the lawyers can do the legal work. (Barrister, WA)

General social work supports and drug and alcohol services were often mentioned, along with housing. These types of supports were seen by some as out of scope for legal practitioners, and inappropriate to expect:

> The expectation that lawyers should be doing non-legal work with a client such as organising mental health, housing, rehab etc is unrealistic. There is no doubt that these things are beneficial to a client's legal outcomes but as lawyers we are barely paid enough to cover the legal work required let alone the never ending pit of non-legal supports required. It is inappropriate to expect lawyers to do non legal work. (Barrister, NSW)

The following practitioners explained their perception that better social work and administrative support from LACs would help free up legal aid practitioners:

> Clients would drastically benefit from the assignment of a social worker or other administrative support who can assist the client to fill in forms and emotionally support them. At present lawyers are expected to spend many unpaid hours with the client to provide literacy, emotional and technical support to clients who would otherwise be unable to engage in the proceedings. (Principal, VIC)

> I would love to have some centralised resources that clients could access to help assist with some of the non-legal services that are required eg. counselling (anger/drug/alcohol). (Principal, SA)

> I'd be interested in having Legal Aid facilitate some sort of drug and alcohol rehabilitation facility in my town.... Most of my LA clients WANT to change. They want to break the cycle on criminal behaviour. they want to live their best lives and be happy. But they need help. (Principal, NSW)

These suggestions underline the connection between legal aid and the wider community service system. Practitioners noted scope for better collaboration between Legal Aid Commissions and the non-legal services legal aid clients require, which would reduce pressure on private practitioners and enable them to focus on the legal aspects of their work.

10.3 Resourcing

While the practical supports suggested above were considered ways to improve supports to clients and practitioners, ultimately, more funding is needed, and this was the predominant focus of practitioners' suggestions. Practitioners recognised the need for government funding to prioritise legal aid, for example:

> The problem is that the budget provided to Legal Aid by government is so monstrously inadequate that it would be comical were it not so tragic. An outright tripling of the legal aid budget would [still] be inadequate. (Barrister, ACT)

> More funding is needed so that legal aid can represent people charged with all offences, not just certain ones (Barrister, NT)

> Overpolicing in the regions appears to be major contributor - funds to police, and no funds to lawyers to assist them when matter goes to court. (Lawyer, Victoria)

Some called for an increased proportion of legal aid work to be performed in-house, which would reduce the role of private practitioners:

> Governments need to commit a lot more funding to the provision of legal aid services. This is absolutely one situation where more money will fix, or significantly ameliorate, the problem. Commissions may also look at the allocation of matters and identify whether certain law practices might more efficiently be brought within the Commission as branch or outreach offices. In doing so, there would be some means of bringing down firm overheads (such as by coming within the Commission's file management and accounting systems) and potentially access to administrative support that could not otherwise be practically offered to individual practices without significant risks of conflicts arising. (Principal, SA)

However, suggestions more commonly focused on changes to grant funding, with many survey respondents associating inadequate funding with lack of take up of legal aid work. Consistent with their answers to other survey questions about the difficulties and barriers they faced in doing legal aid work, suggestions emphasised the need to improve funding in order to attract private practitioners and prevent them from reducing or phasing out legal aid work. For example:

> The hourly rate needs to be increased. There is no doubt about it - this would attract more practitioners to do the work. (Principal, WA)

> Appropriate remuneration for the work done. The disparity between private fees and

> the legal aid grant is such that it is a career aim of most criminal barristers to phase out legal aid work completely. (Barrister, VIC)
>
> An increase in the grant amounts would allow this firm to take on greater legal aid work. We are currently reducing our legal aid clients due to the poor remuneration received (Lawyer, NT)
>
> The lack of financial support is having more impact on practice to the point that we now have to consider whether it is worth taking these matters on (Principal, NSW)
>
> Pay us to appear at Mentions, the court expects us to be there and we are often appearing at these unfunded. We can be at court for several hours, all to be paid nothing. Our clients are often incredibly vulnerable and cannot navigate the court process without us being present. (Lawyer, VIC)
>
> My view is the hourly rate which has just increased from $140 to $150 per hour should be $250 per hour (Principal, QLD)

Improved funding was also described as essential for quality legal aid work. Practitioners explained that senior, more experienced lawyers and those who provide high quality legal services were unlikely to take up legal aid work when funding is poor. Others explained that higher levels of remuneration are needed if legal aid work is to meet the expectations of Legal Aid Commissions.

> You want good lawyers and barristers to run legal aid matters? Pay them properly. (Barrister, NSW)
>
> First and foremost, the hourly rate paid for legal aid matters needs to increase to make it a commercially viable and attractive option for more experienced lawyers. With experienced practitioners involved, cases are likely to run more efficiently and effectively. (Principal, TAS)
>
> Rates are grossly below standard and do not adequately represent the work that is required to be done on files to the standard that LAQ requires of the firm. (Lawyer, QLD)
>
> I welcome the lifting of standards for practitioners to be approved to take on legal aid cases. However, an increase in hourly rates of pay for legal aid work is crucial for competent and experienced practitioners to take on more legal aid cases. (Principal, NSW)

Some made more specific comments, which underlined specific circumstances in which they needed better funding:

> Courts are requesting that you attend in person for mentions. Legal aid is paying $150 for a court mention. If I am required to attend [regional centre] in person, I am being paid $150 for potentially five hours (including travel and waiting) at that rate $30ph for a solicitor does not seem at all reasonable. (Principal, NSW)
>
> There should be further assistance available for those who are 'picking up' a file that has been abandoned by another practitioner - a recent matter I did had been in court for nearly 6 years but I was denied further funding to get up to speed. (Lawyer, VIC)

Practitioners also called for better coverage of travel and other out of pocket costs:

> A huge issue for me is travel payments seldom being paid for work outside of my town. I take on this work only when conflicts for local solicitors emerge but am told that it is in my Zone so i don't get travel. I refuse, for personal safety and due diligence to drive the day of a hearing for 3 hours, so my legal aid grant is roughly halved after the cost of travelling. (Principal, NSW)

> ICLs should not be out of pocket for any outlay regardless of where their office is located. We have to pay for our own parking in Brisbane, which on a 2 hour grant can be 1/4 of the funding provided. It's unacceptable for an ICL to be out of pocket for any reasonable outlay. (Lawyer, QLD)

Other specific suggestions included better funding for working with clients requiring interpreting services, as while interpreters' costs may be covered by the grant, practitioners require additional time to work with interpreters and in other complex situations.

11. Conclusion

Around Australia, legal aid private practitioners provide essential supports to diverse groups of clients experiencing hardship. Their work is critical in enabling access to justice, and ensuring that courts can operate in efficient and equitable ways. Using information drawn from 1010 private practitioners around Australia, this report has provided detailed insight into the characteristics and experiences of legal aid private practitioners, and ways legal aid services could be improved.

The data shows that legal aid private practitioners are a highly experienced and committed workforce. They are also a feminised workforce, particularly among the younger cohorts. Private practitioners work predominantly as sole operators or in very small firms and are committed to helping meet the legal needs of disadvantaged clients in a diverse range of circumstances. Commonly, they work with populations affected by domestic and family violence. Practitioners find it rewarding to make a difference and many travel long distances to do legal aid work.

Private practitioners vary in the type and amount of legal aid work they do. A large group (40%) are happy with the current amount they are doing and 70% say they intend to continue delivering some amount of legal aid, in the next 12 months. However, 74% consider delivering legal aid to be costly for their organisation, and many are seeking to reduce or cease their legal aid work.

At the end of the survey, practitioners were asked what advice they would give to others who were considering taking on legal aid work. Responses attest to the high value they place on legal aid work, but that doing it should be carefully considered:

> It is rewarding but also incredibly stressful and frustrating. You will be underpaid and unappreciated. (Lawyer, Vic)

> Good experience and exposure to many aspects of the law and helping more people access justice - can be fulfilling but the limited funding needs to be considered. (Principal, WA)

> It is great for younger practitioners, because you get exposure to more complex and interesting cases earlier however it requires strong support within your organisation and a mentor to assist. (Lawyer, Tas)

Indeed, while commitment to making a difference through legal aid is strong, practitioners find it difficult to sustain their commitment without adequate financial support. Meeting billable hours requirements in larger organisations constrains ability to take on legal aid. Practitioners strongly implore others to carefully consider these financial implications, saying things like:

> Honestly, I would not encourage it unless the firm has viable commercial work as legal aid funding does not offer sustainable business outcomes. (Principal, WA)

> Only take it on if you have support and are prepared to do huge amounts of work and work long hours to meet clients' needs and expectations for free. (Lawyer, NSW)

As well as requiring direct financial support for their work, legal aid private practitioners also call for better support for clients. They observe gaps in eligibility and significant unmet need. In addition,

practitioners find that delivering legal aid is more difficult and less efficient when clients lack access to the health and community services they need. Practitioners also call for better support from and dialogue with Legal Aid Commissions.

The strongest thread running through the survey, evident in responses to multiple questions, is that legal aid work must be adequately resourced. Indeed, much practitioner dissatisfaction and disengagement with legal aid arises from low resourcing, raising risks of ongoing reductions in willingness to undertake legal aid work. Adequate resourcing is essential if practitioners are going to sustain their involvement. Currently, legal aid work is widely considered underfunded, and around half of practitioners feel undervalued. However, it is important to note that some private practitioners have been able to successfully integrate legal aid work into their business. These practitioners expressed clear intentions to continue operating a model involving delivering legal aid. Further research should explore in more depth the business models used in these contexts, and what helps successfully accommodate legal aid work. Some practitioners for example mentioned that attracting high volumes of legal aid work helped to make it viable, while others found it helpful to contain the amount they did. Some suggested working on legal aid in their local area only, or adopting an 'efficiency mindset' to help process cases quickly. In addition to ensuring adequate financial support, greater understanding is needed about the models and practices that may help practitioners to integrate legal aid with private practice if the mixed model is to be sustained into the future.

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Appendix A Response analysis

Table A. 1 Response numbers and indicative response rate

	Jurisdiction	Response number	Approximate number on LAC panel/list	Indicative response rate
Has done legal aid cases in last 2 years	NSW	348	1818*	
	VIC	240	650*	
	QLD	153	370	41%
	SA	88	484	18%
	WA	77	440	18%
	NT	23	65	35%
	TAS	40	174	23%
	ACT	15	66*	
	Total	**984**		
Has not done legal aid cases	On panel and / or preferred supplier list in last 2 years	26		
	Not on panel / preferred supplier list in last 2 years (out of scope)	22		
	Total – in scope	**1010**		
	Total	**1032**		

*Note that the figures for VIC, NSW and ACT include firms. As such, indicative response rates could not be calculated.

Table A. 2 Gender of private legal aid practitioners and the wider profession

	2021 Census of Population and Housing				2024 Census of Private Practitioners*			
	Solicitor	Barrister	Legal Professionals (nfd)	Total	Lawyer	Barrister	Other^	Total
Male	31897	5477	223	37595	96	85	203	384
Female	37813	3371	348	41526	207	75	301	583
Total	69704	8848	564	79119	303	160	504	967
% Female	**54%**	**38%**	**62%**	**52%**	**68%**	**47%**	**60%**	**60%**

Data source: Census of Population and Housing, 2021, TableBuilder. Counting persons, 15 years and over. 'Legal professionals (nfd)' includes other legal professionals 'not further defined', as per ABS occupational categories.
* 32 private practitioners who reported another gender identity (7) or preferred not to say (25) were excluded for purposes of comparison. ^For private practitioners, 'principals' are included as other but may be counted differently in the 2021 Census.

Table A. 3 Age of private legal aid practitioners and the wider profession

	Census of Population and Housing, 2021					2024 Census of Private Practitioners				
	Male	Female	Total	% Female	% of total	Male	Female	Total	% Female	% of total
20-29 years	5924	10833	16757	**65%**	**21%**	19	49	68	**72%**	**7%**
30-39 years	9515	14644	24159	**61%**	**31%**	74	189	263	**72%**	**27%**
40-49 years	7389	9138	16527	**55%**	**21%**	76	165	241	**68%**	**25%**
50-59 years	6785	4681	11466	**41%**	**14%**	86	109	195	**56%**	**20%**
60-69 years	5603	1842	7445	**25%**	**9%**	87	59	146	**40%**	**15%**
70 and over	2368	358	2726	**13%**	**3%**	41	12	53	**23%**	**5%**
Total	37584	41496	79080	**52%**	**100%**	383	583	966	**60%**	**100%**

Data source: ABS Census of Population and Housing, 2021, TableBuilder. Counting persons, 15 years and over.
Note that ABS Census data is combined for barristers, solicitors and legal professionals nfd. Practitioners were excluded if they did not report their age or gender, or reported a gender identity other than male or female. Data for barristers, solicitors, principals and other practitioners are aggregated.

Appendix B Supplementary tables

Table B. 1 Role of survey participants, by jurisdiction

	Principal		Barrister		Lawyer		Other		Total	
	n	%	n	%	n	%	n	%	n	%
NSW	188	54%	67	19%	89	26%	4	1%	348	100%
VIC	125	52%	40	17%	72	30%	2	1%	239	100%
QLD	71	47%	12	8%	67	44%	2	1%	152	100%
SA	49	56%	14	16%	21	24%	4	5%	88	100%
WA	40	52%	13	17%	22	29%	2	3%	77	100%
NT	4	17%	8	35%	11	48%	0	0%	23	100%
TAS	16	40%	5	13%	19	48%	0	0%	40	100%
ACT	8	53%	2	13%	4	27%	1	7%	15	100%
Total	501	51%	161	16%	305	31%	15	2%	982	100%

Table B. 2 Number of paid staff in organisation, by main jurisdiction of legal aid work

	NSW (n=346)	VIC (n=237)	QLD (n=152)	SA (n=88)	WA (n=76)	NT (n=23)	TAS (n=39)	ACT (n=15)	Total (n=976)
Just one	45%	27%	10%	42%	38%	30%	13%	47%	33%
2 to 4	29%	25%	30%	27%	33%	30%	23%	27%	28%
5 to 10	17%	18%	39%	24%	16%	13%	18%	20%	21%
11 to 20	8%	8%	15%	3%	9%	9%	5%	0%	9%
More than 20	2%	21%	7%	3%	4%	17%	41%	7%	10%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table B. 3 Amount of legal aid work practitioners would ideally be doing, by current caseload

	All of my current caseload (n=41)	Most of my current caseload (n=312)	About half (n=223)	Less than half (n=186)	Just the occasional case (n=170)	None, I'm not currently working on legal aid cases (n=47)	Total (n=979)
Much more	15%	9%	7%	8%	9%	13%	9%
A bit more	24%	13%	16%	16%	24%	26%	17%
Happy with amount	44%	36%	43%	41%	44%	38%	40%
A bit less	15%	28%	20%	20%	7%	2%	19%
Much less	2%	14%	14%	15%	17%	21%	14%
Total	100%	100%	100%	100%	100%	100%	100%

Table B. 4 Amount of legal aid work practitioners would ideally be doing, by main jurisdiction of legal aid work

	NSW (n=347)	VIC (n=239)	QLD (n=152)	SA (n=88)	WA (n=76)	NT (n=23)	TAS (n=40)	ACT (n=15)	Total (n=980)
Much more	10%	13%	5%	11%	1%	4%	3%	0%	9%
A bit more	23%	13%	13%	16%	13%	17%	15%	20%	17%
Happy with amount	37%	44%	41%	39%	42%	61%	28%	60%	40%
A bit less	16%	23%	22%	16%	26%	4%	28%	7%	19%
Much less	14%	8%	18%	18%	17%	13%	28%	13%	14%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table B. 5 Number of National Priority Client Groups worked with, by caseload

	n	Mean number of groups worked with
All of my current caseload	41	9.0
Most of my current caseload	312	9.2
About half	223	8.6
Less than half	186	7.5
Just the occasional case	170	5.2
None, I'm not currently working on legal aid cases	48	5. 7
Total	980	7.9

Table B. 6 Proportion of practitioners working with each National Priority Client Groups, by gender

	Female (n=568)	Male (n=357)	Other identity / prefer not to say(n=31)	Total (n=956)
People experiencing, or at risk of, family violence	93%	80%	84%	88%
People with low education levels	84%	85%	81%	84%
People with a disability or mental illness	84%	85%	77%	84%
Single parents	87%	78%	84%	84%
Aboriginal and Torres Strait Islander people	80%	79%	77%	79%
People experiencing, or at risk of, homelessness	73%	71%	71%	72%
Children and young people (up to 24 years)	72%	72%	71%	72%
People from culturally and linguistically diverse backgrounds	69%	75%	74%	71%
People in custody and/or prisoners	58%	77%	77%	66%
People residing in rural or remote areas	61%	61%	55%	61%
Older people (over 65 or Aboriginal and Torres Strait Islander people over 50)	40%	49%	39%	43%

Table B. 7 Proportion of practitioners working with each National Priority Client Group, by age

	20-29 (n=67)	30-39 (n=259)	40-49 (n=231)	50-59 (n=192)	60-69 (n=149)	70 and over (n=54)	Total (n=952)
People experiencing, or at risk of, family violence	99%	95%	87%	86%	79%	80%	88%
People with low education levels	90%	86%	85%	83%	85%	74%	85%
People with a disability or mental illness	91%	82%	87%	82%	81%	83%	84%
Single parents	88%	85%	83%	86%	79%	82%	84%
Aboriginal and Torres Strait Islander people	85%	82%	82%	78%	75%	65%	79%
Children and young people (up to 24 years)	75%	78%	71%	71%	66%	59%	72%
People experiencing, or at risk of, homelessness	85%	78%	71%	68%	65%	59%	72%
People from culturally and linguistically diverse backgrounds	67%	72%	70%	72%	68%	76%	71%
People in custody and/or prisoners	76%	67%	64%	66%	59%	69%	66%
People residing in rural or remote areas	58%	66%	62%	59%	58%	48%	61%
Older people (over 65 or Aboriginal and Torres Strait Islander people over 50)	54%	49%	38%	40%	42%	37%	43%

Table B. 8 Proportion of practitioners working with each National Priority Client Group, by main jurisdiction of legal aid work

	NSW (n=339)	VIC (n=235)	QLD (n=151)	SA (n=84)	WA (n=77)	NT (n=23)	TAS (n=39)	ACT (n=14)	Total (n=962)
People experiencing, or at risk of, family violence	86%	90%	93%	86%	84%	91%	92%	86%	88%
People with low education levels	80%	88%	87%	88%	84%	74%	82%	93%	84%
Single parents	81%	83%	87%	91%	84%	70%	92%	71%	84%
People with a disability or mental illness	81%	91%	83%	80%	87%	52%	85%	64%	84%
Aboriginal and Torres Strait Islander people	80%	85%	82%	63%	83%	91%	62%	64%	79%
Children and young people (up to 24 years)	65%	77%	82%	67%	75%	57%	74%	64%	72%
People experiencing, or at risk of, homelessness	66%	82%	74%	70%	74%	52%	69%	43%	72%
People from culturally and linguistically diverse backgrounds	67%	78%	71%	75%	78%	74%	46%	64%	71%
People in custody and/or prisoners	62%	72%	73%	55%	69%	70%	51%	36%	66%
People residing in rural or remote areas	53%	72%	58%	62%	73%	78%	62%	36%	61%
Older people	39%	52%	46%	38%	49%	30%	31%	14%	43%

Table B. 9 Perceptions of change in client need and complexity increased over the last 2 years, by jurisdiction

		NSW (n=346)	VIC (n=236)	QLD (n=152)	SA (n=88)	WA (n=75)	NT (n=23)	TAS (n =40)	ACT (n=15)	Total (n=975)
Unmet need	Increased	62%	75%	63%	65%	64%	57%	83%	60%	66%
	Stayed the same	27%	17%	26%	23%	28%	39%	10%	20%	24%
	Decreased	2%	1%	0%	0%	1%	0%	0%	7%	1%
	Not sure	9%	7%	11%	13%	7%	4%	8%	13%	9%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=346)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=23)**	**TAS (n =40)**	**ACT (n=15)**	**Total (n=977)**
Complexity of legal aid cases	Increased	70%	82%	72%	71%	84%	61%	78%	67%	74%
	Stayed the same	26%	16%	26%	25%	16%	30%	23%	33%	23%
	Decreased	1%	0%	1%	0%	0%	0%	0%	0%	0%
	Not sure	4%	3%	1%	5%	0%	9%	0%	0%	3%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=348)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=23)**	**TAS (n =40)**	**ACT (n=15)**	**Total (n=979)**
The level of support that legal aid clients need in order to engage with legal processes	Increased	63%	73%	66%	55%	67%	39%	63%	73%	65%
	Stayed the same	30%	22%	26%	38%	29%	48%	38%	20%	29%
	Decreased	3%	3%	3%	2%	0%	4%	0%	7%	3%
	Not sure	4%	3%	5%	6%	4%	9%	0%	0%	4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=348)	**VIC (n=237)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=23)**	**TAS (n =40)**	**ACT (n=15)**	**Total (n=978)**
Legal aid clients' need for non-legal, community-based services	Increased	70%	83%	70%	64%	71%	48%	75%	73%	72%
	Stayed the same	20%	12%	22%	25%	25%	39%	18%	20%	19%
	Decreased	1%	1%	0%	1%	1%	4%	0%	7%	1%
	Not sure	10%	4%	9%	10%	3%	9%	8%	0%	7%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=348)	**VIC (n=237)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=23)**	**TAS (n =40)**	**ACT (n=15)**	**Total (n=978)**
The time legal practitioners must dedicate to engaging with legal aid clients	Increased	82%	85%	88%	75%	83%	74%	90%	80%	83%
	Stayed the same	15%	13%	11%	24%	16%	22%	10%	20%	15%
	Decreased	1%	0%	1%	0%	0%	0%	0%	0%	0%
	Not sure	2%	3%	1%	1%	1%	4%	0%	0%	2%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table B. 10 Perceptions of change in client need and complexity increased over the last 2 years, by gender

		Female (n=582)	Male (n=381)	Other identity / prefer not to say (n=32)	Total (n=995)
Unmet need in the community for legal aid	Increased	69%	61%	81%	66%
	Stayed the same	22%	28%	6%	24%
	Decreased	1%	1%	6%	1%
	Not sure	8%	9%	6%	9%
	Total	100%	100%	100%	100%
		Female (n=583)	**Male (n=383)**	**Other identity / prefer not to say (n=32)**	**Total (n=998)**
Complexity of legal aid cases	Increased	79%	69%	59%	74%
	Stayed the same	19%	27%	38%	23%
	Decreased	0%	0%	3%	0%
	Not sure	2%	4%	0%	3%
	Total	100%	100%	100%	100%
		Female (n=583)	**Male (n=385)**	**Other identity / prefer not to say (n=32)**	**Total (n=1000)**
The level of support that legal aid clients need in order to engage with legal processes	Increased	70%	58%	69%	65%
	Stayed the same	25%	34%	25%	29%
	Decreased	2%	3%	3%	2%
	Not sure	3%	5%	3%	4%
	Total	100%	100%	100%	100%
		Female (n=583)	**Male (n=383)**	**Other identity / prefer not to say (n=32)**	**Total (n=998)**
Legal aid clients' need for non-legal, community-based services	Increased	76%	66%	84%	72%
	Stayed the same	18%	23%	6%	19%
	Decreased	1%	1%	3%	1%
	Not sure	6%	11%	6%	8%
	Total	100%	100%	100%	100%
		Female (n=583)	**Male (n=384)**	**Other identity / prefer not to say (n=32)**	**Total (n=999)**
The time legal practitioners must dedicate to engaging with legal aid clients	Increased	85%	80%	88%	83%
	Stayed the same	13%	18%	9%	15%
	Decreased	1%	0%	0%	0%
	Not sure	1%	2%	3%	2%
	Total	100%	100%	100%	100%

Table B. 11 Agreement with statements about accessing legal aid grants, by jurisdiction

		NSW (n=346)	VIC (n=238)	QLD (n=152)	SA (n=88)	WA (n=75)	NT (n=22)	TAS (n=39)	ACT (n=15)	Total (n=975)
Becoming listed on a legal aid panel or preferred supplier list is a straight-forward process	Agree	37%	20%	39%	55%	41%	36%	21%	33%	34%
	Neutral	27%	31%	32%	24%	32%	41%	33%	47%	30%
	Disagree	28%	39%	15%	21%	23%	9%	10%	13%	26%
	Not sure	9%	11%	14%	1%	4%	14%	36%	7%	10%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=346)	**VIC (n=236)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=974)**
It is easy to apply for a legal aid grant	Agree	28%	25%	28%	40%	37%	36%	35%	27%	30%
	Neutral	34%	29%	26%	36%	28%	32%	43%	47%	32%
	Disagree	32%	36%	41%	11%	32%	23%	20%	13%	31%
	Not sure	6%	11%	5%	13%	3%	9%	3%	13%	7%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=345)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=21)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=974)**
Legal aid grants are allocated transparently	Agree	28%	25%	25%	35%	33%	43%	30%	40%	28%
	Neutral	28%	32%	26%	28%	25%	24%	30%	40%	29%
	Disagree	33%	28%	36%	30%	32%	19%	33%	20%	31%
	Not sure	12%	15%	14%	7%	9%	14%	8%	0%	12%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=345)	**VIC (n=238)**	**QLD (n=151)**	**SA (n=88)**	**WA (n=75)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=974)**
Legal aid grants can be accessed in a reasonable timeframe	Agree	21%	18%	13%	44%	32%	64%	35%	27%	24%
	Neutral	19%	24%	21%	34%	27%	18%	33%	40%	24%
	Disagree	57%	50%	65%	17%	40%	14%	33%	27%	49%
	Not sure	3%	8%	1%	5%	1%	5%	0%	7%	4%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Table B. 12 Agreement with statements about Legal Aid Commissions, by jurisdiction

		NSW (n=347)	VIC (n=238)	QLD (n=152)	SA (n=88)	WA (n=75)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=977)
I know where to go when I have a question for the Legal Aid Commission	Agree	59%	45%	45%	74%	51%	77%	75%	53%	55%
	Neutral	23%	29%	18%	13%	24%	14%	10%	33%	22%
	Disagree	16%	21%	31%	11%	23%	5%	13%	13%	19%
	Not sure	2%	5%	6%	2%	3%	5%	3%	0%	3%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=346)	**VIC (n=238)**	**QLD (n=151)**	**SA (n=88)**	**WA (n=75)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=974)**
We are given easy access to the client and file details we need	Agree	40%	31%	36%	40%	27%	46%	45%	60%	37%
	Neutral	30%	40%	30%	42%	44%	41%	38%	20%	35%
	Disagree	25%	17%	29%	17%	28%	5%	5%	13%	22%
	Not sure	5%	13%	5%	1%	1%	9%	13%	7%	7%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=345)	**VIC (n=238)**	**QLD (n=151)**	**SA (n=88)**	**WA (n=75)**	**NT (n=22)**	**TAS (n=39)**	**ACT (n=15)**	**Total (n=973)**
Administration and reporting requirements are reasonable	Agree	35%	16%	28%	41%	28%	55%	39%	40%	30%
	Neutral	31%	27%	29%	28%	33%	27%	36%	33%	30%
	Disagree	31%	48%	34%	30%	39%	14%	26%	20%	35%
	Not sure	4%	9%	9%	1%	0%	5%	0%	7%	5%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=347)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=76)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=978)**
I have enough opportunities to provide input and feedback to the Legal Aid Commission	Agree	21%	20%	22%	18%	28%	36%	25%	13%	22%
	Neutral	34%	38%	28%	41%	41%	41%	35%	47%	36%
	Disagree	38%	32%	41%	33%	25%	18%	35%	40%	35%
	Not sure	7%	10%	9%	8%	7%	5%	5%	0%	8%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=345)	**VIC (n=238)**	**QLD (n=151)**	**SA (n=88)**	**WA (n=74)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=973)**
We have constructive dialogue with our Legal Aid Commission about billing and fees	Agree	17%	11%	15%	32%	27%	55%	13%	33%	18%
	Neutral	28%	38%	27%	35%	26%	27%	33%	27%	31%
	Disagree	48%	41%	46%	30%	43%	14%	48%	33%	43%
	Not sure	6%	10%	13%	3%	4%	5%	8%	7%	8%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=345)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=22)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=975)**
The Legal Aid Commission is accessible and responsive	Agree	26%	12%	19%	48%	39%	64%	35%	27%	26%
	Neutral	33%	30%	26%	27%	31%	27%	35%	53%	31%
	Disagree	36%	41%	36%	22%	29%	5%	28%	20%	34%
	Not sure	5%	17%	19%	3%	1%	5%	3%	0%	9%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Table B. 13 Perceptions of whether Legal Aid Commissions provide non-legal supports, by jurisdiction

	NSW (n=346)	VIC (n=238)	QLD (n=152)	SA (n=88)	WA (n=75)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=976)
Yes, it offers these types of supports, and I have referred clients to them	15%	11%	10%	13%	19%	18%	10%	27%	13%
Yes, it offers these types of supports but I have not referred clients to them	12%	10%	7%	8%	12%	23%	20%	20%	11%
It doesn't offer these supports	21%	32%	28%	24%	20%	14%	28%	7%	25%
I'm not sure	52%	48%	55%	56%	49%	46%	43%	47%	51%
Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Note: The question asked was "As far as you're aware, does the Legal Aid Commission in your state or territory support clients with their non-legal as well as legal needs (e.g. social workers, disability officers, cultural liaison officers)?"

Table B. 14 Agreement with statements about Legal Aid Commission supports, by jurisdiction

		NSW (n=346)	VIC (n=237)	QLD (n=151)	SA (n=88)	WA (n=745)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=973)
I feel well supported by the Legal Aid Commission in my state/territory	Agree	22%	16%	17%	36%	24%	59%	18%	47%	22%
	Neutral	35%	38%	35%	38%	45%	27%	50%	27%	37%
	Disagree	39%	39%	38%	25%	30%	9%	30%	27%	36%
	Not sure	4%	6%	10%	1%	1%	5%	3%	0%	5%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**
		NSW (n=346)	**VIC (n=238)**	**QLD (n=152)**	**SA (n=88)**	**WA (n=75)**	**NT (n=21)**	**TAS (n=40)**	**ACT (n=15)**	**Total (n=975)**
Support from my Legal Aid Commission has improved in the last 2 years	Agree	12%	11%	13%	22%	27%	14%	23%	13%	14%
	Neutral	45%	36%	37%	44%	44%	62%	33%	60%	41%
	Disagree	33%	39%	34%	26%	28%	14%	35%	27%	33%
	Not sure	10%	14%	16%	8%	1%	10%	10%	0%	11%
	Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Table B. 15 Proportion who had accessed resources from Legal Aid Commissions, by jurisdiction

	NSW (n=339)	VIC (n=230)	QLD (n=149)	SA (n=88)	WA (n=74)	NT (n=20)	TAS (n=39)	ACT (n=15)	Total (n=954)
Continuing professional development	71%	79%	77%	60%	88%	35%	41%	27%	71%
Newsletter for preferred suppliers or panel members	33%	37%	68%	16%	39%	10%	3%	7%	36%
Publications and brochures	32%	27%	33%	28%	31%	10%	15%	13%	29%
Practice resources to help respond to clients' needs	24%	35%	22%	9%	30%	10%	0%	0%	24%
Other types of training and development	24%	32%	26%	9%	22%	10%	5%	13%	23%
Networking opportunities	15%	17%	13%	10%	15%	15%	13%	0%	14%
Library services such as caselaw and legislative updates, research	10%	17%	27%	11%	8%	5%	0%	7%	14%
None of these	16%	11%	11%	22%	5%	60%	51%	67%	17%

Table B. 16 Proportion who plan to be doing legal aid work in 12 months, by jurisdiction

	NSW (n=347)	VIC (n=238)	QLD (n=151)	SA (n=88)	WA (n=76)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=977)
No	12%	5%	13%	14%	11%	9%	20%	7%	11%
Yes	68%	77%	69%	67%	74%	73%	48%	73%	70%
Not sure	20%	19%	18%	19%	16%	18%	33%	20%	19%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table B. 17 Proportion who considered aspects of legal aid work to be difficult, by gender

	Female (n=571)	Male (n=364)	Other identity / prefer not to say (n=31)	Total (n=966)
Having to perform unremunerated work	90%	86%	90%	89%
Trying to do quality work with limited time and resources	83%	75%	87%	80%
Worrying about financial viability for my organisation	70%	57%	71%	65%
Working with clients with complex needs	56%	46%	55%	52%
Feeling undervalued	55%	44%	58%	51%
Supporting clients with routine tasks (e.g paperwork, turning up to court on time)	53%	42%	36%	49%
Balancing legal aid work with billable hours requirements in my organisation	51%	45%	45%	48%
Having to fit legal aid work in around other work priorities	44%	40%	32%	42%
Lack of practical support for my legal aid work (e.g. administration, research)	43%	32%	52%	39%
Exposure to abuse, violence or threats	46%	27%	45%	39%
Difficulties securing legal aid for clients	39%	35%	39%	38%
Worrying about clients' legal outcomes	36%	34%	26%	35%
Exposure to traumatic subject matter	40%	23%	29%	33%
Trying to balance work and non-work roles	30%	29%	26%	30%
Inconsistent judicial decision making	29%	26%	32%	28%
Bullying, harassment or poor treatment from other staff	6%	3%	7%	5%

Table B. 18 Proportion who considered aspects of legal aid work to be difficult, by jurisdiction

	NSW (n=345)	VIC (n=234)	QLD (n=151)	SA (n=87)	WA (n=75)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=969)
Having to perform unremunerated work	89%	89%	85%	89%	84%	86%	93%	100%	88%
Trying to do quality work with limited time and resources	75%	84%	83%	77%	77%	77%	88%	87%	80%
Worrying about financial viability for my organisation	62%	69%	68%	67%	57%	55%	75%	60%	65%
Working with clients with complex needs	49%	56%	54%	51%	52%	55%	60%	47%	52%
Feeling undervalued	50%	51%	58%	52%	45%	32%	58%	33%	51%
Supporting clients with routine tasks (e.g paperwork, turning up to court on time)	47%	44%	54%	43%	56%	55%	70%	27%	49%
Balancing legal aid work with billable hours requirements in my organisation	46%	47%	54%	37%	48%	50%	78%	60%	48%
Having to fit legal aid work in around other work priorities	41%	40%	42%	38%	49%	36%	65%	40%	42%
Lack of practical support for my legal aid work (e.g. administration, research)	38%	37%	37%	39%	45%	36%	53%	47%	39%
Exposure to abuse, violence or threats	36%	39%	42%	38%	41%	23%	45%	53%	39%
Difficulties securing legal aid for clients	30%	47%	51%	28%	24%	18%	60%	7%	37%
Worrying about clients' legal outcomes	35%	36%	31%	37%	33%	27%	45%	40%	35%
Exposure to traumatic subject matter	30%	35%	35%	28%	35%	41%	55%	33%	33%
Trying to balance work and non-work roles	25%	32%	37%	25%	35%	27%	33%	20%	30%
Inconsistent judicial decision making	26%	30%	32%	23%	28%	27%	28%	13%	28%
Bullying, harassment or poor treatment from other staff	5%	5%	5%	8%	4%	5%	3%	7%	5%

Table B. 19 Agreement with statement "Legal aid cases are costly for the organisation", by caseload

	All of my current caseload (n=40)	Most of my current caseload (n=301)	About half (n=216)	Less than half (n=183)	Just the occasional case (n=168)	None - not currently working on legal aid cases (n=48)	Total (n=956)
Agree	53%	64%	76%	80%	85%	92%	74%
Neutral/ not sure	30%	26%	17%	17%	12%	6%	19%
Disagree	18%	11%	7%	3%	4%	2%	7%
Total	100%	100%	100%	100%	100%	100%	100%

Table B. 20 Agreement with the statement "I receive adequate legal supervision and guidance in my legal aid work, by number of paid staff in the organisation

	Just one (n=316)	2 to 4 (n=271)	5 to 10 (n=202)	11 to 20 (n=80)	More than 20 (n=96)	Total (n=965)
Do not agree	73%	71%	53%	43%	44%	63%
Agree	27%	29%	47%	58%	56%	37%
Total	100%	100%	100%	100%	100%	100%

Table B. 21 Perceptions of case related barriers, by jurisdiction

		NSW (n=345)	VIC (n=236)	QLD (n=151)	SA (n=85)	WA (n=74)	NT (n=22)	TAS (n=40)	ACT (n=15)	Total (n=928)
How long cases take	**Not a barrier**	28%	33%	31%	33%	31%	27%	35%	27%	31%
	A slight barrier	33%	31%	31%	26%	42%	50%	30%	40%	32%
	A significant barrier	38%	36%	36%	41%	26%	23%	35%	33%	36%
	Not sure	1%	1%	1%	0%	1%	0%	0%	0%	1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=341)	**VIC (n=231)**	**QLD (n=149)**	**SA (n=81)**	**WA (n=72)**	**NT (n=22)**	**TAS (n=38)**	**ACT (n=14)**	**Total (n=948)**
Lack of support to meet clients' complex needs	**Not a barrier**	21%	17%	20%	20%	24%	18%	21%	29%	20%
	A slight barrier	29%	32%	25%	33%	33%	36%	45%	29%	31%
	A significant barrier	46%	46%	50%	44%	40%	46%	34%	36%	46%
	Not sure	4%	4%	5%	3%	3%	0%	0%	7%	4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=337)	**VIC (n=229)**	**QLD (n=149)**	**SA (n=74)**	**WA (n=71)**	**NT (n=22)**	**TAS (n=38)**	**ACT (n=15)**	**Total (n=935)**
Lack of administrative support	**Not a barrier**	31%	27%	31%	30%	31%	32%	42%	40%	30%
	A slight barrier	35%	28%	26%	35%	34%	41%	42%	20%	32%
	A significant barrier	30%	39%	36%	31%	32%	27%	16%	33%	33%
	Not sure	4%	5%	7%	4%	3%	0%	0%	7%	5%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
		NSW (n=339)	**VIC (n=232)**	**QLD (n=151)**	**SA (n=78)**	**WA (n=73)**	**NT (n=22)**	**TAS (n=39)**	**ACT (n=14)**	**Total (n=948)**
Court processes, e.g. requirements to appear in person	**Not a barrier**	40%	32%	29%	31%	47%	36%	56%	43%	37%
	A slight barrier	28%	29%	35%	33%	26%	50%	31%	21%	30%
	A significant barrier	30%	36%	33%	35%	26%	14%	13%	21%	31%
	Not sure	2%	3%	3%	1%	1%	0%	0%	14%	2%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

		NSW (n=335)	VIC (n=228)	QLD (n=149)	SA (n=80)	WA (n=73)	NT (n=22)	TAS (n=40)	ACT (n=14)	Total (n=941)
The general stress of legal aid cases	**Not a barrier**	43%	40%	37%	41%	44%	36%	33%	64%	41%
	A slight barrier	31%	33%	34%	23%	37%	46%	48%	21%	33%
	A significant barrier	24%	27%	27%	34%	18%	14%	20%	14%	25%
	Not sure	2%	1%	2%	3%	1%	5%	0%	0%	2%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table B. 22 Proportion who agreed with statements about safety and stress, by gender

	Female (n=570)	Male (n=366)	Other identity / prefer not to say (n=30)	Total (n=966)
I feel safe doing legal aid work	41%	51%	43%	45%
Legal aid cases are no more stressful than my other cases	20%	34%	27%	25%